

1 **COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES**

2 **ACT REVISIONS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: Stephen G. Handy

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to community development and renewal agencies.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ beginning May 10, 2016:
 - 15 • provides a process for a community to create a community reinvestment agency;
 - 16 • allows an agency to create a community reinvestment project area; and
 - 17 • prohibits an agency from creating an urban renewal project area, an economic
 - 18 development project area, or a community development project area;
 - 19 ▶ amends the required contents of an agency's annual report;
 - 20 ▶ for an agency that creates a community reinvestment project area:
 - 21 • provides for the agency to fund a community reinvestment project area with tax
 - 22 increment or sales and use tax revenue that is subject to an interlocal agreement;
 - 23 • requires the agency to conduct a blight study, make a blight determination, and
 - 24 create a taxing entity committee if the agency plans to acquire property within a
 - 25 community reinvestment project area by eminent domain;
 - 26 • requires the agency to allocate a percentage of project area funds for housing;
 - 27 • prohibits an agency from adopting a proposed community reinvestment project
 - 28 area plan if 51% of the property owners within the proposed community
 - 29 reinvestment project area object to the plan; and

- 30 • requires the agency to adopt a community reinvestment project area budget;
- 31 ▶ authorizes, under certain circumstances, an agency to acquire by eminent domain
- 32 property that the property owner fails to develop in accordance with a project area
- 33 plan;
- 34 ▶ provides the option for an agency to give the agency's housing allocation to a county
- 35 housing authority;
- 36 ▶ provides a process by which an agency may dissolve a project area;
- 37 ▶ clarifies how a project area's incremental value is factored into the new growth
- 38 calculation; and
- 39 ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 This bill provides a coordination clause.

44 **Utah Code Sections Affected:**

45 AMENDS:

- 46 **10-1-203**, as last amended by Laws of Utah 2014, Chapter 189
- 47 **10-3-1303**, as last amended by Laws of Utah 2011, Chapter 40
- 48 **10-9a-508**, as last amended by Laws of Utah 2013, Chapter 309
- 49 **11-25-2**, as last amended by Laws of Utah 2006, Chapter 359
- 50 **11-25-3**, as last amended by Laws of Utah 2010, Chapter 279
- 51 **11-27-2**, as last amended by Laws of Utah 2010, Chapter 279
- 52 **11-31-2**, as last amended by Laws of Utah 2010, Chapter 378
- 53 **11-32-2**, as last amended by Laws of Utah 2008, Chapter 360
- 54 **11-34-1**, as last amended by Laws of Utah 2010, Chapter 378
- 55 **11-49-102**, as enacted by Laws of Utah 2012, Chapter 202
- 56 **11-50-102**, as enacted by Laws of Utah 2013, Chapter 367
- 57 **11-52-102**, as enacted by Laws of Utah 2013, Chapter 347

- 58 **14-1-18**, as last amended by Laws of Utah 2012, Chapter 347
- 59 **15-7-2**, as last amended by Laws of Utah 2007, Chapter 329
- 60 **17C-1-101**, as last amended by Laws of Utah 2010, Chapter 279
- 61 **17C-1-102**, as last amended by Laws of Utah 2015, Chapter 397
- 62 **17C-1-103**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 63 **17C-1-202**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 64 **17C-1-203**, as last amended by Laws of Utah 2008, Chapter 125
- 65 **17C-1-204**, as last amended by Laws of Utah 2012, Chapter 212
- 66 **17C-1-205**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 67 **17C-1-207**, as last amended by Laws of Utah 2012, Chapter 235
- 68 **17C-1-208**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 69 **17C-1-302**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 70 **17C-1-402**, as last amended by Laws of Utah 2013, Chapter 80
- 71 **17C-1-403**, as last amended by Laws of Utah 2013, Chapter 80
- 72 **17C-1-404**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 73 **17C-1-405**, as last amended by Laws of Utah 2009, Chapter 387
- 74 **17C-1-406**, as enacted by Laws of Utah 2006, Chapter 359
- 75 **17C-1-407**, as last amended by Laws of Utah 2013, Chapter 80
- 76 **17C-1-408**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
- 77 **17C-1-409**, as last amended by Laws of Utah 2011, Chapter 43
- 78 **17C-1-410**, as last amended by Laws of Utah 2007, Chapter 364
- 79 **17C-1-411**, as last amended by Laws of Utah 2009, Chapter 387
- 80 **17C-1-412**, as last amended by Laws of Utah 2012, Chapter 212
- 81 **17C-1-413**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 82 **17C-1-502**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 83 **17C-1-504**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 84 **17C-1-505**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 85 **17C-1-506**, as renumbered and amended by Laws of Utah 2006, Chapter 359

- 86 **17C-1-507**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 87 **17C-1-508**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 88 **17C-1-602**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 89 **17C-1-603**, as last amended by Laws of Utah 2011, Chapter 43
- 90 **17C-1-605**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 91 **17C-1-606**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 92 **17C-1-607**, as enacted by Laws of Utah 2006, Chapter 359
- 93 **17C-2-102**, as last amended by Laws of Utah 2008, Chapter 125
- 94 **17C-2-103**, as last amended by Laws of Utah 2006, Chapters 254, 292 and renumbered
- 95 and amended by Laws of Utah 2006, Chapter 359
- 96 **17C-2-105**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 97 **17C-2-106**, as last amended by Laws of Utah 2007, Chapter 364
- 98 **17C-2-108**, as last amended by Laws of Utah 2010, Chapter 279
- 99 **17C-2-109**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 100 **17C-2-110**, as last amended by Laws of Utah 2010, Chapter 279
- 101 **17C-2-201**, as last amended by Laws of Utah 2013, Chapter 80
- 102 **17C-2-203**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 103 **17C-2-204**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 104 **17C-2-206**, as last amended by Laws of Utah 2011, Chapter 43
- 105 **17C-2-207**, as enacted by Laws of Utah 2011, Chapter 43
- 106 **17C-2-303**, as last amended by Laws of Utah 2011, Chapter 43
- 107 **17C-3-102**, as enacted by Laws of Utah 2006, Chapter 359
- 108 **17C-3-103**, as enacted by Laws of Utah 2006, Chapter 359
- 109 **17C-3-105**, as enacted by Laws of Utah 2006, Chapter 359
- 110 **17C-3-107**, as last amended by Laws of Utah 2010, Chapter 279
- 111 **17C-3-108**, as enacted by Laws of Utah 2006, Chapter 359
- 112 **17C-3-109**, as last amended by Laws of Utah 2010, Chapter 279
- 113 **17C-3-201**, as last amended by Laws of Utah 2013, Chapter 80

- 114 **17C-3-203**, as last amended by Laws of Utah 2009, Chapter 387
- 115 **17C-3-205**, as last amended by Laws of Utah 2011, Chapter 43
- 116 **17C-3-206**, as enacted by Laws of Utah 2011, Chapter 43
- 117 **17C-4-102**, as enacted by Laws of Utah 2006, Chapter 359
- 118 **17C-4-103**, as enacted by Laws of Utah 2006, Chapter 359
- 119 **17C-4-104**, as enacted by Laws of Utah 2006, Chapter 359
- 120 **17C-4-106**, as last amended by Laws of Utah 2009, Chapter 388
- 121 **17C-4-107**, as enacted by Laws of Utah 2006, Chapter 359
- 122 **17C-4-108**, as last amended by Laws of Utah 2015, Chapter 302
- 123 **17C-4-109**, as enacted by Laws of Utah 2015, Chapter 302
- 124 **17C-4-201**, as last amended by Laws of Utah 2010, Chapter 279
- 125 **17C-4-202**, as last amended by Laws of Utah 2014, Chapter 189
- 126 **17C-4-203**, as last amended by Laws of Utah 2009, Chapter 387
- 127 **17C-4-204**, as last amended by Laws of Utah 2011, Chapter 43
- 128 **20A-7-613**, as last amended by Laws of Utah 2015, Chapter 258
- 129 **35A-8-504**, as last amended by Laws of Utah 2012, Chapter 347 and renumbered and
- 130 amended by Laws of Utah 2012, Chapter 212
- 131 **38-1b-102**, as enacted by Laws of Utah 2012, Chapter 278
- 132 **53-3-207**, as last amended by Laws of Utah 2015, Chapter 412
- 133 **53A-16-106**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
- 134 **53A-16-113**, as last amended by Laws of Utah 2013, Chapter 287
- 135 **53A-17a-133**, as last amended by Laws of Utah 2015, Chapter 287
- 136 **53A-17a-164**, as last amended by Laws of Utah 2013, Chapters 178 and 313
- 137 **53A-19-105**, as last amended by Laws of Utah 2009, Chapter 204
- 138 **59-2-913**, as last amended by Laws of Utah 2014, Chapter 279
- 139 **59-2-924**, as last amended by Laws of Utah 2014, Chapter 270
- 140 **59-2-924.2**, as last amended by Laws of Utah 2015, Chapter 224
- 141 **59-2-924.3**, as last amended by Laws of Utah 2011, Chapter 371

142 **59-7-614.2**, as last amended by Laws of Utah 2015, Chapter 283
143 **59-12-603**, as last amended by Laws of Utah 2011, Chapter 309
144 **63G-7-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
145 **63G-9-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
146 **63I-1-259**, as last amended by Laws of Utah 2015, Chapters 224, 275, and 467
147 **63N-2-103**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and
148 amended by Laws of Utah 2015, Chapter 283 and last amended by Coordination
149 Clause, Laws of Utah 2015, Chapter 344
150 **63N-2-104**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and
151 amended by Laws of Utah 2015, Chapter 283
152 **63N-2-105**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and
153 amended by Laws of Utah 2015, Chapter 283
154 **63N-2-107**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and
155 amended by Laws of Utah 2015, Chapter 283
156 **63N-2-108**, as renumbered and amended by Laws of Utah 2015, Chapter 283
157 **63N-2-502**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
158 amended by Laws of Utah 2015, Chapter 283
159 **63N-2-505**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
160 amended by Laws of Utah 2015, Chapter 283
161 **63N-2-507**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
162 amended by Laws of Utah 2015, Chapter 283
163 **63N-2-508**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
164 amended by Laws of Utah 2015, Chapter 283
165 **67-1a-6.5**, as last amended by Laws of Utah 2013, Chapters 42 and 371
166 **72-1-208**, as last amended by Laws of Utah 2010, Chapter 279
167 ENACTS:
168 **17C-1-102.5**, Utah Code Annotated 1953
169 **17C-1-201.1**, Utah Code Annotated 1953

- 170 **17C-1-209**, Utah Code Annotated 1953
- 171 **17C-1-301.1**, Utah Code Annotated 1953
- 172 **17C-1-401.1**, Utah Code Annotated 1953
- 173 **17C-1-501.1**, Utah Code Annotated 1953
- 174 **17C-1-601.1**, Utah Code Annotated 1953
- 175 **17C-1-701.1**, Utah Code Annotated 1953
- 176 **17C-1-702**, Utah Code Annotated 1953
- 177 **17C-1-801**, Utah Code Annotated 1953
- 178 **17C-1-901**, Utah Code Annotated 1953
- 179 **17C-2-101.1**, Utah Code Annotated 1953
- 180 **17C-2-101.2**, Utah Code Annotated 1953
- 181 **17C-3-101.1**, Utah Code Annotated 1953
- 182 **17C-3-101.2**, Utah Code Annotated 1953
- 183 **17C-4-101.1**, Utah Code Annotated 1953
- 184 **17C-4-101.2**, Utah Code Annotated 1953
- 185 **17C-5-101**, Utah Code Annotated 1953
- 186 **17C-5-102**, Utah Code Annotated 1953
- 187 **17C-5-103**, Utah Code Annotated 1953
- 188 **17C-5-104**, Utah Code Annotated 1953
- 189 **17C-5-105**, Utah Code Annotated 1953
- 190 **17C-5-106**, Utah Code Annotated 1953
- 191 **17C-5-107**, Utah Code Annotated 1953
- 192 **17C-5-108**, Utah Code Annotated 1953
- 193 **17C-5-109**, Utah Code Annotated 1953
- 194 **17C-5-110**, Utah Code Annotated 1953
- 195 **17C-5-111**, Utah Code Annotated 1953
- 196 **17C-5-112**, Utah Code Annotated 1953
- 197 **17C-5-113**, Utah Code Annotated 1953

- 198 **17C-5-201**, Utah Code Annotated 1953
- 199 **17C-5-202**, Utah Code Annotated 1953
- 200 **17C-5-203**, Utah Code Annotated 1953
- 201 **17C-5-204**, Utah Code Annotated 1953
- 202 **17C-5-205**, Utah Code Annotated 1953
- 203 **17C-5-206**, Utah Code Annotated 1953
- 204 **17C-5-301**, Utah Code Annotated 1953
- 205 **17C-5-302**, Utah Code Annotated 1953
- 206 **17C-5-303**, Utah Code Annotated 1953
- 207 **17C-5-304**, Utah Code Annotated 1953
- 208 **17C-5-305**, Utah Code Annotated 1953
- 209 **17C-5-306**, Utah Code Annotated 1953
- 210 **17C-5-307**, Utah Code Annotated 1953
- 211 **17C-5-401**, Utah Code Annotated 1953
- 212 **17C-5-402**, Utah Code Annotated 1953
- 213 **17C-5-403**, Utah Code Annotated 1953
- 214 **17C-5-404**, Utah Code Annotated 1953
- 215 **17C-5-405**, Utah Code Annotated 1953
- 216 **17C-5-406**, Utah Code Annotated 1953

217 RENUMBERS AND AMENDS:

- 218 **17C-1-201.5**, (Renumbered from 17C-1-201, as last amended by Laws of Utah 2012,
- 219 Chapter 235)
- 220 **17C-1-301.5**, (Renumbered from 17C-1-301, as renumbered and amended by Laws of
- 221 Utah 2006, Chapter 359)
- 222 **17C-1-401.5**, (Renumbered from 17C-1-401, as last amended by Laws of Utah 2012,
- 223 Chapter 235)
- 224 **17C-1-501.5**, (Renumbered from 17C-1-501, as renumbered and amended by Laws of
- 225 Utah 2006, Chapter 359)

226 **17C-1-601.5**, (Renumbered from 17C-1-601, as last amended by Laws of Utah 2010,
227 Chapter 90)
228 **17C-1-701.5**, (Renumbered from 17C-1-701, as last amended by Laws of Utah 2009,
229 Chapter 350)
230 **17C-1-802**, (Renumbered from 17C-2-401, as renumbered and amended by Laws of
231 Utah 2006, Chapter 359)
232 **17C-1-803**, (Renumbered from 17C-2-402, as renumbered and amended by Laws of
233 Utah 2006, Chapter 359)
234 **17C-1-804**, (Renumbered from 17C-2-403, as last amended by Laws of Utah 2010,
235 Chapter 90)
236 **17C-1-805**, (Renumbered from 17C-2-501, as renumbered and amended by Laws of
237 Utah 2006, Chapter 359)
238 **17C-1-806**, (Renumbered from 17C-2-502, as last amended by Laws of Utah 2010,
239 Chapter 279)
240 **17C-1-807**, (Renumbered from 17C-2-503, as last amended by Laws of Utah 2007,
241 Chapter 379)
242 **17C-1-808**, (Renumbered from 17C-2-504, as renumbered and amended by Laws of
243 Utah 2006, Chapter 359)
244 **17C-1-809**, (Renumbered from 17C-2-505, as renumbered and amended by Laws of
245 Utah 2006, Chapter 359)
246 **17C-1-902**, (Renumbered from 17C-1-206, as last amended by Laws of Utah 2007,
247 Chapter 379)
248 **17C-1-903**, (Renumbered from 17C-2-602, as last amended by Laws of Utah 2008,
249 Chapter 382)
250 **17C-1-904**, (Renumbered from 17C-2-601, as last amended by Laws of Utah 2012,
251 Chapter 235)
252 **17C-1-905**, (Renumbered from 17C-2-603, as enacted by Laws of Utah 2007, Chapter
253 379)

254 17C-2-101.5, (Renumbered from 17C-2-101, as renumbered and amended by Laws of
255 Utah 2006, Chapter 359)

256 17C-3-101.5, (Renumbered from 17C-3-101, as enacted by Laws of Utah 2006,
257 Chapter 359)

258 17C-4-101.5, (Renumbered from 17C-4-101, as enacted by Laws of Utah 2006,
259 Chapter 359)

260 REPEALS:

261 17C-1-303, as last amended by Laws of Utah 2010, Chapter 279

262 17C-3-301, as enacted by Laws of Utah 2006, Chapter 359

263 17C-3-302, as enacted by Laws of Utah 2006, Chapter 359

264 17C-3-303, as last amended by Laws of Utah 2009, Chapter 388

265 17C-3-401, as enacted by Laws of Utah 2006, Chapter 359

266 17C-3-402, as last amended by Laws of Utah 2010, Chapter 279

267 17C-3-403, as enacted by Laws of Utah 2006, Chapter 359

268 17C-3-404, as enacted by Laws of Utah 2006, Chapter 359

269 17C-4-301, as enacted by Laws of Utah 2006, Chapter 359

270 17C-4-302, as last amended by Laws of Utah 2010, Chapter 90

271 17C-4-401, as enacted by Laws of Utah 2006, Chapter 359

272 17C-4-402, as last amended by Laws of Utah 2010, Chapter 279

273 **Utah Code Sections Affected by Coordination Clause:**

274 59-2-924, as last amended by Laws of Utah 2014, Chapter 270

275

276 *Be it enacted by the Legislature of the state of Utah:*

277 Section 1. Section 10-1-203 is amended to read:

278 **10-1-203. License fees and taxes -- Application information to be transmitted to**
279 **the county assessor.**

280 (1) As used in this section:

281 (a) "Business" means any enterprise carried on for the purpose of gain or economic

282 profit, except that the acts of employees rendering services to employers are not included in
283 this definition.

284 (b) "Telecommunications provider" [~~is as~~] means the same as that term is defined in
285 Section 10-1-402.

286 (c) "Telecommunications tax or fee" [~~is as~~] means the same as that term is defined in
287 Section 10-1-402.

288 (2) Except as provided in Subsections (3) through (5), the legislative body of a
289 municipality may license for the purpose of regulation and revenue any business within the
290 limits of the municipality and may regulate that business by ordinance.

291 (3) (a) The legislative body of a municipality may raise revenue by levying and
292 collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales
293 and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee on an
294 energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal
295 Energy Sales and Use Tax Act.

296 (b) (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined
297 in Subsection 10-1-303(6), that is in effect on July 1, 1997, or a future franchise.

298 (ii) A franchise agreement as defined in Subsection 10-1-303(6) in effect on January 1,
299 1997, or a future franchise shall remain in full force and effect.

300 (c) A municipality that collects a contractual franchise fee pursuant to a franchise
301 agreement as defined in Subsection 10-1-303(6) with an energy supplier that is in effect on July
302 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310(2).

303 (d) (i) Subject to the requirements of Subsection (3)(d)(ii), a franchise agreement as
304 defined in Subsection 10-1-303(6) between a municipality and an energy supplier may contain
305 a provision that:

306 (A) requires the energy supplier by agreement to pay a contractual franchise fee that is
307 otherwise prohibited under Part 3, Municipal Energy Sales and Use Tax Act; and

308 (B) imposes the contractual franchise fee on or after the day on which Part 3,
309 Municipal Energy Sales and Use Tax Act is:

310 (I) repealed, invalidated, or the maximum allowable rate provided in Section 10-1-305
311 is reduced; and

312 (II) is not superseded by a law imposing a substantially equivalent tax.

313 (ii) A municipality may not charge a contractual franchise fee under the provisions
314 permitted by Subsection (3)(b)(i) unless the municipality charges an equal contractual franchise
315 fee or a tax on all energy suppliers.

316 (4) (a) Subject to Subsection (4)(b), beginning July 1, 2004, the legislative body of a
317 municipality may raise revenue by levying and providing for the collection of a municipal
318 telecommunications license tax as provided in Part 4, Municipal Telecommunications License
319 Tax Act.

320 (b) A municipality may not levy or collect a telecommunications tax or fee on a
321 telecommunications provider except as provided in Part 4, Municipal Telecommunications
322 License Tax Act.

323 (5) (a) (i) The legislative body of a municipality may by ordinance raise revenue by
324 levying and collecting a license fee or tax on:

325 (A) a parking service business in an amount that is less than or equal to:

326 (I) \$1 per vehicle that parks at the parking service business; or

327 (II) 2% of the gross receipts of the parking service business;

328 (B) a public assembly or other related facility in an amount that is less than or equal to
329 \$5 per ticket purchased from the public assembly or other related facility; and

330 (C) subject to the limitations of Subsections (5)(c) and (d):

331 (I) a business that causes disproportionate costs of municipal services; or

332 (II) a purchaser from a business for which the municipality provides an enhanced level
333 of municipal services.

334 (ii) Nothing in this Subsection (5)(a) may be construed to authorize a municipality to
335 levy or collect a license fee or tax on a public assembly or other related facility owned and
336 operated by another political subdivision other than a community [~~development and renewal~~
337 reinvestment] agency without the written consent of the other political subdivision.

- 338 (b) As used in this Subsection (5):
- 339 (i) "Municipal services" includes:
- 340 (A) public utilities; and
- 341 (B) services for:
- 342 (I) police;
- 343 (II) fire;
- 344 (III) storm water runoff;
- 345 (IV) traffic control;
- 346 (V) parking;
- 347 (VI) transportation;
- 348 (VII) beautification; or
- 349 (VIII) snow removal.
- 350 (ii) "Parking service business" means a business:
- 351 (A) that primarily provides off-street parking services for a public facility that is
- 352 wholly or partially funded by public money;
- 353 (B) that provides parking for one or more vehicles; and
- 354 (C) that charges a fee for parking.
- 355 (iii) "Public assembly or other related facility" means an assembly facility that:
- 356 (A) is wholly or partially funded by public money;
- 357 (B) is operated by a business; and
- 358 (C) requires a person attending an event at the assembly facility to purchase a ticket.
- 359 (c) (i) Before the legislative body of a municipality imposes a license fee on a business
- 360 that causes disproportionate costs of municipal services under Subsection (5)(a)(i)(C)(I), the
- 361 legislative body of the municipality shall adopt an ordinance defining for purposes of the tax
- 362 under Subsection (5)(a)(i)(C)(I):
- 363 (A) the costs that constitute disproportionate costs; and
- 364 (B) the amounts that are reasonably related to the costs of the municipal services
- 365 provided by the municipality.

366 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to
367 the costs of the municipal services provided by the municipality.

368 (d) (i) Before the legislative body of a municipality imposes a license fee on a
369 purchaser from a business for which it provides an enhanced level of municipal services under
370 Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance
371 defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):

372 (A) the level of municipal services that constitutes the basic level of municipal services
373 in the municipality; and

374 (B) the amounts that are reasonably related to the costs of providing an enhanced level
375 of municipal services in the municipality.

376 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to
377 the costs of providing an enhanced level of the municipal services.

378 (6) All license fees and taxes shall be uniform in respect to the class upon which they
379 are imposed.

380 (7) The municipality shall transmit the information from each approved business
381 license application to the county assessor within 60 days following the approval of the
382 application.

383 (8) If challenged in court, an ordinance enacted by a municipality before January 1,
384 1994, imposing a business license fee on rental dwellings under this section shall be upheld
385 unless the business license fee is found to impose an unreasonable burden on the fee payer.

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

387 **10-3-1303. Definitions.**

388 As used in this part:

389 (1) "Appointed officer" means any person appointed to any statutory office or position
390 or any other person appointed to any position of employment with a city or with a community
391 [~~development and renewal~~] reinvestment agency under Title 17C, Limited Purpose Local
392 Government Entities - Community [~~Development and Renewal Agencies~~] Reinvestment
393 Agency Act. Appointed officers include, but are not limited to, persons serving on special,

394 regular, or full-time committees, agencies, or boards whether or not such persons are
395 compensated for their services. The use of the word "officer" in this part is not intended to
396 make appointed persons or employees "officers" of the municipality.

397 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
398 aid, advise, furnish information to, or otherwise provide assistance to a person or business
399 entity, believing that such action is of help, aid, advice, or assistance to such person or business
400 entity and with the intent to assist such person or business entity.

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

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

408 (5) "Elected officer" means a person:

409 (a) elected or appointed to the office of mayor, commissioner, or council member; or

410 (b) who is considered to be elected to the office of mayor, commissioner, or council
411 member by a municipal legislative body in accordance with Section [20A-1-206](#).

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

415 (7) "Municipal employee" means a person who is not an elected or appointed officer
416 who is employed on a full- or part-time basis by a municipality or by a community
417 ~~[development and renewal]~~ reinvestment agency under Title 17C, Limited Purpose Local
418 Government Entities - Community ~~[Development and Renewal Agencies]~~ Reinvestment
419 Agency Act.

420 (8) "Private, controlled, or protected information" means information classified as
421 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and

422 Management Act, or other applicable provision of law.

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

426 Section 3. Section **10-9a-508** is amended to read:

427 **10-9a-508. Exactions -- Exaction for water interest -- Requirement to offer to**
428 **original owner property acquired by exaction.**

429 (1) A municipality may impose an exaction or exactions on development proposed in a
430 land use application, including, subject to Subsection (3), an exaction for a water interest, if:

431 (a) an essential link exists between a legitimate governmental interest and each
432 exaction; and

433 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of
434 the proposed development.

435 (2) If a land use authority imposes an exaction for another governmental entity:

436 (a) the governmental entity shall request the exaction; and

437 (b) the land use authority shall transfer the exaction to the governmental entity for
438 which it was exacted.

439 (3) (a) (i) A municipality shall base any exaction for a water interest on the culinary
440 water authority's established calculations of projected water interest requirements.

441 (ii) Upon an applicant's request, the culinary water authority shall provide the applicant
442 with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on
443 which an exaction for a water interest is based.

444 (b) A municipality may not impose an exaction for a water interest if the culinary water
445 authority's existing available water interests exceed the water interests needed to meet the
446 reasonable future water requirement of the public, as determined under Subsection
447 **73-1-4(2)(f)**.

448 (4) (a) If a municipality plans to dispose of surplus real property that was acquired
449 under this section and has been owned by the municipality for less than 15 years, the

450 municipality shall first offer to reconvey the property, without receiving additional
 451 consideration, to the person who granted the property to the municipality.

452 (b) A person to whom a municipality offers to reconvey property under Subsection
 453 (4)(a) has 90 days to accept or reject the municipality's offer.

454 (c) If a person to whom a municipality offers to reconvey property declines the offer,
 455 the municipality may offer the property for sale.

456 (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by
 457 a community [~~development and renewal~~] reinvestment agency.

458 Section 4. Section **11-25-2** is amended to read:

459 **11-25-2. Legislative findings -- Liberal construction.**

460 The Legislature finds and declares that it is necessary for the welfare of the state and its
 461 inhabitants that community [~~development and renewal~~] reinvestment agencies be authorized
 462 within cities, towns or counties, or cities or towns and counties to make long-term, low-interest
 463 loans to finance residential rehabilitation in selected residential areas in order to encourage the
 464 upgrading of property in those areas. Unless such agencies provide some form of assistance to
 465 finance residential rehabilitation, many residential areas will deteriorate at an accelerated pace.
 466 This act shall be liberally construed to effect its purposes.

467 Section 5. Section **11-25-3** is amended to read:

468 **11-25-3. Definitions.**

469 As used in this chapter:

470 [~~(4)~~] (1) "Agency" means a community [~~development and renewal~~] reinvestment
 471 agency functioning pursuant to Title 17C, Limited Purpose Local Government Entities -
 472 Community [~~Development and Renewal Agencies~~] Reinvestment Agency Act.

473 [~~(1)~~] (2) "Bonds" mean any bonds, notes, interim certificates, debentures, or other
 474 obligations issued by an agency pursuant to this part and which are payable exclusively from
 475 the revenues, as defined in Subsection [~~(9)~~] (10), and from any other funds specified in this part
 476 upon which the bonds may be made a charge and from which they are payable.

477 [~~(2)~~] (3) (a) "Citizen participation" means action by the agency to provide persons who

478 will be affected by residential rehabilitation financed under the provisions of this part with
479 opportunities to be involved in planning and carrying out the residential rehabilitation program.

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

481 (i) Holding a public meeting prior to considering selection of the area for designation.

482 (ii) Consultation with representatives of owners of property in, and residents of, a
483 residential rehabilitation area, in developing plans for public improvements and
484 implementation of the residential rehabilitation program.

485 (iii) Dissemination of information relating to the time and location of meetings,
486 boundaries of the proposed residential rehabilitation area, and a general description of the
487 proposed residential rehabilitation program.

488 (b) (i) Public meetings and consultations described in Subsection [~~(2)~~] (3)(a) shall be
489 conducted by an official designated by the agency.

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

492 [~~(3)~~] (4) "Financing" means the lending of money or any other thing of value for the
493 purpose of residential rehabilitation.

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

499 [~~(8)~~] (6) "Rehabilitation standards" mean the applicable local or state standards for the
500 rehabilitation of buildings located in residential rehabilitation areas, including any higher
501 standards adopted by the agency as part of its residential rehabilitation financing program.

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

505 [~~(6)~~] (8) "Residential rehabilitation" means the construction, reconstruction,

506 renovation, replacement, extension, repair, betterment, equipping, developing, embellishing, or
507 otherwise improving residences consistent with standards of strength, effectiveness, fire
508 resistance, durability, and safety, so that the structures are satisfactory and safe to occupy for
509 residential purposes and are not conducive to ill health, transmission of disease, infant
510 mortality, juvenile delinquency, or crime because of any one or more of the following factors:

- 511 (a) defective design and character of physical construction;
- 512 (b) faulty interior arrangement and exterior spacing;
- 513 (c) high density of population and overcrowding;
- 514 (d) inadequate provision for ventilation, light, sanitation, open spaces, and recreation
515 facilities;
- 516 (e) age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses;
- 517 and
- 518 (f) economic dislocation, deterioration, or disuse, resulting from faulty planning.

519 ~~[(10)]~~ (9) "Residential rehabilitation area" means the geographical area designated by
520 the agency as one for inclusion in a comprehensive residential rehabilitation financing program
521 pursuant to the provisions of this chapter.

522 ~~[(9)]~~ (10) "Revenues" mean all amounts received as repayment of principal, interest,
523 and all other charges received for, and all other income and receipts derived by, the agency
524 from the financing of residential rehabilitation, including money deposited in a sinking,
525 redemption, or reserve fund or other fund to secure the bonds or to provide for the payment of
526 the principal of, or interest on, the bonds and such other money as the legislative body may, in
527 its discretion, make available therefor.

528 Section 6. Section **11-27-2** is amended to read:

529 **11-27-2. Definitions.**

530 As used in this chapter:

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

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

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

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

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

541 (5) "Governing body" means the council, commission, county legislative body, board
542 of directors, board of trustees, board of education, board of regents, or other legislative body of
543 a public body designated in this chapter that is vested with the legislative powers of the public
544 body, and, with respect to the state, the State Bonding Commission created by Section
545 [63B-1-201](#).

546 (6) "Government obligations" means:

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

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

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

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

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

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

561 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or

562 other obligation for the payment of money issued by a public body or any predecessor of any
563 public body and that is payable from designated revenues not derived from ad valorem taxes or
564 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all
565 of the following:

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

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

570 (c) any special improvement bond.

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

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

578 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
579 or other obligation of a public body issued under authority of Title 17C, Limited Purpose Local
580 Government Entities - Community [~~Development and Renewal Agencies~~] Reinvestment
581 Agency Act.

582 Section 7. Section **11-31-2** is amended to read:

583 **11-31-2. Definitions.**

584 As used in this chapter:

585 (1) "Bonds" means any evidence or contract of indebtedness that is issued or
586 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
587 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
588 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
589 obligations of the issuing public body or are payable solely from a specified source, including

590 annual appropriations by the public body.

591 (2) "Legislative body" means, with respect to any action to be taken by a public body
592 with respect to bonds, the board, commission, council, agency, or other similar body authorized
593 by law to take legislative action on behalf of the public body, and in the case of the state, the
594 Legislature, the state treasurer, the commission created under Section 63B-1-201, and any other
595 entities the Legislature designates.

596 (3) "Public body" means the state and any public department, public agency, or other
597 public entity existing under the laws of the state, including, without limitation, any agency,
598 authority, instrumentality, or institution of the state, and any county, city, town, municipal
599 corporation, quasi-municipal corporation, state university or college, school district, special
600 service district, local district, separate legal or administrative entity created under the Interlocal
601 Cooperation Act or other joint agreement entity, community [~~development and renewal~~]
602 reinvestment agency, and any other political subdivision, public authority, public agency, or
603 public trust existing under the laws of the state.

604 Section 8. Section 11-32-2 is amended to read:

605 **11-32-2. Definitions.**

606 As used in this chapter:

607 (1) "Assignment agreement" means the agreement, security agreement, indenture, or
608 other documentation by which the county transfers the delinquent tax receivables to the
609 authority in consideration of the amounts paid by the authority under the assignment
610 agreement, as provided in this chapter.

611 (2) "Bonds" means any bonds, notes, or other evidence of indebtedness of the financing
612 authority issued under this chapter.

613 (3) "Delinquent tax receivables" means those ad valorem tangible property taxes levied
614 within any county, for any year, which remain unpaid and owing the participant members
615 within the county, as of January 15 of the following year, plus any interest and penalties
616 accruing or assessed to them.

617 (4) "Financing authority" or "authority" means a nonprofit corporation organized under

618 this chapter by a county on behalf of the participant members within the county as the
619 financing authority for the participant members solely for the purpose of financing the
620 assignment of the delinquent tax receivables of the participant members for which it was
621 created.

622 (5) "Governing body" means the council, commission, county legislative body, board
623 of education, board of trustees, or any other governing entity of a public body in which the
624 legislative powers of the public body are vested.

625 (6) "Participant members" means those public bodies, including the county, the
626 governing bodies of which approve the creation of an authority as provided in Section 11-32-3
627 and on whose behalf the authority acts.

628 (7) "Public body" means any city, town, county, school district, special service district,
629 local district, community [~~development and renewal~~] reinvestment agency, or any other entity
630 entitled to receive ad valorem property taxes, existing under the laws of the state.

631 Section 9. Section 11-34-1 is amended to read:

632 **11-34-1. Definitions.**

633 As used in this chapter:

634 (1) "Bonds" means any evidence or contract of indebtedness that is issued or
635 authorized by a public body, including, without limitation, bonds, refunding bonds, advance
636 refunding bonds, bond anticipation notes, tax anticipation notes, notes, certificates of
637 indebtedness, warrants, commercial paper, contracts, and leases, whether they are general
638 obligations of the issuing public body or are payable solely from a specified source, including
639 annual appropriations by the public body.

640 (2) "Public body" means the state and any public department, public agency, or other
641 public entity existing under the laws of the state, including, without limitation, any agency,
642 authority, instrumentality, or institution of the state, and any county, city, town, municipal
643 corporation, quasi-municipal corporation, state university or college, school district, special
644 service district, local district, separate legal or administrative entity created under the Interlocal
645 Cooperation Act or other joint agreement entity, community [~~development and renewal~~]

646 reinvestment agency, and any other political subdivision, public authority, public agency, or
647 public trust existing under the laws of this state.

648 Section 10. Section **11-49-102** is amended to read:

649 **11-49-102. Definitions.**

650 (1) "Commission" means the Political Subdivisions Ethics Review Commission
651 established in Section [11-49-201](#).

652 (2) "Complainant" means a person who files a complaint in accordance with Section
653 [11-49-501](#).

654 (3) "Ethics violation" means a violation of:

655 (a) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

656 (b) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

657 (c) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

658 (4) "Local political subdivision ethics commission" means an ethics commission
659 established by a political subdivision within the political subdivision or with another political
660 subdivision by interlocal agreement in accordance with Section [11-49-103](#).

661 (5) "Political subdivision" means a county, municipality, school district, community
662 [~~development and renewal~~] reinvestment agency, local district, special service district, an entity
663 created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation
664 Act, a local building authority, or any other governmental subdivision or public corporation.

665 (6) (a) "Political subdivision employee" means a person who is:

666 (i) (A) in a municipality, employed as a city manager or non-elected chief executive on
667 a full or part-time basis; or

668 (B) employed as the non-elected chief executive by a political subdivision other than a
669 municipality on a full or part-time basis; and

670 (ii) subject to:

671 (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

672 (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

673 (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

- 674 (b) "Political subdivision employee" does not include:
- 675 (i) a person who is a political subdivision officer;
- 676 (ii) an employee of a state entity; or
- 677 (iii) a legislative employee as defined in Section 67-16-3.
- 678 (7) "Political subdivision governing body" means:
- 679 (a) for a county, the county legislative body as defined in Section 68-3-12.5;
- 680 (b) for a municipality, the council of the city or town;
- 681 (c) for a school district, the local board of education described in Section 53A-3-101;
- 682 (d) for a community [~~development and renewal~~] reinvestment agency, the agency board
- 683 described in Section 17C-1-203;
- 684 (e) for a local district, the board of trustees described in Section 17B-1-301;
- 685 (f) for a special service district:
- 686 (i) the legislative body of the county, city, or town that established the special service
- 687 district, if no administrative control board has been appointed under Section 17D-1-301; or
- 688 (ii) the administrative control board of the special service district, if an administrative
- 689 control board has been appointed under Section 17D-1-301;
- 690 (g) for an entity created by an interlocal agreement, the governing body of an interlocal
- 691 entity, as defined in Section 11-13-103;
- 692 (h) for a local building authority, the governing body, as defined in Section 17D-2-102,
- 693 that creates the local building authority; or
- 694 (i) for any other governmental subdivision or public corporation, the board or other
- 695 body authorized to make executive and management decisions for the subdivision or public
- 696 corporation.
- 697 (8) (a) "Political subdivision officer" means a person elected in a political subdivision
- 698 who is subject to:
- 699 (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
- 700 (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
- 701 (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

- 702 (b) "Political subdivision officer" does not include:
- 703 (i) a person elected or appointed to a state entity;
- 704 (ii) the governor;
- 705 (iii) the lieutenant governor;
- 706 (iv) a member or member-elect of either house of the Legislature; or
- 707 (v) a member of Utah's congressional delegation.
- 708 (9) "Respondent" means a person who files a response in accordance with Section
- 709 [11-49-604](#).

710 Section 11. Section **11-50-102** is amended to read:

711 **11-50-102. Definitions.**

712 As used in this chapter:

713 (1) "Annual financial report" means a comprehensive annual financial report or similar
714 financial report required by Section [51-2a-201](#).

715 (2) "Chief administrative officer" means the chief administrative officer designated in
716 accordance with Section [11-50-202](#).

717 (3) "Chief financial officer" means the chief financial officer designated in accordance
718 with Section [11-50-202](#).

719 (4) "Governing body" means:

720 (a) for a county, city, or town, the legislative body of the county, city, or town;

721 (b) for a local district, the board of trustees of the local district;

722 (c) for a school district, the local board of education; or

723 (d) for a special service district under Title 17D, Chapter 1, Special Service District

724 Act:

725 (i) the governing body of the county or municipality that created the special service
726 district, if no administrative control board has been established under Section [17D-1-301](#); or

727 (ii) the administrative control board, if one has been established under Section
728 [17D-1-301](#).

729 (5) (a) "Political subdivision" means any county, city, town, school district, community

730 [~~development and renewal~~] reinvestment agency, special improvement or taxing district, local
731 district, special service district, an entity created by an interlocal agreement adopted under Title
732 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
733 corporation.

734 (b) Notwithstanding Subsection (5)(a), "political subdivision" does not mean a project
735 entity, as defined in Section 11-13-103.

736 Section 12. Section 11-52-102 is amended to read:

737 **11-52-102. Definitions.**

738 As used in this chapter:

739 (1) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
740 Sec. 7501, that is reported as part of a single audit.

741 (2) "Political subdivision" means:

742 (a) a county, as defined in Section 17-50-101;

743 (b) a municipality, as defined in Section 10-1-104;

744 (c) a local district, as defined in Section 17B-1-102;

745 (d) a special service district, as defined in Section 17D-1-102;

746 (e) an interlocal entity, as defined in Section 11-13-103;

747 (f) a community [~~development and renewal~~] reinvestment agency created under Title
748 17C, Limited Purpose Local Government Entities - Community [~~Development and Renewal~~
749 ~~Agencies~~] Reinvestment Agency Act;

750 (g) a local building authority, as defined in Section 17D-2-102; or

751 (h) a conservation district, as defined in Section 17D-3-102.

752 (3) "Single audit" has the same meaning as defined in 31 U.S.C. Sec. 7501.

753 Section 13. Section 14-1-18 is amended to read:

754 **14-1-18. Definitions -- Application of Procurement Code to payment and**
755 **performance bonds.**

756 (1) (a) For purposes of this chapter, "political subdivision" means any county, city,
757 town, school district, local district, special service district, community [~~development and~~

758 ~~renewal~~ reinvestment agency, public corporation, institution of higher education of the state,
759 public agency of any political subdivision, and, to the extent provided by law, any other entity
760 which expends public funds for construction.

761 (b) For purposes of applying Section 63G-6a-1103 to a political subdivision, "state"
762 includes "political subdivision."

763 (2) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement Code,
764 to the contrary, Section 63G-6a-1103 applies to all contracts for the construction, alteration, or
765 repair of any public building or public work of the state or a political subdivision of the state.

766 Section 14. Section 15-7-2 is amended to read:

767 **15-7-2. Definitions.**

768 As used in this chapter:

769 (1) "Authorized officer" means any individual required or permitted by any law or by
770 the issuing public entity to execute on behalf of the public entity, a certificated registered
771 public obligation or a writing relating to an uncertificated registered public obligation.

772 (2) "Certificated registered public obligation" means a registered public obligation
773 which is represented by an instrument.

774 (3) "Code" means the Internal Revenue Code of 1954.

775 (4) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or
776 other means of the seal of the issuer, official, or official body.

777 (5) "Facsimile signature" means the reproduction by engraving, imprinting, stamping,
778 or other means of a manual signature.

779 (6) "Financial intermediary" means a bank, broker, clearing corporation or other
780 person, or the nominee of any of them, which in the ordinary course of its business maintains
781 registered public obligation accounts for its customers.

782 (7) "Issuer" means a public entity which issues an obligation.

783 (8) "Obligation" means an agreement by a public entity to pay principal and any
784 interest on the obligation, whether in the form of a contract to repay borrowed money, a lease,
785 an installment purchase agreement, or otherwise, and includes a share, participation, or other

786 interest in any such agreement.

787 [(10)] (9) "Official" or "official body" means the person or group of persons that is
788 empowered to provide for the original issuance of an obligation of the issuer, by defining the
789 obligation and its terms, conditions, and other incidents, or to perform duties with respect to a
790 registered public obligation and any successor of such person or group of persons.

791 [(9)] (10) "Official actions" means the actions by statute, order, ordinance, resolution,
792 contract, or other authorized means by which the issuer provides for issuance of a registered
793 public obligation.

794 (11) "Public entity" means any entity, department, or agency which is empowered
795 under the laws of one or more states, territories, possessions of the United States or the District
796 of Columbia, including this state, to issue obligations any interest with respect to which may,
797 under any provision of law, be provided an exemption from the income tax referred to in the
798 Code. The term "public entity" includes, without limitation, this state, an entity deriving
799 powers from and acting pursuant to a state constitution or legislative act, a county, city, town, a
800 municipal corporation, a quasi-municipal corporation, a state university or college, a school
801 district, a special service district, a local district, a separate legal or administrative entity
802 created under the Interlocal Cooperation Act or other joint agreement entity, a community
803 [~~development and renewal~~] reinvestment agency, any other political subdivision, a public
804 authority or public agency, a public trust, a nonprofit corporation, or other organizations.

805 (12) "Registered public obligation" means an obligation issued by a public entity which
806 is issued pursuant to a system of registration.

807 (13) "System of registration" and its variants means a plan that provides:

808 (a) with respect to a certificated registered public obligation, that:

809 (i) the certificated registered public obligation specifies a person entitled to the
810 registered public obligation and the rights it represents; and

811 (ii) transfer of the certificated registered public obligation and the rights it represents
812 may be registered upon books maintained for that purpose by or on behalf of the issuer; and

813 (b) with respect to an uncertificated registered public obligation, that:

814 (i) books maintained by or on behalf of the issuer for the purpose of registration of the
815 transfer of a registered public obligation specify a person entitled to the registered public
816 obligation and the rights evidenced by it; and

817 (ii) transfer of the uncertificated registered public obligation and the rights evidenced
818 by it be registered upon such books.

819 (14) "Uncertificated registered public obligation" means a registered public obligation
820 which is not represented by an instrument.

821 Section 15. Section 17C-1-101 is amended to read:

822 **TITLE 17C. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES -**
823 **COMMUNITY REINVESTMENT AGENCY ACT**

824 **CHAPTER 1. AGENCY OPERATIONS**

825 **Part 1. General Provisions**

826 **17C-1-101. Title.**

827 (1) This title is known as the "Limited Purpose Local Government Entities -
828 Community [~~Development and Renewal Agencies~~] Reinvestment Agency Act."

829 (2) This chapter is known as "Agency Operations."

830 (3) This part is known as "General Provisions."

831 Section 16. Section 17C-1-102 is amended to read:

832 **17C-1-102. Definitions.**

833 As used in this title:

834 (1) "Active project area" means a project area that has not been dissolved in accordance
835 with Section 17C-1-702.

836 [(+)] (2) "Adjusted tax increment" means the percentage of tax increment, if less than
837 100%, that an agency is authorized to receive:

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

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

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

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

846 (c) under a project area budget approved by a taxing entity committee; or

847 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's
 848 tax increment.

849 ~~[(2)]~~ (3) "Affordable housing" means housing ~~[to be]~~ owned or occupied by ~~[persons~~
 850 ~~and families of low or moderate income]~~ a low or moderate income family, as determined by
 851 resolution of the agency.

852 ~~[(3)]~~ (4) "Agency" or "community ~~[development and renewal]~~ reinvestment agency"
 853 means a separate body corporate and politic, created under Section ~~[17C-1-201]~~ 17C-1-201.5
 854 or as a redevelopment agency or community development and renewal agency under previous
 855 law~~[-];~~:

856 (a) that is a political subdivision of the state[-];

857 (b) that is created to undertake or promote ~~[urban renewal, economic development, or~~
 858 ~~community development, or any combination of them,]~~ project area development as provided
 859 in this title~~[-];~~ and

860 (c) whose geographic boundaries are coterminous with:

861 ~~[(a)]~~ (i) for an agency created by a county, the unincorporated area of the county; and

862 ~~[(b)]~~ (ii) for an agency created by a ~~[city or town]~~ municipality, the boundaries of the
 863 ~~[city or town]~~ municipality.

864 (5) "Agency funds" means money that an agency collects or receives for the purposes
 865 of agency operations or implementing a project area plan, including:

866 (a) project area funds;

867 (b) income, proceeds, revenue, or property derived from or held in connection with the
 868 agency's undertaking and implementation of project area development; or

869 (c) a contribution, loan, grant, or other financial assistance from any public or private

870 source.

871 ~~[(4)]~~ (6) "Annual income" ~~[has the meaning as]~~ means the same as that term is defined
872 ~~[under]~~ in regulations of the United States Department of Housing and Urban Development, 24
873 C.F.R. Sec. 5.609, as amended or as superseded by replacement regulations.

874 ~~[(5)]~~ (7) "Assessment roll" ~~[has the meaning as]~~ means the same as that term is defined
875 in Section 59-2-102.

876 ~~[(6)]~~ (8) "Base taxable value" means~~[:]~~, unless otherwise adjusted in accordance with
877 provisions of this title, a property's taxable value as shown upon the assessment roll last
878 equalized during the base year.

879 ~~[(a) unless otherwise designated by the taxing entity committee in accordance with~~
880 ~~Subsection 17C-1-402(4)(b)(ix), for an urban renewal or economic development project area,~~
881 ~~the taxable value of the property within a project area from which tax increment will be~~
882 ~~collected, as shown upon the assessment roll last equalized before:]~~

883 ~~[(i) for a pre-July 1, 1993, project area plan, the effective date of the project area plan;]~~

884 ~~[(ii) for a post-June 30, 1993, project area plan:]~~

885 ~~[(A) the date of the taxing entity committee's approval of the first project area budget;~~
886 ~~or]~~

887 ~~[(B) if no taxing entity committee approval is required for the project area budget, the~~
888 ~~later of:]~~

889 ~~[(I) the date the project area plan is adopted by the community legislative body; and]~~

890 ~~[(H) the date the agency adopts the first project area budget;]~~

891 ~~[(iii) for a project on an inactive industrial site, a year after the date on which the~~
892 ~~inactive industrial site is sold for remediation and development; or]~~

893 ~~[(iv) for a project on an inactive airport site, a year after the later of:]~~

894 ~~[(A) the date on which the inactive airport site is sold for remediation and~~
895 ~~development; and]~~

896 ~~[(B) the date on which the airport that had been operated on the inactive airport site~~
897 ~~ceased operations; and]~~

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

900 (9) "Base year" means, except as provided in Subsection 17C-1-402(4)(c), the year
901 during which the assessment roll is last equalized:

902 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,
903 before the project area plan's effective date;

904 (b) for a post-June 30, 1993, urban renewal or economic development project area
905 plan, or a community reinvestment project area plan that is subject to a taxing entity
906 committee:

907 (i) before the date on which the taxing entity committee approves the project area
908 budget; or

909 (ii) if taxing entity committee approval is not required for the project area budget,
910 before the date on which the community legislative body adopts the project area plan;

911 (c) for a project on an inactive airport site, after the later of:

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

913 or

914 (ii) the date on which the airport that operated on the inactive airport site ceased
915 operations; or

916 (d) for a community development project area plan or a community reinvestment
917 project area plan that is subject to an interlocal agreement, as described in the interlocal
918 agreement.

919 ~~[(7)]~~ (10) "Basic levy" means the portion of a school district's tax levy constituting the
920 minimum basic levy under Section 59-2-902.

921 ~~[(8)]~~ (11) "Blight" or "blighted" means the condition of an area that meets the
922 requirements [of] described in Subsection 17C-2-303(1) for an urban renewal project area or
923 Section 17C-5-405 for a community reinvestment project area.

924 ~~[(9)]~~ (12) "Blight hearing" means a public hearing regarding whether blight exists
925 within a proposed:

926 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section
927 17C-2-302; or ~~[regarding the existence or nonexistence of blight within the proposed urban~~
928 ~~renewal project area.]~~

929 (b) community reinvestment project area under Section 17C-5-405.

930 ~~[(10)]~~ (13) "Blight study" means a study to determine ~~[the existence or nonexistence of~~
931 ~~blight]~~ whether blight exists within a survey area as ~~[provided]~~ described in Section 17C-2-301
932 for an urban renewal project area or Section 17C-5-403 for a community reinvestment project
933 area.

934 ~~[(11)]~~ (14) "Board" means the governing body of an agency, as ~~[provided]~~ described in
935 Section 17C-1-203.

936 ~~[(12)]~~ (15) "Budget hearing" means the public hearing on a ~~[draft]~~ proposed project
937 area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area
938 budget ~~[or]~~, Subsection 17C-3-201(2)(d) for an economic development project area budget, or
939 Subsection 17C-5-302(2)(e) for a community reinvestment project area budget.

940 ~~[(13)]~~ (16) "Closed military base" means land within a former military base that the
941 Defense Base Closure and Realignment Commission has voted to close or realign when that
942 action has been sustained by the president of the United States and Congress.

943 ~~[(14)]~~ (17) "Combined incremental value" means the combined total of all incremental
944 values from all ~~[urban renewal]~~ project areas, except project areas that contain some or all of a
945 military installation or inactive industrial site, within the agency's boundaries under ~~[adopted]~~
946 project area plans and ~~[adopted]~~ project area budgets at the time that a project area budget for a
947 new ~~[urban renewal]~~ project area is being considered.

948 ~~[(15)]~~ (18) "Community" means a county~~[, city, or town]~~ or municipality.

949 ~~[(16) "Community development" means development activities within a community,~~
950 ~~including the encouragement, promotion, or provision of development.]~~

951 (19) "Community development project area plan" means a project area plan adopted
952 under Chapter 4, Part 1, Community Development Project Area Plan.

953 (20) "Community legislative body" means the legislative body of the community that

954 created the agency.

955 (21) "Community reinvestment project area plan" means a project area plan adopted
956 under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

957 ~~[(17)]~~ (22) "Contest" means to file a written complaint in the district court of the
958 county in which ~~[the person filing the complaint resides]~~ the agency is located.

959 ~~[(18) "Economic development" means to promote the creation or retention of public or~~
960 ~~private jobs within the state through:]~~

961 ~~[(a) planning, design, development, construction, rehabilitation, business relocation, or~~
962 ~~any combination of these, within a community; and]~~

963 ~~[(b) the provision of office, industrial, manufacturing, warehousing, distribution,~~
964 ~~parking, public, or other facilities, or other improvements that benefit the state or a~~
965 ~~community.]~~

966 (23) "Economic development project area plan" means a project area plan adopted
967 under Chapter 3, Part 1, Economic Development Project Area Plan.

968 ~~[(19)]~~ (24) "Fair share ratio" means the ratio derived by:

969 (a) for a ~~[city or town]~~ municipality, comparing the percentage of all housing units
970 within the ~~[city or town]~~ municipality that are publicly subsidized income targeted housing
971 units to the percentage of all housing units within the ~~[whole]~~ county in which the municipality
972 is located that are publicly subsidized income targeted housing units; or

973 (b) for the unincorporated part of a county, comparing the percentage of all housing
974 units within the unincorporated county that are publicly subsidized income targeted housing
975 units to the percentage of all housing units within the whole county that are publicly subsidized
976 income targeted housing units.

977 ~~[(20)]~~ (25) "Family" ~~[has the meaning as]~~ means the same as that term is defined
978 [under] in regulations of the United States Department of Housing and Urban Development, 24
979 C.F.R. Section 5.403, as amended or as superseded by replacement regulations.

980 ~~[(21)]~~ (26) "Greenfield" means land not developed beyond agricultural, range, or
981 forestry use.

982 ~~[(22)]~~ (27) "Hazardous waste" means any substance defined, regulated, or listed as a
983 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
984 or toxic substance, or identified as hazardous to human health or the environment, under state
985 or federal law or regulation.

986 ~~[(23)]~~ "Housing funds" means the funds allocated in an urban renewal project area
987 budget under Section ~~17C-2-203~~ for the purposes provided in Subsection ~~17C-1-412(1)~~;

988 (28) "Housing allocation" means tax increment allocated for housing under Section
989 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

990 (29) "Housing fund" means a fund created by an agency for purposes described in
991 Section 17C-1-411 or 17C-1-412 that is comprised of:

992 (a) project area funds allocated for the purposes described in Section 17C-1-411; or

993 (b) an agency's housing allocation.

994 ~~[(24)]~~ (30) (a) "Inactive airport site" means land that:

995 (i) consists of at least 100 acres;

996 (ii) is occupied by an airport:

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

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

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

1000 (B) that is owned or was formerly owned and operated by a public entity; and

1001 (iii) requires remediation because:

1002 (A) of the presence of hazardous waste or solid waste; or

1003 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
1004 electric service, water system, and sewer system, needed to support development of the site.

1005 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
1006 described in Subsection ~~[(24)]~~ (30)(a).

1007 ~~[(25)]~~ (31) (a) "Inactive industrial site" means land that:

1008 (i) consists of at least 1,000 acres;

1009 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial

1010 facility; and

1011 (iii) requires remediation because of the presence of hazardous waste or solid waste.

1012 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
1013 described in Subsection ~~[(25)]~~ (31)(a).

1014 ~~[(26)]~~ (32) "Income targeted housing" means housing ~~[to be]~~ that is owned or occupied
1015 by a family whose annual income is at or below 80% of the median annual income for a family
1016 within the county in which the housing is located.

1017 ~~[(27)]~~ (33) "Incremental value" means a figure derived by multiplying the marginal
1018 value of the property located within ~~[an urban renewal]~~ a project area on which tax increment
1019 is collected by a number that represents the ~~[percentage of]~~ adjusted tax increment from that
1020 project area that is paid to the agency.

1021 ~~[(28)]~~ (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
1022 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

1023 ~~[(31)]~~ (35) (a) "~~[Municipal]~~ Local government building" means a building owned and
1024 operated by a ~~[municipality]~~ community for the primary purpose of providing one or more
1025 primary ~~[municipal]~~ community functions, including:

- 1026 (i) a fire station;
- 1027 (ii) a police station;
- 1028 (iii) a city hall; or
- 1029 (iv) a court or other judicial building.

1030 (b) "~~[Municipal]~~ Local government building" does not include a building the primary
1031 purpose of which is cultural or recreational in nature.

1032 ~~[(29)]~~ (36) "Marginal value" means the difference between actual taxable value and
1033 base taxable value.

1034 ~~[(30)]~~ (37) "Military installation project area" means a project area or a portion of a
1035 project area located within a federal military installation ordered closed by the federal Defense
1036 Base Realignment and Closure Commission.

1037 (38) "Municipality" means a city, town, or metro township as defined in Section

1038 [10-2a-403.](#)

1039 (39) "Participant" means one or more persons that enter into a participation agreement
1040 with an agency.

1041 (40) "Participation agreement" means a written agreement between a person and an
1042 agency that:

1043 (a) includes a description of:

1044 (i) the project area development that the person will undertake;

1045 (ii) the amount of project area funds the person may receive; and

1046 (iii) the terms and conditions under which the person may receive project area funds;

1047 and

1048 (b) is approved by resolution of the board.

1049 ~~[(32)]~~ (41) "Plan hearing" means the public hearing on a [draft] proposed project area
1050 plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan,
1051 Subsection 17C-3-102(1)(d) for an economic development project area plan, [and] Subsection
1052 17C-4-102(1)(d) for a community development project area plan, or Subsection
1053 17C-5-104(3)(e) for a community reinvestment project area plan.

1054 ~~[(33)]~~ (42) "Post-June 30, 1993, project area plan" means a project area plan adopted
1055 on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to [its]
1056 the project area plan's adoption.

1057 ~~[(34)]~~ (43) "Pre-July 1, 1993, project area plan" means a project area plan adopted
1058 before July 1, 1993, whether or not amended subsequent to [its] the project area plan's
1059 adoption.

1060 ~~[(35)]~~ (44) "Private," with respect to real property, means:

1061 (a) not owned by [the United States or any agency of the federal government,] a public
1062 entity[;] or any other governmental entity; and

1063 (b) not dedicated to public use.

1064 ~~[(36)]~~ (45) "Project area" means the geographic area described in a project area plan [or
1065 draft project area plan where the urban renewal, economic development, or community

1066 development, as the case may be, set forth in the project area plan or draft project area plan
1067 ~~takes place or is proposed to take place~~ within which the project area development described
1068 in the project area plan takes place or is proposed to take place.

1069 ~~[(37)]~~ (46) "Project area budget" means a multiyear projection of annual or cumulative
1070 revenues and expenses and other fiscal matters pertaining to a ~~[urban renewal or economic~~
1071 ~~development]~~ project area prepared in accordance with:

1072 (a) for an urban renewal project area, Section 17C-2-202;

1073 (b) for an economic development project area, Section 17C-3-202;

1074 (c) for a community development project area, Section 17C-4-204; or

1075 (d) for a community reinvestment project area, Section 17C-5-302. ~~[that includes:]~~

1076 ~~[(a) the base taxable value of property in the project area;]~~

1077 ~~[(b) the projected tax increment expected to be generated within the project area;]~~

1078 ~~[(c) the amount of tax increment expected to be shared with other taxing entities;]~~

1079 ~~[(d) the amount of tax increment expected to be used to implement the project area~~
1080 ~~plan, including the estimated amount of tax increment to be used for land acquisition, public~~
1081 ~~improvements, infrastructure improvements, and loans, grants, or other incentives to private~~
1082 ~~and public entities;]~~

1083 ~~[(e) the tax increment expected to be used to cover the cost of administering the project~~
1084 ~~area plan;]~~

1085 ~~[(f) if the area from which tax increment is to be collected is less than the entire project~~
1086 ~~area;]~~

1087 ~~[(i) the tax identification numbers of the parcels from which tax increment will be~~
1088 ~~collected; or]~~

1089 ~~[(ii) a legal description of the portion of the project area from which tax increment will~~
1090 ~~be collected;]~~

1091 ~~[(g) for property that the agency owns and expects to sell, the expected total cost of the~~
1092 ~~property to the agency and the expected selling price; and]~~

1093 ~~[(h) (i) for an urban renewal project area, the information required under Subsection~~

1094 ~~17C-2-201(1)(b); and]~~

1095 ~~[(ii) for an economic development project area, the information required under~~

1096 ~~Subsection 17C-3-201(1)(b).]~~

1097 (47) "Project area development" means activity within a project area that, as
1098 determined by the board, encourages, promotes, or provides development or redevelopment for
1099 the purpose of implementing a project area plan, including:

1100 (a) promoting, creating, or retaining public or private jobs within the state or a
1101 community;

1102 (b) providing office, manufacturing, warehousing, distribution, parking, or other
1103 facilities or improvements;

1104 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
1105 remediating environmental issues;

1106 (d) providing residential, commercial, industrial, public, or other structures or spaces,
1107 including recreational and other facilities incidental or appurtenant to the structures or spaces;

1108 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
1109 existing structures;

1110 (f) providing open space, including streets or other public grounds or space around
1111 buildings;

1112 (g) providing public or private buildings, infrastructure, structures, or improvements;

1113 (h) relocating a business;

1114 (i) improving public or private recreation areas or other public grounds;

1115 (j) eliminating blight or the causes of blight;

1116 (k) redevelopment as defined under the law in effect before May 1, 2006; or

1117 (l) any activity described in Subsections (47)(a) through (k) outside of a project area
1118 that the board determines to be a benefit to the project area.

1119 (48) "Project area funds" means tax increment or sales and use tax revenue that an
1120 agency receives under a project area budget adopted by a taxing entity committee or an
1121 interlocal agreement.

1122 (49) "Project area funds collection period" means the period of time that:
 1123 (a) begins the day on which the first payment of project area funds is distributed to an
 1124 agency under a project area budget adopted by a taxing entity committee or an interlocal
 1125 agreement; and

1126 (b) ends the day on which the last payment of project area funds is distributed to an
 1127 agency under a project area budget adopted by a taxing entity committee or an interlocal
 1128 agreement.

1129 ~~[(38)]~~ (50) "Project area plan" means [a written plan under Chapter 2, Part 1, Urban
 1130 Renewal Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or
 1131 Chapter 4, Part 1, Community Development Project Area Plan, as the case may be;] an urban
 1132 renewal project area plan, an economic development project area plan, a community
 1133 development project area plan, or a community reinvestment project area plan that, after [its]
 1134 the project area plan's effective date, guides and controls the [urban renewal, economic
 1135 development, or community development activities within a project area] project area
 1136 development.

1137 ~~[(39)]~~ (51) (a) "Property tax" [includes privilege tax and each levy on an ad valorem
 1138 basis on tangible or intangible personal or real property.] means each levy on an ad valorem
 1139 basis on tangible or intangible personal or real property.

1140 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege
 1141 Tax.

1142 ~~[(40)]~~ (52) "Public entity" means:

1143 (a) the United States, including an agency of the United States;

1144 ~~[(a)]~~ (b) the state, including any of [its] the state's departments or agencies; or

1145 ~~[(b)]~~ (c) a political subdivision of the state, including a county, [city, town,]
 1146 municipality, school district, local district, special service district, or interlocal cooperation
 1147 entity.

1148 ~~[(41)]~~ (53) "Publicly owned infrastructure and improvements" means water, sewer,
 1149 storm drainage, electrical, [and] natural gas, telecommunication, or other similar systems and

1150 lines, streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation
 1151 facilities, ~~and~~ or other facilities, infrastructure, and improvements benefitting the public and
 1152 to be publicly owned or publicly maintained or operated.

1153 ~~[(42)]~~ (54) "Record property owner" or "record owner of property" means ~~[the owner~~
 1154 ~~of real property as shown on the records of the recorder of the county in which the property is~~
 1155 ~~located and includes a purchaser under a real estate contract if the contract is recorded in the~~
 1156 ~~office of the recorder of the county in which the property is located or the purchaser gives~~
 1157 ~~written notice of the real estate contract to the agency.]~~ the owner of real property, as shown on
 1158 the records of the county in which the property is located, to whom the property's tax notice is
 1159 sent.

1160 (55) "Sales and use tax revenue" means revenue that is:

1161 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;
 1162 and

1163 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

1164 ~~[(43)]~~ (56) "Superfund site":

1165 (a) means an area included in the National Priorities List under the Comprehensive
 1166 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

1167 (b) includes an area formerly included in the National Priorities List, as described in
 1168 Subsection ~~[(43)]~~ (56)(a), but removed from the list following remediation that leaves on site
 1169 the waste that caused the area to be included in the National Priorities List.

1170 ~~[(44)]~~ (57) "Survey area" means ~~[an]~~ a geographic area designated for study by a
 1171 survey area resolution ~~[for study]~~ to determine whether one or more ~~[urban renewal projects]~~
 1172 project areas within the survey area are feasible.

1173 ~~[(45)]~~ (58) "Survey area resolution" means a resolution adopted by ~~[the agency]~~ a
 1174 board under Subsection ~~[[17C-2-101\(1\)\(a\)](#)]~~ [17C-2-101.5\(1\)](#) or [17C-5-103\(1\)](#) designating a
 1175 survey area.

1176 ~~[(46)]~~ (59) "Taxable value" means ~~[the value of property as shown on the last~~
 1177 ~~equalized assessment roll as certified by the county assessor.];~~

1178 (a) the taxable value of all real property a county assessor assesses in accordance with
1179 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

1180 (b) the taxable value of all real and personal property the commission assesses in
1181 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

1182 (c) the year end taxable value of all personal property a county assessor assesses in
1183 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's
1184 tax rolls of the taxing entity.

1185 ~~[(47) (a) Except as provided in Subsection (47) (b),]~~

1186 (60) (a) "Tax increment" means the difference between:

1187 (i) the amount of property tax ~~[revenues]~~ revenue generated each tax year by ~~[an]~~ a
1188 taxing [entities] entity from the area within a project area designated in the project area plan as
1189 the area from which tax increment is to be collected~~[(A)]~~, using the current assessed value of
1190 the property; and

1191 ~~[(B) that are paid to the agency from funds from all of the tax levies used in~~
1192 ~~establishing the certified tax rate in accordance with Section 59-2-924 of the taxing entity~~
1193 ~~within which the agency is located, including funds that are restricted for a particular use by~~
1194 ~~statute to the extent bond covenants are not impaired; and]~~

1195 (ii) the amount of property tax ~~[revenues]~~ revenue that would be generated from that
1196 same area using the base taxable value of the property.

1197 (b) "Tax increment" does not include taxes levied and collected under Section
1198 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

1199 (i) the project area plan was adopted before May 4, 1993, whether or not the project
1200 area plan was subsequently amended; and

1201 (ii) the taxes were pledged to support bond indebtedness or other contractual
1202 obligations of the agency.

1203 ~~[(48)]~~ (61) "Taxing entity" means a public entity that:

1204 (a) levies a tax on [a parcel or parcels of] property located within a [community.]
1205 project area; or

1206 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

1207 [~~(49)~~] (62) "Taxing entity committee" means a committee representing the interests of
1208 taxing entities, created [as provided] in accordance with Section 17C-1-402.

1209 [~~(50)~~] (63) "Unincorporated" means not within a [city or town] municipality.

1210 [~~(51)(a) "Urban renewal" means the development activities under a project area plan~~
1211 ~~within an urban renewal project area, including:]~~

1212 [~~(i) planning, design, development, demolition, clearance, construction, rehabilitation,~~
1213 ~~environmental remediation, or any combination of these, of part or all of a project area;]~~

1214 [~~(ii) the provision of residential, commercial, industrial, public, or other structures or~~
1215 ~~spaces, including recreational and other facilities incidental or appurtenant to them;]~~

1216 [~~(iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating,~~
1217 ~~or any combination of these, existing structures in a project area;]~~

1218 [~~(iv) providing open space, including streets and other public grounds and space~~
1219 ~~around buildings;]~~

1220 [~~(v) providing public or private buildings, infrastructure, structures, and improvements;~~
1221 ~~and]~~

1222 [~~(vi) providing improvements of public or private recreation areas and other public~~
1223 ~~grounds.]~~

1224 [~~(b) "Urban renewal" means "redevelopment," as defined under the law in effect before~~
1225 ~~May 1, 2006, if the context requires.]~~

1226 (64) "Urban renewal project area plan" means a project area plan adopted under
1227 Chapter 2, Part 1, Urban Renewal Project Area Plan.

1228 Section 17. Section **17C-1-102.5** is enacted to read:

1229 **17C-1-102.5. Project area created on or after May 10, 2016.**

1230 Beginning on May 10, 2016, an agency:

1231 (1) may create a community reinvestment project area under Chapter 5, Community
1232 Reinvestment;

1233 (2) except as provided in Subsection (3), may not create:

1234 (a) an urban renewal project area under Chapter 2, Urban Renewal;
1235 (b) an economic development project area under Chapter 3, Economic Development;
1236 or
1237 (c) a community development project area under Chapter 4, Community Development;
1238 and
1239 (3) may create an urban renewal project area, an economic development project area,
1240 or a community development project area if:

1241 (a) before April 1, 2016, the agency adopts a resolution in accordance with:
1242 (i) Section 17C-2-101.5 for an urban renewal project area;
1243 (ii) Section 17C-3-101.5 for an economic development project area; or
1244 (iii) Section 17C-4-101.5 for a community development project area; and
1245 (b) the urban renewal project area, economic development project area, or community
1246 development project area is effective before September 1, 2016.

1247 Section 18. Section 17C-1-103 is amended to read:

1248 **17C-1-103. Limitations on applicability of title -- Amendment of previously**
1249 **adopted project area plan.**

1250 (1) ~~[Nothing]~~ Except where expressly provided, nothing in this title may be construed
1251 to:

1252 (a) impose a requirement or obligation on an agency, with respect to a project area plan
1253 adopted or an agency action taken, that was not imposed by the law in effect at the time the
1254 project area plan was adopted or the action taken;

1255 (b) prohibit an agency from taking an action that:

1256 (i) was allowed by the law in effect immediately before an applicable amendment to
1257 this title;

1258 (ii) is permitted or required under the project area plan adopted before the amendment;

1259 and

1260 (iii) is not explicitly prohibited under this title;

1261 (c) revive any right to challenge any action of the agency that had already expired; or

1262 (d) require a project area plan to contain a provision that was not required by the law in
1263 effect at the time the project area plan was adopted.

1264 (2) (a) A project area plan adopted before an amendment to this title becomes effective
1265 may be amended as provided in this title.

1266 (b) Unless explicitly prohibited by this title, an amendment under Subsection (2)(a)
1267 may include a provision that is allowed under this title but that was not required or allowed by
1268 the law in effect before the applicable amendment.

1269 Section 19. Section **17C-1-201.1** is enacted to read:

1270 **Part 2. Agency Creation, Powers, and Board**

1271 **17C-1-201.1. Title.**

1272 This part is known as "Agency Creation, Powers, and Board."

1273 Section 20. Section **17C-1-201.5**, which is renumbered from Section 17C-1-201 is
1274 renumbered and amended to read:

1275 ~~[**17C-1-201.**~~ **17C-1-201.5. Creation of agency -- Name change.**

1276 (1) A community [~~may, by ordinance adopted by its legislative body, approve the~~
1277 ~~creation of a community development and renewal agency.~~] legislative body may, by
1278 ordinance, create a community reinvestment agency.

1279 (2) (a) The community legislative body shall:

1280 (i) after adopting an ordinance under Subsection (1), file with the lieutenant governor a
1281 copy of a notice, subject to Subsection (2)(b), of an impending boundary action, as defined in
1282 Section **67-1a-6.5**, that meets the requirements of Subsection **67-1a-6.5(3)**; and

1283 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
1284 **67-1a-6.5**, submit to the recorder of the county in which the agency is located:

1285 (A) the original notice of an impending boundary action;

1286 (B) the original certificate of creation; and

1287 (C) a certified copy of the ordinance approving the creation of the community
1288 [~~development and renewal~~] reinvestment agency.

1289 (b) The notice required under Subsection (2)(a)(i) shall state that the agency's

1290 boundaries are, and shall always be, coterminous with the boundaries of the community that
1291 created the agency.

1292 (c) Upon the lieutenant governor's issuance of the certificate of creation under Section
1293 67-1a-6.5, the agency is created and incorporated.

1294 (d) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the
1295 recorder of the county in which the ~~[property]~~ agency is located, an agency may not receive or
1296 spend ~~[tax increment]~~ agency funds.

1297 (3) (a) An agency may ~~[approve a]~~ change ~~[in its]~~ the agency's name~~[-, whether to~~
1298 ~~indicate it is a community development and renewal agency or otherwise,]~~ by:

1299 (i) adopting a resolution approving a name change; and

1300 (ii) filing with the lieutenant governor a copy of a notice of an impending name
1301 change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection
1302 67-1a-6.7(3).

1303 (b) (i) Upon the lieutenant governor's issuance of a certificate of name change under
1304 Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is
1305 located:

1306 (A) the original notice of an impending name change;

1307 (B) the original certificate of name change; and

1308 (C) a certified copy of the resolution approving a name change.

1309 (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the
1310 county recorder, the agency may not operate under the new name.

1311 Section 21. Section 17C-1-202 is amended to read:

1312 **17C-1-202. Agency powers.**

1313 (1) ~~[A community development and renewal]~~ An agency may:

1314 (a) sue and be sued;

1315 (b) enter into contracts generally;

1316 (c) buy, obtain an option upon, or otherwise acquire any interest in real or personal
1317 property;

1318 (d) sell, convey, grant, ~~[dispose of by]~~ gift, or otherwise dispose of any interest in real
1319 or personal property;

1320 (e) enter into a lease agreement on real or personal property, either as lessee or lessor;

1321 (f) provide for ~~[urban renewal, economic development, and community]~~ project area
1322 development as provided in this title;

1323 (g) receive ~~[tax increment]~~ and use agency funds as provided in this title;

1324 (h) if disposing of or leasing land, retain controls or establish restrictions and
1325 covenants running with the land consistent with the project area plan;

1326 (i) accept financial or other assistance from any public or private source for the
1327 agency's activities, powers, and duties, and expend any funds ~~[so received for any of the~~
1328 ~~purposes of]~~ the agency receives for any purpose described in this title;

1329 (j) borrow money or accept financial or other assistance from ~~[the federal government,]~~
1330 a public entity[;] or any other source for any of the purposes of this title and comply with any
1331 conditions of ~~[the]~~ any loan or assistance;

1332 (k) issue bonds to finance the undertaking of any ~~[urban renewal, economic~~
1333 ~~development, or community]~~ project area development or for any of the agency's other
1334 purposes, including:

1335 (i) reimbursing an advance made by the agency or by a public entity ~~[or the federal~~
1336 ~~government]~~ to the agency;

1337 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and

1338 (iii) refunding bonds to pay or retire bonds previously issued by the community that
1339 created the agency for expenses associated with ~~[an urban renewal, economic development, or~~
1340 ~~community development project; and]~~ project area development;

1341 (l) pay an impact fee, exaction, or other fee imposed by a community in connection
1342 with land development; or

1343 ~~[(t)]~~ (m) transact other business and exercise all other powers ~~[provided for]~~ described
1344 in this title.

1345 (2) The establishment of controls or restrictions and covenants under Subsection (1)(h)

1346 is a public purpose.

1347 Section 22. Section 17C-1-203 is amended to read:

1348 **17C-1-203. Agency board -- Quorum.**

1349 (1) The governing body of an agency is a board consisting of the current members of
1350 the community legislative body [~~of the community that created the agency~~].

1351 (2) A majority of board members constitutes a quorum for the transaction of agency
1352 business.

1353 (3) [~~An agency~~] A board may not adopt a resolution, pass a motion, or take any other
1354 official board action without the concurrence of at least a majority of the board members
1355 present at a meeting at which a quorum is present.

1356 (4) (a) The mayor or the mayor's designee of a municipality operating under a
1357 council-mayor form of government, as defined in Section 10-3b-102:

1358 [~~(a)~~] (i) serves as the executive director of an agency created by the municipality; and

1359 [~~(b)~~] (ii) exercises the [~~executive powers of the agency~~] agency's executive powers.

1360 (b) The county executive or the county executive's designee of a county operating
1361 under a county executive-council form of government, as described in Section 17-52-504:

1362 (i) serves as the executive director of an agency created by the county; and

1363 (ii) exercises the agency's executive powers.

1364 Section 23. Section 17C-1-204 is amended to read:

1365 **17C-1-204. Project area development by an adjoining agency -- Requirements.**

1366 [~~(1) An agency or community may, by resolution of its board or legislative body,~~
1367 ~~respectively, authorize an agency to conduct urban renewal, economic development, or~~
1368 ~~community development activities in a project area that includes an area within the authorizing~~
1369 ~~agency's boundaries or within the boundaries of the authorizing community if the project area~~
1370 ~~or community is contiguous to the boundaries of the other agency.]~~

1371 [~~(2) If an agency board or community legislative body adopts a resolution under~~
1372 ~~Subsection (1) authorizing another agency to undertake urban renewal, economic development,~~
1373 ~~or community development activities in the authorizing agency's project area or within the~~

1374 ~~boundaries of the authorizing community:]~~

1375 (1) (a) A community that has not created an agency may enter into an interlocal
1376 agreement with an agency located in the same or an abutting county that authorizes the agency
1377 to exercise all the powers granted to an agency under this title within the community.

1378 (b) The agency and the community shall adopt an interlocal agreement described in
1379 Subsection (1)(a) by resolution.

1380 (2) If an agency and a community enter into an interlocal agreement under Subsection
1381 (1):

1382 (a) the ~~[other]~~ agency may act in all respects as if ~~[the]~~ a project area ~~[were]~~ within the
1383 community were within [its own] the agency's boundaries;

1384 (b) the board ~~[of the other agency]~~ has all the rights, powers, and privileges with
1385 respect to ~~[the]~~ a project area within the community as if ~~[it were]~~ the project area were within
1386 [its own] the agency's boundaries; [and]

1387 (c) the ~~[other]~~ agency may be paid ~~[tax increment]~~ project area funds to the same extent
1388 as if ~~[the]~~ a project area ~~[were]~~ within the community were within ~~[its own]~~ the agency's
1389 boundaries[-]; and

1390 (d) the community legislative body shall adopt, by ordinance, each project area plan
1391 within the community approved by the agency.

1392 ~~[(3) Each project area plan approved by the other agency for the project area that is the~~
1393 ~~subject of a resolution under Subsection (1) shall be adopted by ordinance of the legislative~~
1394 ~~body of the community in which the project area is located.]~~

1395 (3) If an agency's project area abuts another agency's project area, the agencies may
1396 coordinate with each other in order to assist and cooperate in the planning, undertaking,
1397 construction, or operation of project area development located within each agency's project
1398 area.

1399 (4) (a) As used in this Subsection (4):

1400 (i) "County agency" means an agency that ~~[was]~~ is created by a county.

1401 (ii) "Industrial property" means private real property:

1402 (A) over half of which is located within the boundary of a town, as defined in Section
 1403 10-1-104; and

1404 (B) comprises some or all of an inactive industrial site.

1405 (iii) "Perimeter portion" means the portion of an inactive industrial site that is:

1406 (A) part of the inactive industrial site because [it] the site lies within the perimeter
 1407 described in [~~Subsection~~] Section 17C-1-102[(24)(b)]; and

1408 (B) located within the boundary of a city, as defined in Section 10-1-104.

1409 (b) (i) Subject to Subsection (4)(b)(ii), a county agency may undertake [~~urban renewal,~~
 1410 ~~economic development, or community~~] project area development on industrial property if the
 1411 record property owner of the industrial property submits a written request to the county agency
 1412 to do so.

1413 (ii) A county agency may not include a perimeter portion within a project area without
 1414 the approval of the city in which the perimeter portion is located.

1415 (c) If a county agency undertakes [~~urban renewal, economic development, or~~
 1416 ~~community~~] project area development on industrial property:

1417 (i) the county agency may act in all respects as if the project area that includes the
 1418 industrial property were within the county agency's boundary;

1419 (ii) the board of the county agency has each right, power, and privilege with respect to
 1420 the project area as if the project area were within the county agency's boundary; and

1421 (iii) the county agency may be paid [~~tax increment~~] project area funds to the same
 1422 extent as if the project area were within the county agency's boundary.

1423 (d) A project area plan for a project on industrial property that is approved by the
 1424 county agency shall be adopted by ordinance of the legislative body of the county in which the
 1425 project area is located.

1426 Section 24. Section 17C-1-205 is amended to read:

1427 **17C-1-205. Transfer of project area from one community to another.**

1428 (1) [~~For purposes of~~] As used in this section:

1429 (a) "New agency" means the agency created by the new community.

1430 (b) "New community" means the community in which the relocated project area is
1431 located after the change in community boundaries takes place.

1432 (c) "Original agency" means the agency created by the original community.

1433 (d) "Original community" means the community that adopted the project area plan that
1434 created the project area that has been relocated.

1435 (e) "Relocated" means that a project area under a project area plan adopted by the
1436 original community has ceased to be located within that community and has become part of a
1437 new community because of a change in community boundaries through:

1438 (i) a county or municipal annexation;

1439 (ii) the creation of a new county;

1440 (iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or

1441 (iv) any other action resulting in a change in community boundaries.

1442 (2) ~~[If a] A relocated~~ project area ~~[under a project area plan adopted by a community~~
1443 ~~becomes relocated, the project area]~~ shall, for purposes of this title, be considered to remain in
1444 the original community until ~~[(a) the new community has created an agency; (b) the original~~
1445 ~~agency has transferred or assigned]~~ the original agency and the new agency enter into an
1446 interlocal agreement, adopted by resolution of the original agency's and the new agency's board,
1447 that authorizes the original agency to transfer or assign to the new agency the original agency's
1448 real property, rights, indebtedness, obligations, tax increment, ~~[and]~~ or other assets and
1449 liabilities ~~[related to]~~ resulting from the relocated project area~~[;]~~.

1450 ~~[(c) the new agency by resolution approves the original agency's project area plan as~~
1451 ~~the project area plan of the new agency; and]~~

1452 ~~[(d) the new community by ordinance adopts the project area plan that was approved~~
1453 ~~by the new agency.]~~

1454 Section 25. Section **17C-1-207** is amended to read:

1455 **17C-1-207. Public entities may assist with project area development.**

1456 (1) In order to assist and cooperate in the planning, undertaking, construction, or
1457 operation of ~~[urban renewal, economic development, or community]~~ project area development

1458 within ~~[the]~~ an area in which ~~[it]~~ the public entity is authorized to act, a public entity may:

1459 (a) (i) provide or cause to be furnished:

1460 (A) parks, playgrounds, or other recreational facilities;

1461 (B) community, educational, water, sewer, or drainage facilities; or

1462 (C) any other works which the public entity is otherwise empowered to undertake;

1463 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or

1464 replan streets, roads, roadways, alleys, sidewalks, or other places;

1465 (iii) in any part of the project area:

1466 (A) (I) plan or replan any property within the project area;

1467 (II) plat or replat any property within the project area;

1468 (III) vacate a plat;

1469 (IV) amend a plat; or

1470 (V) zone or rezone any property within the project area; and

1471 (B) make any legal exceptions from building regulations and ordinances;

1472 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the

1473 rights of any holder of the bonds;

1474 (v) enter into an agreement with another public entity concerning action to be taken

1475 pursuant to any of the powers granted in this title;

1476 (vi) do ~~[any and all things]~~ anything necessary to aid or cooperate in the planning or

1477 ~~[carrying out]~~ implementation of the ~~[urban renewal, economic development, or community]~~

1478 project area development;

1479 (vii) in connection with the project area plan, become obligated to the extent

1480 authorized and funds have been made available to make required improvements or construct

1481 required structures; and

1482 (viii) lend, grant, or contribute funds to an agency for ~~[an urban renewal, economic~~

1483 ~~development, or community development project]~~ project area development or proposed

1484 project area development, including assigning revenue or taxes in support of an agency bond or

1485 obligation; and

1486 (b) 15 days after posting public notice:

1487 (i) purchase or otherwise acquire property or lease property from ~~[an]~~ the agency; or

1488 (ii) sell, grant, convey, or otherwise dispose of the public entity's property or lease the
1489 public entity's property to ~~[an]~~ the agency.

1490 (2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
1491 may extend over any period.

1492 (3) A grant or contribution of funds from a public entity to an agency, or from an
1493 agency under a project area plan or project area budget, is not subject to the requirements of
1494 Section 10-8-2.

1495 Section 26. Section **17C-1-208** is amended to read:

1496 **17C-1-208. Agency funds.**

1497 (1) Agency funds shall be accounted for separately from the funds of the community
1498 that created the agency.

1499 (2) An agency may accumulate retained earnings or fund balances, as appropriate, in
1500 any fund.

1501 Section 27. Section **17C-1-209** is enacted to read:

1502 **17C-1-209. Agency records.**

1503 An agency shall maintain the agency's minutes, resolutions, and other records separate
1504 from those of the community that created the agency.

1505 Section 28. Section **17C-1-301.1** is enacted to read:

1506 **Part 3. Agency Property**

1507 **17C-1-301.1. Title.**

1508 This part is known as "Agency Property."

1509 Section 29. Section **17C-1-301.5**, which is renumbered from Section 17C-1-301 is
1510 renumbered and amended to read:

1511 ~~[17C-1-301].~~ **17C-1-301.5. Agency property exempt from taxation --**

1512 **Exception.**

1513 (1) Agency property acquired or held for purposes of this title is ~~[declared to be]~~ public

1514 property used for essential public and governmental purposes and, subject to Subsection (2), is
1515 exempt from ~~[all taxes of a public]~~ taxation by a taxing entity.

1516 (2) The exemption in Subsection (1) does not apply to property that the agency leases
1517 to a lessee ~~[that is not]~~ unless the lessee is entitled to a tax exemption with respect to the
1518 property.

1519 Section 30. Section **17C-1-302** is amended to read:

1520 **17C-1-302. Agency property exempt from levy and execution sale -- Judgment**
1521 **against community or agency.**

1522 (1) (a) (i) All agency property, including funds the agency owns or holds for purposes
1523 of this title, is exempt from levy and execution sale, and no execution or judicial process may
1524 issue against ~~[agency]~~ the property.

1525 (ii) A judgment against an agency may not be a charge or lien upon agency property.

1526 (b) Subsection (1)(a) does not apply to or limit the right of ~~[obligees]~~ an obligee to
1527 pursue any ~~[remedies]~~ remedy for the enforcement of any pledge or lien given by an agency on
1528 ~~[its]~~ the agency's funds or revenues.

1529 (2) A judgment against the community that created the agency may not be a charge or
1530 lien upon agency property.

1531 (3) A judgment against an agency may not be a charge or lien upon property of the
1532 community that created the agency.

1533 Section 31. Section **17C-1-401.1** is enacted to read:

1534 **Part 4. Project Area Funds**

1535 **17C-1-401.1. Title.**

1536 This part is known as "Project Area Funds."

1537 Section 32. Section **17C-1-401.5**, which is renumbered from Section 17C-1-401 is
1538 renumbered and amended to read:

1539 ~~[17C-1-401].~~ **17C-1-401.5. Agency receipt and use of project area funds --**
1540 **Distribution of project area funds.**

1541 (1) An agency may receive and use ~~[tax increment and sales tax, as provided in this~~

1542 ~~part]~~ project area funds in accordance with this title.

1543 (2) (a) A county that collects property tax on property located within a project area
1544 shall, in accordance with Section 59-12-1365, distribute to an agency any tax increment that the
1545 agency is authorized to receive.

1546 (b) Tax increment distributed to an agency in accordance with Subsection (2)(a) is not
1547 revenue of the taxing entity.

1548 ~~[(2)]~~ (3) (a) The [applicable length of time or number of years for which an agency is
1549 to be paid tax increment or sales tax under this part] project area funds collection period shall
1550 be measured:

1551 (i) for a pre-July 1, 1993, project area plan, from the first tax year regarding which the
1552 agency accepts tax increment from the project area;

1553 (ii) for a post-June 30, 1993, urban renewal or economic development project area
1554 plan:

1555 (A) with respect to tax increment, from the first tax year for which the agency receives
1556 tax increment under the project area budget; or

1557 (B) with respect to sales and use tax revenue, as indicated in the interlocal agreement
1558 between the agency and the taxing entity that [established the agency's right to receive sales
1559 tax; or] authorizes the agency to receive the taxing entity's sales and use tax revenue;

1560 (iii) for a community development project area plan, as indicated in the resolution or
1561 interlocal agreement of a taxing entity that [establishes the agency's right to receive tax
1562 increment or sales tax.] authorizes the agency to receive the taxing entity's project area funds;

1563 (iv) for a community reinvestment project area plan that is subject to a taxing entity
1564 committee:

1565 (A) with respect to tax increment, from the first tax year for which the agency receives
1566 tax increment under the project area budget; or

1567 (B) with respect to sales and use tax revenue, in accordance with the interlocal
1568 agreement between the agency and the taxing entity that authorizes the agency to receive the
1569 taxing entity's sales and use tax revenue; or

1570 (v) for a community reinvestment project area plan that is subject to an interlocal
1571 agreement, in accordance with the interlocal agreement between the agency and the taxing
1572 entity that authorizes the agency to receive the taxing entity's project area funds.

1573 (b) Unless otherwise provided in a project area budget that is approved by a taxing
1574 entity committee, or in an interlocal agreement [~~or resolution~~] adopted by a taxing entity, tax
1575 increment may not be paid to an agency for a tax year [~~prior to~~] before the tax year following:

1576 (i) for an urban renewal [~~or~~] project area plan, an economic development project area
1577 plan, or a community reinvestment project area plan that is subject to a taxing entity
1578 committee, the effective date of the project area plan; and

1579 (ii) for a community development project area plan or a community reinvestment
1580 project area plan that is subject to an interlocal agreement, the effective date of the interlocal
1581 agreement that [~~establishes the agency's right~~] authorizes the agency to receive tax increment.

1582 [~~(3)~~] (4) With respect to a community development project area plan or a community
1583 reinvestment project area plan that is subject to an interlocal agreement:

1584 (a) a taxing entity [~~or public entity~~] may, [~~by resolution or~~] through interlocal
1585 agreement, authorize an agency to be paid any or all of [~~that taxing entity or public entity's tax~~
1586 ~~increment or sales tax~~] the taxing entity's project area funds for any period of time; and

1587 (b) the [~~resolution or~~] interlocal agreement authorizing the agency to be paid [~~tax~~
1588 ~~increment or sales tax~~] project area funds shall specify:

1589 (i) the base taxable value of the project area; and

1590 (ii) the method of calculating the amount of [~~tax increment or sales tax~~] project area
1591 funds to be paid to the agency.

1592 [~~(4)~~] (5) (a) (i) The boundaries of one project area may overlap and include the
1593 boundaries of an existing project area.

1594 (ii) If a taxing entity committee is required to approve the project area budget of an
1595 overlapping project area described in Subsection [~~(4)~~] (5)(a)(i), the agency shall, before the first
1596 meeting of the taxing entity committee at which the project area budget will be considered,
1597 inform each taxing entity of the location of the overlapping boundaries.

1598 (b) (i) Before an agency may ~~collect~~ receive tax increment from the newly created
 1599 overlapping portion of a project area, the agency shall inform the county auditor regarding the
 1600 respective amount of tax increment that the agency is authorized to receive from the
 1601 overlapping portion of each of the project areas.

1602 (ii) The combined amount of tax increment described in Subsection ~~[(4)]~~ (5)(b)(i) may
 1603 not exceed 100% of the tax increment generated from a property located within the overlapping
 1604 boundaries.

1605 (c) Nothing in this Subsection ~~[(4) shall give]~~ (5) gives an agency a right to ~~collect or~~
 1606 receive ~~[tax increment or sales tax]~~ project area funds that ~~[an]~~ the agency is not otherwise
 1607 ~~[entitled to collect]~~ authorized to receive under this title.

1608 (d) The collection of ~~[tax increment or sales tax]~~ project area funds from an
 1609 overlapping project area described in Subsection ~~[(4)]~~ (5)(a) does not affect ~~[in any way]~~ an
 1610 agency's use of ~~[tax increment or sales tax]~~ project area funds within the other overlapping
 1611 project area.

1612 ~~[(5)]~~ (6) With the written consent of a taxing entity, an agency may be paid tax
 1613 increment, from ~~[that]~~ the taxing entity's property tax ~~[revenues]~~ revenue only, in a higher
 1614 percentage or for a longer period of time, or both, than otherwise authorized under this title.

1615 ~~[(6)(a)]~~ (7) Subject to Section [17C-1-407](#), an agency is ~~[entitled]~~ authorized to receive
 1616 tax increment as ~~[authorized by]~~ described in:

1617 ~~[(i)]~~ (a) for a pre-July 1, 1993, project area plan, Section [17C-1-403](#);

1618 ~~[(ii)]~~ (b) for a post-June 30, 1993, project area plan:

1619 ~~[(A)]~~ (i) Section [17C-1-404](#) under a project area budget adopted by the agency in
 1620 accordance with this title;

1621 ~~[(B)]~~ (ii) a project area budget approved by the taxing entity committee and adopted by
 1622 the agency in accordance with this title; or

1623 ~~[(C)]~~ (iii) Section [17C-1-406](#); ~~[or]~~

1624 ~~[(iii)]~~ (c) a resolution or interlocal agreement entered into under Section [17C-2-207](#),
 1625 [17C-3-206](#), [17C-4-201](#), or [17C-4-202](#)~~[-]~~;

1626 (d) for a community reinvestment project area plan that is subject to a taxing entity
1627 committee, a project area budget approved by the taxing entity committee and adopted by the
1628 agency in accordance with this title; or

1629 (e) for a community reinvestment project area plan that is subject to an interlocal
1630 agreement, an interlocal agreement entered into under Section [17C-5-204](#).

1631 ~~[(b) A county that collects property tax on property located within a project area shall~~
1632 ~~pay and distribute any tax increment:]~~

1633 ~~[(i) to an agency that the agency is entitled to collect; and]~~

1634 ~~[(ii) in accordance with Section [59-2-1365](#).]~~

1635 Section 33. Section **17C-1-402** is amended to read:

1636 **17C-1-402. Taxing entity committee.**

1637 ~~[(1) Each agency that adopts or proposes to adopt a post-June 30, 1993, urban renewal~~
1638 ~~or economic development project area plan shall, and any other agency may, cause a taxing~~
1639 ~~entity committee to be created.]~~

1640 (1) The provisions of this section apply to a taxing entity committee that is created by
1641 an agency for:

1642 (a) a post-June 30, 1993, urban renewal project area plan or economic development
1643 project area plan;

1644 (b) any other project area plan adopted before May 10, 2016, for which the agency
1645 created a taxing entity committee; and

1646 (c) a community reinvestment project area plan that is subject to a taxing entity
1647 committee.

1648 (2) (a) (i) Each taxing entity committee shall be composed of:

1649 (A) two school district representatives appointed ~~[as provided in]~~ in accordance with
1650 Subsection (2)(a)(ii);

1651 (B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives
1652 appointed by resolution of the legislative body of the county in which the agency is located; or

1653 (II) in a county of the first class, one representative appointed by the county executive

1654 and one representative appointed by the legislative body of the county in which the agency is
1655 located;

1656 (C) if the agency [~~was~~] is created by a [~~city or town~~] municipality, two representatives
1657 appointed by resolution of the legislative body of [~~that city or town~~] the municipality;

1658 (D) one representative appointed by the State Board of Education; and

1659 (E) one representative selected by majority vote of the legislative bodies or governing
1660 boards of all other taxing entities that levy a tax on property within the agency's boundaries, to
1661 represent the interests of those taxing entities on the taxing entity committee.

1662 (ii) (A) If the agency boundaries include only one school district, that school district
1663 shall appoint the two school district representatives under Subsection (2)(a)(i)(A).

1664 (B) If the agency boundaries include more than one school district, those school
1665 districts shall jointly appoint the two school district representatives under Subsection
1666 (2)(a)(i)(A).

1667 (b) (i) Each taxing entity committee representative [~~under~~] described in Subsection
1668 (2)(a) shall be appointed within 30 days after the day on which the agency provides notice of
1669 the creation of the taxing entity committee.

1670 (ii) If a representative is not appointed within the time required under Subsection
1671 (2)(b)(i), the [~~agency~~] board may appoint [~~a person~~] an individual to serve on the taxing entity
1672 committee in the place of the missing representative until that representative is appointed.

1673 (c) (i) A taxing entity committee representative may be appointed for a set term or
1674 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

1675 (ii) Each taxing entity committee representative shall serve until a successor is
1676 appointed and qualified.

1677 (d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether
1678 an initial appointment or an appointment to replace an already serving representative, the
1679 appointing authority shall:

1680 (A) notify the agency in writing of the name and address of the newly appointed
1681 representative; and

1682 (B) provide the agency a copy of the resolution making the appointment or, if the
 1683 appointment is not made by resolution, other evidence of the appointment.

1684 (ii) Each appointing authority of a taxing entity committee representative under
 1685 Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a
 1686 representative appointed by that appointing authority.

1687 (3) At ~~[its]~~ a taxing entity committee's first meeting, ~~[a]~~ the taxing entity committee
 1688 shall adopt an organizing resolution that:

1689 (a) ~~[designating]~~ designates a chair and a secretary of the taxing entity committee; and

1690 (b) if the taxing entity committee considers it appropriate, ~~[governing]~~ governs the use
 1691 of electronic meetings under Section 52-4-207.

1692 (4) (a) A taxing entity committee represents all taxing entities regarding:

1693 (i) an urban renewal project area plan; ~~[or]~~

1694 (ii) an economic development project area~~[-]~~ plan; or

1695 (iii) a community reinvestment project area plan that is subject to a taxing entity
 1696 committee.

1697 (b) A taxing entity committee may:

1698 (i) cast votes that ~~[will be]~~ are binding on all taxing entities;

1699 (ii) negotiate with the agency concerning a ~~[draft]~~ proposed project area plan;

1700 (iii) approve or disapprove:

1701 (A) an urban renewal project area budget as ~~[provided]~~ described in Section
 1702 17C-2-204; ~~[or]~~

1703 (B) an economic development project area budget as ~~[provided]~~ described in Section
 1704 17C-3-203; or

1705 (C) for a community reinvestment project area plan that is subject to a taxing entity
 1706 committee, a community reinvestment project area budget as described in Section 17C-5-302;

1707 (iv) approve or disapprove ~~[amendments]~~ an amendment to a project area budget as
 1708 ~~[provided in:]~~ described in Section 17C-2-206, 17C-3-205, or 17C-5-306;

1709 ~~[(A) Section 17C-2-206 for an urban renewal project area budget; or]~~

1710 ~~[(B) Section 17C-3-205 for an economic development project area budget;]~~
1711 (v) approve ~~[exceptions]~~ an exception to the limits on the value and size of a project
1712 area imposed under this title;
1713 (vi) approve:
1714 (A) ~~[exceptions]~~ an exception to the percentage of tax increment to be paid to the
1715 agency;
1716 (B) ~~[the period of time that tax increment is to be paid to the agency]~~ except for a
1717 project area funds collection period that is approved by an interlocal agreement, each project
1718 area funds collection period; and
1719 (C) ~~[exceptions]~~ an exception to the requirement for an urban renewal ~~[or]~~ project area
1720 budget, an economic development project area budget, or a community reinvestment project
1721 area budget to include a maximum cumulative dollar amount of tax increment that the agency
1722 may receive;
1723 (vii) approve the use of tax increment for publicly owned infrastructure and
1724 improvements outside of ~~[an urban renewal or economic development]~~ a project area that the
1725 agency and community legislative body determine to be of benefit to the [urban renewal or
1726 economic development] project area, as [provided] described in Subsection
1727 17C-1-409(1)(a)(iii)(D);
1728 (viii) waive the restrictions ~~[imposed by]~~ described in Subsection 17C-2-202(1);
1729 (ix) subject to Subsection (4)(c), designate ~~[in an approved urban renewal or economic~~
1730 ~~development project area budget]~~ the base taxable value for ~~[that]~~ a project area budget; and
1731 (x) give other taxing entity committee approval or consent required or allowed under
1732 this title.
1733 ~~[(c) The base year used for calculation of the base taxable value in Subsection~~
1734 ~~(4)(b)(ix) may not be a year that is earlier than]~~
1735 ~~[the year during which the project area plan became effective.]~~
1736 (c) (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that
1737 is earlier than five years before the beginning of a project area funds collection period.

1738 (ii) The taxing entity committee may approve a base year that is earlier than the year
1739 described in Subsection (4)(c)(i).

1740 (5) A quorum of a taxing entity committee consists of:

1741 (a) if the project area is located within a [~~city or town~~] municipality, five members; or

1742 (b) if the project area is not located within a [~~city or town~~] municipality, four members.

1743 (6) Taxing entity committee approval, consent, or other action requires:

1744 (a) the affirmative vote of a majority of all members present at a taxing entity
1745 committee meeting:

1746 (i) at which a quorum is present; and

1747 (ii) considering an action relating to a project area budget for, or approval of a finding
1748 of blight within, a project area or proposed project area that contains:

1749 (A) an inactive industrial site;

1750 (B) an inactive airport site; or

1751 (C) a closed military base; or

1752 (b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of
1753 two-thirds of all members present at a taxing entity committee meeting at which a quorum is
1754 present.

1755 (7) (a) An agency may call a meeting of the taxing entity committee by sending written
1756 notice to the members of the taxing entity committee at least 10 days before the date of the
1757 meeting.

1758 (b) Each notice under Subsection (7)(a) shall be accompanied by:

1759 (i) the proposed agenda for the taxing entity committee meeting; and

1760 (ii) if not previously provided and if [~~they~~] the documents exist and are to be
1761 considered at the meeting:

1762 (A) the project area plan or proposed project area plan;

1763 (B) the project area budget or proposed project area budget;

1764 (C) the analysis required under Subsection [17C-2-103\(2\)](#) [~~or~~], [17C-3-103\(2\)](#), or
1765 [17C-5-105\(2\)](#);

1766 (D) the blight study;

1767 (E) the agency's resolution making a finding of blight under Subsection

1768 [17C-2-102\(1\)\(a\)\(ii\)\(B\)](#) or Subsection [17C-5-402\(1\)\(c\)\(ii\)](#); and

1769 (F) other documents to be considered by the taxing entity committee at the meeting.

1770 (c) (i) An agency may not schedule a taxing entity committee meeting [~~to meet~~] on a

1771 day on which the Legislature is in session.

1772 (ii) Notwithstanding Subsection (7)(c)(i), [~~the~~] a taxing entity committee may, by

1773 unanimous consent, waive the scheduling restriction described in Subsection (7)(c)(i).

1774 (8) (a) A taxing entity committee may not vote on a proposed project area budget or

1775 proposed amendment to a project area budget at the first meeting at which the proposed project

1776 area budget or amendment is considered unless all members of the taxing entity committee

1777 present at the meeting consent.

1778 (b) A second taxing entity committee meeting to consider a proposed project area

1779 budget or a proposed amendment to a project area budget may not be held within 14 days after

1780 the first meeting unless all members of the taxing entity committee present at the first meeting

1781 consent.

1782 (9) (a) Except as provided in Subsection (9)(b), each taxing entity committee shall

1783 meet at least annually during [~~the time that the agency receives tax increment~~] a project area

1784 fund collection period under an urban renewal [~~or~~], an economic development, or a

1785 community reinvestment project area budget [~~in order~~] to review the status of the project area.

1786 (b) A taxing entity committee is not required [~~under Subsection (9)(a)~~] to meet in

1787 accordance with Subsection (9)(a) if the agency [~~submits~~] prepares and distributes on or before

1788 November 1 of each year [~~to the county auditor, the State Tax Commission, the State Board of~~

1789 ~~Education, and each taxing entity that levies a tax on property from which the agency collects~~

1790 ~~tax increment, a report containing the following:~~] a report as described in Section [17C-1-603](#).

1791 [~~(i) an assessment of growth of incremental values for each active project area,~~

1792 ~~including:~~]

1793 [~~(A) the base year assessed value;~~]

1794 ~~[(B) the prior year's assessed value;]~~
1795 ~~[(C) the estimated current year assessed value for the project area; and]~~
1796 ~~[(D) a narrative description of the relative growth in assessed value within the project~~
1797 ~~area;]~~
1798 ~~[(ii) a description of the amount of tax increment received by the agency and passed~~
1799 ~~through to other taxing entities from each active project area, including:]~~
1800 ~~[(A) a comparison of the original forecasted amount of tax increment to actual~~
1801 ~~receipts;]~~
1802 ~~[(B) a narrative discussion regarding the use of tax increment; and]~~
1803 ~~[(C) a description of the benefits derived by the taxing entities;]~~
1804 ~~[(iii) a description of activity within each active project area, including:]~~
1805 ~~[(A) a narrative of any significant development activity, including infrastructure~~
1806 ~~development, site development, and vertical construction within the project area; and]~~
1807 ~~[(B) a narrative discussion regarding the status of any agreements for development~~
1808 ~~within the project area;]~~
1809 ~~[(iv) a revised multi-year tax increment budget related to each active project area,~~
1810 ~~including:]~~
1811 ~~[(A) the prior year's tax increment receipts;]~~
1812 ~~[(B) the base year value and adjusted base year value, as applicable;]~~
1813 ~~[(C) the applicable tax rates within the project area; and]~~
1814 ~~[(D) a description of private and public investment within the project area;]~~
1815 ~~[(v) an estimate of the tax increment to be paid to the agency for the calendar years~~
1816 ~~ending December 31 and beginning the next January 1; and]~~
1817 ~~[(vi) any other project highlights included by the agency.]~~
1818 (10) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and
1819 Public Meetings Act.
1820 (11) A taxing entity committee's records shall be:
1821 (a) considered the records of the agency that created the taxing entity committee; and

1822 (b) maintained by the agency in accordance with Section 17C-1-209.
1823 ~~[(11)]~~ (12) Each time a school district representative or a representative of the State
1824 Board of Education votes as a member of a taxing entity committee to allow an agency to ~~[be~~
1825 ~~paid]~~ receive tax increment ~~[or]~~, to increase the amount ~~[or length of time that an agency may~~
1826 ~~be paid tax increment]~~ of tax increment the agency receives, or to extend a project area funds
1827 collection period, that representative shall, within 45 days after the vote, provide to the
1828 representative's respective school board an explanation in writing of the representative's vote
1829 and the reasons for the vote.

1830 ~~[(12)]~~ (13) (a) The auditor of each county in which ~~[the]~~ an agency is located shall
1831 provide a written report to the taxing entity committee stating, with respect to property within
1832 each ~~[urban renewal and economic development]~~ project area:

1833 (i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408;
1834 and

1835 (ii) the assessed value.

1836 (b) With respect to the information required under Subsection ~~[(12)]~~ (13)(a), the
1837 auditor shall provide:

1838 (i) actual amounts for each year from the adoption of the project area plan to the time
1839 of the report; and

1840 (ii) estimated amounts for each year beginning the year after the time of the report and
1841 ending the time that ~~[the agency expects no longer to be paid tax increment from property~~
1842 ~~within the urban renewal and economic development project area]~~ each project area funds
1843 collection period ends.

1844 (c) The auditor of the county in which the agency is located shall provide a report
1845 under this Subsection ~~[(12)]~~ (13):

1846 (i) at least annually; and

1847 (ii) upon request of the taxing entity committee, before a taxing entity committee
1848 meeting at which the committee ~~[will consider]~~ considers whether to allow the agency to ~~[be~~
1849 ~~paid]~~ receive tax increment ~~[or]~~, to increase the amount of tax increment that the agency ~~[may~~

1850 ~~be paid or the length of time that the agency may be paid tax increment]~~ receives, or to extend a
1851 project area funds collection period.

1852 ~~[(13)]~~ (14) This section does not apply to:

1853 (a) a community development project area plan~~[-];~~ or

1854 (b) a community reinvestment project area plan that is subject to an interlocal
1855 agreement.

1856 ~~[(14)]~~ (15) (a) A taxing entity committee resolution~~[-, whether adopted before, on, or~~
1857 ~~after May 10, 2011,]~~ approving a blight finding, approving a project area budget, or approving
1858 an amendment to a project area budget:

1859 ~~[(a)]~~ (i) is final; and

1860 ~~[(b)]~~ (ii) is not subject to repeal, amendment, or reconsideration unless the agency first
1861 consents by resolution to the proposed repeal, amendment, or reconsideration.

1862 (b) The provisions of Subsection (15)(a) apply regardless of when the resolution is
1863 adopted.

1864 Section 34. Section **17C-1-403** is amended to read:

1865 **17C-1-403. Tax increment under a pre-July 1, 1993, project area plan.**

1866 (1) Notwithstanding any other provision of law, this section applies retroactively to tax
1867 increment under all pre-July 1, 1993, project area plans, regardless of when the applicable
1868 project area was created or the applicable project area plan was adopted.

1869 (2) (a) Beginning with the first tax year after April 1, 1983, for which an agency
1870 accepts tax increment, an agency is ~~[entitled to be paid]~~ authorized to receive:

1871 (i) (A) for the first through the fifth tax years, 100% of tax increment;

1872 (B) for the sixth through the tenth tax years, 80% of tax increment;

1873 (C) for the eleventh through the fifteenth tax years, 75% of tax increment;

1874 (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and

1875 (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or

1876 (ii) for an agency that has caused a taxing entity committee to be created under

1877 Subsection **17C-1-402(1)(a)**, any percentage of tax increment up to 100% and for any length of

1878 time that the taxing entity committee approves.

1879 (b) Notwithstanding any other provision of this section:

1880 (i) an agency is [~~entitled to be paid~~] authorized to receive 100% of tax increment from
1881 a project area for 32 years after April 1, 1983, to pay principal and interest on agency
1882 indebtedness incurred before April 1, 1983, even though the size of the project area from which
1883 tax increment is paid to the agency exceeds 100 acres of privately owned property under a
1884 project area plan adopted on or before April 1, 1983; and

1885 (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983,
1886 may be refinanced and paid from 100% of tax increment if the principal amount of the debt is
1887 not increased in the refinancing.

1888 (3) (a) For purposes of this Subsection (3), "additional tax increment" means the
1889 difference between 100% of tax increment for a tax year and the amount of tax increment an
1890 agency is paid for that tax year under the percentages and time periods specified in Subsection
1891 (2)(a).

1892 (b) Notwithstanding the tax increment percentages and time periods in Subsection
1893 (2)(a), an agency is [~~entitled to be paid~~] authorized to receive additional tax increment for a
1894 period ending 32 years after the first tax year after April 1, 1983, for which the agency receives
1895 tax increment from the project area if:

1896 (i) (A) the additional tax increment is used solely to pay all or part of the value of the
1897 land for and the cost of the installation and construction of a publicly or privately owned
1898 convention center or sports complex or any building, facility, structure, or other improvement
1899 related to the convention center or sports complex, including parking and infrastructure
1900 improvements;

1901 (B) construction of the convention center or sports complex or related building,
1902 facility, structure, or other improvement is commenced on or before June 30, 2002;

1903 (C) the additional tax increment is pledged to pay all or part of the value of the land for
1904 and the cost of the installation and construction of the convention center or sports complex or
1905 related building, facility, structure, or other improvement; and

1906 (D) the ~~[agency]~~ board and the community legislative body have determined by
1907 resolution that the convention center or sports complex is:

1908 (I) within and a benefit to a project area;

1909 (II) not within but still a benefit to a project area; or

1910 (III) within a project area in which substantially all of the land is publicly owned and a
1911 benefit to the community; or

1912 (ii) (A) the additional tax increment is used to pay some or all of the cost of the land
1913 for and installation and construction of a recreational facility, as defined in Section 59-12-702,
1914 or a cultural facility, including parking and infrastructure improvements related to the
1915 recreational or cultural facility, whether or not the facility is located within a project area;

1916 (B) construction of the recreational or cultural facility is commenced on or before
1917 December 31, 2005; and

1918 (C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part
1919 of the cost of the land for and the installation and construction of the recreational or cultural
1920 facility, including parking and infrastructure improvements related to the recreational or
1921 cultural facility.

1922 (c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without ~~[its]~~ the
1923 school district's consent, be paid less tax increment because of application of Subsection
1924 (3)(b)(ii) than it would have been paid without that subsection.

1925 (4) Notwithstanding any other provision of this section, an agency may use tax
1926 increment received under Subsection (2) for any of the uses indicated in Subsection (3).

1927 Section 35. Section 17C-1-404 is amended to read:

1928 **17C-1-404. Tax increment under a post-June 30, 1993, project area plan.**

1929 (1) This section applies to tax increment under a post-June 30, 1993₂ project area plan
1930 adopted before May 1, 2006, only.

1931 (2) ~~[An agency]~~ A board may provide in the project area budget for the agency to be
1932 paid:

1933 (a) if 20% of the project area budget is allocated for housing under Section 17C-2-203:

1934 (i) 100% of annual tax increment for 15 years;
1935 (ii) 75% of annual tax increment for 24 years; or
1936 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
1937 100%, or any specified dollar amount, for any period of time; or

1938 (b) if 20% of the project area budget is not allocated for housing under Section
1939 17C-2-203:

1940 (i) 100% of annual tax increment for 12 years;
1941 (ii) 75% of annual tax increment for 20 years; or
1942 (iii) if approved by the taxing entity committee, any percentage of tax increment up to
1943 100%, or any specified dollar amount, for any period of time.

1944 Section 36. Section 17C-1-405 is amended to read:

1945 **17C-1-405. Tax increment under a project area plan adopted on or after May 1,**
1946 **2006.**

1947 (1) This section applies to tax increment under a project area plan adopted on or after
1948 May 1, 2006, and before May 10, 2016.

1949 (2) Subject to the approval of the taxing entity committee, [~~an agency~~] a board may
1950 provide in the urban renewal or economic development project area budget for the agency to be
1951 paid:

1952 (a) for an urban renewal project area plan that proposes development of an inactive
1953 industrial site or inactive airport site, at least 60% of tax increment for at least 20 years; or

1954 (b) for each other project, any percentage of tax increment up to 100% or any specified
1955 dollar amount of tax increment for any period of time.

1956 (3) A resolution or interlocal agreement relating to an agency's use of tax increment for
1957 a community development project area plan may provide for the agency to be paid any
1958 percentage of tax increment up to 100% or any specified dollar amount of tax increment for
1959 any period of time.

1960 Section 37. Section 17C-1-406 is amended to read:

1961 **17C-1-406. Additional tax increment under certain post-June 30, 1993, project**

1962 **area plans.**

1963 (1) This section applies to a post-June 30, 1993₂ project area plan adopted before May
1964 1, 2006.

1965 (2) An agency may, without the approval of the taxing entity committee, elect to be
1966 paid 100% of annual tax increment for each year beyond the periods specified in Subsection
1967 17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment
1968 under Subsection 17C-1-404(2), if:

1969 (a) for an agency in a city in which is located all or a portion of an interchange on I-15
1970 or that would directly benefit from an interchange on I-15:

1971 (i) the tax increment paid to the agency during the additional years is used to pay some
1972 or all of the cost of the installation, construction, or reconstruction of:

1973 (A) an interchange on I-15, whether or not the interchange is located within a project
1974 area; or

1975 (B) frontage and other roads connecting to the interchange, as determined by the
1976 Department of Transportation created under Section 72-1-201 and the Transportation
1977 Commission created under Section 72-1-301, whether or not the frontage or other road is
1978 located within a project area; and

1979 (ii) the installation, construction, or reconstruction of the interchange or frontage and
1980 other roads has begun on or before June 30, 2002; or

1981 (b) for an agency in a city of the first or second class:

1982 (i) the tax increment paid to the agency during the additional years is used to pay some
1983 or all of the cost of the land for and installation and construction of a recreational facility, as
1984 defined in Section 59-12-702, or a cultural facility, including parking and infrastructure
1985 improvements related to the recreational or cultural facility, whether or not the facility is
1986 located within a project area; and

1987 (ii) the installation or construction of the recreational or cultural facility has begun on
1988 or before June 30, 2002.

1989 (3) Notwithstanding any other provision of this section, an agency may use tax

1990 increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.

1991 (4) Notwithstanding Subsection (2), a school district may not, without ~~[its]~~ the school
1992 district's consent, receive less tax increment because of application of Subsection (2) than it
1993 would have received without that subsection.

1994 Section 38. Section 17C-1-407 is amended to read:

1995 **17C-1-407. Limitations on tax increment.**

1996 (1) (a) If the development of retail sales of goods is the primary objective of an urban
1997 renewal project area, tax increment from the urban renewal project area may not be paid to or
1998 used by an agency unless a finding of blight is made under Chapter 2, Part 3, Blight
1999 Determination in Urban Renewal Project Areas.

2000 (b) Development of retail sales of goods does not disqualify an agency from receiving
2001 tax increment.

2002 (c) After July 1, 2005, an agency may not ~~[be paid]~~ receive or use tax increment
2003 generated from the value of property within an economic development project area that is
2004 attributable to the development of retail sales of goods, unless the tax increment was previously
2005 pledged to pay for bonds or other contractual obligations of the agency.

2006 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from
2007 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves
2008 the project area budget unless, at the time the taxing entity committee approves the project area
2009 budget, the taxing entity committee approves payment of those increased taxes to the agency.

2010 (b) If the taxing entity committee does not approve ~~[of]~~ payment of the increased taxes
2011 to the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes
2012 attributable to the tax rate increase in the same manner as other property taxes.

2013 (c) Notwithstanding any other provision of this section, if, ~~[prior to]~~ before tax year
2014 2013, increased taxes are paid to an agency without the approval of the taxing entity
2015 committee, and notwithstanding the law at the time that the tax was collected or increased:

2016 (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity,
2017 or any other person or entity may not recover, directly or indirectly, the increased taxes from

2018 the agency by adjustment of a tax rate used to calculate tax increment or otherwise;

2019 (ii) the county is not liable to a taxing entity or any other person or entity for the
2020 increased taxes that were paid to the agency; and

2021 (iii) tax increment, including the increased taxes, shall continue to be paid to the
2022 agency subject to the same number of tax years, percentage of tax increment, and cumulative
2023 dollar amount of tax increment as approved in the project area budget and previously paid to
2024 the agency.

2025 (3) Except as the taxing entity committee otherwise agrees, an agency may not receive
2026 tax increment under an urban renewal or economic development project area budget adopted
2027 on or after March 30, 2009:

2028 (a) that exceeds the percentage of tax increment or cumulative dollar amount of tax
2029 increment specified in the project area budget; or

2030 (b) for more tax years than specified in the project area budget.

2031 Section 39. Section **17C-1-408** is amended to read:

2032 **17C-1-408. Base taxable value to be adjusted to reflect other changes.**

2033 (1) (a) (i) As used in this Subsection (1), "qualifying decrease" means:

2034 (A) a decrease of more than 20% from the previous tax year's levy; or

2035 (B) a cumulative decrease over a consecutive five-year period of more than 100% from
2036 the levy in effect at the beginning of the five-year period.

2037 (ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the
2038 fifth year of the five-year period.

2039 (b) If there is a qualifying decrease in the minimum basic school levy under Section
2040 [59-2-902](#) that would result in a reduction of the amount of tax increment to be paid to an
2041 agency:

2042 (i) the base taxable value [~~of taxable property within the project area~~] shall be reduced
2043 in the year of the qualifying decrease to the extent necessary, even if below zero, to provide the
2044 agency with approximately the same amount of tax increment that would have been paid to the
2045 agency each year had the qualifying decrease not occurred; and

2046 (ii) the amount of tax increment paid to the agency each year for the payment of bonds
2047 and indebtedness may not be less than what would have been paid to the agency if there had
2048 been no qualifying decrease.

2049 (2) (a) The [~~amount of the~~] base taxable value to be used in determining tax increment
2050 shall be:

2051 (i) increased or decreased by the amount of an increase or decrease that results from:

2052 (A) a statute enacted by the Legislature or by the people through an initiative;

2053 (B) a judicial decision;

2054 (C) an order from the State Tax Commission to a county to adjust or factor [its] the
2055 county's assessment rate under Subsection 59-2-704(2);

2056 (D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or
2057 Section 59-2-103; or

2058 (E) an increase or decrease in the percentage of fair market value, as defined under
2059 Section 59-2-102; and

2060 (ii) reduced for any year to the extent necessary, even if below zero, to provide an
2061 agency with approximately the same amount of money the agency would have received without
2062 a reduction in the county's certified tax rate if:

2063 (A) in that year there is a decrease in the county's certified tax rate under Subsection
2064 59-2-924.2(2) or (3)(a);

2065 (B) the amount of the decrease is more than 20% of the county's certified tax rate of the
2066 previous year; and

2067 (C) the decrease would result in a reduction of the amount of tax increment to be paid
2068 to the agency.

2069 (b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax
2070 increment paid to an agency each year for payment of bonds or other indebtedness may not be
2071 less than would have been paid to the agency each year if there had been no increase or
2072 decrease under Subsection (2)(a).

2073 Section 40. Section 17C-1-409 is amended to read:

2074 **17C-1-409. Allowable uses of agency funds.**

2075 (1) (a) An agency may use ~~[tax increment and sales tax proceeds received from a~~
2076 ~~taxing entity]~~ agency funds:

2077 (i) for any ~~[of the purposes for which the use of tax increment is]~~ purpose authorized
2078 under this title;

2079 (ii) for administrative, overhead, legal, ~~[and]~~ or other operating expenses of the agency,
2080 including consultant fees and expenses under Subsection [17C-2-102\(1\)\(b\)\(ii\)\(B\)](#) or funding for
2081 a business resource center;

2082 (iii) to pay for, including financing or refinancing, all or part of:

2083 (A) ~~[urban renewal activities]~~ project area development in ~~[the]~~ a project area ~~[from~~
2084 ~~which the tax increment funds are collected]~~, including environmental remediation activities
2085 occurring before or after adoption of the project area plan;

2086 ~~[(B) economic development or community development activities, including~~
2087 ~~environmental remediation activities occurring before or after adoption of the project area plan,~~
2088 ~~in the project area from which the tax increment funds are collected;]~~

2089 ~~[(C) housing]~~ (B) housing-related expenditures, projects, or programs as ~~[provided]~~
2090 described in Section [17C-1-411](#) or [17C-1-412](#);

2091 (C) an incentive or other consideration paid to a participant under a participation
2092 agreement;

2093 (D) subject to Subsections (1)(c) and ~~[(6)]~~ (4), the value of the land for and the cost of
2094 the installation and construction of any publicly owned building, facility, structure,
2095 landscaping, or other improvement within the project area from which the ~~[tax increment]~~
2096 project area funds ~~[were]~~ are collected; ~~[and]~~ or

2097 (E) ~~[subject to Subsection (1)(d);]~~ the cost of the installation of publicly owned
2098 infrastructure and improvements outside the project area from which the ~~[tax increment]~~
2099 project area funds ~~[were]~~ are collected if the ~~[agency]~~ board and the community legislative
2100 body determine by resolution that the publicly owned infrastructure and improvements ~~[are of]~~
2101 benefit ~~[to]~~ the project area; or

2102 (iv) in an urban renewal project area that includes some or all of an inactive industrial
2103 site and subject to Subsection (1)~~(f)~~(e), to reimburse the Department of Transportation
2104 created under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a,
2105 Part 8, Public Transit District Act, for the cost of:

- 2106 (A) construction of a public road, bridge, or overpass;
- 2107 (B) relocation of a railroad track within the urban renewal project area; or
- 2108 (C) relocation of a railroad facility within the urban renewal project area.

2109 (b) The determination of the [agency] board and the community legislative body under
2110 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

2111 (c) An agency may not use ~~[tax increment or sales tax proceeds]~~ project area funds
2112 received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban
2113 renewal ~~[or] project area plan, an economic development project area plan, or a community~~
2114 reinvestment project area plan without ~~[the consent of]~~ the community legislative ~~[body]~~ body's
2115 consent.

2116 ~~[(d) An agency may not use tax increment or sales tax proceeds received from a taxing~~
2117 ~~entity for the purposes stated in Subsection (1)(a)(iii)(E) under an urban renewal or economic~~
2118 ~~development project area plan without the consent of the community legislative body and the~~
2119 ~~taxing entity committee.]~~

2120 ~~[(e) (d) (i) Subject to Subsection (1)~~(e)~~(d)(ii), an agency may loan [tax increment or~~
2121 ~~sales tax proceeds, or a combination of tax increment and sales tax proceeds,]~~ project area
2122 funds from a project area fund to another project area fund if:

- 2123 (A) the [agency's] board approves; and
- 2124 (B) the community legislative body ~~[of each community that created the agency]~~
2125 approves.

2126 (ii) An agency may not loan ~~[tax increment or sales tax proceeds, or a combination of~~
2127 ~~tax increment and sales tax proceeds,]~~ project area funds under Subsection (1)~~(e)~~(d)(i) unless
2128 the projections for ~~[the future tax increment or sales tax proceeds of the borrowing project~~
2129 ~~area]~~ agency funds are sufficient to repay the loan amount ~~[prior to when the tax increment or~~

2130 sales tax proceeds are intended for use under the loaning project area's plan].

2131 ~~[(iii) If a borrowing project area's funds are not sufficient to repay a loan made under~~
 2132 ~~Subsection (1)(e)(i) prior to when the tax increment or sales tax proceeds are intended for use~~
 2133 ~~under the loaning project area's plan, the community that created the agency shall repay the~~
 2134 ~~loan to the loaning project area's fund prior to when the tax increment or sales tax proceeds are~~
 2135 ~~intended for use under the loaning project area's plan, unless the taxing entity committee adopts~~
 2136 ~~a resolution to waive this requirement.]~~

2137 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,
 2138 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal
 2139 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for
 2140 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

2141 ~~[(f)]~~ (e) Before an agency may pay any tax increment or sales tax revenue under
 2142 Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of
 2143 the reimbursement with:

2144 (i) the Department of Transportation; or

2145 (ii) a public transit district.

2146 (2) ~~[Sales tax proceeds]~~ (a) Sales and use tax revenue that an agency receives from
 2147 ~~[another public entity are]~~ a taxing entity is not subject to the prohibition or limitations of Title
 2148 11, Chapter 41, Prohibition on Sales and Use Tax Incentive Payments Act.

2149 ~~[(3)]~~ (b) An agency may use ~~[sales tax proceeds it]~~ sales and use tax revenue that the
 2150 agency receives under ~~[a resolution or]~~ an interlocal agreement under Section [17C-4-201](#) or
 2151 [17C-5-204](#) for the uses authorized in the ~~[resolution or]~~ interlocal agreement.

2152 ~~[(4)]~~ (3) (a) An agency may contract with the community that created the agency or
 2153 another public entity to use ~~[tax increment]~~ agency funds to reimburse the cost of items
 2154 authorized by this title to be paid by the agency that ~~[have been or will be]~~ are paid by the
 2155 community or other public entity.

2156 (b) If land ~~[has been or will be]~~ is acquired or the cost of an improvement ~~[has been or~~
 2157 ~~will be]~~ is paid by another public entity and the land or improvement ~~[has been or will be]~~ is

2158 leased to the community, an agency may contract with and make reimbursement from [tax
2159 increment] agency funds to the community.

2160 ~~[(5) An agency created by a city of the first or second class may use tax increment from
2161 one project area in another project area to pay all or part of the value of the land for and the
2162 cost of the installation and construction of a publicly or privately owned convention center or
2163 sports complex or any building, facility, structure, or other improvement related to the
2164 convention center or sports complex, including parking and infrastructure improvements, if:]~~

2165 ~~[(a) construction of the convention center or sports complex or related building,
2166 facility, structure, or other improvement is commenced on or before December 31, 2012; and]~~

2167 ~~[(b) the tax increment is pledged to pay all or part of the value of the land for and the
2168 cost of the installation and construction of the convention center or sports complex or related
2169 building, facility, structure, or other improvement.]~~

2170 ~~[(6) Notwithstanding any other provision of this title, an agency may not use tax
2171 increment to construct municipal buildings unless the taxing entity committee adopts a
2172 resolution to waive this requirement.]~~

2173 ~~[(7) Notwithstanding any other provision of this title, an agency may not use tax
2174 increment under an urban renewal or economic development project area plan, to pay any of
2175 the cost of the land, infrastructure, or construction of a stadium or arena constructed after
2176 March 1, 2005, unless the tax increment has been pledged for that purpose before February 15,
2177 2005.]~~

2178 ~~[(8) (a) An agency may not use tax increment to pay the debt service of or any other
2179 amount related to a bond issued or other obligation incurred if the bond was issued or the
2180 obligation was incurred:]~~

2181 ~~[(i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation
2182 Act;]~~

2183 ~~[(ii) on or after March 30, 2009; and]~~

2184 ~~[(iii) to finance a telecommunication facility.]~~

2185 ~~[(b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or~~

2186 ~~refunding of a bond issued before March 30, 2009.]~~

2187 (4) Notwithstanding any other provision of this title, an agency may not use project
2188 area funds to construct a local government building unless the taxing entity committee or each
2189 taxing entity party to an interlocal agreement with the agency consents.

2190 Section 41. Section **17C-1-410** is amended to read:

2191 **17C-1-410. Agency may make payments to other taxing entities.**

2192 (1) Subject to Subsection (3), an agency may grant [~~tax increment or other~~] agency
2193 funds to a taxing entity to offset some or all of the tax [~~revenues~~] revenue that the taxing entity
2194 did not receive because of tax increment paid to the agency.

2195 (2) (a) Subject to Subsection (3), an agency may use [~~tax increment or other~~] agency
2196 funds to pay to a school district an amount of money that the agency determines to be
2197 appropriate to alleviate a financial burden or detriment borne by the school district because of
2198 the [~~urban renewal, economic development, or community~~] project area development.

2199 (b) Each agency that agrees to pay money to a school district under [~~the authority of~~]
2200 Subsection (2)(a) shall provide a copy of [~~that~~] the agreement to the State Board of Education.

2201 (3) (a) If an agency intends to pay agency funds to one or more taxing entities under
2202 Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally
2203 equal amounts, the agency shall provide written notice to each taxing entity of [~~its~~] the agency's
2204 intent.

2205 (b) (i) A taxing entity [~~receiving~~] that receives notice under Subsection (3)(a) may elect
2206 not to have [~~its~~] the taxing entity's tax increment collected and used to pay funds to other taxing
2207 entities under this section.

2208 (ii) Each election under Subsection (3)(b)(i) shall be:

2209 (A) in writing; and

2210 (B) delivered to the agency within 30 days after the taxing entity's receipt of the notice
2211 under Subsection (3)(a).

2212 (c) If a taxing entity makes an election under Subsection (3)(b), the portion of [~~that~~] the
2213 taxing entity's tax increment that would have been used by the agency to pay funds under this

2214 section to one or more other taxing entities may not be collected by the agency.

2215 Section 42. Section **17C-1-411** is amended to read:

2216 **17C-1-411. Use of project area funds for housing-related improvements and for**
 2217 **relocating mobile home park residents -- Funds to be held in separate accounts.**

2218 (1) An agency may use project area funds:

2219 (a) [~~use tax increment from a project area~~] to pay all or part of the value of the land for
 2220 and the cost of installation, construction, [~~and~~] or rehabilitation of any housing-related
 2221 building, facility, structure, or other housing improvement, including infrastructure
 2222 improvements related to housing, located in any project area within the agency's boundaries;
 2223 [~~and~~]

2224 (b) [~~use up to 20% of tax increment: (i)~~] outside of [~~project areas~~] a project area for the
 2225 purpose of:

2226 [~~(A)~~] (i) replacing housing units lost by [~~urban renewal, economic development, or~~
 2227 ~~community~~] project area development; or

2228 [~~(B)~~] (ii) increasing, improving, [~~and~~] or preserving [~~generally~~] the affordable housing
 2229 supply within the boundary of the agency; or

2230 [~~(i)~~] (c) for relocating mobile home park residents displaced by project area
 2231 development, whether inside or outside a project area.

2232 (2) (a) Each agency shall create a housing fund and separately account for [~~funds~~]
 2233 project area funds allocated under this section.

2234 (b) Interest earned by the housing fund described in Subsection (2)(a), and any
 2235 payments or repayments made to the agency for loans, advances, or grants of any kind from the
 2236 housing fund, shall accrue to the housing fund.

2237 (c) [~~Each~~] An agency [~~designating~~] that designates a housing fund under this section
 2238 shall use the housing fund for[~~:(i)~~] the purposes set forth in this section[~~;~~] or Section
 2239 17C-1-412.

2240 [~~(ii) the purposes set forth in this title relating to the urban renewal, economic~~
 2241 ~~development, or community development project area from which the funds originated.~~]

2242 (3) An agency may lend, grant, or contribute funds from the housing fund to a person,
2243 public entity, housing authority, private entity or business, or nonprofit corporation for
2244 affordable housing or homeless assistance.

2245 Section 43. Section **17C-1-412** is amended to read:

2246 **17C-1-412. Use of housing allocation -- Separate accounting required -- Issuance**
2247 **of bonds for housing -- Action to compel agency to provide housing allocation.**

2248 (1) (a) [~~Each~~] An agency shall use [~~all funds allocated for housing under Section~~
2249 ~~17C-2-203 or 17C-3-202~~] the agency's housing allocation, if applicable, to:

2250 (i) pay part or all of the cost of land or construction of income targeted housing within
2251 the boundary of the agency, if practicable in a mixed income development or area;

2252 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the
2253 boundary of the agency;

2254 (iii) lend, grant, or contribute money to a person, public entity, housing authority,
2255 private entity or business, or nonprofit corporation for income targeted housing within the
2256 boundary of the agency;

2257 (iv) plan or otherwise promote income targeted housing within the boundary of the
2258 agency;

2259 (v) pay part or all of the cost of land or installation, construction, or rehabilitation of
2260 any building, facility, structure, or other housing improvement, including infrastructure
2261 improvements, related to housing located in a project area where blight has been found to exist;

2262 (vi) replace housing units lost as a result of the [~~urban renewal, economic development,~~
2263 ~~or community~~] project area development;

2264 (vii) make payments on or establish a reserve fund for bonds:

2265 (A) issued by the agency, the community, or the housing authority that provides
2266 income targeted housing within the community; and

2267 (B) all or part of the proceeds of which are used within the community for the purposes
2268 stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

2269 (viii) if the community's fair share ratio at the time of the first adoption of the project

2270 area budget is at least 1.1 to 1.0, make payments on bonds:

2271 (A) that were previously issued by the agency, the community, or the housing authority
2272 that provides income targeted housing within the community; and

2273 (B) all or part of the proceeds of which were used within the community for the
2274 purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi); or

2275 (ix) relocate mobile home park residents displaced by ~~[an urban renewal, economic~~
2276 ~~development, or community development project]~~ project area development.

2277 (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or
2278 any portion of the agency's housing [funds] allocation to:

2279 (i) the community for use as ~~[provided under]~~ described in Subsection (1)(a);

2280 (ii) ~~[the]~~ a housing authority that provides income targeted housing within the
2281 community for use in providing income targeted housing within the community; [or]

2282 (iii) a housing authority established by the county in which the agency is located for
2283 providing:

2284 (A) income targeted housing within the county;

2285 (B) permanent housing, permanent supportive housing, or a transitional facility, as
2286 defined in Section 35A-5-302, within the county; or

2287 (C) homeless assistance within the county; or

2288 ~~[(iii)]~~ (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter
2289 8, Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing
2290 within the community.

2291 (2) The agency ~~[or community]~~ shall create a housing fund and separately account for
2292 the agency's housing [funds] allocation, together with all interest earned by the housing ~~[funds]~~
2293 allocation and all payments or repayments for loans, advances, or grants from the housing
2294 ~~[funds]~~ allocation.

2295 (3) An agency may:

2296 (a) issue bonds ~~[from time to time]~~ to finance a ~~[housing undertaking]~~ housing-related
2297 project under this section, including the payment of principal and interest upon advances for

2298 surveys and plans or preliminary loans; and

2299 (b) issue refunding bonds for the payment or retirement of bonds under Subsection
2300 (3)(a) previously issued by the agency.

2301 [~~(4) An agency:~~]

2302 (4) (a) Except as provided in Subsection (4)(b), an agency shall allocate [housing
2303 funds] money to the housing fund each year in which the agency receives sufficient tax
2304 increment to make a housing allocation required by the project area budget[~~;~~and].

2305 (b) [~~is relieved, to the extent tax increment is insufficient in a year, of an obligation to~~
2306 ~~allocate housing funds for the year] Subsection (4)(a) does not apply in a year in which tax
2307 increment is insufficient.~~

2308 (5) (a) Except as provided in Subsection (4)(b), if an agency fails to provide a housing
2309 [~~funds] allocation~~ in accordance with the project area budget and, if applicable, the housing
2310 plan adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to
2311 compel the agency to provide the housing [~~funds] allocation.~~

2312 (b) In an action under Subsection (5)(a), the court:

2313 (i) shall award the loan fund board reasonable attorney fees, unless the court finds that
2314 the action was frivolous; and

2315 (ii) may not award the agency [~~its] the agency's~~ attorney fees, unless the court finds that
2316 the action was frivolous.

2317 Section 44. Section 17C-1-413 is amended to read:

2318 **17C-1-413. Base taxable value for new tax.**

2319 For purposes of calculating tax increment with respect to a tax that a taxing entity levies
2320 for the first time after the effective date of [~~the] a~~ project area plan, the base taxable value shall
2321 be used, subject to any adjustments under Section 17C-1-408.

2322 Section 45. Section 17C-1-501.1 is enacted to read:

2323 **Part 5. Agency Bonds**

2324 **17C-1-501.1. Title.**

2325 This part is known as "Agency Bonds."

2326 Section 46. Section **17C-1-501.5**, which is renumbered from Section 17C-1-501 is
 2327 renumbered and amended to read:

2328 ~~[17C-1-501].~~ **17C-1-501.5. Resolution authorizing issuance of agency**
 2329 **bonds -- Characteristics of bonds.**

2330 (1) An agency may not issue [~~bonds~~] a bond under this part unless the [~~agency~~] board
 2331 first adopts a resolution authorizing [~~their~~] the bond issuance.

2332 (2) (a) As provided in the agency resolution authorizing the issuance of [~~bonds~~] a bond
 2333 under this part or the trust indenture under which the [~~bonds are~~] bond is issued, [~~bonds~~] a
 2334 bond issued under this part may be issued in one or more series and may be sold at public or
 2335 private sale and in the manner provided in the resolution or indenture.

2336 (b) [~~Bonds~~] A bond issued by an agency under this part shall bear the date, be payable
 2337 at the time, bear interest at the rate, be in the denomination and in the form, carry the
 2338 conversion or registration privileges, have the rank or priority, be executed in the manner, be
 2339 subject to the terms of redemption or tender, with or without premium, be payable in the
 2340 medium of payment and at the place, and have other characteristics as provided in the agency
 2341 resolution authorizing [~~their~~] the bond issuance or the trust indenture under which [~~they are~~]
 2342 the bond is issued.

2343 Section 47. Section **17C-1-502** is amended to read:

2344 **17C-1-502. Sources from which bonds may be made payable -- Agency powers**
 2345 **regarding bonds.**

2346 (1) The principal and interest on [~~bonds~~] a bond issued by an agency may be [~~made~~
 2347 ~~payable~~] paid from:

2348 (a) the income and revenues of the [~~projects~~] project area development financed with
 2349 the proceeds of the [~~bonds~~] bond;

2350 (b) the income and [~~revenues~~] revenue of certain designated [~~projects whether or not~~
 2351 ~~they were~~] project area development regardless of whether the project area development is
 2352 financed in whole or in part with the proceeds of the [~~bonds~~] bond;

2353 (c) the income, proceeds, [~~revenues~~] revenue, property, [~~and funds of the~~] or agency

2354 funds derived from or held in connection with [~~its~~] the agency's undertaking and [~~carrying out~~
 2355 ~~urban renewal, economic development, or community~~] implementation of project area
 2356 development;

2357 (d) [~~tax increment~~] project area funds;

2358 (e) agency revenues generally;

2359 (f) a contribution, loan, grant, or other financial assistance from [~~the federal~~
 2360 ~~government or~~] a public entity in aid of [~~urban renewal, economic development, or community~~]
 2361 project area development, including the assignment of revenue or taxes in support of an agency
 2362 bond; or

2363 (g) funds derived from any combination of the methods listed in Subsections (1)(a)
 2364 through (f).

2365 (2) In connection with the issuance of [~~agency bonds~~] an agency bond, an agency may:

2366 (a) pledge all or any part of [~~its~~] the agency's gross or net rents, fees, or revenues to
 2367 which [~~its~~] the agency's right then exists or may thereafter come into existence;

2368 (b) encumber by mortgage, deed of trust, or otherwise all or any part of [~~its~~] the
 2369 agency's real or personal property, then owned or thereafter acquired; and

2370 (c) make the covenants and take the action that:

2371 (i) may be necessary, convenient, or desirable to secure [~~its bonds, or,~~] the bond; or

2372 (ii) except as otherwise provided in this chapter, [~~that~~] will tend to make the [~~bonds~~]
 2373 bond more marketable, even though such covenants or actions are not specifically enumerated
 2374 in this chapter.

2375 Section 48. Section **17C-1-504** is amended to read:

2376 **17C-1-504. Contesting the legality of resolution authorizing bonds -- Time limit --**
 2377 **Presumption.**

2378 (1) Any person may contest the legality of the resolution authorizing issuance of the
 2379 [~~bonds~~] bond or any provisions for the security and payment of the [~~bonds~~] bond for a period of
 2380 30 days after:

2381 (a) publication of the resolution authorizing the [~~bonds~~] bond; or

2382 (b) publication of a notice of [~~bonds~~] bond containing substantially the items required
2383 under Subsection 11-14-316(2).

2384 (2) After the 30-day period [~~under~~] described in Subsection (1), no person may bring a
2385 lawsuit or other proceeding [~~may be brought~~] contesting the regularity, formality, or legality of
2386 the [~~bonds~~] bond for any reason.

2387 (3) In a lawsuit or other proceeding involving the question of whether a bond issued
2388 under this part is valid or enforceable or involving the security for a bond, if a bond recites that
2389 the agency issued the bond in connection with [~~an urban renewal, economic development, or~~
2390 ~~community development project~~] project area development:

2391 (a) the bond shall be conclusively presumed to have been issued for that purpose; and

2392 (b) the project area plan and project area shall be conclusively presumed to have been
2393 properly formed, adopted, planned, located, and [~~carried out~~] implemented in accordance with
2394 this title.

2395 Section 49. Section 17C-1-505 is amended to read:

2396 **17C-1-505. Authority to purchase agency bonds.**

2397 (1) Any person, firm, corporation, association, political subdivision of the state, or
2398 other entity or public or private officer may purchase [~~bonds~~] a bond issued by an agency under
2399 this part with funds owned or controlled by the purchaser.

2400 (2) Nothing in this section may be construed to relieve a purchaser of [~~agency bonds~~]
2401 an agency bond of any duty to exercise reasonable care in selecting securities.

2402 Section 50. Section 17C-1-506 is amended to read:

2403 **17C-1-506. Those executing bonds not personally liable -- Limitation of**
2404 **obligations under bonds -- Negotiability.**

2405 (1) A member of [~~an agency~~] a board or other person executing an agency bond is not
2406 liable personally on the bond.

2407 (2) (a) A bond issued by an agency is not a general obligation or liability of the
2408 community, the state, or any of [~~its~~] the state's political subdivisions and does not constitute a
2409 charge against their general credit or taxing powers.

2410 (b) A bond issued by an agency is not payable out of any funds or properties other than
2411 those of the agency.

2412 (c) The community, the state, and ~~[its]~~ the state's political subdivisions may not be
2413 liable on a bond issued by an agency.

2414 (d) A bond issued by an agency does not constitute indebtedness within the meaning of
2415 any constitutional or statutory debt limitation.

2416 (3) A bond issued by an agency under this part is fully negotiable.

2417 Section 51. Section **17C-1-507** is amended to read:

2418 **17C-1-507. Obligee rights -- Board may confer other rights.**

2419 (1) In addition to all other rights that are conferred on an obligee of a bond issued by an
2420 agency under this part and subject to contractual restrictions binding on the obligee, an obligee
2421 may:

2422 (a) by mandamus, suit, action, or other proceeding, compel an agency and ~~[its]~~ the
2423 agency's board, officers, agents, or employees to perform every term, provision, and covenant
2424 contained in any contract of the agency with or for the benefit of the obligee, and require the
2425 agency to carry out the covenants and agreements of the agency and to fulfill all duties imposed
2426 on the agency by this part; and

2427 (b) by suit, action, or other proceeding ~~[in equity]~~, enjoin any acts or things that may be
2428 unlawful or violate the rights of the obligee.

2429 (2) (a) In a board resolution authorizing the issuance of ~~[bonds]~~ a bond or in a trust
2430 indenture, mortgage, lease, or other contract, ~~[an agency]~~ a board may confer upon an obligee
2431 holding or representing a specified amount in bonds, the rights described in Subsection (2)(b),
2432 to accrue upon the happening of an event or default prescribed in the resolution, indenture,
2433 mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any
2434 court of competent jurisdiction.

2435 (b) (i) The rights that the board may confer under Subsection (2)(a) are the rights to:

2436 (A) cause possession of all or part of ~~[an urban renewal, economic development, or~~
2437 ~~community development project]~~ the project area development to be surrendered to an obligee;

2438 (B) obtain the appointment of a receiver of all or part of an agency's [~~urban renewal,~~
2439 ~~economic development, or community development project~~] project area development and of
2440 the rents and profits from [it] the project area development; and

2441 (C) require the agency and [its] the board and employees to account as if the agency
2442 and the board and employees were the trustees of an express trust.

2443 (ii) If a receiver is appointed through the exercise of a right granted under Subsection
2444 (2)(b)(i)(B), the receiver:

2445 (A) may enter and take possession of the [~~urban renewal, economic development, or~~
2446 ~~community development project~~] project area development or any part of [it] the project area
2447 development, operate and maintain [it] the project area development, and collect and receive
2448 all fees, rents, revenues, or other charges arising from [it] the project area development after the
2449 receiver's appointment; and

2450 (B) shall keep money collected as receiver for the agency in [~~separate accounts~~] a
2451 separate account and apply [it] the money pursuant to the agency obligations as the court
2452 directs.

2453 Section 52. Section **17C-1-508** is amended to read:

2454 **17C-1-508. Bonds exempt from taxes -- Agency may purchase an agency's own**
2455 **bonds.**

2456 (1) A bond issued by an agency under this part is issued for an essential public and
2457 governmental purpose and is, together with interest on the bond and income from it, exempt
2458 from all state taxes except the corporate franchise tax.

2459 (2) An agency may purchase [its] the agency's own bonds at a price that [its] the board
2460 determines.

2461 (3) Nothing in this section may be construed to limit the right of an obligee to pursue a
2462 remedy for the enforcement of a pledge or lien given under this part by an agency on [its] the
2463 agency's rents, fees, grants, properties, or revenues.

2464 Section 53. Section **17C-1-601.1** is enacted to read:

2465 **Part 6. Agency Annual Report, Budget, and Audit Requirements**

2466 17C-1-601.1. Title.

2467 This part is known as "Agency Annual Report, Budget, and Audit Requirements."

2468 Section 54. Section **17C-1-601.5**, which is renumbered from Section 17C-1-601 is
2469 renumbered and amended to read:

2470 ~~[17C-1-601].~~ 17C-1-601.5. Annual agency budget -- Fiscal year -- Public
2471 hearing required -- Auditor forms -- Requirement to file form.

2472 (1) Each agency shall prepare ~~[and its board adopt]~~ an annual budget of the agency's
2473 revenues and expenditures [for the agency] for each fiscal year.

2474 (2) ~~[Each annual agency budget shall be adopted]~~ The board shall adopt each agency
2475 budget:

2476 (a) for an agency created by a ~~[city or town]~~ municipality, before June 22; or

2477 (b) for an agency created by a county, before December 15.

2478 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
2479 created the agency.

2480 (4) (a) Before adopting an annual budget, each ~~[agency]~~ board shall hold a public
2481 hearing on the annual budget.

2482 (b) Each agency shall provide notice of the public hearing on the annual budget by:

2483 (i) (A) publishing at least one notice in a newspaper of general circulation within the
2484 agency boundaries, one week before the public hearing; or

2485 (B) if there is no newspaper of general circulation within the agency boundaries,
2486 posting a notice of the public hearing in at least three public places within the agency
2487 boundaries; and

2488 (ii) publishing notice on the Utah Public Notice Website created in Section [63F-1-701](#),
2489 at least one week before the public hearing.

2490 (c) Each agency shall make the annual budget available for public inspection at least
2491 three days before the date of the public hearing.

2492 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2493 in each ~~[agency]~~ annual budget, including:

- 2494 (a) revenues and expenditures for the budget year;
- 2495 (b) legal fees; and
- 2496 (c) administrative costs, including rent, supplies, and other materials, and salaries of
- 2497 agency personnel.

2498 (6) (a) Within 90 days after adopting an annual budget, each [agency] board shall file a
 2499 copy of the annual budget with the auditor of the county in which the agency is located, the
 2500 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
 2501 [that levies a tax on property] from which the agency [collects tax increment] receives project
 2502 area funds.

2503 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
 2504 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
 2505 state auditor.

2506 Section 55. Section **17C-1-602** is amended to read:

2507 **17C-1-602. Amending the agency annual budget.**

2508 (1) ~~[An agency]~~ A board may by resolution amend an annual [agency] budget.

2509 (2) An amendment ~~[of the]~~ to an annual [agency] budget that would increase the total
 2510 expenditures may be made only after a public hearing ~~[by notice published as required for~~
 2511 ~~initial adoption of the annual budget]~~ is held in accordance with Subsection 17C-1-601.5(4).

2512 (3) An agency may not make expenditures in excess of the total expenditures
 2513 established in the annual budget as [it] the annual budget is adopted or amended.

2514 Section 56. Section **17C-1-603** is amended to read:

2515 **17C-1-603. Annual report.**

2516 ~~[(1)(a) Unless an agency submits a report to the county auditor, the State Tax~~
 2517 ~~Commission, the State Board of Education, and each taxing entity that levies a tax on property~~
 2518 ~~from which the agency collects tax increment as provided under Subsection 17C-1-402(9)(b),~~
 2519 ~~on or before November 1 of each year, each agency shall prepare and file a report with the~~
 2520 ~~county auditor, the State Tax Commission, the State Board of Education, and each taxing entity~~
 2521 ~~that levies a tax on property from which the agency collects tax increment.]~~

2522 ~~[(b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a~~
 2523 ~~taxing entity is met if the agency files a copy with the State Tax Commission and the state~~
 2524 ~~auditor.];~~

2525 ~~[(2) Each report under Subsection (1) shall contain:]~~

2526 ~~[(a) an estimate of the tax increment to be paid to the agency for the calendar year~~
 2527 ~~ending December 31;]~~

2528 ~~[(b) an estimate of the tax increment to be paid to the agency for the calendar year~~
 2529 ~~beginning the next January 1;]~~

2530 ~~[(c) a narrative description of each active project area within the agency's boundaries;]~~

2531 ~~[(d) a narrative description of any significant activity related to each active project area~~
 2532 ~~that occurred during the immediately preceding fiscal year;]~~

2533 ~~[(e) a summary description of the overall project timeline for each active project area;]~~

2534 ~~[(f) any other information specifically requested by the taxing entity committee or~~
 2535 ~~required by the project area plan or budget; and]~~

2536 ~~[(g) any other information included by the agency.]~~

2537 (1) Beginning in 2016, on or before November 1 of each year, an agency shall:

2538 (a) prepare an annual report as described in Subsection (2); and

2539 (b) submit the annual report electronically to the county auditor, the State Tax
 2540 Commission, the State Board of Education, and each taxing entity from which the agency
 2541 receives project area funds.

2542 (2) The annual report shall, for each active project area whose project area funds
 2543 collection period has not expired, contain the following information:

2544 (a) an assessment of the change in marginal value, including:

2545 (i) the base taxable value;

2546 (ii) the prior year's assessed value;

2547 (iii) the estimated current assessed value; and

2548 (iv) a narrative description of the relative growth in assessed value;

2549 (b) the amount of project area funds the agency received, including:

- 2550 (i) a comparison of the actual project area funds received for the previous year to the
2551 amount of project area funds forecasted when the project area was created, if available;
- 2552 (ii) (A) the agency's historical receipts of project area funds, including the tax year for
2553 which the agency first received project area funds from the project area; or
- 2554 (B) if the agency has not yet received project area funds from the project area, the year
2555 in which the agency expects each project area funds collection period to begin;
- 2556 (iii) a list of each taxing entity that levies or imposes a tax within the project area and a
2557 description of the benefits that each taxing entity receives from the project area; and
- 2558 (iv) the amount paid to other taxing entities under Section [17C-1-410](#), if applicable;
- 2559 (c) a description of current and anticipated project area development, including:
- 2560 (i) a narrative of any significant project area development, including infrastructure
2561 development, site development, participation agreements, or vertical construction; and
- 2562 (ii) other details of development within the project area, including total developed
2563 acreage and total undeveloped acreage;
- 2564 (d) the project area budget, if applicable, or other project area funds analysis,
2565 including:
- 2566 (i) each project area funds collection period;
- 2567 (ii) the number of years remaining in each project area funds collection period;
- 2568 (iii) the total amount of project area funds the agency is authorized to receive from the
2569 project area cumulatively and from each taxing entity; and
- 2570 (iv) the remaining amount of project area funds the agency is authorized to receive
2571 from the project area cumulatively and from each taxing entity;
- 2572 (e) the estimated amount of project area funds that the agency is authorized to receive
2573 from the project area for the current calendar year;
- 2574 (f) the estimated amount of project area funds to be paid to the agency for the next
2575 calendar year;
- 2576 (g) a map of the project area; and
- 2577 (h) any other relevant information the agency elects to provide.

- 2578 (3) A report prepared in accordance with this section:
2579 (a) is for informational purposes only; and
2580 (b) does not alter the amount of ~~[tax increment]~~ project area funds that an agency is
2581 ~~[entitled to collect]~~ authorized to receive from a project area.
2582 (4) The provisions of this section apply regardless of when the agency or project area is
2583 created.

2584 Section 57. Section **17C-1-605** is amended to read:

2585 **17C-1-605. Audit report.**

2586 (1) Each agency required to be audited under Section **17C-1-604** shall, within 180 days
2587 after the end of the agency's fiscal year, file a copy of the audit report with the county auditor,
2588 the State Tax Commission, the State Board of Education, and each taxing entity ~~[that levies a~~
2589 ~~tax on property]~~ from which the agency ~~[collects]~~ receives tax increment.

2590 (2) Each audit report under Subsection (1) shall include:

- 2591 (a) the tax increment collected by the agency for each project area;
2592 (b) the amount of tax increment paid to each taxing entity under Section **17C-1-410**;
2593 (c) the outstanding principal amount of bonds issued or other loans incurred to finance
2594 the costs associated with the agency's project areas; and
2595 (d) the actual amount expended for:
2596 (i) acquisition of property;
2597 (ii) site improvements or site preparation costs;
2598 (iii) installation of public utilities or other public improvements; and
2599 (iv) administrative costs of the agency.

2600 Section 58. Section **17C-1-606** is amended to read:

2601 **17C-1-606. County auditor report on project areas.**

- 2602 (1) (a) On or before March 31 of each year, the auditor of each county in which an
2603 agency is located shall prepare a report on the project areas within each agency.
2604 (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the
2605 agency that is the subject of the report, the State Tax Commission, the State Board of

2606 Education, and each taxing entity [~~that levies a tax on property~~] from which the agency
2607 [~~collects~~] receives tax increment.

2608 (2) Each report under Subsection (1)(a) shall report:

2609 (a) the total assessed property value within each project area for the previous tax year;

2610 (b) the base taxable value of [~~property within~~] each project area for the previous tax
2611 year;

2612 (c) the tax increment available to be paid to the agency for the previous tax year;

2613 (d) the tax increment requested by the agency for the previous tax year; and

2614 (e) the tax increment paid to the agency for the previous tax year.

2615 (3) Within 30 days after a request by an agency, the State Tax Commission, the State
2616 Board of Education, or any taxing entity [~~that levies a tax on property~~] from which the agency
2617 receives tax increment, the county auditor or the county assessor shall provide access to:

2618 (a) the county auditor's method and calculations used to make adjustments under
2619 Section [17C-1-408](#);

2620 (b) the unequalized assessed valuation of an existing or proposed project area, or any
2621 parcel or parcels within an existing or proposed project area, if the equalized assessed valuation
2622 has not yet been determined for that year;

2623 (c) the most recent equalized assessed valuation of an existing or proposed project area
2624 or any parcel or parcels within an existing or proposed project area; and

2625 (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax
2626 year.

2627 (4) Each report described in Subsection (1)(a) shall include:

2628 (a) sufficient detail regarding the calculations performed by a county auditor so that an
2629 agency or other interested party could repeat and verify the calculations; and

2630 (b) a detailed explanation of any adjustments made to the base taxable value of each
2631 project area.

2632 Section 59. Section **17C-1-607** is amended to read:

2633 **17C-1-607. State Tax Commission and county assessor required to account for**

2634 **new growth.**

2635 Upon the expiration of a project area funds collection period, the State Tax
 2636 Commission and the assessor of each county in which [~~an urban renewal, economic~~
 2637 ~~development, or community development~~] a project area is located shall count as new growth
 2638 the assessed value of property with respect to which the taxing entity is receiving taxes or
 2639 increased taxes for the first time.

2640 Section 60. Section **17C-1-701.1** is enacted to read:

2641 **Part 7. Agency and Project Area Dissolution**

2642 **17C-1-701.1. Title.**

2643 This part is known as "Agency and Project Area Dissolution."

2644 Section 61. Section **17C-1-701.5**, which is renumbered from Section 17C-1-701 is
 2645 renumbered and amended to read:

2646 [~~17C-1-701~~]. **17C-1-701.5. Agency dissolution -- Restrictions -- Notice --**
 2647 **Recording requirements -- Agency records -- Dissolution expenses.**

2648 (1) (a) Subject to Subsection (1)(b), the community legislative body [~~of the community~~
 2649 ~~that created an agency~~] may, by ordinance, [~~approve the deactivation and dissolution of the~~
 2650 ~~dissolve an agency~~].

2651 (b) [~~An~~] A community legislative body may adopt an ordinance [~~under~~] described in
 2652 Subsection (1)(a) [~~approving the deactivation and dissolution of an agency may not be~~
 2653 ~~adopted unless~~] only if the agency has no outstanding bonded indebtedness, other unpaid loans,
 2654 indebtedness, or advances, and no legally binding contractual obligations with [~~persons or~~
 2655 ~~entities~~] a person other than the community.

2656 (2) (a) The community legislative body shall:

2657 (i) within 10 days after adopting an ordinance [~~under~~] described in Subsection (1), file
 2658 with the lieutenant governor a copy of a notice of an impending boundary action, as defined in
 2659 Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2660 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
 2661 67-1a-6.5, submit to the recorder of the county in which the agency is located:

2662 (A) the original notice of an impending boundary action;
2663 (B) the original certificate of dissolution; and
2664 (C) a certified copy of the ordinance [~~approving the deactivation and dissolution of~~
2665 that dissolves the agency.

2666 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
2667 Section ~~67-1a-6.5~~, the agency is dissolved.

2668 (c) Within 10 days after receiving the certificate of dissolution from the lieutenant
2669 governor under Section ~~67-1a-6.5~~, the community legislative body shall send a copy of the
2670 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
2671 Education, and each taxing entity.

2672 (d) The community legislative body shall publish a notice of dissolution in a
2673 newspaper of general circulation in the county in which the dissolved agency is located.

2674 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
2675 deposited for safekeeping and reference with the recorder of the community that dissolved the
2676 agency.

2677 (4) The agency shall pay all expenses of the [~~deactivation and~~] dissolution.
2678 Section 62. Section ~~17C-1-702~~ is enacted to read:

2679 **17C-1-702. Project area dissolution.**

2680 (1) Regardless of when a project area funds collection period ends, the project area
2681 remains in existence until:

2682 (a) the agency adopts a resolution dissolving the project area; and
2683 (b) the community legislative body adopts an ordinance dissolving the project area.

2684 (2) The ordinance described in Subsection (1)(b) shall include:

2685 (a) the name of the project area; and
2686 (b) a project area map or boundary description.

2687 (3) Within 30 days after the day on which the community legislative body adopts an
2688 ordinance described in Subsection (1)(b), the community legislative body shall:

2689 (a) submit a copy of the ordinance to the county recorder of the county in which the

2690 dissolved project area is located; and

2691 (b) mail or electronically submit a copy of the ordinance to the county auditor, the State
2692 Tax Commission, the State Board of Education, and each taxing entity that levies or imposes a
2693 tax on property within the dissolved project area.

2694 Section 63. Section **17C-1-801** is enacted to read:

2695 **Part 8. Hearing and Notice Requirements**

2696 **17C-1-801. Title.**

2697 This part is known as "Hearing and Notice Requirements."

2698 Section 64. Section **17C-1-802**, which is renumbered from Section 17C-2-401 is
2699 renumbered and amended to read:

2700 ~~[17C-2-401].~~ **17C-1-802. Combining hearings.**

2701 A board may combine any combination of a blight hearing, a plan hearing, and a budget
2702 hearing.

2703 Section 65. Section **17C-1-803**, which is renumbered from Section 17C-2-402 is
2704 renumbered and amended to read:

2705 ~~[17C-2-402].~~ **17C-1-803. Continuing a hearing.**

2706 Subject to Section ~~[17C-2-403]~~ 17C-1-804, the board may continue ~~[from time to time~~
2707 a]:

- 2708 (1) a blight hearing;
- 2709 (2) a plan hearing;
- 2710 (3) a budget hearing; or
- 2711 (4) a combined hearing under Section ~~[17C-2-401]~~ 17C-1-802.

2712 Section 66. Section **17C-1-804**, which is renumbered from Section 17C-2-403 is
2713 renumbered and amended to read:

2714 ~~[17C-2-403].~~ **17C-1-804. Notice required for continued hearing.**

2715 The board shall give notice of a hearing continued under Section ~~[17C-2-402]~~
2716 17C-1-802 by announcing at the hearing:

- 2717 (1) the date, time, and place the hearing will be resumed; or

2718 (2) (a) that ~~[it]~~ the hearing is being continued to a later time; and ~~[causing]~~
 2719 (b) that the board will cause a notice of the continued hearing to be ~~[(a) (i) published~~
 2720 ~~once in a newspaper of general circulation within the agency boundaries at least seven days~~
 2721 ~~before the hearing is scheduled to resume; or (ii) if there is no newspaper of general circulation,~~
 2722 ~~posted in at least three conspicuous places within the boundaries of the agency in which the~~
 2723 ~~project area or proposed project area is located; and (b)]~~ published on the Utah Public Notice
 2724 Website created in Section [63F-1-701](#), at least seven days before the day on which the hearing
 2725 is ~~[schedule]~~ scheduled to resume.

2726 Section 67. Section **17C-1-805**, which is renumbered from Section 17C-2-501 is
 2727 renumbered and amended to read:

2728 ~~[17C-2-501].~~ **17C-1-805. Agency to provide notice of hearings.**

2729 (1) Each agency shall provide notice, ~~[as provided]~~ in accordance with this part, of
 2730 each:

- 2731 (a) blight hearing;
- 2732 (b) plan hearing; ~~[and]~~ or
- 2733 (c) budget hearing.

2734 (2) The notice required under Subsection (1) ~~[for any of the hearings listed in that~~
 2735 ~~subsection]~~ may be combined with the notice required for any of the other hearings if the
 2736 hearings are combined under Section ~~[17C-2-401]~~ [17C-1-802](#).

2737 Section 68. Section **17C-1-806**, which is renumbered from Section 17C-2-502 is
 2738 renumbered and amended to read:

2739 ~~[17C-2-502].~~ **17C-1-806. Requirements for notice provided by agency.**

2740 (1) The notice required by Section ~~[17C-2-501]~~ [17C-1-805](#) shall be given by:

- 2741 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
 2742 newspaper of general circulation within the county in which the project area or proposed
 2743 project area is located, at least 14 days before the hearing;

- 2744 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
 2745 before the day of the hearing in at least three conspicuous places within the county in which the

2746 project area or proposed project area is located; or
2747 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
2748 before the day on which the hearing is held on:
2749 (A) the Utah Public Notice Website described in Section [63F-1-701](#); and
2750 (B) the public website of a community located within the boundaries of the project
2751 area; and
2752 (b) at least 30 days before the hearing, mailing notice to:
2753 (i) [~~mailing notice to~~] each record owner of property located within the project area or
2754 proposed project area; [~~and~~]
2755 [~~(ii) mailing notice to:~~]
2756 [~~(A)~~] (ii) the State Tax Commission;
2757 [~~(B)~~] (iii) the assessor and auditor of the county in which the project area or proposed
2758 project area is located; and
2759 [~~(C)-(F)~~] (iv) (A) each member of the taxing entity committee, if applicable; or
2760 [~~(H)~~] (B) if a taxing entity committee has not [~~yet~~] been formed, the State Board of
2761 Education and the legislative body or governing board of each taxing entity.
2762 (2) The mailing of the notice to record property owners required under Subsection
2763 (1)(b)(i) shall be conclusively considered to have been properly completed if:
2764 (a) the agency mails the notice to the property owners as shown in the records,
2765 including an electronic database, of the county recorder's office and at the addresses shown in
2766 those records; and
2767 (b) the county recorder's office records used by the agency in identifying owners to
2768 whom the notice is mailed and their addresses were obtained or accessed from the county
2769 recorder's office no earlier than 30 days before the mailing.
2770 (3) The agency shall include in each notice required under Section [~~17C-2-501~~]
2771 [17C-1-805](#):
2772 (a) (i) a [~~specific description of the boundaries~~] boundary description of the project
2773 area or proposed project area; or

2774 (ii) (A) a mailing address or telephone number where a person may request that a copy
2775 of the boundary description be sent at no cost to the person by mail, email, or facsimile
2776 transmission; and

2777 (B) if the agency or community has an Internet website, an Internet address where a
2778 person may gain access to an electronic, printable copy of the boundary description and other
2779 related information;

2780 (b) a map of the boundaries of the project area or proposed project area;

2781 (c) an explanation of the purpose of the hearing; and

2782 (d) a statement of the date, time, and location of the hearing.

2783 (4) The agency shall include in each notice under Subsection (1)(b)~~(f)~~:

2784 (a) a statement that property tax revenues resulting from an increase in valuation of
2785 property within the project area or proposed project area will be paid to the agency for [~~urban~~
2786 ~~renewal purposes~~] project area development rather than to the taxing entity to which the tax
2787 revenues would otherwise have been paid if:

2788 (i) the taxing entity committee consents to the project area budget; and

2789 (ii) the project area plan provides for the agency to receive tax increment; and

2790 (b) an invitation to the recipient of the notice to submit to the agency comments
2791 concerning the subject matter of the hearing before the date of the hearing.

2792 (5) An agency may include in a notice under Subsection (1) any other information the
2793 agency considers necessary or advisable, including the public purpose [~~served~~] achieved by the
2794 project area development and any future tax benefits expected to result from the project area
2795 development.

2796 Section 69. Section **17C-1-807**, which is renumbered from Section 17C-2-503 is
2797 renumbered and amended to read:

2798 [~~17C-2-503~~]. **17C-1-807**. **Additional requirements for notice of a blight**
2799 **hearing.**

2800 Each notice under Section [~~17C-2-502~~] 17C-1-806 for a blight hearing shall also
2801 include:

2802 (1) a statement that:

2803 (a) ~~[an urban renewal]~~ a project area is being proposed;

2804 (b) the proposed ~~[urban renewal]~~ project area may be declared to have blight;

2805 (c) the record owner of property within the proposed project area has the right to

2806 present evidence at the blight hearing contesting the existence of blight;

2807 (d) except for a hearing continued under Section ~~[17C-2-402]~~ 17C-1-803, the agency

2808 will notify the record owner of property ~~[owners]~~ referred to in Subsection ~~[17C-2-502]~~

2809 17C-1-806(1)(b)(i) of each additional public hearing held by the agency concerning the ~~[urban~~

2810 ~~renewal project prior to]~~ proposed project area before the adoption of the ~~[urban renewal]~~

2811 project area plan; and

2812 (e) ~~[persons]~~ a person contesting the existence of blight in the proposed ~~[urban~~

2813 ~~renewal]~~ project area may appear before the ~~[agency]~~ board and show cause why the proposed

2814 ~~[urban renewal]~~ project area should not be designated as ~~[an urban renewal]~~ a project area; and

2815 (2) if the agency anticipates acquiring property in an urban renewal project area or a

2816 community reinvestment project area by eminent domain, a clear and plain statement that:

2817 (a) the project area plan may require the agency to use eminent domain; and

2818 (b) the proposed use of eminent domain will be discussed at the blight hearing.

2819 Section 70. Section **17C-1-808**, which is renumbered from Section 17C-2-504 is

2820 renumbered and amended to read:

2821 ~~[17C-2-504]~~. **17C-1-808. Additional requirements for notice of a plan**

2822 **hearing.**

2823 Each notice under Section ~~[17C-2-502]~~ 17C-1-806 of a plan hearing shall also include:

2824 (1) a statement that any person objecting to the ~~[draft]~~ proposed project area plan or

2825 contesting the regularity of any of the proceedings to adopt ~~[it]~~ the proposed project area plan

2826 may appear before the ~~[agency]~~ board at the hearing to show cause why the ~~[draft]~~ proposed

2827 project area plan should not be adopted; and

2828 (2) a statement that the proposed project area plan is available for inspection at the

2829 agency offices.

2830 Section 71. Section **17C-1-809**, which is renumbered from Section 17C-2-505 is
2831 renumbered and amended to read:

2832 ~~[17C-2-505]~~. **17C-1-809**. **Additional requirements for notice of a budget**
2833 **hearing.**

2834 Each notice under Section [~~17C-2-502~~] 17C-1-806 of a budget hearing shall contain:

2835 (1) the following statement:

2836 "The (name of agency) has requested \$_____ in property tax revenues that will be
2837 generated by development within the (name of project area) to fund a portion of project costs
2838 within the (name of project area). These property tax revenues will be used for the following:
2839 (list major budget categories and amounts). These property taxes will be taxes levied by the
2840 following governmental entities, and, assuming current tax rates, the taxes paid to the agency
2841 for this project area from each taxing entity will be as follows: (list each taxing entity levying
2842 taxes and the amount of total taxes that would be paid from each taxing entity). All of the
2843 property taxes to be paid to the agency for the development in the project area are taxes that
2844 will be generated only if the project area is developed.

2845 All concerned citizens are invited to attend the project area budget hearing scheduled
2846 for (date, time, and place of hearing). A copy of the (name of project area) project area budget
2847 is available at the offices of (name of agency and office address)."; and

2848 (2) other information that the agency considers appropriate.

2849 Section 72. Section **17C-1-901** is enacted to read:

2850 **Part 9. Eminent Domain**

2851 **17C-1-901**. **Title.**

2852 This part is known as "Eminent Domain."

2853 Section 73. Section **17C-1-902**, which is renumbered from Section 17C-1-206 is
2854 renumbered and amended to read:

2855 ~~[17C-1-206]~~. **17C-1-902**. **Use of eminent domain -- Conditions.**

2856 (1) Except as provided in Subsection (2), an agency may not use eminent domain to
2857 acquire property.

2858 (2) ~~[An]~~ Subject to the provisions of this part, an agency may, in accordance with Title
2859 78B, Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire an interest in
2860 property:

2861 (a) ~~[any interest in property]~~ within an urban renewal project area~~], subject to Chapter~~
2862 ~~2, Part 6, Eminent Domain in an Urban Renewal Project Area; and] if:~~

2863 (i) the board makes a finding of blight under Chapter 2, Part 3, Blight Determination in
2864 Urban Renewal Project Areas; and

2865 (ii) the urban renewal project area plan provides for the use of eminent domain;

2866 (b) ~~[any interest in property]~~ that is owned by an agency board member or officer and
2867 located within a project area, if the board member or officer consents~~[-];~~

2868 (c) within a community reinvestment project area if:

2869 (i) the board makes a finding of blight under Section [17C-5-405](#);

2870 (ii) the community reinvestment project area plan provides for the use of eminent
2871 domain; and

2872 (iii) the agency creates a taxing entity committee in accordance with Section
2873 [17C-1-402](#);

2874 (d) that:

2875 (i) is owned by a participant or a property owner that is entitled to receive tax
2876 increment or other assistance from the agency;

2877 (ii) is within a project area, regardless of when the project area is created, for which the
2878 agency made a finding of blight under Section [17C-2-102](#) or [17C-5-405](#); and

2879 (iii) (A) the participant or property owner described in Subsection (2)(d)(i) fails to
2880 develop or improve in accordance with the participation agreement or the project area plan; or

2881 (B) for a period of 36 months does not generate the amount of tax increment that the
2882 agency projected to receive under the project area budget; or

2883 (e) if a property owner requests in writing that the agency exercise eminent domain to
2884 acquire the property owner's property within a project area.

2885 (3) An agency shall, in accordance with the provisions of this part, commence the

2886 acquisition of property described in Subsections (2)(a) through (c) by eminent domain within
2887 five years after the day on which the project area plan is effective.

2888 Section 74. Section **17C-1-903**, which is renumbered from Section 17C-2-602 is
2889 renumbered and amended to read:

2890 ~~[17C-2-602]~~. **17C-1-903. Prerequisites to the acquisition of property by**
2891 **eminent domain -- Civil action authorized -- Record of good faith negotiations to be**
2892 **retained.**

2893 (1) Before an agency may [~~acquire~~] initiate an action in district court to acquire
2894 property by eminent domain, the agency shall:

2895 (a) negotiate in good faith with the affected record property owner;

2896 (b) provide to each affected record property owner a written declaration that includes:

2897 (i) an explanation of the eminent domain process and the reasons for using it,
2898 including:

2899 (A) the need for the agency to obtain an independent appraisal that indicates the fair
2900 market value of the property and how the fair market value was determined;

2901 (B) a statement that the agency may adopt a resolution authorizing the agency to make
2902 an offer to the record property owner to purchase the property for the fair market value amount
2903 determined by the appraiser and that, if the offer is rejected, the agency has the right to acquire
2904 the property through an eminent domain proceeding; and

2905 (C) a statement that the agency will prepare an offer that will include the price the
2906 agency is offering for the property, an explanation of how the agency determined the price
2907 being offered, the legal description of the property, conditions of the offer, and the time at
2908 which the offer will expire;

2909 (ii) an explanation of the record property owner's relocation rights under Title 57,
2910 Chapter 12, Utah Relocation Assistance Act, and how to receive relocation assistance; and

2911 (iii) a statement that the owner has the right to receive just compensation and an
2912 explanation of how to obtain it; and

2913 (c) provide to the affected record property owner or the owner's designated

2914 representative a notice that is printed in a type size of at least ten-point type that contains:

2915 (i) a description of the property to be acquired;

2916 (ii) the name of the agency acquiring the property and the agency's contact person and
2917 telephone number; and

2918 (iii) a copy of Title 57, Chapter 12, Utah Relocation Assistance Act.

2919 (2) A person may bring a civil action against an agency for a violation of Subsection
2920 (1)(b) that results in damage to that person.

2921 (3) Each agency shall keep a record and evidence of the good faith negotiations
2922 required under Subsection (1)(a) and retain the record and evidence as provided in:

2923 (a) Title 63G, Chapter 2, Government Records Access and Management Act; or

2924 (b) an ordinance or policy that the agency had adopted under Section 63G-2-701.

2925 (4) A record property owner whose property is being taken by an agency through the
2926 exercise of eminent domain may elect to receive for the real property being taken:

2927 (a) fair market value; or

2928 (b) replacement property under Section 57-12-7.

2929 Section 75. Section 17C-1-904, which is renumbered from Section 17C-2-601 is
2930 renumbered and amended to read:

2931 ~~17C-2-601~~. **17C-1-904. Acquiring single family owner occupied**
2932 **residential property or commercial property -- Acquiring property already devoted to a**
2933 **public use -- Relocation assistance requirement.**

2934 ~~[(1) Subject to Section 17C-2-602, an agency may use eminent domain to acquire~~
2935 ~~property:]~~

2936 ~~[(a) within an urban renewal project area if:]~~

2937 ~~[(i) the agency board makes a finding of blight under Part 3, Blight Determination in~~
2938 ~~Urban Renewal Project Areas;]~~

2939 ~~[(ii) the urban renewal project area plan provides for the use of eminent domain; and]~~

2940 ~~[(iii) the agency commences the acquisition of the property within five years after the~~
2941 ~~effective date of the urban renewal project area plan; or]~~

2942 ~~[(b) within a project area established after December 31, 2001 but before April 30,~~
2943 ~~2007 if:]~~

2944 ~~[(i) the agency board made a finding of blight with respect to the project area as~~
2945 ~~provided under the law in effect at the time of the finding;]~~

2946 ~~[(ii) the project area plan provides for the use of eminent domain; and]~~

2947 ~~[(iii) the agency commences the acquisition of the property before January 1, 2010.]~~

2948 ~~[(2) (a) As used in this Subsection (2):]~~

2949 ~~[(i) "Commercial property" means a property used, in whole or in part, by the owner or~~
2950 ~~possessor of the property for a commercial, industrial, retail, or other business purpose,~~
2951 ~~regardless of the identity of the property owner.]~~

2952 ~~[(ii) "Owner occupied property" means private real property:]~~

2953 ~~[(A) whose use is single-family residential or commercial; and]~~

2954 ~~[(B) that is occupied by the owner of the property.]~~

2955 ~~[(iii) "Relevant area" means:]~~

2956 ~~[(A) except as provided in Subsection (2)(a)(iii)(B), the project area; or]~~

2957 ~~[(B) the area included within a phase of a project under a project area plan if the phase~~
2958 ~~and the area included within the phase are described in the project area plan.]~~

2959 ~~[(b) For purposes of each provision of this Subsection (2) relating to the submission of~~
2960 ~~a petition by the owners of property, a parcel of real property is included in the calculation of~~
2961 ~~the applicable percentage if the petition is signed by:]~~

2962 ~~[(i) except as provided in Subsection (2)(b)(ii), owners representing a majority~~
2963 ~~ownership interest in that parcel; or]~~

2964 ~~[(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the~~
2965 ~~number of owners of that parcel.]~~

2966 ~~[(c) An agency may not acquire by eminent domain single-family residential owner~~
2967 ~~occupied property unless:]~~

2968 ~~[(i) the owner consents; or]~~

2969 ~~[(ii) (A) a written petition requesting the agency to use eminent domain to acquire the~~

2970 property is submitted by the owners of at least 80% of the owner-occupied property within the
2971 relevant area representing at least 70% of the value of owner-occupied property within the
2972 relevant area; and]

2973 [~~(B) 2/3 of all agency board members vote in favor of using eminent domain to acquire~~
2974 ~~the property.~~]

2975 [~~(d) An agency may not acquire commercial property by eminent domain unless:]~~

2976 [~~(i) the owner consents; or]~~

2977 [~~(ii) (A) a written petition requesting the agency to use eminent domain to acquire the~~
2978 ~~property is submitted by the owners of at least 75% of the commercial property within the~~
2979 ~~relevant area representing at least 60% of the value of commercial property within the relevant~~
2980 ~~area; and]~~

2981 [~~(B) 2/3 of all agency board members vote in favor of using eminent domain to acquire~~
2982 ~~the property.~~]

2983 [~~(3) An agency may not acquire any real property on which an existing building is to be~~
2984 ~~continued on its present site and in its present form and use unless:]~~

2985 [~~(a) the owner consents; or]~~

2986 [~~(b) (i) the building requires structural alteration, improvement, modernization, or~~
2987 ~~rehabilitation;]~~

2988 [~~(ii) the site or lot on which the building is situated requires modification in size,~~
2989 ~~shape, or use; or]~~

2990 [~~(iii) (A) it is necessary to impose upon the property any of the standards, restrictions,~~
2991 ~~and controls of the project area plan; and]~~

2992 [~~(B) the owner fails or refuses to agree to participate in the project area plan.]~~

2993 [~~(4) (a) Subject to Subsection (4)(b), an agency may acquire by eminent domain~~
2994 ~~property that is already devoted to a public use and located in:]~~

2995 [~~(i) an urban renewal project area; or]~~

2996 [~~(ii) a project area described in Subsection (1)(b).]~~

2997 [~~(b) An agency may not acquire property of a public entity under Subsection (4)(a)~~

2998 ~~without the public entity's consent.]~~

2999 (1) As used in this section:

3000 (a) "Commercial property" means real property used, in whole or in part, by the owner
3001 or possessor of the property for a commercial, industrial, retail, or other business purpose,
3002 regardless of the identity of the property owner.

3003 (b) "Owner occupied property" means private real property that is:

3004 (i) used for a single-family residential or commercial purpose; and

3005 (ii) occupied by the owner of the property.

3006 (c) "Relevant area" means:

3007 (i) except as provided in Subsection (1)(c)(ii), the project area; or

3008 (ii) the area included within a phase of a project under a project area plan if the phase
3009 and the area included within the phase are described in the project area plan.

3010 (2) An agency may not initiate an action in district court to acquire by eminent domain
3011 a residential owner occupied property unless:

3012 (a) (i) a written petition requesting the agency to use eminent domain to acquire the
3013 property is submitted by the owners of at least 80% of the residential owner occupied property
3014 within the relevant area representing at least 70% of the value of residential owner occupied
3015 property within the relevant area; or

3016 (ii) a written petition of 90% of the owners of real property, including property owned
3017 by the agency or a public entity within the project area, is submitted to the agency, requesting
3018 the use of eminent domain to acquire the property; and

3019 (b) at least two-thirds of all board members vote in favor of using eminent domain to
3020 acquire the property.

3021 (3) An agency may not initiate an action in district court to acquire commercial owner
3022 occupied property by eminent domain unless:

3023 (a) a written petition requesting the agency to use eminent domain to acquire the
3024 property is submitted by the owners of at least 75% of the commercial property within the
3025 relevant area representing at least 60% of the value of commercial property within the relevant

3026 area; and

3027 (b) at least two-thirds of all board members vote in favor of using eminent domain to
3028 acquire the property.

3029 (4) For purposes of this section an owner is considered to have signed a petition if:

3030 (a) owners representing a majority ownership interest in the property sign the petition;

3031 or

3032 (b) if the property is owned by joint tenants or tenants by the entirety, 50% of the
3033 number of owners of the property sign the petition.

3034 (5) An agency may not acquire by eminent domain any real property on which an
3035 existing building is to be continued on the building's present site and in the building's present
3036 form and use unless:

3037 (a) the building requires structural alteration, improvement, modernization, or
3038 rehabilitation;

3039 (b) the site or lot on which the building is situated requires modification in size, shape,
3040 or use; or

3041 (c) (i) it is necessary to impose upon the property a standard, restriction, or control of
3042 the project area plan; and

3043 (ii) the owner fails or refuses to agree to participate in the project area plan.

3044 (6) An agency may not acquire by eminent domain property that is owned by a public
3045 entity.

3046 ~~[(5) Each]~~ (7) An agency that acquires property by eminent domain shall comply with
3047 Title 57, Chapter 12, Utah Relocation Assistance Act.

3048 Section 76. Section **17C-1-905**, which is renumbered from Section 17C-2-603 is
3049 renumbered and amended to read:

3050 ~~[17C-2-603].~~ **17C-1-905. Court award for court costs and attorney fees,**
3051 **relocation expenses, and damage to fixtures or personal property.**

3052 ~~[If a property owner brings an action in district court contesting an agency's exercise of]~~
3053 In an eminent domain [against that owner's property] action under this part, the court may

3054 award:

3055 (1) [~~award court~~] costs and [a] reasonable attorney [~~fee, as determined by the court, to~~
3056 ~~the owner,~~] fees to the condemnee if the amount of the court or jury award for the property
3057 exceeds the amount offered by the agency;

3058 (2) [~~award~~] a reasonable sum, as determined by the court or jury, as compensation for
3059 any costs [~~and~~] or expenses [~~of~~] relating to relocating:

3060 (a) an owner who occupied the acquired property[;];

3061 (b) a party conducting a business on the acquired property[;]; or

3062 (c) a person displaced from the property, as permitted by Title 57, Chapter 12, Utah
3063 Relocation Assistance Act; and

3064 (3) [~~award~~] an amount[~~, as determined by the court or jury,~~] to compensate for any
3065 fixtures or personal property that is:

3066 (a) owned by the owner of the acquired property or by a person conducting a business
3067 on the acquired property; and

3068 (b) damaged as a result of the acquisition or relocation.

3069 Section 77. Section **17C-2-101.1** is enacted to read:

3070 **CHAPTER 2. URBAN RENEWAL**

3071 **17C-2-101.1. Title.**

3072 This chapter is known as "Urban Renewal."

3073 Section 78. Section **17C-2-101.2** is enacted to read:

3074 **17C-2-101.2. Applicability of chapter.**

3075 This chapter applies to an urban renewal project area that is effective:

3076 (1) before May 10, 2016; or

3077 (2) before September 1, 2016, if an agency adopted a resolution in accordance with

3078 Section [17C-2-101.5](#) before April 1, 2016.

3079 Section 79. Section **17C-2-101.5**, which is renumbered from Section 17C-2-101 is
3080 renumbered and amended to read:

3081 [~~17C-2-101~~]. **17C-2-101.5. Resolution designating survey area -- Request**

3082 **to adopt resolution.**

3083 (1) ~~[An agency]~~ A board may begin the process of adopting an urban renewal project
3084 area plan by adopting a resolution that:

- 3085 (a) designates an area located within the agency's boundaries as a survey area;
- 3086 (b) contains a statement that the survey area requires study to determine whether:
 - 3087 (i) one or more urban renewal ~~[projects]~~ project areas within the survey area are
 - 3088 feasible; and
 - 3089 (ii) blight exists within the survey area; and
 - 3090 (c) contains a boundary description or map ~~[of the boundaries]~~ of the survey area.

3091 (2) (a) Any person or any group, association, corporation, or other entity may submit a
3092 written request to the board to adopt a resolution under Subsection (1).

3093 (b) A request under Subsection (2)(a) may include plans showing the ~~[urban renewal]~~
3094 project area development proposed for an area within the agency's boundaries.

3095 (c) The board may, in ~~[its]~~ the board's sole discretion, grant or deny a request under
3096 Subsection (2)(a).

3097 Section 80. Section **17C-2-102** is amended to read:

3098 **17C-2-102. Process for adopting urban renewal project area plan -- Prerequisites**
3099 **-- Restrictions.**

3100 (1) (a) In order to adopt an urban renewal project area plan, after adopting a resolution
3101 under Subsection ~~[17C-2-101]~~ 17C-2-101.5(1) the agency shall:

3102 (i) unless a finding of blight is based on a finding made under Subsection
3103 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:

3104 (A) cause a blight study to be conducted within the survey area as provided in Section
3105 17C-2-301;

3106 (B) provide notice of a blight hearing as required under ~~[Part 5, Urban Renewal]~~
3107 Chapter 1, Part 8, Hearing and Notice Requirements; and

3108 (C) hold a blight hearing as ~~[provided]~~ described in Section 17C-2-302;

3109 (ii) after the blight hearing has been held or, if no blight hearing is required under

3110 Subsection (1)(a)(i), after adopting a resolution under Subsection [~~17C-2-101~~] [17C-2-101.5](#)(1),
3111 hold a board meeting at which the board shall:

3112 (A) consider:

3113 (I) the issue of blight and the evidence and information relating to the existence or
3114 nonexistence of blight; and

3115 (II) whether adoption of one or more urban renewal project area plans should be
3116 pursued; and

3117 (B) by resolution:

3118 (I) make a finding regarding the existence of blight in the proposed urban renewal
3119 project area;

3120 (II) select one or more project areas comprising part or all of the survey area; and

3121 (III) authorize the preparation of a [~~draft~~] proposed project area plan for each project
3122 area;

3123 (iii) prepare a [~~draft of a~~] proposed project area plan and conduct any examination,
3124 investigation, and negotiation regarding the project area plan that the agency considers
3125 appropriate;

3126 (iv) make the [~~draft~~] proposed project area plan available to the public at the agency's
3127 offices during normal business hours;

3128 (v) provide notice of the plan hearing [~~as provided~~] in accordance with Sections
3129 [~~17C-2-502 and 17C-2-504~~] [17C-1-806](#) and [17C-1-808](#);

3130 (vi) hold a [~~public~~] plan hearing on the [~~draft~~] proposed project area plan and, at [~~that~~
3131 public] the plan hearing:

3132 (A) allow public comment on:

3133 (I) the [~~draft~~] proposed project area plan; and

3134 (II) whether the [~~draft~~] proposed project area plan should be revised, approved, or
3135 rejected; and

3136 (B) receive all written and hear all oral objections to the [~~draft~~] proposed project area
3137 plan;

3138 (vii) before holding the plan hearing, provide an opportunity for the State Board of
3139 Education and each taxing entity that levies a tax on property within the proposed project area
3140 to consult with the agency regarding the [draft] proposed project area plan;

3141 (viii) if applicable, hold the election required under Subsection 17C-2-105(3);

3142 (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting
3143 consider:

3144 (A) the oral and written objections to the [draft] proposed project area plan and
3145 evidence and testimony for and against adoption of the [draft] proposed project area plan; and

3146 (B) whether to revise, approve, or reject the [draft] proposed project area plan;

3147 (x) approve the [draft] proposed project area plan, with or without revisions, as the
3148 project area plan by a resolution that complies with Section 17C-2-106; and

3149 (xi) submit the project area plan to the community legislative body for adoption.

3150 (b) (i) If an agency makes a finding under Subsection (1)(a)(ii)(B) that blight exists in
3151 the proposed urban renewal project area, the agency may not adopt the project area plan until
3152 the taxing entity committee approves the finding of blight.

3153 (ii) (A) A taxing entity committee may not disapprove an agency's finding of blight
3154 unless the committee demonstrates that the conditions the agency found to exist in the urban
3155 renewal project area that support the agency's finding of blight under Section 17C-2-303:

3156 (I) do not exist; or

3157 (II) do not constitute blight.

3158 (B) (I) If the taxing entity committee questions or disputes the existence of some or all
3159 of the blight conditions that the agency found to exist in the urban renewal project area or that
3160 those conditions constitute blight, the taxing entity committee may hire a consultant, mutually
3161 agreed upon by the taxing entity committee and the agency, with the necessary expertise to
3162 assist the taxing entity committee to make a determination as to the existence of the questioned
3163 or disputed blight conditions.

3164 (II) The agency shall pay the fees and expenses of each consultant hired under
3165 Subsection (1)(b)(ii)(B)(I).

3166 (III) The findings of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on
3167 the taxing entity committee and the agency.

3168 (2) An agency may not propose a project area plan under Subsection (1) unless the
3169 community in which the proposed project area is located:

3170 (a) has a planning commission; and

3171 (b) has adopted a general plan under:

3172 (i) if the community is a ~~[city or town]~~ municipality, Title 10, Chapter 9a, Part 4,
3173 General Plan; or

3174 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

3175 (3) (a) Subject to Subsection (3)(b), ~~[an agency]~~ a board may not approve a project area
3176 plan more than one year after adoption of a resolution making a finding of blight under
3177 Subsection (1)(a)(ii)(B).

3178 (b) If a project area plan is submitted to an election under Subsection [17C-2-105](#)(3),
3179 the time between the plan hearing and the date of the election does not count for purposes of
3180 calculating the year period under Subsection (3)(a).

3181 (4) (a) Except as provided in Subsection (4)(b), a ~~[draft]~~ proposed project area plan
3182 may not be modified to add real property to the proposed project area unless the board holds a
3183 plan hearing to consider the addition and gives notice of the plan hearing as required under
3184 Sections ~~[[17C-2-502](#) and [17C-2-504](#)]~~ [17C-1-806](#) and [17C-1-808](#).

3185 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a
3186 ~~[draft]~~ proposed project area plan being modified to add real property to the proposed project
3187 area if:

3188 (i) the property is contiguous to the property already included in the proposed project
3189 area under the ~~[draft]~~ proposed project area plan;

3190 (ii) the record owner of the property consents to adding the real property to the
3191 proposed project area; and

3192 (iii) the property is located within the survey area.

3193 Section 81. Section **17C-2-103** is amended to read:

3194 **17C-2-103. Urban renewal project area plan requirements.**

3195 (1) Each urban renewal project area plan and ~~[draft]~~ proposed project area plan shall:

3196 (a) describe the boundaries of the project area, subject to Section 17C-1-414, if
3197 applicable;

3198 (b) contain a general statement of the land uses, layout of principal streets, population
3199 densities, and building intensities of the project area and how they will be affected by the
3200 ~~[urban renewal]~~ project area development;

3201 (c) state the standards that will guide the ~~[urban renewal]~~ project area development;

3202 (d) show how the purposes of this title will be attained by the ~~[urban renewal]~~ project
3203 area development;

3204 (e) be consistent with the general plan of the community in which the project area is
3205 located and show that the ~~[urban renewal]~~ project area development will conform to the
3206 community's general plan;

3207 (f) describe how the ~~[urban renewal]~~ project area development will reduce or eliminate
3208 blight in the project area;

3209 (g) describe any specific project or projects that are the object of the proposed ~~[urban~~
3210 ~~renewal]~~ project area development;

3211 (h) identify how ~~[private developers, if any,]~~ a participant will be selected to undertake
3212 the ~~[urban renewal]~~ project area development and identify each ~~[private developer]~~ participant
3213 currently involved in the ~~[urban renewal process]~~ project area development;

3214 (i) state the reasons for the selection of the project area;

3215 (j) describe the physical, social, and economic conditions existing in the project area;

3216 (k) describe any tax incentives offered private entities for facilities located in the
3217 project area;

3218 (l) include the analysis described in Subsection (2);

3219 (m) if any of the existing buildings or uses in the project area are included in or eligible
3220 for inclusion in the National Register of Historic Places or the State Register, state that the
3221 agency shall comply with Section 9-8-404 as though the agency were a state agency; and

3222 (n) include other information that the agency determines to be necessary or advisable.

3223 (2) Each analysis under Subsection (1)(l) shall consider:

3224 (a) the benefit of any financial assistance or other public subsidy proposed to be
3225 provided by the agency, including:

3226 (i) an evaluation of the reasonableness of the costs of the [~~urban renewal~~] project area
3227 development;

3228 (ii) efforts the agency or [~~developer~~] participant has made or will make to maximize
3229 private investment;

3230 (iii) the rationale for use of tax increment, including an analysis of whether the
3231 proposed project area development might reasonably be expected to occur in the foreseeable
3232 future solely through private investment; and

3233 (iv) an estimate of the total amount of tax increment that will be expended in
3234 undertaking [~~urban renewal~~] project area development and the [~~length of time for which it will~~
3235 ~~be expended~~] project area funds collection period; and

3236 (b) the anticipated public benefit to be derived from the [~~urban renewal~~] project area
3237 development, including:

3238 (i) the beneficial influences upon the tax base of the community;

3239 (ii) the associated business and economic activity likely to be stimulated; and

3240 (iii) whether adoption of the project area plan is necessary and appropriate to reduce or
3241 eliminate blight.

3242 Section 82. Section 17C-2-105 is amended to read:

3243 **17C-2-105. Objections to urban renewal project area plan -- Owners' alternative**
3244 **project area plan -- Election if 40% of property owners object.**

3245 (1) At any time before the plan hearing, any person may file with the agency a written
3246 statement of objections to the [~~draft~~] proposed urban renewal project area plan.

3247 (2) If the record owners of property of a majority of the private real property included
3248 within the proposed urban renewal project area file a written petition before or at the plan
3249 hearing, proposing an alternative project area plan, the agency shall consider that proposed plan

3250 in conjunction with the project area plan proposed by the agency.

3251 (3) (a) If the record property owners of at least 40% of the private land area within the
3252 most recently proposed urban renewal project area object in writing to the [~~draft~~] proposed
3253 project area plan before or at the plan hearing, or object orally at the plan hearing, and do not
3254 withdraw their objections, an agency may not approve the project area plan until approved by
3255 voters within the boundaries of the agency in which the proposed project area is located at an
3256 election as provided in Subsection (3)(b).

3257 (b) (i) Except as provided in this section, each election required under Subsection
3258 (3)(a) shall comply with Title 20A, Election Code.

3259 (ii) An election under Subsection (3)(a) may be held on the same day and with the
3260 same election officials as an election held by the community in which the proposed project area
3261 is located.

3262 (iii) If a majority of those voting on the proposed project area plan vote in favor of it,
3263 the project area plan shall be considered approved and the agency shall confirm the approval by
3264 resolution.

3265 (4) If the record property owners of 2/3 of the private land area within the proposed
3266 project area object in writing to the [~~draft~~] proposed project area plan before or at the plan
3267 hearing and do not withdraw their objections, the project area plan may not be adopted and the
3268 agency may not reconsider the project area plan for three years.

3269 Section 83. Section **17C-2-106** is amended to read:

3270 **17C-2-106. Board resolution approving urban renewal project area plan --**
3271 **Requirements.**

3272 Each board resolution approving a [~~draft~~] proposed urban renewal project area plan as
3273 the project area plan under Subsection **17C-2-102(1)(a)(x)** shall contain:

- 3274 (1) a [~~legal~~] boundary description of the boundaries of the project area that is the
3275 subject of the project area plan;
- 3276 (2) the agency's purposes and intent with respect to the project area;
- 3277 (3) the project area plan incorporated by reference;

- 3278 (4) a statement that the board previously made a finding of blight within the project
- 3279 area and the date of the board's finding of blight; and
- 3280 (5) the board findings and determinations that:
- 3281 (a) there is a need to effectuate a public purpose;
- 3282 (b) there is a public benefit under the analysis described in Subsection 17C-2-103(2);
- 3283 (c) it is economically sound and feasible to adopt and carry out the project area plan;
- 3284 (d) the project area plan conforms to the community's general plan; and
- 3285 (e) carrying out the project area plan will promote the public peace, health, safety, and
- 3286 welfare of the community in which the project area is located.

3287 Section 84. Section 17C-2-108 is amended to read:

3288 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
3289 **of plan -- Contesting the formation of the plan.**

3290 (1) (a) Upon the community legislative body's adoption of an urban renewal project
3291 area plan, or an amendment to a project area plan under Section 17C-2-110, the community
3292 legislative body shall provide notice as provided in Subsection (1)(b) by:

- 3293 (i) (A) publishing or causing to be published a notice in a newspaper of general
- 3294 circulation within the agency's boundaries; or
- 3295 (B) if there is no newspaper of general circulation within the agency's boundaries,
- 3296 causing a notice to be posted in at least three public places within the agency's boundaries; and
- 3297 (ii) posting a notice on the Utah Public Notice Website described in Section
- 3298 63F-1-701.

3299 (b) Each notice under Subsection (1)(a) shall:

- 3300 (i) set forth the community legislative body's ordinance adopting the project area plan
- 3301 or a summary of the ordinance; and
- 3302 (ii) include a statement that the project area plan is available for general public
- 3303 inspection and the hours for inspection.

3304 (2) The project area plan shall become effective on the date of:

- 3305 (a) if notice was published under Subsection (1)(a), publication of the notice; or

3306 (b) if notice was posted under Subsection (1)(a), posting of the notice.

3307 (3) (a) For a period of 30 days after the effective date of the project area plan under
3308 Subsection (2), any person [~~in interest~~] may contest the project area plan or the procedure used
3309 to adopt the project area plan if the plan or procedure fails to comply with applicable statutory
3310 requirements.

3311 (b) After the 30-day period under Subsection (3)(a) expires, [~~no~~] a person may not
3312 contest the project area plan or procedure used to adopt the project area plan for any cause.

3313 (4) Upon adoption of the project area plan by the [~~community's~~] community legislative
3314 body, the agency may carry out the project area plan.

3315 (5) Each agency shall make the [~~adopted~~] project area plan available to the general
3316 public at [~~its offices~~] the agency's office during normal business hours.

3317 Section 85. Section **17C-2-109** is amended to read:

3318 **17C-2-109. Agency required to transmit and record documents after adoption of**
3319 **an urban renewal project area plan.**

3320 Within 30 days after the community legislative body adopts, under Section **17C-2-107**,
3321 an urban renewal project area plan, the agency shall:

3322 (1) record with the recorder of the county in which the project area is located a
3323 document containing:

3324 (a) a description of the land within the project area;

3325 (b) a statement that the project area plan for the project area has been adopted; and

3326 (c) the date of adoption;

3327 (2) transmit a copy of the description of the land within the project area and an accurate
3328 map or plat indicating the boundaries of the project area to the Automated Geographic
3329 Reference Center created under Section **63F-1-506**; and

3330 (3) for a project area plan that provides for [~~the payment of tax increment to~~] the
3331 agency to receive tax increment, transmit a copy of the description of the land within the
3332 project area, a copy of the community legislative body ordinance adopting the project area plan,
3333 and a map or plat indicating the boundaries of the project area to:

3334 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
3335 part of the project area is located;

3336 (b) the officer or officers performing the function of auditor or assessor for each taxing
3337 entity that does not use the county assessment roll or collect ~~[its]~~ the taxing entity's taxes
3338 through the county;

3339 (c) the legislative body or governing board of each taxing entity;

3340 (d) the State Tax Commission; and

3341 (e) the State Board of Education.

3342 Section 86. Section **17C-2-110** is amended to read:

3343 **17C-2-110. Amending an urban renewal project area plan.**

3344 (1) An ~~[adopted]~~ urban renewal project area plan may be amended as provided in this
3345 section.

3346 (2) If an agency proposes to amend ~~[an adopted]~~ an urban renewal project area plan to
3347 enlarge the project area:

3348 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
3349 a project area plan apply equally to the proposed amendment as if it were a proposed project
3350 area plan;

3351 (b) for a pre-July 1, 1993 project area plan, the base year ~~[taxable value]~~ for the new
3352 area added to the project area shall be determined under Subsection **17C-1-102**~~[(6)]~~(9)(a)(i)
3353 using the effective date of the amended project area plan;

3354 (c) for a post-June 30, 1993 project area plan:

3355 (i) the base year ~~[taxable value]~~ for the new area added to the project area shall be
3356 determined under Subsection **17C-1-102**~~[(6)]~~(9)(a)(ii) using the date of the taxing entity
3357 committee's consent referred to in Subsection (2)(c)(ii); and

3358 (ii) the agency shall obtain the consent of the taxing entity committee before the agency
3359 may collect tax increment from the area added to the project area by the amendment;

3360 (d) the agency shall make a finding regarding the existence of blight in the area
3361 proposed to be added to the project area by following the procedure set forth in Subsections

3362 [17C-2-102](#)(1)(a)(i) and (ii); and

3363 (e) the agency need not make a finding regarding the existence of blight in the project
3364 area as described in the original project area plan, if the agency made a finding of the existence
3365 of blight regarding that project area in connection with adoption of the original project area
3366 plan.

3367 (3) If a proposed amendment does not propose to enlarge an urban renewal project
3368 area, ~~[an agency]~~ a board may adopt a resolution approving an amendment to ~~[an adopted]~~ a
3369 project area plan after:

3370 (a) the agency gives notice, as provided in Section ~~[17C-2-502]~~ [17C-1-806](#), of the
3371 proposed amendment and of the public hearing required by Subsection (3)(b);

3372 (b) the ~~[agency]~~ board holds a public hearing on the proposed amendment that meets
3373 the requirements of a plan hearing;

3374 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
3375 amendment proposes:

3376 (i) to enlarge the area within the project area from which tax increment is collected;

3377 (ii) to permit the agency to receive a greater percentage of tax increment or to ~~[receive~~
3378 ~~tax increment for a longer period of time]~~ extend the project area funds collection period, or
3379 both, than allowed under the adopted project area plan; or

3380 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
3381 expand the area from which tax increment is collected to exceed 100 acres of private property;
3382 and

3383 (d) the agency obtains the consent of the legislative body or governing board of each
3384 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
3385 than all taxing entities, a greater percentage of tax increment or to ~~[receive tax increment for a~~
3386 ~~longer period of time]~~ extend the project area funds collection period, or both, than allowed
3387 under the adopted project area plan.

3388 (4) (a) An ~~[adopted]~~ urban renewal project area plan may be amended without
3389 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and

3390 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the
3391 amendment:

3392 (i) makes a minor adjustment in the ~~[legal]~~ boundary description of a project area
3393 boundary requested by a county assessor or county auditor to avoid inconsistent property
3394 boundary lines; or

3395 (ii) subject to Subsection (4)(b), removes a parcel ~~[of real property]~~ from a project area
3396 because the agency determines that the parcel is:

3397 ~~[(A) the parcel is no longer blighted; or]~~

3398 ~~[(B) inclusion of the parcel is no longer necessary or desirable to the project area.]~~

3399 (A) tax exempt;

3400 (B) no longer blighted; or

3401 (C) no longer necessary or desirable to the project area.

3402 (b) An amendment removing a parcel ~~[of real property]~~ from a project area under
3403 Subsection (4)(a)(ii) may ~~[not]~~ be made without the consent of the record property owner of the
3404 parcel being removed.

3405 (5) (a) An amendment approved by board resolution under this section may not take
3406 effect until adopted by ordinance of the legislative body of the community in which the project
3407 area that is the subject of the project area plan being amended is located.

3408 (b) Upon a community legislative body passing an ordinance adopting an amendment
3409 to a project area plan, the agency whose project area plan was amended shall comply with the
3410 requirements of Sections [17C-2-108](#) and [17C-2-109](#) to the same extent as if the amendment
3411 were a project area plan.

3412 (6) (a) Within 30 days after the day on which an amendment to a project area plan
3413 becomes effective, a person may contest the amendment to the project area plan or the
3414 procedure used to adopt the amendment to the project area plan if the amendment or procedure
3415 fails to comply with a provision of this title.

3416 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not
3417 contest the amendment to the project area plan or procedure used to adopt the amendment to

3418 the project area plan for any cause.

3419 Section 87. Section **17C-2-201** is amended to read:

3420 **17C-2-201. Project area budget -- Requirements for adopting -- Contesting the**
3421 **budget or procedure -- Time limit.**

3422 (1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban
3423 renewal project area plan with tax increment, the agency shall, subject to Section **17C-2-202**,
3424 adopt a project area budget as provided in this part.

3425 (b) An urban renewal project area budget adopted on or after March 30, 2009 shall
3426 specify:

3427 (i) for a project area budget adopted on or after March 30, 2009:

3428 (A) the ~~[number of tax years for which the agency will be allowed to receive tax~~
3429 ~~increment from the project area]~~ project area funds collection period; and

3430 (B) the percentage of tax increment the agency is ~~[entitled]~~ authorized to receive from
3431 the project area under the project area budget; and

3432 (ii) for a project area budget adopted on or after March 30, 2013, unless approval is
3433 obtained under Subsection **17C-1-402(4)(b)(vi)(C)**, the maximum cumulative dollar amount of
3434 tax increment that the agency may receive from the project area under the project area budget.

3435 (2) To adopt an urban renewal project area budget, the agency shall:

3436 (a) prepare a ~~[draft of a]~~ proposed project area budget;

3437 (b) make a copy of the ~~[draft]~~ proposed project area budget available to the public at
3438 the agency's offices during normal business hours;

3439 (c) provide notice of the budget hearing as required by ~~[Part 5, Urban Renewal Notice~~
3440 ~~Requirements]~~ Chapter 1, Part 8, Hearing and Notice Requirements;

3441 (d) hold a public hearing on the ~~[draft]~~ proposed project area budget and, at that public
3442 hearing, allow public comment on:

3443 (i) the ~~[draft]~~ proposed project area budget; and

3444 (ii) whether the ~~[draft]~~ proposed project area budget should be revised, adopted, or
3445 rejected;

3446 (e) (i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing
3447 entity committee on the [~~draft~~] proposed project area budget or a revised version of the [~~draft~~]
3448 proposed project area budget; or

3449 (ii) if applicable, comply with the requirements of Subsection 17C-2-204(2);

3450 (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i),
3451 obtain a written certification, signed by an attorney licensed to practice law in this state, stating
3452 that the taxing entity committee followed the appropriate procedures to approve the project
3453 area budget; and

3454 (g) after the budget hearing, hold a board meeting in the same meeting as the public
3455 hearing or in a subsequent meeting to:

3456 (i) consider comments made and information presented at the public hearing relating to
3457 the [~~draft~~] proposed project area budget; and

3458 (ii) adopt by resolution the [~~draft~~] proposed project area budget, with any revisions, as
3459 the project area budget.

3460 (3) (a) For a period of 30 days after the agency's adoption of the project area budget
3461 under Subsection (2)(g), any person [~~in interest~~] may contest the project area budget or the
3462 procedure used to adopt the project area budget if the budget or procedure fails to comply with
3463 applicable statutory requirements.

3464 (b) After the 30-day period under Subsection (3)(a) expires, a person, [~~for any cause,~~]
3465 may not contest:

3466 (i) the project area budget or procedure used by either the taxing entity committee or
3467 the agency to approve and adopt the project area budget;

3468 (ii) a [~~payment~~] distribution of tax increment to the agency under the project area
3469 budget; or

3470 (iii) the agency's use of tax increment under the project area budget.

3471 Section 88. Section 17C-2-203 is amended to read:

3472 **17C-2-203. Part of tax increment funds in urban renewal project area budget to**
3473 **be used for housing -- Waiver of requirement.**

3474 (1) (a) Except as provided in ~~Subsection~~ Subsections (1)(b) and (c), each urban
3475 renewal project area budget adopted on or after May 1, 2000, that provides for more than
3476 \$100,000 of annual tax increment to be paid to the agency shall allocate at least 20% of the tax
3477 increment for housing as provided in Section [17C-1-412](#).

3478 (b) The 20% requirement of Subsection (1)(a) may be waived in part or whole by the
3479 ~~[mutual consent of the loan fund board and the]~~ taxing entity committee if ~~[they determine]~~ the
3480 taxing entity committee determines that 20% of tax increment is more than is needed to address
3481 the community's need for income targeted housing.

3482 (c) An agency is not subject to the 20% requirement described in Subsection (1)(a) if:

3483 (i) an inactive industrial site is located within an urban renewal project area; and

3484 (ii) the inactive industrial site's remediation costs are estimated to exceed 20% of the
3485 project area funds under the urban renewal project area budget.

3486 (2) An urban renewal project area budget not required under Subsection (1)(a) to
3487 allocate tax increment for housing may allocate 20% of tax increment ~~[payable to]~~ received by
3488 the agency over the life of the project area for housing as provided in Section [17C-1-412](#) if the
3489 project area budget is under a project area plan that is adopted on or after July 1, 1998.

3490 Section 89. Section [17C-2-204](#) is amended to read:

3491 **[17C-2-204. Consent of taxing entity committee required for urban renewal](#)**
3492 **[project area budget -- Exception.](#)**

3493 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
3494 agency shall obtain the consent of the taxing entity committee for each urban renewal project
3495 area budget under a post-June 30, 1993 project area plan before the agency may ~~[collect]~~
3496 receive any tax increment from the urban renewal project area.

3497 (b) For an urban renewal project area budget adopted from July 1, 1998 through May 1,
3498 2000 that allocates 20% or more of the tax increment for housing as provided in Section
3499 [17C-1-412](#), an agency:

3500 (i) need not obtain the consent of the taxing entity committee for the project area
3501 budget; and

3502 (ii) may not [~~collect~~] receive any tax increment from all or part of the project area until
3503 after:

3504 (A) the loan fund board has certified the project area budget as complying with the
3505 requirements of Section 17C-1-412; and

3506 (B) the [agency] board has approved and adopted the project area budget by a
3507 two-thirds vote.

3508 (2) (a) Before a taxing entity committee may consent to an urban renewal project area
3509 budget adopted on or after May 1, 2000 that is required under Subsection 17C-2-203(1)(a) to
3510 allocate 20% of tax increment for housing, the agency shall:

3511 (i) adopt a housing plan showing the uses for the housing funds; and

3512 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
3513 board.

3514 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
3515 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

3516 Section 90. Section 17C-2-206 is amended to read:

3517 **17C-2-206. Amending an urban renewal project area budget.**

3518 (1) An agency may by resolution amend an urban renewal project area budget as
3519 provided in this section.

3520 (2) To amend an adopted urban renewal project area budget, the agency shall:

3521 (a) advertise and hold one public hearing on the proposed amendment as provided in
3522 Subsection (3);

3523 (b) if approval of the taxing entity committee was required for adoption of the original
3524 project area budget, obtain the approval of the taxing entity committee to the same extent that
3525 the agency was required to obtain the consent of the taxing entity committee for the project
3526 area budget as originally adopted;

3527 (c) if approval of the taxing entity committee is required under Subsection (2)(b),
3528 obtain a written certification, signed by an attorney licensed to practice law in this state, stating
3529 that the taxing entity committee followed the appropriate procedures to approve the project

3530 area budget; and

3531 (d) adopt a resolution amending the project area budget.

3532 (3) The public hearing required under Subsection (2)(a) shall be conducted according
 3533 to the procedures and requirements of Subsections 17C-2-201(2)(c) and (d), except that if the
 3534 amended project area budget proposes that the agency be paid a greater proportion of tax
 3535 increment from a project area than was to be paid under the previous project area budget, the
 3536 notice shall state the percentage paid under the previous project area budget and the percentage
 3537 proposed under the amended project area budget.

3538 (4) If the removal of a parcel under Subsection 17C-2-110(4)(a)(ii) reduces the base
 3539 taxable value of the project area, an agency may amend the project area budget to conform with
 3540 the new base taxable value without:

3541 (a) complying with Subsections (2)(a) and (3); and

3542 (b) if applicable, obtaining taxing entity committee approval described in Subsection
 3543 (2)(b).

3544 [~~(4)~~] (5) If a proposed amendment is not adopted, the agency shall continue to operate
 3545 under the previously adopted project area budget without the proposed amendment.

3546 [~~(5)~~] (6) (a) A person may contest the agency's adoption of a budget amendment within
 3547 30 days after the day on which the agency adopts the amendment.

3548 (b) A person who fails to contest a budget amendment under Subsection [~~(5)~~] (6)(a):

3549 (i) forfeits any claim against an agency's adoption of the amendment; and

3550 (ii) may not contest:

3551 (A) a [~~payment~~] distribution of tax increment to the agency under the budget
 3552 amendment; or

3553 (B) an agency's use of a tax increment under the budget amendment.

3554 Section 91. Section **17C-2-207** is amended to read:

3555 **17C-2-207. Extending collection of tax increment in an urban renewal project**
 3556 **area budget.**

3557 (1) An [~~amendment or~~] extension approved by a taxing entity or taxing entity

3558 committee before May 10, 2011, is not subject to this section.

3559 (2) (a) An agency's collection of tax increment under an ~~[adopted]~~ urban renewal
3560 project area budget may be extended by:

3561 (i) following the project area budget amendment procedures outlined in Section
3562 ~~17C-2-206~~; or

3563 (ii) following the procedures outlined in this section.

3564 (b) The base taxable value for an urban renewal project area budget may not be altered
3565 as a result of an extension under this section unless otherwise expressly provided for in an
3566 interlocal agreement adopted in accordance with Subsection (3)(a).

3567 (3) To extend under this section the ~~[agency's collection of tax increment from a taxing~~
3568 ~~entity]~~ project area funds collection period under a previously approved project area budget, the
3569 agency shall:

3570 (a) obtain the approval of the taxing entity through an interlocal agreement;

3571 (b) (i) hold a public hearing on the proposed extension in accordance with Subsection
3572 ~~17C-2-201~~(2)(d) in the same manner as required for a ~~[draft]~~ proposed project area budget; and

3573 (ii) provide notice of the hearing:

3574 (A) as required by ~~[Part 5, Urban Renewal]~~ Chapter 1, Part 8, Hearing and Notice
3575 Requirements; and

3576 (B) including the proposed ~~[period of extension of the project area budget]~~ project area
3577 budget's extension period; and

3578 (c) after obtaining the ~~[approval of the taxing entity]~~ taxing entity's approval in
3579 accordance with Subsection (3)(a), at or after the public hearing, adopt a resolution approving
3580 the extension.

3581 (4) After the ~~[expiration of a project area budget]~~ project area funds collection period
3582 expires, an agency may continue to receive ~~[tax increment]~~ project area funds from those
3583 taxing entities that ~~[have agreed]~~ agree to an extension through an interlocal agreement in
3584 accordance with Subsection (3)(a).

3585 (5) (a) A person may contest the agency's adoption of ~~[a budget]~~ an extension within 30

3586 days after the day on which the agency adopts the resolution providing for the extension.

3587 (b) A person who fails to contest [~~a budget~~] an extension under Subsection (5)(a):

3588 (i) shall forfeit any claim against the agency's adoption of the extension; and

3589 (ii) may not contest:

3590 (A) a [~~payment~~] distribution of tax increment to the agency under the budget, as

3591 extended; or

3592 (B) an agency's use of tax increment under the budget, as extended.

3593 Section 92. Section **17C-2-303** is amended to read:

3594 **17C-2-303. Conditions on board determination of blight -- Conditions of blight**
3595 **caused by the participant.**

3596 (1) [~~An agency~~] A board may not make a finding of blight in a resolution under
3597 Subsection **17C-2-102(1)(a)(ii)(B)** unless the board finds that:

3598 (a) (i) the proposed project area consists predominantly of nongreenfield parcels;

3599 (ii) the proposed project area is currently zoned for urban purposes and generally
3600 served by utilities;

3601 (iii) at least 50% of the parcels within the proposed project area contain nonagricultural
3602 or nonaccessory buildings or improvements used or intended for residential, commercial,
3603 industrial, or other urban purposes, or any combination of those uses;

3604 (iv) the present condition or use of the proposed project area substantially impairs the
3605 sound growth of the municipality, retards the provision of housing accommodations, or
3606 constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
3607 shown by the existence within the proposed project area of at least four of the following
3608 factors:

3609 (A) one of the following, although sometimes interspersed with well maintained
3610 buildings and infrastructure:

3611 (I) substantial physical dilapidation, deterioration, or defective construction of
3612 buildings or infrastructure; or

3613 (II) significant noncompliance with current building code, safety code, health code, or

3614 fire code requirements or local ordinances;

3615 (B) unsanitary or unsafe conditions in the proposed project area that threaten the
3616 health, safety, or welfare of the community;

3617 (C) environmental hazards, as defined in state or federal law, that require remediation
3618 as a condition for current or future use and development;

3619 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
3620 urban use and served by utilities;

3621 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
3622 welfare;

3623 (F) criminal activity in the project area, higher than that of comparable nonblighted
3624 areas in the municipality or county; and

3625 (G) defective or unusual conditions of title rendering the title nonmarketable; and

3626 (v) (A) at least 50% of the privately-owned parcels within the proposed project area are
3627 affected by at least one of the factors, but not necessarily the same factor, listed in Subsection
3628 (1)(a)(iv); and

3629 (B) the affected parcels comprise at least 66% of the privately-owned acreage of the
3630 proposed project area; or

3631 (b) the proposed project area includes some or all of a superfund site, inactive
3632 industrial site, or inactive airport site.

3633 (2) No single parcel comprising 10% or more of the acreage of the proposed project
3634 area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
3635 that parcel is occupied by buildings or improvements.

3636 (3) (a) For purposes of Subsection (1), if a [~~developer~~] participant involved in the
3637 [~~urban renewal~~] project area development has caused a condition listed in Subsection (1)(a)(iv)
3638 within the proposed project area, that condition may not be used in the determination of blight.

3639 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
3640 tenant who becomes a [~~developer~~] participant.

3641 Section 93. Section **17C-3-101.1** is enacted to read:

3642 CHAPTER 3. ECONOMIC DEVELOPMENT

3643 **17C-3-101.1. Title.**3644 This chapter is known as "Economic Development."3645 Section 94. Section **17C-3-101.2** is enacted to read:3646 **17C-3-101.2. Applicability of chapter.**3647 This chapter applies to an economic development project area that is effective:3648 (1) before May 10, 2016; or3649 (2) before September 1, 2016, if an agency adopted a resolution in accordance with3650 Section [17C-3-101.5](#) before April 1, 2016.3651 Section 95. Section **17C-3-101.5**, which is renumbered from Section 17C-3-101 is
3652 renumbered and amended to read:3653 ~~[17C-3-101].~~ **17C-3-101.5. Resolution authorizing the preparation of a**
3654 **proposed economic development project area plan -- Request to adopt resolution.**3655 (1) ~~[An agency]~~ A board may begin the process of adopting an economic development
3656 project area plan by adopting a resolution that authorizes the preparation of a ~~[draft]~~ proposed
3657 project area plan.3658 (2) (a) Any person or any group, association, corporation, or other entity may submit a
3659 written request to the board to adopt a resolution under Subsection (1).3660 (b) A request under Subsection (2)(a) may include plans showing the ~~[economic]~~
3661 project area development proposed for an area within the agency's boundaries.3662 (c) The board may, in ~~[its]~~ the board's sole discretion, grant or deny a request under
3663 Subsection (2)(a).3664 Section 96. Section **17C-3-102** is amended to read:3665 **17C-3-102. Process for adopting an economic development project area plan --**
3666 **Prerequisites -- Restrictions.**3667 (1) In order to adopt an economic development project area plan, after adopting a
3668 resolution under Subsection ~~[17C-3-101]~~ 17C-3-101.5(1) the agency shall:3669 (a) prepare a ~~[draft of an]~~ proposed economic development project area plan and

3670 conduct any examination, investigation, and negotiation regarding the project area plan that the
3671 agency considers appropriate;

3672 (b) make the ~~[draft]~~ proposed project area plan available to the public at the agency's
3673 offices during normal business hours;

3674 (c) provide notice of the plan hearing as provided in [~~Part 4, Economic Development~~
3675 ~~Notice Requirements~~] Chapter 1, Part 8, Hearing and Notice Requirements;

3676 (d) hold a public hearing on the ~~[draft]~~ proposed project area plan and, at that public
3677 hearing:

3678 (i) allow public comment on:

3679 (A) the ~~[draft]~~ proposed project area plan; and

3680 (B) whether the ~~[draft]~~ proposed project area plan should be revised, approved, or
3681 rejected; and

3682 (ii) receive all written and hear all oral objections to the ~~[draft]~~ proposed project area
3683 plan;

3684 (e) before holding the plan hearing, provide an opportunity for the State Board of
3685 Education and each taxing entity [~~that levies a tax on property~~] within the proposed project area
3686 to consult with the agency regarding the ~~[draft]~~ proposed project area plan;

3687 (f) after holding the plan hearing, at the same meeting or at a subsequent meeting
3688 consider:

3689 (i) the oral and written objections to the ~~[draft]~~ proposed project area plan and evidence
3690 and testimony for or against adoption of the ~~[draft]~~ proposed project area plan; and

3691 (ii) whether to revise, approve, or reject the ~~[draft]~~ proposed project area plan;

3692 (g) approve the ~~[draft]~~ proposed project area plan, with or without revisions, as the
3693 project area plan by a resolution that complies with Section [17C-3-105](#); and

3694 (h) submit the project area plan to the community legislative body for adoption.

3695 (2) An agency may not propose a project area plan under Subsection (1) unless the
3696 community in which the proposed project area is located:

3697 (a) has a planning commission; and

3698 (b) has adopted a general plan under:
3699 (i) if the community is a ~~[city or town]~~ municipality, Title 10, Chapter 9a, Part 4,
3700 General Plan; or
3701 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
3702 (3) ~~[An agency]~~ A board may not approve a project area plan more than one year after
3703 the date of the plan hearing.
3704 (4) (a) Except as provided in Subsection (4)(b), a ~~[draft]~~ proposed project area plan
3705 may not be modified to add ~~[real property]~~ one or more parcels to the proposed project area
3706 unless the board holds a plan hearing to consider the addition and gives notice of the plan
3707 hearing as required under ~~[Part 4, Economic Development]~~ Chapter 1, Part 8, Hearing and
3708 Notice Requirements.
3709 (b) The notice and hearing requirements under Subsection (4)(a) do not apply to a
3710 ~~[draft]~~ proposed project area plan being modified to add ~~[real property]~~ one or more parcels to
3711 the proposed project area if:
3712 (i) the ~~[property]~~ parcel is contiguous to the ~~[property]~~ parcels already included in the
3713 proposed project area under the ~~[draft]~~ proposed project area plan; and
3714 (ii) the record owner of the property consents to adding the ~~[real property]~~ parcel to the
3715 proposed project area.
3716 Section 97. Section **17C-3-103** is amended to read:
3717 **17C-3-103. Economic development project area plan requirements.**
3718 (1) Each economic development project area plan and ~~[draft]~~ proposed project area
3719 plan shall:
3720 (a) describe the boundaries of the project area, subject to Section **17C-1-414**, if
3721 applicable;
3722 (b) contain a general statement of the land uses, layout of principal streets, population
3723 densities, and building intensities of the project area and how they will be affected by the
3724 ~~[economic]~~ project area development;
3725 (c) state the standards that will guide the ~~[economic]~~ project area development;

3726 (d) show how the purposes of this title will be attained by the [economic] project area
3727 development;

3728 (e) be consistent with the general plan of the community in which the project area is
3729 located and show that the [economic] project area development will conform to the
3730 community's general plan;

3731 (f) describe how the [economic] project area development will create additional jobs;

3732 (g) describe any specific project or projects that are the object of the proposed
3733 [economic] project area development;

3734 (h) identify how [~~private developers, if any;~~] a participant will be selected to undertake
3735 the [economic] project area development and identify each [~~private developer~~] participant
3736 currently involved in the [economic] project area development [~~process~~];

3737 (i) state the reasons for the selection of the project area;

3738 (j) describe the physical, social, and economic conditions existing in the project area;

3739 (k) describe any tax incentives offered private entities for facilities located in the
3740 project area;

3741 (l) include an analysis, as provided in Subsection (2), of whether adoption of the
3742 project area plan is beneficial under a benefit analysis;

3743 (m) if any of the existing buildings or uses in the project area are included in or eligible
3744 for inclusion in the National Register of Historic Places or the State Register, state that the
3745 agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency; and

3746 (n) include other information that the agency determines to be necessary or advisable.

3747 (2) Each analysis under Subsection (1)(l) shall consider:

3748 (a) the benefit of any financial assistance or other public subsidy proposed to be
3749 provided by the agency, including:

3750 (i) an evaluation of the reasonableness of the costs of [economic] project area
3751 development;

3752 (ii) efforts the agency or [~~developer~~] participant has made or will make to maximize
3753 private investment;

3754 (iii) the rationale for use of tax increment, including an analysis of whether the
3755 proposed project area development might reasonably be expected to occur in the foreseeable
3756 future solely through private investment; and

3757 (iv) an estimate of the total amount of tax increment that will be expended in
3758 undertaking [~~economic~~] project area development and the length of time for which it will be
3759 expended; and

3760 (b) the anticipated public benefit to be derived from the [~~economic~~] project area
3761 development, including:

- 3762 (i) the beneficial influences upon the tax base of the community;
- 3763 (ii) the associated business and economic activity likely to be stimulated; and
- 3764 (iii) the number of jobs or employment anticipated to be generated or preserved.

3765 Section 98. Section **17C-3-105** is amended to read:

3766 **17C-3-105. Board resolution approving an economic development project area**
3767 **plan -- Requirements.**

3768 Each board resolution approving a [~~draft~~] proposed economic development project area
3769 plan as the project area plan under Subsection **17C-3-102(1)(g)** shall contain:

3770 (1) a [~~legal~~] boundary description of the boundaries of the project area that is the
3771 subject of the project area plan;

3772 (2) the agency's purposes and intent with respect to the project area;

3773 (3) the project area plan incorporated by reference; and

3774 (4) the board findings and determinations that:

3775 (a) there is a need to effectuate a public purpose;

3776 (b) there is a public benefit under the analysis described in Subsection **17C-3-103(2)**;

3777 (c) it is economically sound and feasible to adopt and carry out the project area plan;

3778 (d) the project area plan conforms to the community's general plan; and

3779 (e) carrying out the project area plan will promote the public peace, health, safety, and
3780 welfare of the community in which the project area is located.

3781 Section 99. Section **17C-3-107** is amended to read:

3782 **17C-3-107. Notice of economic development project area plan adoption --**

3783 **Effective date of plan -- Contesting the formation of the plan.**

3784 (1) (a) Upon the community legislative body's adoption of an economic development
3785 project area plan, or an amendment to the project area plan under Section [17C-3-109](#) that
3786 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

3787 (i) publishing or causing to be published a notice:

3788 (A) in a newspaper of general circulation within the agency's boundaries; or

3789 (B) if there is no newspaper of general circulation within the agency's boundaries,
3790 causing a notice to be posted in at least three public places within the agency's boundaries; and

3791 (ii) on the Utah Public Notice Website described in Section [63F-1-701](#).

3792 (b) Each notice under Subsection (1)(a) shall:

3793 (i) set forth the community legislative body's ordinance adopting the project area plan
3794 or a summary of the ordinance; and

3795 (ii) include a statement that the project area plan is available for ~~[general]~~ public
3796 inspection and the hours for inspection.

3797 (2) The project area plan shall become effective on the date of:

3798 (a) if notice was published under Subsection (1)(a), publication of the notice; or

3799 (b) if notice was posted under Subsection (1)(a), posting of the notice.

3800 (3) (a) For a period of 30 days after the effective date of the project area plan under
3801 Subsection (2), any person ~~[in interest]~~ may contest the project area plan or the procedure used
3802 to adopt the project area plan if the plan or procedure fails to comply with applicable statutory
3803 requirements.

3804 (b) After the 30-day period under Subsection (3)(a) expires, ~~[no]~~ a person may not
3805 contest the project area plan or procedure used to adopt the project area plan for any cause.

3806 (4) Upon adoption of the economic development project area plan by the
3807 ~~[community's]~~ community legislative body, the agency may ~~[carry out]~~ implement the project
3808 area plan.

3809 (5) Each agency shall make the ~~[adopted]~~ economic development project area plan

3810 available to the general public at ~~[its offices]~~ the agency's office during normal business hours.

3811 Section 100. Section **17C-3-108** is amended to read:

3812 **17C-3-108. Agency required to transmit and record documents after adoption of**
3813 **economic development project area plan.**

3814 Within 30 days after the community legislative body adopts, under Section **17C-3-106**,
3815 an economic development project area plan, the agency shall:

3816 (1) record with the recorder of the county in which the economic development project
3817 area is located a document containing:

3818 (a) a description of the land within the project area;

3819 (b) a statement that the project area plan for the project area has been adopted; and

3820 (c) the date of adoption;

3821 (2) transmit a copy of the description of the land within the project area and an accurate
3822 map or plat indicating the boundaries of the project area to the Automated Geographic
3823 Reference Center created under Section **63F-1-506**; and

3824 (3) for a project area plan that provides for ~~[the payment of tax increment to]~~ the
3825 agency to receive tax increment, transmit a copy of the description of the land within the
3826 project area, a copy of the community legislative body ordinance adopting the project area plan,
3827 and a map or plat indicating the boundaries of the project area to:

3828 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
3829 part of the project area is located;

3830 (b) the officer or officers performing the function of auditor or assessor for each taxing
3831 entity that does not use the county assessment roll or collect ~~[its]~~ the taxing entity's taxes
3832 through the county;

3833 (c) the legislative body or governing board of each taxing entity;

3834 (d) the State Tax Commission; and

3835 (e) the State Board of Education.

3836 Section 101. Section **17C-3-109** is amended to read:

3837 **17C-3-109. Amending an economic development project area plan.**

3838 (1) An ~~adopted~~ economic development project area plan may be amended as
3839 provided in this section.

3840 (2) If an agency proposes to amend an ~~adopted~~ economic development project area
3841 plan to enlarge the project area:

3842 (a) the requirements under this part that apply to adopting a project area plan apply
3843 equally to the proposed amendment as if it were a proposed project area plan;

3844 (b) the base year ~~taxable value~~ for the new area added to the project area shall be
3845 determined under Subsection ~~17C-1-102~~~~(6)~~~~(9)~~(a)(ii) using the date of the taxing entity
3846 committee's consent referred to in Subsection (2)(c); and

3847 (c) the agency shall obtain the consent of the taxing entity committee before the agency
3848 may collect tax increment from the area added to the project area by the amendment.

3849 (3) If a proposed amendment does not propose to enlarge an economic development
3850 project area, ~~an agency~~ a board may adopt a resolution approving an amendment to an
3851 ~~adopted~~ economic development project area plan after:

3852 (a) the agency gives notice, as provided in ~~Section 17C-3-402~~ Chapter 1, Part 8,
3853 Hearing and Notice Requirements, of the proposed amendment and of the public hearing
3854 required by Subsection (3)(b);

3855 (b) the ~~agency~~ board holds a public hearing on the proposed amendment that meets
3856 the requirements of a plan hearing;

3857 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
3858 amendment proposes:

3859 (i) to enlarge the area within the project area from which tax increment is ~~collected~~
3860 received; or

3861 (ii) to permit the agency to receive a greater percentage of tax increment or to ~~receive~~
3862 ~~tax increment for a longer period of time than allowed~~ extend the project area funds collection
3863 period under the ~~adopted~~ economic development project area plan; and

3864 (d) the agency obtains the consent of the legislative body or governing board of each
3865 taxing entity affected, if the amendment proposes to permit the agency to receive, from less

3866 than all taxing entities, a greater percentage of tax increment or to ~~[receive tax increment for a~~
3867 ~~longer period of time]~~ extend the project area funds collection period, or both, than allowed
3868 under the ~~[adopted]~~ economic development project area plan.

3869 (4) (a) An ~~[adopted]~~ economic development project area plan may be amended without
3870 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and
3871 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the
3872 amendment:

3873 (i) makes a minor adjustment in the ~~[legal]~~ boundary description of a project area
3874 boundary requested by a county assessor or county auditor to avoid inconsistent property
3875 boundary lines; or

3876 (ii) subject to Subsection (4)(b), removes a parcel ~~[of real property]~~ from a project area
3877 because the agency determines that ~~[inclusion of the parcel is no longer necessary or desirable~~
3878 ~~to the project area]~~ the parcel is:

3879 (A) tax exempt; or

3880 (B) no longer necessary or desirable to the project area.

3881 (b) An amendment removing a parcel ~~[of real property]~~ from a project area under
3882 Subsection (4)(a) may ~~[not]~~ be made without the consent of the record property owner of the
3883 parcel being removed.

3884 (5) (a) An amendment approved by board resolution under this section may not take
3885 effect until adopted by ordinance of the legislative body of the community in which the project
3886 area that is the subject of the project area plan being amended is located.

3887 (b) Upon a community legislative body passing an ordinance adopting an amendment
3888 to a project area plan, the agency whose project area plan was amended shall comply with the
3889 requirements of Sections [17C-3-107](#) and [17C-3-108](#) to the same extent as if the amendment
3890 were a project area plan.

3891 (6) (a) Within 30 days after the day on which an amendment to a project area plan
3892 becomes effective, a person may contest the amendment to the project area plan or the
3893 procedure used to adopt the amendment to the project area plan if the amendment or procedure

3894 fails to comply with a provision of this title.

3895 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not
 3896 contest the amendment to the project area plan or procedure used to adopt the amendment to
 3897 the project area plan for any cause.

3898 Section 102. Section **17C-3-201** is amended to read:

3899 **17C-3-201. Economic development project area budget -- Requirements for**
 3900 **adopting -- Contesting the budget or procedure -- Time limit.**

3901 (1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993
 3902 economic development project area plan with tax increment, the agency shall, subject to
 3903 Section **17C-3-202**, adopt a project area budget as provided in this part.

3904 (b) An economic development project area budget adopted on or after March 30, 2009
 3905 shall specify:

3906 (i) for a project area budget adopted on or after March 30, 2009:

3907 (A) the [~~number of tax years for which the agency will be allowed to receive tax~~
 3908 ~~increment from the project area]~~ project area funds collection period; and

3909 (B) the percentage of tax increment the agency is [~~entitled]~~ authorized to receive from
 3910 the project area under the project area budget; and

3911 (ii) for a project area budget adopted on or after March 30, 2013, unless approval is
 3912 obtained under Subsection **17C-1-402(4)(b)(vi)(C)**, the maximum cumulative dollar amount of
 3913 tax increment that the agency may receive from the project area under the project area budget.

3914 (2) To adopt an economic development project area budget, the agency shall:

3915 (a) prepare a [~~draft of an]~~ proposed economic development project area budget;

3916 (b) make a copy of the [~~draft]~~ proposed project area budget available to the public at
 3917 the agency's offices during normal business hours;

3918 (c) provide notice of the budget hearing as required by [~~Part 4, Economic~~
 3919 ~~Development]~~ Chapter 1, Part 8, Hearing and Notice Requirements;

3920 (d) hold a public hearing on the [~~draft]~~ proposed project area budget and, at that public
 3921 hearing, allow public comment on:

- 3922 (i) the [~~draft~~] proposed project area budget; and
- 3923 (ii) whether the [~~draft~~] proposed project area budget should be revised, adopted, or
- 3924 rejected;
- 3925 (e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing
- 3926 entity committee on the [~~draft~~] proposed project area budget or a revised version of the [~~draft~~]
- 3927 proposed project area budget; or
- 3928 (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2);
- 3929 (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i),
- 3930 obtain a written certification, signed by an attorney licensed to practice law in this state, stating
- 3931 that the taxing entity committee followed the appropriate procedures to approve the project
- 3932 area budget; and
- 3933 (g) after the budget hearing, hold a board meeting in the same meeting as the public
- 3934 hearing or in a subsequent meeting to:
- 3935 (i) consider comments made and information presented at the public hearing relating to
- 3936 the [~~draft~~] proposed project area budget; and
- 3937 (ii) adopt by resolution the [~~draft~~] proposed project area budget, with any revisions, as
- 3938 the project area budget.
- 3939 (3) (a) For a period of 30 days after the agency's adoption of the project area budget
- 3940 under Subsection (2)(g), any person [~~in interest~~] may contest the project area budget or the
- 3941 procedure used to adopt the project area budget if the budget or procedure fails to comply with
- 3942 applicable statutory requirements.
- 3943 (b) After the 30-day period under Subsection (3)(a) expires, a person[~~, for any cause,~~]
- 3944 may not contest:
- 3945 (i) the project area budget or procedure used by either the taxing entity committee or
- 3946 the agency to approve and adopt the project area budget;
- 3947 (ii) a [~~payment~~] distribution of tax increment to the agency under the project area
- 3948 budget; or
- 3949 (iii) the agency's use of tax increment under the project area budget.

3950 Section 103. Section **17C-3-203** is amended to read:

3951 **17C-3-203. Consent of taxing entity committee required for economic**
3952 **development project area budget -- Exception.**

3953 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
3954 agency shall obtain the consent of the taxing entity committee for each economic development
3955 project area budget under a post-June 30, 1993 economic development project area plan before
3956 the agency may collect any tax increment from the project area.

3957 (b) For an economic development project area budget adopted from July 1, 1998
3958 through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided
3959 in Section [17C-1-412](#), an agency:

3960 (i) need not obtain the consent of the taxing entity committee for the project area
3961 budget; and

3962 (ii) may not ~~collect~~ receive any tax increment from all or part of the project area until
3963 after:

3964 (A) the loan fund board has certified the project area budget as complying with the
3965 requirements of Section [17C-1-412](#); and

3966 (B) the ~~agency~~ board has approved and adopted the project area budget by a
3967 two-thirds vote.

3968 (2) (a) Before a taxing entity committee may consent to an economic development
3969 project area budget adopted on or after May 1, 2000 that allocates 20% of tax increment for
3970 housing under Subsection [17C-3-202](#)(2)(a) or (3), the agency shall:

3971 (i) adopt a housing plan showing the uses for the housing funds; and

3972 (ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
3973 board.

3974 (b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
3975 shall provide a copy of the amendment to the taxing entity committee and the loan fund board.

3976 Section 104. Section **17C-3-205** is amended to read:

3977 **17C-3-205. Amending an economic development project area budget.**

3978 (1) An agency may by resolution amend an economic development project area budget
3979 as provided in this section.

3980 (2) To amend an adopted economic development project area budget, the agency shall:

3981 (a) advertise and hold one public hearing on the proposed amendment as provided in
3982 Subsection (3);

3983 (b) if approval of the taxing entity committee was required for adoption of the original
3984 project area budget, obtain the approval of the taxing entity committee to the same extent that
3985 the agency was required to obtain the consent of the taxing entity committee for the project
3986 area budget as originally adopted;

3987 (c) if approval of the taxing entity committee is required under Subsection (2)(b),
3988 obtain a written certification, signed by an attorney licensed to practice law in this state, stating
3989 that the taxing entity committee followed the appropriate procedures to approve the project
3990 area budget; and

3991 (d) adopt a resolution amending the project area budget.

3992 (3) The public hearing required under Subsection (2)(a) shall be conducted according
3993 to the procedures and requirements of Section [17C-3-201](#), except that if the amended project
3994 area budget proposes that the agency be paid a greater proportion of tax increment from a
3995 project area than was to be paid under the previous project area budget, the notice shall state
3996 the percentage paid under the previous project area budget and the percentage proposed under
3997 the amended project area budget.

3998 (4) If the removal of a parcel under Subsection [17C-3-109](#)(4)(a)(ii) reduces the base
3999 taxable value of the project area, an agency may amend the project area budget to conform with
4000 the new base taxable value without:

4001 (a) complying with Subsections (2)(a) and (3); and

4002 (b) if applicable, obtaining taxing entity committee approval described in Subsection
4003 (2)(b).

4004 [~~4~~] (5) If a proposed amendment is not adopted, the agency shall continue to operate
4005 under the previously adopted economic development project area budget without the proposed

4006 amendment.

4007 ~~[(5)]~~ (6) (a) A person may contest the agency's adoption of a budget amendment within
4008 30 days after the day on which the agency adopts the amendment.

4009 (b) A person who fails to contest a budget amendment under Subsection ~~[(5)]~~ (6)(a):

4010 (i) forfeits any claim against an agency's adoption of the amendment; and

4011 (ii) may not contest:

4012 (A) a ~~[payment]~~ distribution of tax increment to the agency under the budget
4013 amendment; or

4014 (B) an agency's use of a tax increment under a budget amendment.

4015 Section 105. Section **17C-3-206** is amended to read:

4016 **17C-3-206. Extending collection of tax increment under an economic**
4017 **development project area budget.**

4018 (1) An amendment or extension approved by a taxing entity or taxing entity committee
4019 before May 10, 2011, is not subject to this section.

4020 (2) (a) An agency's collection of tax increment under an adopted economic
4021 development project area budget may be extended by:

4022 (i) following the project area budget amendment procedures outlined in Section
4023 **17C-3-205**; or

4024 (ii) following the procedures outlined in this section.

4025 (b) The base taxable value for an urban renewal project area budget may not be altered
4026 as a result of an extension under this section unless otherwise expressly provided for in an
4027 interlocal agreement adopted in accordance with Subsection (3)(a).

4028 (3) To extend under this section the agency's collection of tax increment from a taxing
4029 entity under a previously approved project area budget, the agency shall:

4030 (a) obtain the approval of the taxing entity through an interlocal agreement;

4031 (b) (i) hold a public hearing on the proposed extension in accordance with Subsection
4032 **17C-2-201**(2)(d) in the same manner as required for a ~~[draft]~~ proposed project area budget; and

4033 (ii) provide notice of the hearing:

4034 (A) as required by [~~Part 4, Economic Development~~] Chapter 1, Part 8, Hearing and
4035 Notice Requirements; and

4036 (B) including the proposed period of extension of the project area budget; and

4037 (c) after obtaining the approval of the taxing entity in accordance with Subsection
4038 (3)(a), at or after the public hearing, adopt a resolution approving the extension.

4039 (4) After the expiration of a project area budget, an agency may continue to receive tax
4040 increment from those taxing entities that have agreed to an extension through an interlocal
4041 agreement in accordance with Subsection (3)(a).

4042 (5) (a) A person may contest the agency's adoption of a budget extension within 30
4043 days after the day on which the agency adopts the resolution providing for the extension.

4044 (b) A person who fails to contest a budget extension under Subsection (5)(a):

4045 (i) shall forfeit any claim against the agency's adoption of the extension; and

4046 (ii) may not contest:

4047 (A) a [~~payment~~] distribution of tax increment to the agency under the budget, as
4048 extended; or

4049 (B) an agency's use of tax increment under the budget, as extended.

4050 Section 106. Section **17C-4-101.1** is enacted to read:

4051 **CHAPTER 4. COMMUNITY DEVELOPMENT**

4052 **17C-4-101.1. Title.**

4053 This chapter is known as "Community Development."

4054 Section 107. Section **17C-4-101.2** is enacted to read:

4055 **17C-4-101.2. Applicability of chapter.**

4056 This chapter applies to a community development project area that is effective:

4057 (1) before May 10, 2016; or

4058 (2) before September 1, 2016, if an agency adopted a resolution in accordance with

4059 Section [17C-4-101.5](#) before April 1, 2016.

4060 Section 108. Section **17C-4-101.5**, which is renumbered from Section 17C-4-101 is
4061 renumbered and amended to read:

4062 ~~[17C-4-101]~~. 17C-4-101.5. Resolution authorizing the preparation of a
 4063 **community development proposed project area plan -- Request to adopt resolution.**

4064 (1) ~~[An agency]~~ A board may begin the process of adopting a community development
 4065 project area plan by adopting a resolution that authorizes the preparation of a ~~[draft]~~ proposed
 4066 community development project area plan.

4067 (2) (a) Any person or any group, association, corporation, or other entity may submit a
 4068 written request to the board to adopt a resolution under Subsection (1).

4069 (b) A request under Subsection (2)(a) may include plans showing the ~~[community]~~
 4070 project area development proposed for an area within the agency's boundaries.

4071 (c) The board may, in ~~[its]~~ the board's sole discretion, grant or deny a request under
 4072 Subsection (2)(a).

4073 Section 109. Section ~~17C-4-102~~ is amended to read:

4074 **17C-4-102. Process for adopting a community development project area plan --**
 4075 **Prerequisites -- Restrictions.**

4076 (1) In order to adopt a community development project area plan, after adopting a
 4077 resolution under Subsection ~~[17C-4-101]~~ 17C-4-101.5(1) the agency shall:

4078 (a) prepare a ~~[draft of a]~~ proposed community development project area plan and
 4079 conduct any examination, investigation, and negotiation regarding the project area plan that the
 4080 agency considers appropriate;

4081 (b) make the ~~[draft]~~ proposed project area plan available to the public at the agency's
 4082 offices during normal business hours;

4083 (c) provide notice of the plan hearing as ~~[provided in Section 17C-4-402]~~ described in
 4084 Chapter 1, Part 8, Hearing and Notice Requirements;

4085 (d) hold a public hearing on the ~~[draft]~~ proposed project area plan and, at that public
 4086 hearing:

4087 (i) allow public comment on:

4088 (A) the ~~[draft]~~ proposed project area plan; and

4089 (B) whether the ~~[draft]~~ proposed project area plan should be revised, approved, or

4090 rejected; and

4091 (ii) receive all written and hear all oral objections to the [draft] proposed project area
4092 plan;

4093 (e) after holding the plan hearing, at the same meeting or at one or more subsequent
4094 meetings consider:

4095 (i) the oral and written objections to the [draft] proposed project area plan and evidence
4096 and testimony for or against adoption of the [draft] proposed project area plan; and

4097 (ii) whether to revise, approve, or reject the [draft] proposed project area plan;

4098 (f) approve the [draft] proposed project area plan, with or without revisions, as the
4099 project area plan by a resolution that complies with Section 17C-4-104; and

4100 (g) submit the project area plan to the community legislative body for adoption.

4101 (2) An agency may not propose a community development project area plan under
4102 Subsection (1) unless the community in which the proposed project area is located:

4103 (a) has a planning commission; and

4104 (b) has adopted a general plan under:

4105 (i) if the community is a [city or town] municipality, Title 10, Chapter 9a, Part 4,
4106 General Plan; or

4107 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

4108 (3) (a) Except as provided in Subsection (3)(b), a [draft] proposed project area plan
4109 may not be modified to add [~~real property~~] a parcel to the proposed project area unless the
4110 board holds a plan hearing to consider the addition and gives notice of the plan hearing as
4111 required under [~~Section 17C-4-402~~] Chapter 1, Part 8, Hearing and Notice Requirements.

4112 (b) The notice and hearing requirements under Subsection (3)(a) do not apply to a
4113 [draft] proposed project area plan being modified to add [~~real property~~] a parcel to the proposed
4114 project area if:

4115 (i) the [~~property~~] parcel is contiguous to [~~the property~~] one or more parcels already
4116 included in the proposed project area under the [draft] proposed project area plan; and

4117 (ii) the record owner of the property consents to adding the [~~real property~~] parcel to the

4118 proposed project area.

4119 Section 110. Section 17C-4-103 is amended to read:

4120 **17C-4-103. Community development project area plan requirements.**

4121 Each community development project area plan and ~~[draft]~~ proposed project area plan
4122 shall:

4123 (1) describe the boundaries of the project area, subject to Section 17C-1-414, if
4124 applicable;

4125 (2) contain a general statement of the land uses, layout of principal streets, population
4126 densities, and building intensities of the project area and how they will be affected by the
4127 community development;

4128 (3) state the standards that will guide the ~~[community]~~ project area development;

4129 (4) show how the purposes of this title will be attained by the ~~[community]~~ project area
4130 development;

4131 (5) be consistent with the general plan of the community in which the project area is
4132 located and show that the ~~[community]~~ project area development will conform to the
4133 community's general plan;

4134 (6) describe any specific project or projects that are the object of the proposed
4135 ~~[community]~~ project area development;

4136 (7) identify how ~~[private developers, if any,]~~ a participant will be selected to undertake
4137 the ~~[community]~~ project area development and identify each ~~[private developer]~~ participant
4138 currently involved in the ~~[community]~~ project area development ~~[process]~~;

4139 (8) state the reasons for the selection of the project area;

4140 (9) describe the physical, social, and economic conditions existing in the project area;

4141 (10) describe any tax incentives offered private entities for facilities located in the
4142 project area;

4143 (11) include an analysis or description of the anticipated public benefit to be derived
4144 from the ~~[community]~~ project area development, including:

4145 (a) the beneficial influences upon the tax base of the community; and

4146 (b) the associated business and economic activity likely to be stimulated; and
4147 (12) include other information that the agency determines to be necessary or advisable.
4148 Section 111. Section **17C-4-104** is amended to read:

4149 **17C-4-104. Board resolution approving a community development project area**
4150 **plan -- Requirements.**

4151 Each board resolution approving a [~~draft~~] proposed community development project
4152 area plan as the project area plan under Subsection **17C-4-102**(1)(f) shall contain:

4153 (1) a [~~legal~~] boundary description of the boundaries of the project area that is the
4154 subject of the project area plan;

4155 (2) the agency's purposes and intent with respect to the project area;

4156 (3) the project area plan incorporated by reference; and

4157 (4) the board findings and determinations that adoption of the community development
4158 project area plan will:

4159 (a) satisfy a public purpose;

4160 (b) provide a public benefit as shown by the analysis described in Subsection
4161 **17C-4-103**(11);

4162 (c) be economically sound and feasible;

4163 (d) conform to the community's general plan; and

4164 (e) promote the public peace, health, safety, and welfare of the community in which the
4165 project area is located.

4166 Section 112. Section **17C-4-106** is amended to read:

4167 **17C-4-106. Notice of community development project area plan adoption --**
4168 **Effective date of plan -- Contesting the formation of the plan.**

4169 (1) (a) Upon the community legislative body's adoption of a community development
4170 project area plan, the community legislative body shall provide notice as provided in
4171 Subsection (1)(b) by:

4172 (i) (A) publishing or causing to be published a notice in a newspaper of general
4173 circulation within the agency's boundaries; or

4174 (B) if there is no newspaper of general circulation within the agency's boundaries,
4175 causing a notice to be posted in at least three public places within the agency's boundaries; and

4176 (ii) publishing or causing to be published in accordance with Section 45-1-101.

4177 (b) Each notice under Subsection (1)(a) shall:

4178 (i) set forth the community legislative body's ordinance adopting the community
4179 development project area plan or a summary of the ordinance; and

4180 (ii) include a statement that the project area plan is available for general public
4181 inspection and the hours for inspection.

4182 (2) The community development project area plan shall become effective on the date
4183 of:

4184 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4185 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4186 (3) (a) For a period of 30 days after the effective date of the community development
4187 project area plan under Subsection (2), any person [~~in interest~~] may contest the project area
4188 plan or the procedure used to adopt the project area plan if the plan or procedure fails to
4189 comply with applicable statutory requirements.

4190 (b) After the 30-day period under Subsection (3)(a) expires, [~~no~~] a person may not
4191 contest the community development project area plan or procedure used to adopt the project
4192 area plan for any cause.

4193 (4) Upon adoption of the community development project area plan by the
4194 [~~community's~~] community legislative body, the agency may carry out the project area plan.

4195 (5) Each agency shall make the adopted project area plan available to the [~~general~~]
4196 public at [~~its offices~~] the agency's office during normal business hours.

4197 Section 113. Section 17C-4-107 is amended to read:

4198 **17C-4-107. Agency required to transmit and record documents after adoption of**
4199 **community development project area plan.**

4200 Within 30 days after the community legislative body adopts, under Section 17C-4-105,
4201 a community development project area plan, the agency shall:

- 4202 (1) record with the recorder of the county in which the project area is located a
4203 document containing:
- 4204 (a) a description of the land within the project area;
 - 4205 (b) a statement that the project area plan for the project area has been adopted; and
 - 4206 (c) the date of adoption;
- 4207 (2) transmit a copy of the description of the land within the project area and an accurate
4208 map or plat indicating the boundaries of the project area to the Automated Geographic
4209 Reference Center created under Section 63F-1-506; and
- 4210 (3) for a project area plan that provides for [~~the payment of tax increment to~~] the
4211 agency to receive tax increment, transmit a copy of the description of the land within the
4212 project area, a copy of the community legislative body ordinance adopting the project area plan,
4213 and a map or plat indicating the boundaries of the project area to:
- 4214 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
4215 part of the project area is located;
 - 4216 (b) the officer or officers performing the function of auditor or assessor for each taxing
4217 entity that does not use the county assessment roll or collect [~~its~~] the taxing entity's taxes
4218 through the county;
 - 4219 (c) the legislative body or governing board of each taxing entity;
 - 4220 (d) the State Tax Commission; and
 - 4221 (e) the State Board of Education.

4222 Section 114. Section 17C-4-108 is amended to read:

4223 **17C-4-108. Amending a community development project area plan.**

4224 (1) Except as provided in Subsection (2) and Section 17C-4-109, the requirements
4225 under this part that apply to adopting a community development project area plan apply equally
4226 to a proposed amendment of a community development project area plan as though the
4227 amendment were a proposed project area plan.

4228 (2) (a) Notwithstanding Subsection (1), [~~an adopted~~] a community development project
4229 area plan may be amended without complying with the [~~notice and public hearing~~]

4230 requirements of ~~[this part]~~ Chapter 1, Part 8, Hearing and Notice Requirements, if the proposed
4231 amendment:

4232 (i) makes a minor adjustment in the ~~[legal]~~ boundary description of a project area
4233 boundary requested by a county assessor or county auditor to avoid inconsistent property
4234 boundary lines; or

4235 (ii) subject to Subsection (2)(b), removes a parcel ~~[of real property]~~ from a project area
4236 because the agency determines that ~~[inclusion of the parcel is no longer necessary or desirable~~
4237 ~~to the project area.]~~ the parcel is:

4238 (A) tax exempt; or

4239 (B) no longer necessary or desirable to the project area.

4240 (b) An amendment removing a parcel ~~[of real property]~~ from a community
4241 development project area under Subsection (2)(a)(ii) may ~~[not]~~ be made without the consent of
4242 the record property owner of the parcel being removed.

4243 (3) (a) An amendment approved by board resolution under this section may not take
4244 effect until adopted by ordinance of the legislative body of the community in which the project
4245 area that is the subject of the project area plan being amended is located.

4246 (b) Upon a community legislative body passing an ordinance adopting an amendment
4247 to a community development project area plan, the agency whose project area plan was
4248 amended shall comply with the requirements of Sections [17C-4-106](#) and [17C-4-107](#) to the
4249 same extent as if the amendment were a project area plan.

4250 (4) (a) Within 30 days after the day on which an amendment to a project area plan
4251 becomes effective, a person may contest the amendment to the project area plan or the
4252 procedure used to adopt the amendment to the project area plan if the amendment or procedure
4253 fails to comply with a provision of this title.

4254 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4255 contest the amendment to the project area plan or procedure used to adopt the amendment to
4256 the project area plan for any cause.

4257 Section 115. Section **17C-4-109** is amended to read:

4258 **17C-4-109. Expedited community development project area plan.**

4259 (1) As used in this section, "tax increment incentive" means the portion of tax
4260 increment awarded to an industry or business.

4261 (2) A community development project area plan may be adopted or amended without
4262 complying with the notice and public hearing requirements of this part and [~~Section~~
4263 ~~17C-4-402~~] Chapter 1, Part 8, Hearing and Notice Requirements, if the following requirements
4264 are met:

4265 (a) the agency determines by resolution adopted in an open and public meeting the
4266 need to create or amend a project area plan on an expedited basis, which resolution shall
4267 include a description of why expedited action is needed;

4268 (b) a public hearing on the amendment or adoption of the project area plan is held by
4269 the agency;

4270 (c) notice of the public hearing is published at least 14 days before the public hearing
4271 on:

4272 (i) the website of the community that created the agency; and

4273 (ii) the Utah Public Notice Website created in Section [63F-1-701](#);

4274 (d) written consent to the amendment or adoption of the project area plan is given by
4275 all record property owners within the existing or proposed project area;

4276 (e) each taxing entity [~~and public entity~~] that will be affected by the tax increment
4277 incentive [~~enter~~] enters into or [~~amend~~] amends an interlocal agreement in accordance with
4278 Title 11, Chapter 13, Interlocal Cooperation Act, and Sections [17C-4-201](#), [17C-4-203](#), and
4279 [17C-4-204](#);

4280 (f) the primary market for the goods or services that will be created by the industry or
4281 business entity that will receive a tax increment incentive from the amendment or adoption of
4282 the project area plan is outside of the state;

4283 (g) the industry or business entity that will receive a tax increment incentive from the
4284 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

4285 (h) a tax increment incentive is only provided to an industry or business entity;

- 4286 (i) on a postperformance basis as described in Subsection (3); and
- 4287 (ii) on an annual basis after the tax increment is received by the agency.
- 4288 (3) An industry or business entity may only receive a tax increment incentive under this
- 4289 section after entering into an agreement with the agency that sets postperformance targets that
- 4290 shall be met before the industry or business entity may receive the tax increment incentive,
- 4291 including annual targets for:
 - 4292 (a) capital investment in the project area;
 - 4293 (b) the increase in the taxable value of the project area;
 - 4294 (c) the number of new jobs created in the project area;
 - 4295 (d) the average wages of the jobs created, which shall be at least 110% of the
 - 4296 prevailing wage of the county where the project area is located; and
 - 4297 (e) the amount of local vendor opportunity generated by the industry or business entity.

4298 Section 116. Section **17C-4-201** is amended to read:

4299 **17C-4-201. Consent of a taxing entity to an agency receiving tax increment or**
4300 **sales tax funds for community development project.**

4301 (1) An agency may negotiate with a taxing entity [~~and public entity~~] for the taxing
4302 entity's [~~or public entity's~~] consent to the agency receiving the taxing entity's [~~or public entity's~~
4303 ~~tax increment or sales tax revenues, or both,~~] project area funds for the purpose of providing
4304 [~~funds~~] money to carry out a proposed or adopted community development project area plan.

4305 (2) The consent of a taxing entity [~~or public entity~~] under Subsection (1) may be
4306 expressed in:

- 4307 (a) a resolution adopted by the taxing entity [~~or public entity~~]; or
- 4308 (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act,
4309 between the taxing entity [~~or public entity~~] and the agency.

4310 (3) Before an agency may use [~~tax increment or sales tax revenues collected~~] project
4311 area funds received under a resolution or interlocal agreement adopted for the purpose of
4312 providing [~~funds~~] money to [~~carry out~~] implement a proposed or adopted community
4313 development project area plan, the agency shall:

4314 (a) obtain a written certification, signed by an attorney licensed to practice law in this
4315 state, stating that the agency and the taxing entity have each followed all legal requirements
4316 relating to the adoption of the resolution or interlocal agreement, respectively; and

4317 (b) provide a signed copy of the certification described in Subsection (3)(a) to the
4318 appropriate taxing entity.

4319 (4) A resolution adopted or interlocal agreement entered under Subsection (2) on or
4320 after March 30, 2009 shall specify:

4321 (a) if the resolution or interlocal agreement provides for the agency to be paid tax
4322 increment:

4323 (i) the method of calculating the amount of the taxing entity's tax increment from the
4324 project area that will be paid to the agency, including the agreed base year and agreed base
4325 taxable value;

4326 (ii) the ~~[number of tax years that the agency will be paid the taxing entity's tax~~
4327 ~~increment from the project area]~~ project area funds collection period; and

4328 (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar
4329 amount of the taxing entity's tax increment that the agency will be paid; and

4330 (b) if the resolution or interlocal agreement provides for the agency to be paid a
4331 ~~[public]~~ taxing entity's sales and use tax revenue:

4332 (i) the method of calculating the amount of the ~~[public]~~ taxing entity's sales and use tax
4333 revenue that the agency will be paid;

4334 (ii) ~~[the number of tax years that the agency will be paid the sales tax revenue]~~ the
4335 project area funds collection period; and

4336 (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar
4337 amount of sales and use tax revenue that the agency will be paid.

4338 (5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing
4339 entity's tax increment:

4340 (i) that exceeds the percentage or maximum cumulative dollar amount of tax increment
4341 specified in the resolution or interlocal agreement under Subsection (2); or

4342 (ii) for more tax years than specified in the resolution or interlocal agreement under
4343 Subsection (2).

4344 (b) Unless the [public] taxing entity otherwise agrees, an agency may not be paid a
4345 [public] taxing entity's sales and use tax revenue:

4346 (i) that exceeds the percentage or maximum cumulative dollar amount of sales and use
4347 tax revenue specified in the resolution or interlocal agreement under Subsection (2); or

4348 (ii) for more tax years than specified in the resolution or interlocal agreement under
4349 Subsection (2).

4350 (6) A school district may consent to an agency receiving tax increment from the school
4351 district's basic levy only to the extent that the school district also consents to the agency
4352 receiving tax increment from the school district's local levy.

4353 (7) (a) A resolution or interlocal agreement under this section may be amended from
4354 time to time.

4355 (b) Each amendment of a resolution or interlocal agreement shall be subject to and
4356 receive the benefits of the provisions of this part to the same extent as if the amendment were
4357 an original resolution or interlocal agreement.

4358 (8) A taxing entity's [~~or public entity's~~] consent to an agency receiving funds under this
4359 section is not subject to the requirements of Section 10-8-2.

4360 (9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing
4361 entity that:

4362 (i) is created after the date of adoption of a resolution or execution of an interlocal
4363 agreement under this section; and

4364 (ii) levies a tax on any parcel of property located within the project area that is the
4365 subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).

4366 (b) A resolution or interlocal agreement executed by a taxing entity under this section
4367 may be enforced by or against any successor taxing entity.

4368 Section 117. Section 17C-4-202 is amended to read:

4369 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**

4370 **the community development project area plan -- Notice -- Effective date of resolution or**
4371 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
4372 **of resolution or interlocal agreement.**

4373 (1) The approval and adoption of each resolution or interlocal agreement under
4374 Subsection 17C-4-201(2) shall be in an open and public meeting.

4375 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
4376 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4377 (i) (A) publishing or causing to be published a notice in a newspaper of general
4378 circulation within the agency's boundaries; or

4379 (B) if there is no newspaper of general circulation within the agency's boundaries,
4380 causing a notice to be posted in at least three public places within the agency's boundaries; and

4381 (ii) publishing or causing to be published a notice on the Utah Public Notice Website
4382 created in Section 63F-1-701.

4383 (b) Each notice under Subsection (2)(a) shall:

4384 (i) set forth a summary of the resolution or interlocal agreement; and

4385 (ii) include a statement that the resolution or interlocal agreement is available for
4386 [general] public inspection and the hours of inspection.

4387 (3) The resolution or interlocal agreement shall become effective on the date of:

4388 (a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the
4389 notice; or

4390 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

4391 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal

4392 agreement under Subsection (3), any person [in interest] may contest the resolution or

4393 interlocal agreement or the procedure used to adopt the resolution or interlocal agreement if the

4394 resolution or interlocal agreement or procedure fails to comply with applicable statutory

4395 requirements.

4396 (b) After the 30-day period under Subsection (4)(a) expires, a person may not[, for any
4397 cause,] contest:

- 4398 (i) the resolution or interlocal agreement;
- 4399 (ii) a [~~payment~~] distribution of tax increment to the agency under the resolution or
- 4400 interlocal agreement; or
- 4401 (iii) the agency's use of [~~tax increment~~] project area funds under the resolution or
- 4402 interlocal agreement.

4403 (5) Each agency that is to receive project area funds under a resolution or interlocal
4404 agreement under Section 17C-4-201 and each taxing entity [~~or public entity~~] that approves a
4405 resolution or enters into an interlocal agreement under Section 17C-4-201 shall make the
4406 resolution or interlocal agreement, as the case may be, available at [~~its~~] the taxing entity's
4407 offices to the [~~general~~] public for inspection and copying during normal business hours.

4408 Section 118. Section 17C-4-203 is amended to read:

4409 **17C-4-203. Requirement to file a copy of the resolution or interlocal agreement --**
4410 **County payment of tax increment to the agency.**

4411 (1) Each agency that is to receive funds under a resolution or interlocal agreement
4412 under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or
4413 interlocal agreement, file a copy of it with:

- 4414 (a) the State Tax Commission, the State Board of Education, and the state auditor; and
- 4415 (b) the auditor of the county in which the project area is located, if the resolution or
- 4416 interlocal agreement provides for the agency to receive tax increment from the taxing entity [~~or~~
- 4417 ~~public entity~~] that adopted the resolution or entered into the interlocal agreement.

4418 (2) Each county that collects property tax on property within a community
4419 development project area shall, in the manner and at the time provided in Section 59-2-1365,
4420 pay and distribute to the agency the tax increment that the agency is [~~entitled~~] authorized to
4421 receive under a resolution approved or an interlocal agreement adopted under Section
4422 17C-4-201.

4423 Section 119. Section 17C-4-204 is amended to read:

4424 **17C-4-204. Adoption of a budget for a community development project area plan**
4425 **-- Amendment.**

4426 (1) An agency may prepare and, by resolution adopted at a regular or special meeting
4427 of the [agency] board, adopt a community development project area budget setting forth:

4428 (a) the anticipated costs, including administrative costs, of implementing the
4429 community development project area plan; and

4430 (b) the tax increment, sales and use tax revenue, and other revenue the agency
4431 anticipates receiving to fund the project.

4432 (2) An agency may, by resolution adopted at a regular or special meeting of the
4433 [agency] board, amend a budget adopted under Subsection (1).

4434 (3) Each resolution to adopt or amend a budget under this section shall appear as an
4435 item on the agenda for the regular or special [agency] board meeting at which the resolution is
4436 adopted without additional required notice.

4437 (4) An agency is not required to obtain [~~approval of the~~] taxing entity or taxing entity
4438 committee [~~for~~] approval to adopt or amend a community development project area budget.

4439 Section 120. Section **17C-5-101** is enacted to read:

4440 **CHAPTER 5. COMMUNITY REINVESTMENT**

4441 **Part 1. Community Reinvestment Project Area Plan**

4442 **17C-5-101. Title.**

4443 (1) This chapter is known as "Community Reinvestment."

4444 (2) This part is known as "Community Reinvestment Project Area Plan."

4445 Section 121. Section **17C-5-102** is enacted to read:

4446 **17C-5-102. Applicability of chapter.**

4447 This chapter applies to a community reinvestment project area created on or after May
4448 10, 2016.

4449 Section 122. Section **17C-5-103** is enacted to read:

4450 **17C-5-103. Initiating a community reinvestment project area plan.**

4451 (1) A board shall initiate the process of adopting a community reinvestment project
4452 area plan by adopting a survey area resolution that:

4453 (a) designates a geographic area located within the agency's boundaries as a survey

4454 area;

4455 (b) contains a description or map of the boundaries of the survey area;

4456 (c) contains a statement that the survey area requires study to determine whether
4457 project area development is feasible within one or more proposed community reinvestment
4458 project areas within the survey area; and

4459 (d) authorizes the agency to:

4460 (i) prepare a proposed community reinvestment project area plan for each proposed
4461 community reinvestment project area; and

4462 (ii) conduct any examination, investigation, or negotiation regarding the proposed
4463 community reinvestment project area that the agency considers appropriate.

4464 (2) If an agency anticipates an activity described in Subsection [17C-5-402](#)(1) within the
4465 survey area, the resolution described in Subsection (1) shall include:

4466 (a) a statement that the survey area requires study to determine whether blight exists
4467 within the survey area; and

4468 (b) authorization for the agency to conduct a blight study in accordance with Section
4469 [17C-5-403](#).

4470 Section 123. Section **17C-5-104** is enacted to read:

4471 **17C-5-104. Process for adopting a community reinvestment project area plan --**
4472 **Prerequisites -- Restrictions.**

4473 (1) An agency may not propose a community reinvestment project area plan unless the
4474 community in which the proposed community reinvestment project area plan is located:

4475 (a) has a planning commission; and

4476 (b) has adopted a general plan under:

4477 (i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or

4478 (ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.

4479 (2) (a) Before an agency may adopt a proposed community reinvestment project area
4480 plan, the agency shall make a blight determination in accordance with Section [17C-5-402](#) if the
4481 agency anticipates an activity described in Subsection [17C-5-402](#)(1) for which a blight

4482 determination is required.

4483 (b) If applicable, an agency may not approve a community reinvestment project area
4484 plan more than one year after the adoption of a resolution making a finding of blight under
4485 Section 17C-5-402.

4486 (3) To adopt a community reinvestment project area plan, an agency shall:

4487 (a) prepare a proposed community reinvestment project area plan in accordance with
4488 Section 17C-5-105;

4489 (b) make the proposed community reinvestment project area plan available to the
4490 public at the agency's office during normal business hours for at least 30 days before the plan
4491 hearing described in Subsection (3)(e);

4492 (c) before holding the plan hearing described in Subsection (3)(e), provide an
4493 opportunity for the State Board of Education and each taxing entity that levies or imposes a tax
4494 within the proposed community reinvestment project area to consult with the agency regarding
4495 the proposed community reinvestment project area plan;

4496 (d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing
4497 and Notice Requirements;

4498 (e) hold a plan hearing on the proposed community reinvestment project area plan and,
4499 at the plan hearing:

4500 (i) allow public comment on:

4501 (A) the proposed community reinvestment project area plan; and

4502 (B) whether the agency should revise, approve, or reject the proposed community
4503 reinvestment project area plan; and

4504 (ii) receive all written and oral objections to the proposed community reinvestment
4505 project area plan; and

4506 (f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency
4507 meeting:

4508 (i) consider:

4509 (A) the oral and written objections to the proposed community reinvestment project

4510 area plan and evidence and testimony for and against adoption of the proposed community
4511 reinvestment project area plan; and

4512 (B) whether to revise, approve, or reject the proposed community reinvestment project
4513 area plan;

4514 (ii) adopt a resolution in accordance with Section 17C-5-108 that approves the
4515 proposed community reinvestment project area plan, with or without revisions, as the
4516 community reinvestment project area plan; and

4517 (iii) submit the community reinvestment project area plan to the community legislative
4518 body for adoption.

4519 (4) (a) Except as provided in Subsection (4)(b), an agency may not modify a proposed
4520 community reinvestment project area plan to add a parcel to the proposed community
4521 reinvestment project area unless the agency holds a plan hearing to consider the addition and
4522 gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice
4523 Requirements.

4524 (b) The notice and hearing requirements described in Subsection (4)(a) do not apply to
4525 a proposed community reinvestment project area plan being modified to add a parcel to the
4526 proposed community reinvestment project area if:

4527 (i) the parcel is contiguous to one or more parcels already included in the proposed
4528 community reinvestment project area under the proposed community reinvestment project area
4529 plan;

4530 (ii) the record owner of the parcel consents to adding the parcel to the proposed
4531 community reinvestment project area; and

4532 (iii) the parcel is located within the survey area.

4533 Section 124. Section 17C-5-105 is enacted to read:

4534 **17C-5-105. Community reinvestment project area plan requirements.**

4535 (1) Each community reinvestment project area plan and proposed community
4536 reinvestment project area plan shall:

4537 (a) subject to Section 17C-1-414, if applicable, include a boundary description and a

4538 map of the community reinvestment project area;
4539 (b) contain a general statement of the existing land uses, layout of principal streets,
4540 population densities, and building intensities of the community reinvestment project area and
4541 how each will be affected by the project area development;
4542 (c) state the standards that will guide the project area development;
4543 (d) show how the project area development will further purposes of this title;
4544 (e) be consistent with the general plan of the community in which the community
4545 reinvestment project area is located and show that the project area development will conform to
4546 the community's general plan;
4547 (f) if applicable, describe how project area development will eliminate or reduce blight
4548 in the community reinvestment project area;
4549 (g) describe any specific project area development that is the object of the community
4550 reinvestment project area plan;
4551 (h) if applicable, explain how the agency plans to select a participant;
4552 (i) state each reason the agency selected the community reinvestment project area;
4553 (j) describe the physical, social, and economic conditions that exist in the community
4554 reinvestment project area;
4555 (k) describe each type of financial assistance that the agency anticipates offering a
4556 participant;
4557 (l) report the results of the public benefit analysis described in Subsection (2);
4558 (m) if applicable, state that the agency shall comply with Section [9-8-404](#) as required
4559 under Section [17C-5-106](#);
4560 (n) state whether the community reinvestment project area plan or proposed
4561 community reinvestment project area plan is subject to a taxing entity committee or an
4562 interlocal agreement; and
4563 (o) include other information that the agency determines to be necessary or advisable.
4564 (2) (a) An agency shall conduct an analysis in accordance with Subsection (2)(b) to
4565 determine whether the proposed community reinvestment project area plan will provide a

4566 public benefit.

4567 (b) The analysis described in Subsection (2)(a) shall consider:

4568 (i) the benefit of any financial assistance or other public subsidy proposed to be
4569 provided by the agency, including:

4570 (A) an evaluation of the reasonableness of the costs of the proposed project area
4571 development;

4572 (B) efforts that have been, or will be made, to maximize private investment;

4573 (C) the rationale for use of project area funds, including an analysis of whether the
4574 proposed project area development might reasonably be expected to occur in the foreseeable
4575 future solely through private investment; and

4576 (D) an estimate of the total amount of project area funds that the agency intends to
4577 spend on project area development and the length of time over which the project area funds
4578 will be spent; and

4579 (ii) the anticipated public benefit derived from the proposed project area development,
4580 including:

4581 (A) the beneficial influences on the community's tax base;

4582 (B) the associated business and economic activity the proposed project area
4583 development will likely stimulate; and

4584 (C) whether adoption of the proposed community reinvestment project area plan is
4585 necessary and appropriate to undertake the proposed project area development.

4586 Section 125. Section **17C-5-106** is enacted to read:

4587 **17C-5-106. Existing and historic buildings and uses in a community reinvestment**
4588 **project area.**

4589 An agency shall comply with Section [9-8-404](#) as though the agency is a state agency if:

4590 (1) any of the existing buildings or uses in a community reinvestment project area are
4591 included in, or eligible for inclusion in, the National Register of Historic Places or the State
4592 Register; and

4593 (2) the agency spends agency funds on the demolition or rehabilitation of existing

4594 buildings described in Subsection (1).

4595 Section 126. Section **17C-5-107** is enacted to read:

4596 **17C-5-107. Objections to a community reinvestment project area plan.**

4597 (1) A person may object to a proposed community reinvestment project area plan:

4598 (a) in writing at any time before or during a plan hearing; or

4599 (b) orally during a plan hearing.

4600 (2) An agency may not approve a proposed community reinvestment project area plan

4601 if, after receiving public comment at a plan hearing in accordance with Subsection

4602 17C-5-104(3)(e)(i), the record property owners of at least 51% of the private land area within

4603 the most recently proposed community reinvestment project area object to the proposed

4604 community reinvestment project area plan.

4605 Section 127. Section **17C-5-108** is enacted to read:

4606 **17C-5-108. Board resolution approving a community reinvestment project area**

4607 **plan -- Requirements.**

4608 A board resolution approving a proposed community reinvestment area plan as the

4609 community reinvestment project area plan under Section 17C-5-104 shall contain:

4610 (1) a boundary description of the community reinvestment project area that is the

4611 subject of the community reinvestment project area plan;

4612 (2) the agency's purposes and intent with respect to the community reinvestment

4613 project area;

4614 (3) the proposed community reinvestment project area plan incorporated by reference;

4615 (4) the board findings and determinations that the proposed community reinvestment

4616 project area plan:

4617 (a) serves a public purpose;

4618 (b) produces a public benefit as demonstrated by the analysis described in Subsection

4619 17C-5-105(2);

4620 (c) is economically sound and feasible;

4621 (d) conforms to the community's general plan; and

4622 (e) promotes the public peace, health, safety, and welfare of the community in which
4623 the proposed community reinvestment project area is located; and

4624 (5) if the board made a finding of blight under Section 17C-5-402, a statement that the
4625 board made a finding of blight within the proposed community reinvestment project area and
4626 the date on which the board made the finding of blight.

4627 Section 128. Section 17C-5-109 is enacted to read:

4628 **17C-5-109. Community reinvestment project area plan to be adopted by**
4629 **community legislative body.**

4630 (1) A proposed community reinvestment project area plan approved by board
4631 resolution under Section 17C-5-104 may not take effect until the community legislative body:

4632 (a) by ordinance, adopts the proposed community reinvestment project area plan; and

4633 (b) provides notice in accordance with Section 17C-5-110.

4634 (2) An ordinance described in Subsection (1)(a) shall designate the community
4635 reinvestment project area plan as the official plan of the community reinvestment project area.

4636 Section 129. Section 17C-5-110 is enacted to read:

4637 **17C-5-110. Notice of community reinvestment project area plan adoption --**
4638 **Effective date of plan -- Contesting the formation of the plan.**

4639 (1) (a) Upon a community legislative body's adoption of a community reinvestment
4640 project area plan in accordance with Section 17C-5-109, or an amendment to a community
4641 reinvestment project area plan in accordance with Section 17C-5-112, the community
4642 legislative body shall provide notice of the adoption or amendment in accordance with
4643 Subsection (1)(b) by:

4644 (i) (A) causing a notice to be published in a newspaper of general circulation within the
4645 community; or

4646 (B) if there is no newspaper of general circulation within the community, causing a
4647 notice to be posted in at least three public places within the community; and

4648 (ii) posting a notice on the Utah Public Notice Website described in Section
4649 63F-1-701.

4650 (b) A notice described in Subsection (1)(a) shall include:

4651 (i) a copy of the community legislative body's ordinance, or a summary of the
4652 ordinance, that adopts the community reinvestment project area plan; and

4653 (ii) a statement that the community reinvestment project area plan is available for
4654 public inspection and the hours for inspection.

4655 (2) A community reinvestment project area plan is effective on the day on which notice
4656 of adoption is published or posted in accordance with Subsection (1)(a).

4657 (3) A community reinvestment project area is considered created the day on which the
4658 community reinvestment project area plan becomes effective as described in Subsection (2).

4659 (4) (a) Within 30 days after the day on which a community reinvestment project area
4660 plan is effective, a person may contest the community reinvestment project area plan or the
4661 procedure used to adopt the community reinvestment project area plan if the community
4662 reinvestment project area plan or the procedure fails to comply with a provision of this title.

4663 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4664 contest the community reinvestment project area plan or the procedure used to adopt the
4665 community reinvestment project area plan.

4666 (5) Upon adoption of a community reinvestment project area plan by the community
4667 legislative body, the agency may implement the community reinvestment project area plan.

4668 (6) The agency shall make the community reinvestment project area plan available to
4669 the public at the agency's office during normal business hours.

4670 Section 130. Section **17C-5-111** is enacted to read:

4671 **17C-5-111. Agency required to transmit and record documentation after adoption**
4672 **of community reinvestment project area plan.**

4673 Within 30 days after the day on which a community legislative body adopts a
4674 community reinvestment project area plan under Section [17C-5-109](#), the agency shall:

4675 (1) record with the recorder of the county in which the community reinvestment project
4676 area is located a document containing:

4677 (a) the name of the community reinvestment project area;

4678 (b) a boundary description of the community reinvestment project area; and
4679 (c) (i) a statement that the community legislative body adopted the community
4680 reinvestment project area plan; and
4681 (ii) the day on which the community legislative body adopted the community
4682 reinvestment project area plan;
4683 (2) transmit a copy of a description of the land within the community reinvestment
4684 project area and an accurate map or plat indicating the boundaries of the community
4685 reinvestment project area to the Automated Geographic Reference Center created in Section
4686 [63F-1-506](#); and
4687 (3) for a community reinvestment project area plan that provides for the agency to
4688 receive tax increment, transmit a copy of a description of the land within the community
4689 reinvestment project area, a copy of the community legislative body ordinance adopting the
4690 community reinvestment project area plan, and an accurate map or plat indicating the
4691 boundaries of the community reinvestment project area to:
4692 (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each
4693 county in which any part of the community reinvestment project area is located;
4694 (b) the officer or officers performing the function of auditor or assessor for each taxing
4695 entity that does not use the county assessment roll or collect the taxing entity's taxes through
4696 the county;
4697 (c) the legislative body or governing board of each taxing entity;
4698 (d) the State Tax Commission; and
4699 (e) the State Board of Education.
4700 Section 131. Section **17C-5-112** is enacted to read:
4701 **17C-5-112. Amending a community reinvestment project area plan.**
4702 (1) An agency may amend a community reinvestment project area plan in accordance
4703 with this section.
4704 (2) (a) If an amendment proposes to enlarge a community reinvestment project area's
4705 geographic area, the agency shall:

4706 (i) comply with this part as though the agency were creating a community reinvestment
4707 project area;

4708 (ii) if the agency anticipates receiving project area funds from the area proposed to be
4709 added to the community reinvestment project area, before the agency may collect project area
4710 funds:

4711 (A) for a community reinvestment project area plan that is subject to a taxing entity
4712 committee, obtain approval to receive tax increment from the taxing entity committee; or

4713 (B) for a community reinvestment project area plan that is subject to an interlocal
4714 agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement;
4715 and

4716 (iii) if the agency anticipates activity within the area proposed to be added to the
4717 community reinvestment project area that requires a finding of blight under Subsection
4718 17C-5-402(1), follow the procedures described in Section 17C-5-402.

4719 (b) The base year for the area proposed to be added to the community reinvestment
4720 project area shall be determined using the date of:

4721 (i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or

4722 (ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).

4723 (3) If an amendment does not propose to enlarge a community reinvestment project
4724 area's geographic area, the board may adopt a resolution approving the amendment after the
4725 agency:

4726 (a) if the amendment does not propose to allow the agency to receive a greater amount
4727 of project area funds or to extend a project area funds collection period:

4728 (i) gives notice in accordance with Section 17C-1-806; and

4729 (ii) holds a public hearing on the proposed amendment that meets the requirements
4730 described in Subsection 17C-5-104(2); or

4731 (b) if the amendment proposes to also allow the agency to receive a greater amount of
4732 project area funds or to extend a project area funds collection period:

4733 (i) complies with Subsection (3)(a)(i) and (ii); and

4734 (ii) (A) for a community reinvestment project area plan that is subject to a taxing entity
4735 committee, obtains approval from the taxing entity committee; or

4736 (B) for a community reinvestment project area plan that is subject to an interlocal
4737 agreement, obtains approval to receive project area funds from the taxing entity that is a party
4738 to the interlocal agreement.

4739 (4) An agency may amend a community reinvestment project area plan without
4740 obtaining the consent of a taxing entity or a taxing entity committee and without providing
4741 notice or holding a public hearing if the amendment:

4742 (a) makes a minor adjustment in the community reinvestment project area boundary
4743 that is requested by a county assessor or county auditor to avoid inconsistent property boundary
4744 lines; or

4745 (b) removes a parcel from a community reinvestment project area because the agency
4746 determines that the parcel is:

4747 (i) tax exempt;

4748 (ii) no longer blighted; or

4749 (iii) no longer necessary or desirable to the project area.

4750 (5) (a) An amendment approved by board resolution under this section may not take
4751 effect until the community legislative body adopts an ordinance approving the amendment.

4752 (b) Upon the community legislative body adopting an ordinance approving an
4753 amendment under Subsection (5)(a), the agency shall comply with the requirements described
4754 in Sections [17C-5-110](#) and [17C-5-111](#) as if the amendment were a community reinvestment
4755 project area plan.

4756 (6) (a) Within 30 days after the day on which an amendment to a project area plan
4757 becomes effective, a person may contest the amendment to the project area plan or the
4758 procedure used to adopt the amendment to the project area plan if the amendment or procedure
4759 fails to comply with a provision of this title.

4760 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not
4761 contest the amendment to the project area plan or procedure used to adopt the amendment to

4762 the project area plan for any cause.

4763 Section 132. Section **17C-5-113** is enacted to read:

4764 **17C-5-113. Expedited community reinvestment project area plan.**

4765 (1) As used in this section:

4766 (a) "Qualified business entity" means a business entity that:

4767 (i) has a primary market for the qualified business entity's goods or services outside of
4768 the state; and

4769 (ii) is not primarily engaged in retail sales.

4770 (b) "Tax increment incentive" means the portion of an agency's tax increment that is
4771 paid to a qualified business entity for the purpose of implementing a community reinvestment
4772 project area plan.

4773 (2) An agency and a qualified business entity may, in accordance with Subsection (3),
4774 enter into an agreement that allows the qualified business entity to receive a tax increment
4775 incentive.

4776 (3) An agreement described in Subsection (2) shall set annual postperformance targets
4777 for:

4778 (a) capital investment within the community reinvestment project area;

4779 (b) the number of new jobs created within the community reinvestment project area;

4780 (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of
4781 the prevailing wage of the county within which the community reinvestment project area is
4782 located; and

4783 (d) the amount of local vendor opportunity generated by the qualified business entity.

4784 (4) A qualified business entity may only receive a tax increment incentive:

4785 (a) if the qualified business entity complies with the agreement described in Subsection
4786 (3);

4787 (b) on a postperformance basis; and

4788 (c) on an annual basis after the agency receives tax increment from a taxing entity.

4789 (5) An agency may create or amend a community reinvestment project area plan for the

4790 purpose of providing a tax increment incentive without complying with the requirements
4791 described in Chapter 1, Part 8, Hearing and Notice Requirements, if:

4792 (a) the agency:

4793 (i) holds a public hearing to consider the need to create or amend a community
4794 reinvestment project area plan on an expedited basis;

4795 (ii) posts notice at least 14 days before the day on which the public hearing described
4796 in Subsection (5)(a)(i) is held on:

4797 (A) the community's website; and

4798 (B) the Utah Public Notice Website as described in Section [63F-1-701](#); and

4799 (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or
4800 amend the community reinvestment project area plan on an expedited basis;

4801 (b) all record property owners within the existing or proposed community reinvestment
4802 project area plan give written consent; and

4803 (c) each taxing entity affected by the tax increment incentive consents and enters into
4804 an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive
4805 to the qualified business entity.

4806 Section 133. Section **17C-5-201** is enacted to read:

4807 **Part 2. Community Reinvestment Project Area Funds**

4808 **17C-5-201. Title.**

4809 This part is known as "Community Reinvestment Project Area Funds."

4810 Section 134. Section **17C-5-202** is enacted to read:

4811 **17C-5-202. Community reinvestment project area funding options.**

4812 (1) (a) Except as provided in Subsection (1)(b), for the purpose of receiving project
4813 area funds for use within a community reinvestment project area, an agency shall negotiate and
4814 enter into an interlocal agreement with a taxing entity in accordance with Section [17C-5-204](#) to
4815 receive all or a portion of the taxing entity's tax increment or sales and use tax revenue in
4816 accordance with the interlocal agreement.

4817 (b) If an agency plans to use eminent domain to acquire property within a community

4818 reinvestment project area, the agency shall create a taxing entity committee as described in
4819 Section 17C-1-402 and receive tax increment in accordance with Section 17C-5-203.

4820 (2) An agency shall comply with Chapter 5, Part 3, Community Reinvestment Project
4821 Area Budget, regardless of whether an agency enters into an interlocal agreement under
4822 Subsection (1)(a) or creates a taxing entity committee under Subsection (1)(b).

4823 Section 135. Section 17C-5-203 is enacted to read:

4824 **17C-5-203. Community reinvestment project area subject to taxing entity**
4825 **committee -- Tax increment.**

4826 (1) This section applies to a community reinvestment project area that is subject to a
4827 taxing entity committee under Subsection 17C-5-202(1)(b).

4828 (2) Subject to the taxing entity committee's approval of a community reinvestment
4829 project area budget under Section 17C-5-304, and for the purpose of implementing a
4830 community reinvestment project area plan, an agency may receive up to 100% of a taxing
4831 entity's tax increment, or any specified dollar amount of tax increment, for any period of time.

4832 (3) Notwithstanding Subsection (2), an agency that adopts a community reinvestment
4833 project area plan that is subject to a taxing entity committee may negotiate and enter into an
4834 interlocal agreement with a taxing entity and receive all or a portion of the taxing entity's sales
4835 and use tax revenue for any period of time.

4836 Section 136. Section 17C-5-204 is enacted to read:

4837 **17C-5-204. Community reinvestment project area subject to interlocal agreement**
4838 **-- Consent of a taxing entity to an agency receiving project area funds.**

4839 (1) As used in this section, "successor taxing entity" means a taxing entity that:

4840 (a) is created after the day on which an interlocal agreement is executed to allow an
4841 agency to receive a taxing entity's project area funds; and

4842 (b) levies or imposes a tax within the community reinvestment project area.

4843 (2) This section applies to a community reinvestment project area that is subject to an
4844 interlocal agreement under Subsection 17C-5-202(1)(a).

4845 (3) For the purpose of implementing a community reinvestment project area plan, an

4846 agency may negotiate with a taxing entity for all or a portion of the taxing entity's project area
4847 funds.

4848 (4) A taxing entity may agree to allow an agency to receive the taxing entity's project
4849 area funds by executing an interlocal agreement with the agency in accordance with Title 11,
4850 Chapter 13, Interlocal Cooperation Act.

4851 (5) Before an agency may use project area funds received under an interlocal
4852 agreement described in Subsection (4), the agency shall:

4853 (a) obtain a written certification, signed by an attorney licensed to practice law in the
4854 state, stating that the agency and the taxing entity have each followed all legal requirements
4855 relating to the adoption of the interlocal agreement; and

4856 (b) provide a signed copy of the certification described in Subsection (5)(a) to the
4857 taxing entity.

4858 (6) An interlocal agreement described in Subsection (4) shall:

4859 (a) if the interlocal agreement provides for the agency to receive tax increment, state:

4860 (i) the method of calculating the amount of the taxing entity's tax increment from the
4861 community reinvestment project area that the agency receives, including the base year and base
4862 taxable value;

4863 (ii) the project area funds collection period; and

4864 (iii) the percentage of the taxing entity's tax increment or the maximum cumulative
4865 dollar amount of the taxing entity's tax increment that the agency receives;

4866 (b) if the interlocal agreement provides for the agency to receive the taxing entity's
4867 sales and use tax revenue, state:

4868 (i) the method of calculating the amount of the taxing entity's sales and use tax revenue
4869 that the agency receives;

4870 (ii) the project area funds collection period; and

4871 (iii) the percentage of sales and use tax revenue or the maximum cumulative dollar
4872 amount of sales and use tax revenue that the agency receives; and

4873 (c) include a copy of the community reinvestment project area budget.

4874 (7) A school district may consent to allow an agency to receive tax increment from the
4875 school district's basic levy only to the extent that the school district also consents to allow the
4876 agency to receive tax increment from the school district's local levy.

4877 (8) The parties may amend an interlocal agreement under this section by mutual
4878 consent.

4879 (9) A taxing entity's consent to allow an agency to receive project area funds under this
4880 section is not subject to the requirements of Section [10-8-2](#).

4881 (10) An interlocal agreement executed by a taxing entity under this section may be
4882 enforced by or against any successor taxing entity.

4883 Section 137. Section **17C-5-205** is enacted to read:

4884 **17C-5-205. Interlocal agreement to provide project area funds for the community**
4885 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
4886 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
4887 **agreement.**

4888 (1) The agency shall approve and adopt an interlocal agreement described in Section
4889 [17C-5-204](#) at an open and public meeting.

4890 (2) (a) Upon the execution of an interlocal agreement described in Section [17C-5-204](#),
4891 the agency shall provide notice of the execution by:

4892 (i) (A) publishing or causing to be published a notice in a newspaper of general
4893 circulation within the agency's boundaries; or

4894 (B) if there is no newspaper of general circulation within the agency's boundaries,
4895 causing the notice to be posted in at least three public places within the agency's boundaries;
4896 and

4897 (ii) publishing or causing the notice to be published on the Utah Public Notice Website
4898 created in Section [63F-1-701](#).

4899 (b) A notice described in Subsection (2)(a) shall include:

4900 (i) a summary of the interlocal agreement; and

4901 (ii) a statement that the interlocal agreement is available for public inspection and the

4902 hours for inspection.

4903 (3) An interlocal agreement described in Section 17C-5-204 is effective the day on
4904 which the notice described in Subsection (2) is published or posted in accordance with
4905 Subsection (2)(a).

4906 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
4907 person may contest the interlocal agreement or the procedure used to adopt the interlocal
4908 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

4909 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4910 contest:

4911 (i) the interlocal agreement;

4912 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

4913 (iii) the agency's use of project area funds under the interlocal agreement.

4914 (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204
4915 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
4916 for inspection and copying during normal business hours.

4917 Section 138. Section 17C-5-206 is enacted to read:

4918 **17C-5-206. Requirement to file a copy of the interlocal agreement -- County**
4919 **payment of tax increment.**

4920 (1) An agency that receives project area funds under an interlocal agreement shall,
4921 within 30 days after the day on which the interlocal agreement is effective, file a copy of the
4922 interlocal agreement with:

4923 (a) the State Tax Commission, the State Board of Education, and the state auditor; and

4924 (b) the auditor of the county in which the community reinvestment project area is
4925 located, if the interlocal agreement authorizes the agency to receive tax increment.

4926 (2) A county that collects property tax on property within a community reinvestment
4927 project area that is subject to an interlocal agreement shall, in accordance with Section
4928 59-2-1365, pay and distribute to the agency the tax increment that the agency is authorized to
4929 receive under the interlocal agreement.

4930 Section 139. Section **17C-5-301** is enacted to read:

4931 **Part 3. Community Reinvestment Project Area Budget**

4932 **17C-5-301. Title.**

4933 This part is known as "Community Reinvestment Project Area Budget."

4934 Section 140. Section **17C-5-302** is enacted to read:

4935 **17C-5-302. Procedure for adopting a community reinvestment project area**
4936 **budget -- Contesting the budget -- Time limit.**

4937 (1) An agency shall adopt a community reinvestment project area budget in accordance
4938 with this part.

4939 (2) To adopt a community reinvestment project area budget, an agency shall:

4940 (a) prepare a proposed community reinvestment project area budget in accordance with
4941 Section [17C-5-303](#);

4942 (b) obtain the consent of the taxing entity committee or taxing entity in accordance
4943 with Section [17C-5-304](#);

4944 (c) make a copy of the proposed community reinvestment project area budget available
4945 to the public at the agency's office during normal business hours for at least 30 days before the
4946 budget hearing described in Subsection (2)(e);

4947 (d) provide notice of the budget hearing in accordance with Chapter 1, Part 8, Hearing
4948 and Notice Requirements;

4949 (e) hold a budget hearing on the proposed community reinvestment project area budget
4950 and, at the budget hearing, allow public comment on:

4951 (i) the proposed community reinvestment project area budget; and

4952 (ii) whether the agency should revise, adopt, or reject the proposed community
4953 reinvestment project area budget; and

4954 (f) after the budget hearing described in Subsection (2)(e), or at a subsequent meeting:

4955 (i) consider the comments and information from the budget hearing relating to the
4956 proposed community reinvestment project area budget; and

4957 (ii) reject or adopt by resolution the proposed community reinvestment project area

4958 budget, with any revisions, as the community reinvestment project area budget.

4959 (3) (a) Within 30 days after the day on which the agency adopts a community
4960 reinvestment project area budget, a person may contest the community reinvestment project
4961 area budget or the procedure used to adopt the community reinvestment project area budget if
4962 the community reinvestment project area budget or procedure fails to comply with a provision
4963 of this title.

4964 (b) After the 30-day period described in Subsection (3)(a) expires, a person may not
4965 contest:

4966 (i) the community reinvestment project area budget or the procedure used by the taxing
4967 entity, the taxing entity committee, or the agency to adopt the community reinvestment project
4968 area budget;

4969 (ii) a payment to the agency under the community reinvestment project area budget; or

4970 (iii) the agency's use of project area funds under the community reinvestment project
4971 area budget.

4972 Section 141. Section **17C-5-303** is enacted to read:

4973 **17C-5-303. Community reinvestment project area budget -- Requirements.**

4974 A community reinvestment project area budget shall include:

4975 (1) if the agency receives tax increment:

4976 (a) the base taxable value;

4977 (b) the projected amount of tax increment to be generated within the community
4978 reinvestment project area;

4979 (c) each project area funds collection period;

4980 (d) if applicable, the projected amount of tax increment to be paid to other taxing
4981 entities in accordance with Section [17C-1-410](#);

4982 (e) if the area from which tax increment is collected is less than the entire community
4983 reinvestment project area:

4984 (i) a boundary description of the portion or portions of the community reinvestment
4985 project area from which the agency receives tax increment; and

4986 (ii) for each portion described in Subsection (1)(e)(i), the period of time during which
4987 tax increment is collected;

4988 (f) the percentage of tax increment the agency is authorized to receive from the
4989 community reinvestment project area; and

4990 (g) the maximum cumulative dollar amount of tax increment the agency is authorized
4991 to receive from the community reinvestment project area;

4992 (2) if the agency receives sales and use tax revenue:

4993 (a) the percentage and total amount of sales and use tax revenue to be paid to the
4994 agency; and

4995 (b) each project area funds collection period;

4996 (3) the amount of project area funds the agency will use to implement the community
4997 reinvestment project area plan, including the estimated amount of project area funds that will
4998 be used for land acquisition, public improvements, infrastructure improvements, or any loans,
4999 grants, or other incentives to private or public entities;

5000 (4) the agency's combined incremental value;

5001 (5) the amount of project area funds that will be used to cover the cost of administering
5002 the community reinvestment project area plan; and

5003 (6) for property that the agency owns and expects to sell, the expected total cost of the
5004 property to the agency and the expected sale price.

5005 Section 142. Section **17C-5-304** is enacted to read:

5006 **17C-5-304. Consent of each taxing entity or taxing entity committee required for**
5007 **community reinvestment project area budget.**

5008 Before an agency may collect any project area funds from a community reinvestment
5009 project area, the agency shall obtain consent for each community reinvestment project area
5010 budget from:

5011 (1) for a community reinvestment project area that is subject to an interlocal
5012 agreement, each taxing entity that is a party to an interlocal agreement; or

5013 (2) for a community reinvestment project area that is subject to a taxing entity

5014 committee, the taxing entity committee.

5015 Section 143. Section **17C-5-305** is enacted to read:

5016 **17C-5-305. Filing a copy of the community reinvestment project area budget.**

5017 Within 30 days after the day on which an agency adopts a community reinvestment

5018 project area budget, the agency shall file a copy of the community reinvestment project area

5019 budget with:

5020 (1) the State Tax Commission;

5021 (2) the State Board of Education;

5022 (3) the state auditor;

5023 (4) the auditor of the county in which the community reinvestment project area is

5024 located; and

5025 (5) each taxing entity affected by the agency's collection of project area funds under the

5026 community reinvestment project area budget.

5027 Section 144. Section **17C-5-306** is enacted to read:

5028 **17C-5-306. Amending a community reinvestment project area budget.**

5029 (1) Before a project area funds collection period ends, an agency may amend a

5030 community reinvestment project area budget in accordance with this section.

5031 (2) To amend a community reinvestment project area budget, an agency shall:

5032 (a) provide notice and hold a public hearing on the proposed amendment in accordance

5033 with Chapter 1, Part 8, Hearing and Notice Requirements;

5034 (b) (i) if the community reinvestment project area budget required approval from a

5035 taxing entity committee, obtain the taxing entity committee's approval; or

5036 (ii) if the community reinvestment project area budget required an interlocal agreement

5037 with a taxing entity, obtain approval from the taxing entity that is a party to the interlocal

5038 agreement; and

5039 (c) at the public hearing described in Subsection (2)(a) or at a subsequent board

5040 meeting, by resolution, adopt the community reinvestment project area budget amendment.

5041 (3) If an agency proposes a community reinvestment project area budget amendment

5042 under which the agency is paid a greater proportion of tax increment from the community
5043 reinvestment project area than provided under the community reinvestment project area budget,
5044 the notice described in Subsection (2)(a) shall state:

5045 (a) the percentage of tax increment paid under the community reinvestment project
5046 area budget; and

5047 (b) the proposed percentage of tax increment paid under the community reinvestment
5048 project area budget amendment.

5049 (4) (a) If an agency proposes a community reinvestment project area budget
5050 amendment that extends a project area funds collection period, before a taxing entity
5051 committee or taxing entity may provide the taxing entity committee's or taxing entity's approval
5052 described in Subsection (2)(b), the agency shall provide to the taxing entity committee or
5053 taxing entity:

5054 (i) the reasons why the extension is required;

5055 (ii) a description of the project area development for which project area funds received
5056 by the agency under the extension will be used;

5057 (iii) a statement of whether the project area funds received by the agency under the
5058 extension will be used within an active project area or a proposed project area; and

5059 (iv) a revised community reinvestment project area budget that includes:

5060 (A) the annual and total amounts of project area funds that the agency receives under
5061 the extension; and

5062 (B) the number of years that are added to each project area funds collection period
5063 under the extension.

5064 (b) With respect to an amendment described in Subsection (4)(a), a taxing entity
5065 committee or taxing entity may consent to:

5066 (i) allow an agency to use project area funds received under an extension within a
5067 different project area from which the project area funds are generated; or

5068 (ii) alter the base taxable value in connection with a community reinvestment project
5069 area budget extension.

5070 (5) If an agency proposes a community reinvestment project area budget amendment
5071 that reduces the base taxable value of the project area due to the removal of a parcel under
5072 Subsection 17C-5-112(4)(b), an agency may amend a project area budget without:

5073 (a) complying with Subsection (2)(a); and

5074 (b) obtaining taxing entity committee or taxing entity approval described in Subsection
5075 (2)(b).

5076 (6) (a) A person may contest an agency's adoption of a community reinvestment project
5077 area budget amendment within 30 days after the day on which the agency adopts the
5078 community reinvestment project area budget amendment.

5079 (b) After the 30-day period described in Subsection (6)(a), a person may not contest:

5080 (i) the agency's adoption of the community reinvestment project area budget
5081 amendment;

5082 (ii) a payment to the agency under the community reinvestment project area budget
5083 amendment; or

5084 (iii) the agency's use of project area funds received under the community reinvestment
5085 project area budget amendment.

5086 Section 145. Section 17C-5-307 is enacted to read:

5087 **17C-5-307. Allocating project area funds for housing.**

5088 (1) (a) For a community reinvestment project area that is subject to a taxing entity
5089 committee, an agency shall allocate at least 20% of the agency's annual tax increment for
5090 housing in accordance with Section 17C-1-412 if the community reinvestment project area
5091 budget provides for more than \$100,000 of annual tax increment to be distributed to the
5092 agency.

5093 (b) The taxing entity committee may waive a portion of the allocation described in
5094 Subsection (1)(a) if:

5095 (i) the taxing entity committee determines that 20% of the agency's annual tax
5096 increment is more than is needed to address the community's need for income targeted housing
5097 or homeless assistance; and

5098 (ii) after the waiver, the agency's housing allocation is equal to at least 10% of the
5099 agency's annual tax increment.

5100 (2) For a community reinvestment project area that is subject to an interlocal
5101 agreement, an agency shall allocate at least 10% of the project area funds for housing in
5102 accordance with Section [17C-1-412](#) if the community reinvestment project area budget
5103 provides for more than \$100,000 of annual project area funds to be distributed to the agency.

5104 Section 146. Section **17C-5-401** is enacted to read:

5105 **Part 4. Blight Determination in a Community Reinvestment Project Area**

5106 **17C-5-401. Title.**

5107 This part is known as "Blight Determination in a Community Reinvestment Project
5108 Area."

5109 Section 147. Section **17C-5-402** is enacted to read:

5110 **17C-5-402. Blight determination in a community reinvestment project area --**

5111 **Prerequisites -- Restrictions.**

5112 (1) An agency shall comply with the provisions of this section before the agency may
5113 use eminent domain to acquire property under Chapter 1, Part 9, Eminent Domain.

5114 (2) An agency shall, after adopting a survey area resolution as described in Section
5115 [17C-5-103](#):

5116 (a) cause a blight study to be conducted within the survey area in accordance with
5117 Section [17C-5-403](#);

5118 (b) provide notice and hold a blight hearing in accordance with Chapter 1, Part 8,
5119 Hearing and Notice Requirements; and

5120 (c) after the blight hearing, at the same or at a subsequent meeting:

5121 (i) consider:

5122 (A) the issue of blight and the evidence and information relating to the existence or
5123 nonexistence of blight; and

5124 (B) whether the agency should pursue adoption of one or more community
5125 reinvestment project area plans; and

5126 (ii) by resolution, make a finding regarding whether blight exists in the proposed
5127 community reinvestment project area.

5128 (3) (a) If an agency makes a finding of blight under Subsection (2), the agency may not
5129 adopt the community reinvestment project area plan until the taxing entity committee approves
5130 the finding of blight.

5131 (b) (i) A taxing entity committee shall approve an agency's finding of blight unless the
5132 taxing entity committee demonstrates that the conditions the agency found to exist in the
5133 community reinvestment project area that support the agency's finding of blight:

5134 (A) do not exist; or

5135 (B) do not constitute blight under Section [17C-5-405](#).

5136 (ii) (A) If the taxing entity committee questions or disputes the existence of some or all
5137 of the blight conditions that the agency found to exist in the proposed community reinvestment
5138 project area, the taxing entity committee may hire a consultant, mutually agreed upon by the
5139 taxing entity committee and the agency, with the necessary expertise to assist the taxing entity
5140 committee in making a determination as to the existence of the questioned or disputed blight
5141 conditions.

5142 (B) The agency shall pay the fees and expenses of each consultant hired under
5143 Subsection (3)(b)(ii)(A).

5144 (C) The findings of a consultant hired under Subsection (3)(b)(ii)(A) are binding on the
5145 taxing entity committee and the agency.

5146 Section 148. Section **17C-5-403** is enacted to read:

5147 **17C-5-403. Blight study -- Requirements -- Deadline.**

5148 (1) A blight study shall:

5149 (a) undertake a parcel by parcel survey of the survey area;

5150 (b) provide data so the board and taxing entity committee may determine:

5151 (i) whether the conditions described in Subsection [17C-5-405](#):

5152 (A) exist in part or all of the survey area; and

5153 (B) meet the qualifications for a finding of blight in all or part of the survey area; and

5154 (ii) whether the survey area contains all or part of a superfund site;
5155 (c) include a written report that states:
5156 (i) the conclusions reached;
5157 (ii) any area within the survey area that meets the statutory criteria of blight under
5158 Section [17C-5-405](#); and
5159 (iii) any other information requested by the agency to determine whether blight exists
5160 within the survey area; and
5161 (d) be completed within one year after the day on which the survey area resolution is
5162 adopted.
5163 (2) (a) If a blight study is not completed within the time described in Subsection (1)(d),
5164 the agency may not approve a community reinvestment project area plan based on a blight
5165 study unless the agency first adopts a new resolution under Subsection [17C-5-103](#)(1).
5166 (b) A new resolution described in Subsection (2)(a) shall in all respects be considered
5167 to be a resolution under Subsection [17C-5-103](#)(1) adopted for the first time, except that any
5168 actions taken toward completing a blight study under the resolution that the new resolution
5169 replaces shall be considered to have been taken under the new resolution.
5170 (3) (a) For the purpose of making a blight determination under Subsection
5171 [17C-5-402](#)(2)(c)(ii), a blight study is valid for one year from the day on which the blight study
5172 is completed.
5173 (b) (i) Except as provided in Subsection (3)(b)(ii), an agency that makes a blight
5174 determination under a valid blight study and subsequently adopts a community reinvestment
5175 project area plan in accordance with Section [17C-5-104](#) may amend the community
5176 reinvestment project area plan without conducting a new blight study.
5177 (ii) An agency shall conduct a supplemental blight study for the area proposed to be
5178 added to the community reinvestment project area if the agency proposes an amendment to a
5179 community reinvestment project area plan that:
5180 (A) increases the community reinvestment project area's geographic boundary and the
5181 area proposed to be added was not included in the original blight study; and

5182 (B) provides for the use of eminent domain within the area proposed to be added to the
5183 community reinvestment project area.

5184 Section 149. Section 17C-5-404 is enacted to read:

5185 **17C-5-404. Blight hearing -- Owners may review evidence of blight.**

5186 (1) In a hearing required under Subsection 17C-5-402(2)(b), an agency shall:

5187 (a) permit all evidence of the existence or nonexistence of blight within the survey area
5188 to be presented; and

5189 (b) permit each record owner of property located within the survey area or the record
5190 property owner's representative the opportunity to:

5191 (i) examine and cross-examine each witness that provides evidence of the existence or
5192 nonexistence of blight; and

5193 (ii) present evidence and testimony, including expert testimony, concerning the
5194 existence or nonexistence of blight.

5195 (2) An agency shall allow each record owner of property located within a survey area
5196 the opportunity, for at least 30 days before the day on which the hearing takes place, to review
5197 the evidence of blight compiled by the agency or by the person or firm conducting the blight
5198 study for the agency, including any expert report.

5199 Section 150. Section 17C-5-405 is enacted to read:

5200 **17C-5-405. Conditions on board determination of blight -- Conditions of blight**
5201 **caused by a participant.**

5202 (1) A board may not make a finding of blight in a resolution under Subsection
5203 17C-5-402(2)(c)(ii) unless the board finds that:

5204 (a) (i) the survey area consists predominantly of nongreenfield parcels;

5205 (ii) the survey area is currently zoned for urban purposes and generally served by
5206 utilities;

5207 (iii) at least 50% of the parcels within the survey area contain nonagricultural or
5208 nonaccessory buildings or improvements used or intended for residential, commercial,
5209 industrial, or other urban purposes;

5210 (iv) the present condition or use of the survey area substantially impairs the sound
 5211 growth of the community, delays the provision of housing accommodations, constitutes an
 5212 economic liability, or is detrimental to the public health, safety, or welfare, as shown by the
 5213 existence within the survey area of at least four of the following factors:

5214 (A) although sometimes interspersed with well maintained buildings and infrastructure,
 5215 substantial physical dilapidation, deterioration, or defective construction of buildings or
 5216 infrastructure, or significant noncompliance with current building code, safety code, health
 5217 code, or fire code requirements or local ordinances;

5218 (B) unsanitary or unsafe conditions in the survey area that threaten the health, safety, or
 5219 welfare of the community;

5220 (C) environmental hazards, as defined in state or federal law, which require
 5221 remediation as a condition for current or future use and development;

5222 (D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
 5223 urban use and served by utilities;

5224 (E) abandoned or outdated facilities that pose a threat to public health, safety, or
 5225 welfare;

5226 (F) criminal activity in the survey area, higher than that of comparable nonblighted
 5227 areas in the municipality or county; and

5228 (G) defective or unusual conditions of title rendering the title nonmarketable; and

5229 (v) (A) at least 50% of the privately owned parcels within the survey area are affected
 5230 by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv);
 5231 and

5232 (B) the affected parcels comprise at least 66% of the privately owned acreage within
 5233 the survey area; or

5234 (b) the survey area includes some or all of a superfund site, inactive industrial site, or
 5235 inactive airport site.

5236 (2) A single parcel comprising 10% or more of the acreage within the survey area may
 5237 not be counted as satisfying the requirement described in Subsection (1)(a)(iii) or (iv) unless at

5238 least 50% of the area of the parcel is occupied by buildings or improvements.

5239 (3) (a) Except as provided in Subsection (3)(b), for purposes of Subsection (1), if a
5240 participant or proposed participant involved in the project area development has caused a
5241 condition listed in Subsection (1)(a)(iv) within the survey area, that condition may not be used
5242 in the determination of blight.

5243 (b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
5244 tenant who later becomes a participant.

5245 Section 151. Section **17C-5-406** is enacted to read:

5246 **17C-5-406. Challenging a finding of blight -- Time limit -- Standards governing**
5247 **court review.**

5248 (1) If a board makes a finding of blight under Subsection [17C-5-402\(2\)\(c\)\(ii\)](#) and the
5249 finding is approved by resolution adopted by the taxing entity committee, a record owner of
5250 property located within the survey area may challenge the finding by filing an action in the
5251 district court in the county in which the property is located.

5252 (2) A person shall file an action under Subsection (1) no later than 30 days after the day
5253 on which the taxing entity committee approves the board's finding of blight.

5254 (3) In an action under this section:

5255 (a) the agency shall transmit to the district court the record of the agency's proceedings,
5256 including any minutes, findings, orders, or transcripts of the agency's proceedings;

5257 (b) the district court shall review the finding of blight under the standards of review
5258 provided in Subsection [10-9a-801\(3\)](#); and

5259 (c) (i) if there is a record:

5260 (A) the district court's review is limited to the record provided by the agency; and

5261 (B) the district court may not accept or consider any evidence outside the record of the
5262 agency, unless the evidence was offered to the agency and the district court determines that the
5263 agency improperly excluded the evidence; or

5264 (ii) if there is no record, the district court may call witnesses and take evidence.

5265 Section 152. Section **20A-7-613** is amended to read:

5266 **20A-7-613. Property tax referendum petition.**

5267 (1) As used in this section:

5268 (a) "Certified tax rate" [~~is~~as] means the same as that term is defined in Subsection
 5269 [59-2-924](#)~~(3)~~[\(5\)](#)(a).

5270 (b) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year
 5271 that begins on July 1 and ends on June 30.

5272 (2) Except as provided in this section, the requirements of this part apply to a
 5273 referendum petition challenging a fiscal year taxing entity's legislative body's vote to impose a
 5274 tax rate that exceeds the certified tax rate.

5275 (3) Notwithstanding Subsection [20A-7-604](#)(5), the local clerk shall number each of the
 5276 referendum packets and return them to the sponsors within two working days.

5277 (4) Notwithstanding Subsection [20A-7-606](#)(1), the sponsors shall deliver each signed
 5278 and verified referendum packet to the county clerk of the county in which the packet was
 5279 circulated no later than 40 days after the day on which the local clerk complies with Subsection
 5280 (3).

5281 (5) Notwithstanding Subsections [20A-7-606](#)(2) and (3), the county clerk shall take the
 5282 actions required in Subsections [20A-7-606](#)(2) and (3) within 10 working days after the day on
 5283 which the county clerk receives the signed and verified referendum packet as described in
 5284 Subsection (4).

5285 (6) The local clerk shall take the actions required by Section [20A-7-607](#) within two
 5286 working days after the day on which the local clerk receives the referendum packets from the
 5287 county clerk.

5288 (7) Notwithstanding Subsection [20A-7-608](#)(2), the local attorney shall prepare the
 5289 ballot title within two working days after the day on which the referendum petition is declared
 5290 sufficient for submission to a vote of the people.

5291 (8) Notwithstanding Subsection [20A-7-609](#)(2)(c), a referendum that qualifies for the
 5292 ballot under this section shall appear on the ballot for the earlier of the next regular general
 5293 election or the next municipal general election unless a special election is called.

5294 (9) Notwithstanding the requirements related to absentee ballots under this title:

5295 (a) the election officer shall prepare absentee ballots for those voters who have
5296 requested an absentee ballot as soon as possible after the ballot title is prepared as described in
5297 Subsection (7); and

5298 (b) the election officer shall mail absentee ballots on a referendum under this section
5299 the later of:

5300 (i) the time provided in Section 20A-3-305 or 20A-16-403; or

5301 (ii) the time that absentee ballots are prepared for mailing under this section.

5302 (10) Section 20A-7-402 does not apply to a referendum described in this section.

5303 (11) (a) If a majority of voters does not vote against imposing the tax at a rate
5304 calculated to generate the increased revenue budgeted, adopted, and approved by the fiscal year
5305 taxing entity's legislative body:

5306 (i) the certified tax rate for the fiscal year during which the referendum petition is filed
5307 is its most recent certified tax rate; and

5308 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
5309 for the fiscal year after the fiscal year described in Subsection (11)(a)(i) are the proposed
5310 increased revenues budgeted, adopted, and approved by the fiscal year taxing entity's legislative
5311 body before the filing of the referendum petition.

5312 (b) If a majority of voters votes against imposing a tax at the rate established by the
5313 vote of the fiscal year taxing entity's legislative body, the certified tax rate for the fiscal year
5314 taxing entity is its most recent certified tax rate.

5315 (c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a fiscal year taxing
5316 entity is not required to comply with the notice and public hearing requirements of Section
5317 59-2-919 if the fiscal year taxing entity complies with those notice and public hearing
5318 requirements before the referendum petition is filed.

5319 (12) The ballot title shall, at a minimum, include in substantially this form the
5320 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
5321 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as

5322 budgeted, adopted, and approved by the [name of the taxing entity]".

5323 (13) A fiscal year taxing entity shall pay the county the costs incurred by the county
5324 that are directly related to meeting the requirements of this section and that the county would
5325 not have incurred but for compliance with this section.

5326 (14) (a) An election officer shall include on a ballot a referendum that has not yet
5327 qualified for placement on the ballot, if:

5328 (i) sponsors file an application for a referendum described in this section;

5329 (ii) the ballot will be used for the election for which the sponsors are attempting to
5330 qualify the referendum; and

5331 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after
5332 the day on which the ballot will be printed.

5333 (b) If an election officer includes on a ballot a referendum described in Subsection
5334 (14)(a), the ballot title shall comply with Subsection (12).

5335 (c) If an election officer includes on a ballot a referendum described in Subsection
5336 (14)(a) that does not qualify for placement on the ballot, the election officer shall inform the
5337 voters by any practicable method that the referendum has not qualified for the ballot and that
5338 votes cast in relation to the referendum will not be counted.

5339 Section 153. Section **35A-8-504** is amended to read:

5340 **35A-8-504. Distribution of fund money.**

5341 (1) The executive director shall:

5342 (a) make grants and loans from the fund for any of the activities authorized by Section
5343 **35A-8-505**, as directed by the board;

5344 (b) establish the criteria with the approval of the board by which loans and grants will
5345 be made; and

5346 (c) determine with the approval of the board the order in which projects will be funded.

5347 (2) The executive director shall distribute, as directed by the board, any federal money
5348 contained in the fund according to the procedures, conditions, and restrictions placed upon the
5349 use of the money by the federal government.

5350 (3) (a) The executive director shall distribute, as directed by the board, any funds
5351 received under Section 17C-1-412 to pay the costs of providing income targeted housing within
5352 the community that created the community [~~development and renewal~~] reinvestment agency
5353 under Title 17C, Limited Purpose Local Government Entities - Community [~~Development and~~
5354 ~~Renewal Agencies~~] Reinvestment Agency Act.

5355 (b) As used in Subsection (3)(a):

5356 (i) "Community" [~~has the meaning as~~] means the same as that term is defined in
5357 Section 17C-1-102.

5358 (ii) "Income targeted housing" [~~has the meaning as~~] means the same as that term is
5359 defined in Section 17C-1-102.

5360 (4) Except for federal money and money received under Section 17C-1-412, the
5361 executive director shall distribute, as directed by the board, money from the fund according to
5362 the following requirements:

5363 (a) Not less than 30% of all fund money shall be distributed to rural areas of the state.

5364 (b) At least 50% of the money in the fund shall be distributed as loans to be repaid to
5365 the fund by the entity receiving them.

5366 (i) (A) Of the fund money distributed as loans, at least 50% shall be distributed to
5367 benefit persons whose annual income is at or below 50% of the median family income for the
5368 state.

5369 (B) The remaining loan money shall be distributed to benefit persons whose annual
5370 income is at or below 80% of the median family income for the state.

5371 (ii) The executive director or the executive director's designee shall lend money in
5372 accordance with this Subsection (4) at a rate based upon the borrower's ability to pay.

5373 (c) Any fund money not distributed as loans shall be distributed as grants.

5374 (i) At least 90% of the fund money distributed as grants shall be distributed to benefit
5375 persons whose annual income is at or below 50% of the median family income for the state.

5376 (ii) The remaining fund money distributed as grants may be used by the executive
5377 director to obtain federal matching funds or for other uses consistent with the intent of this part,

5378 including the payment of reasonable loan servicing costs, but no more than 3% of the revenues
5379 of the fund may be used to offset other department or board administrative expenses.

5380 (5) The executive director may with the approval of the board:

5381 (a) enact rules to establish procedures for the grant and loan process by following the
5382 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
5383 and

5384 (b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the
5385 servicing of loans made by the fund.

5386 Section 154. Section **38-1b-102** is amended to read:

5387 **38-1b-102. Definitions.**

5388 As used in this chapter:

5389 (1) "Alternate means" [~~has the same meaning as~~] means the same as that term is
5390 defined in Section [38-1a-102](#).

5391 (2) "Construction project" [~~has the same meaning as~~] means the same as that term is
5392 defined in Section [38-1a-102](#).

5393 (3) "Construction work" [~~has the same meaning as~~] means the same as that term is
5394 defined in Section [38-1a-102](#).

5395 (4) "Designated agent" [~~has the same meaning as~~] means the same as that term is
5396 defined in Section [38-1a-102](#).

5397 (5) "Division" means the Division of Occupational and Professional Licensing created
5398 in Section [58-1-103](#).

5399 (6) "Government project" means a construction project undertaken by or for:

5400 (a) the state, including a department, division, or other agency of the state; or

5401 (b) a county, city, town, school district, local district, special service district,
5402 community [~~development and renewal~~] reinvestment agency, or other political subdivision of
5403 the state.

5404 (7) "Government project-identifying information" means:

5405 (a) the lot or parcel number of each lot included in the project property that has a lot or

5406 parcel number; or

5407 (b) the unique project number assigned by the designated agent.

5408 (8) "Original contractor" [~~has the same meaning as~~] means the same as that term is
5409 defined in Section 38-1a-102.

5410 (9) "Owner" [~~has the same meaning as~~] means the same as that term is defined in
5411 Section 38-1a-102.

5412 (10) "Owner-builder" [~~has the same meaning as~~] means the same as that term is
5413 defined in Section 38-1a-102.

5414 (11) "Private project" means a construction project that is not a government project.

5415 (12) "Project property" [~~has the same meaning as~~] means the same as that term is
5416 defined in Section 38-1a-102.

5417 (13) "Registry" [~~has the same meaning as~~] means the same as that term is defined in
5418 Section 38-1a-102.

5419 Section 155. Section 53-3-207 is amended to read:

5420 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
5421 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**
5422 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

5423 (1) As used in this section:

5424 (a) "Driving privilege" means the privilege granted under this chapter to drive a motor
5425 vehicle.

5426 (b) "Governmental entity" means the state and its political subdivisions as defined in
5427 this Subsection (1).

5428 (c) "Political subdivision" means any county, city, town, school district, public transit
5429 district, community [~~development and renewal~~] reinvestment agency, special improvement or
5430 taxing district, local district, special service district, an entity created by an interlocal
5431 agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other
5432 governmental subdivision or public corporation.

5433 (d) "State" means this state, and includes any office, department, agency, authority,

5434 commission, board, institution, hospital, college, university, children's justice center, or other
5435 instrumentality of the state.

5436 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
5437 regular license certificate, a limited-term license certificate, or a driving privilege card
5438 indicating the type or class of motor vehicle the person may drive.

5439 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
5440 class.

5441 (3) (a) Every regular license certificate, limited-term license certificate, or driving
5442 privilege card shall bear:

5443 (i) the distinguishing number assigned to the person by the division;

5444 (ii) the name, birth date, and Utah residence address of the person;

5445 (iii) a brief description of the person for the purpose of identification;

5446 (iv) any restrictions imposed on the license under Section 53-3-208;

5447 (v) a photograph of the person;

5448 (vi) a photograph or other facsimile of the person's signature;

5449 (vii) an indication whether the person intends to make an anatomical gift under Title
5450 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
5451 under Subsection 53-3-214(3); and

5452 (viii) except as provided in Subsection (3)(b), if the person states that the person is a
5453 veteran of the United States military on the application for a driver license in accordance with
5454 Section 53-3-205 and provides verification that the person was granted an honorable or general
5455 discharge from the United States Armed Forces, an indication that the person is a United States
5456 military veteran for a regular license certificate or limited-term license certificate issued on or
5457 after July 1, 2011.

5458 (b) A regular license certificate or limited-term license certificate issued to any person
5459 younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not
5460 required to include an indication that the person is a United States military veteran under
5461 Subsection (3)(a)(viii).

5462 (c) A new license certificate issued by the division may not bear the person's Social
5463 Security number.

5464 (d) (i) The regular license certificate, limited-term license certificate, or driving
5465 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

5466 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular
5467 license certificate, limited-term license certificate, or driving privilege card shall be as
5468 prescribed by the commissioner.

5469 (iii) The commissioner may also prescribe the issuance of a special type of limited
5470 regular license certificate, limited-term license certificate, or driving privilege card under
5471 Subsection 53-3-220(4).

5472 (4) (a) (i) The division, upon determining after an examination that an applicant is
5473 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
5474 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
5475 license certificate.

5476 (ii) (A) The division shall issue a temporary regular license certificate or temporary
5477 limited-term license certificate allowing the person to drive a motor vehicle while the division
5478 is completing its investigation to determine whether the person is entitled to be granted a
5479 driving privilege.

5480 (B) A temporary regular license certificate or a temporary limited-term license
5481 certificate issued under this Subsection (4) shall be recognized and have the same rights and
5482 privileges as a regular license certificate or a limited-term license certificate.

5483 (b) The temporary regular license certificate or temporary limited-term license
5484 certificate shall be in the person's immediate possession while driving a motor vehicle, and it is
5485 invalid when the person's regular license certificate or limited-term license certificate has been
5486 issued or when, for good cause, the privilege has been refused.

5487 (c) The division shall indicate on the temporary regular license certificate or temporary
5488 limited-term license certificate a date after which it is not valid as a temporary license.

5489 (d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a

5490 temporary driving privilege card or other temporary permit to an applicant for a driving
5491 privilege card.

5492 (ii) The division may issue a learner permit issued in accordance with Section
5493 [53-3-210.5](#) to an applicant for a driving privilege card.

5494 (5) (a) The division shall distinguish learner permits, temporary permits, regular
5495 license certificates, limited-term license certificates, and driving privilege cards issued to any
5496 person younger than 21 years of age by use of plainly printed information or the use of a color
5497 or other means not used for other regular license certificates, limited-term license certificates,
5498 or driving privilege cards.

5499 (b) The division shall distinguish a regular license certificate, limited-term license
5500 certificate, or driving privilege card issued to any person:

5501 (i) younger than 21 years of age by use of a portrait-style format not used for other
5502 regular license certificates, limited-term license certificates, or driving privilege cards and by
5503 plainly printing the date the regular license certificate, limited-term license certificate, or
5504 driving privilege card holder is 21 years of age, which is the legal age for purchasing an
5505 alcoholic beverage or alcoholic product under Section [32B-4-403](#); and

5506 (ii) younger than 19 years of age, by plainly printing the date the regular license
5507 certificate, limited-term license certificate, or driving privilege card holder is 19 years of age,
5508 which is the legal age for purchasing tobacco products under Section [76-10-104](#).

5509 (6) The division shall distinguish a limited-term license certificate by clearly indicating
5510 on the document:

5511 (a) that it is temporary; and

5512 (b) its expiration date.

5513 (7) (a) The division shall only issue a driving privilege card to a person whose privilege
5514 was obtained without providing evidence of lawful presence in the United States as required
5515 under Subsection [53-3-205](#)(8).

5516 (b) The division shall distinguish a driving privilege card from a license certificate by:

5517 (i) use of a format, color, font, or other means; and

5518 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
5519 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

5520 (8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary
5521 permit, temporary regular license certificate, temporary limited-term license certificate, or any
5522 other temporary permit.

5523 (9) The division shall issue temporary license certificates of the same nature, except as
5524 to duration, as the license certificates that they temporarily replace, as are necessary to
5525 implement applicable provisions of this section and Section [53-3-223](#).

5526 (10) (a) A governmental entity may not accept a driving privilege card as proof of
5527 personal identification.

5528 (b) A driving privilege card may not be used as a document providing proof of a
5529 person's age for any government required purpose.

5530 (11) A person who violates Subsection (2)(b) is guilty of an infraction.

5531 (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,
5532 fees, restrictions, and sanctions under this code apply to a:

5533 (a) driving privilege in the same way as a license or limited-term license issued under
5534 this chapter; and

5535 (b) limited-term license certificate or driving privilege card in the same way as a
5536 regular license certificate issued under this chapter.

5537 Section 156. Section **53A-16-106** is amended to read:

5538 **53A-16-106. Annual certification of tax rate proposed by local school board --**
5539 **Inclusion of school district budget -- Modified filing date.**

5540 (1) Prior to June 22 of each year, each local school board shall certify to the county
5541 legislative body in which the district is located, on forms prescribed by the State Tax
5542 Commission, the proposed tax rate approved by the local school board.

5543 (2) A copy of the district's budget, including items under Section [53A-19-101](#), and a
5544 certified copy of the local school board's resolution which approved the budget and set the tax
5545 rate for the subsequent school year beginning July 1 shall accompany the tax rate.

5546 (3) If the tax rate approved by the board is in excess of the "certified tax rate" as
5547 defined under Subsection 59-2-924[(3)](5)(a), the date for filing the tax rate and budget
5548 adopted by the board shall be that established under Section 59-2-919.

5549 Section 157. Section 53A-16-113 is amended to read:

5550 **53A-16-113. Capital local levy -- First class county required levy -- Allowable**
5551 **uses of collected revenue.**

5552 (1) (a) Subject to the other requirements of this section, a local school board may levy a
5553 tax to fund the school district's capital projects.

5554 (b) A tax rate imposed by a school district pursuant to this section may not exceed
5555 .0030 per dollar of taxable value in any calendar year.

5556 (2) A school district that imposes a capital local levy in the calendar year beginning on
5557 January 1, 2012, is exempt from the public notice and hearing requirements of Section
5558 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to
5559 or less than the sum of the following amounts:

5560 (a) the amount of revenue generated during the calendar year beginning on January 1,
5561 2011, from the sum of the following levies of a school district:

5562 (i) a capital outlay levy imposed under Section 53A-16-107; and

5563 (ii) the portion of the 10% of basic levy described in Section 53A-17a-145 that is
5564 budgeted for debt service or capital outlay; and

5565 (b) revenue from new growth as defined in Subsection 59-2-924[(4)(c)](1).

5566 (3) Beginning January 1, 2012, in order to qualify for receipt of the state contribution
5567 toward the minimum school program described in Section 53A-17a-103, a local school board
5568 in a county of the first class shall impose a capital local levy of at least .0006 per dollar of
5569 taxable value.

5570 (4) (a) The county treasurer of a county of the first class shall distribute revenues
5571 generated by the .0006 portion of the capital local levy required in Subsection (2) to school
5572 districts within the county in accordance with Section 53A-16-114.

5573 (b) If a school district in a county of the first class imposes a capital local levy pursuant

5574 to this section that exceeds .0006 per dollar of taxable value, the county treasurer shall
5575 distribute revenues generated by the portion of the capital local levy that exceeds .0006 to the
5576 school district imposing the levy.

5577 (5) (a) Subject to Subsections (5)(b), (c), and (d), for fiscal year 2013-14, a local school
5578 board may utilize the proceeds of a maximum of .0024 per dollar of taxable value of the local
5579 school board's annual capital local levy for general fund purposes if the proceeds are not
5580 committed or dedicated to pay debt service or bond payments.

5581 (b) If a local school board uses the proceeds described in Subsection (5)(a) for general
5582 fund purposes, the local school board shall notify the public of the local school board's use of
5583 the capital local levy proceeds for general fund purposes:

5584 (i) prior to the local school board's budget hearing in accordance with the notification
5585 requirements described in Section 53A-19-102; and

5586 (ii) at a budget hearing required in Section 53A-19-102.

5587 (c) A local school board may not use the proceeds described in Subsection (5)(a) to
5588 fund the following accounting function classifications as provided in the Financial Accounting
5589 for Local and State School Systems guidelines developed by the National Center for Education
5590 Statistics:

5591 (i) 2300 Support Services - General District Administration; or

5592 (ii) 2500 Support Services - Central Services.

5593 (d) A local school board may not use the proceeds from a distribution described in
5594 Subsection (4) for general fund purposes.

5595 Section 158. Section **53A-17a-133** is amended to read:

5596 **53A-17a-133. State-supported voted local levy authorized -- Election**
5597 **requirements -- State guarantee -- Reconsideration of the program.**

5598 (1) As used in this section, "voted and board local levy funding balance" means the
5599 difference between:

5600 (a) the amount appropriated for the voted and board local levy program in a fiscal year;
5601 and

5602 (b) the amount necessary to provide the state guarantee per weighted pupil unit as
5603 determined under this section and Section 53A-17a-164 in the same fiscal year.

5604 (2) An election to consider adoption or modification of a voted local levy is required if
5605 initiative petitions signed by 10% of the number of electors who voted at the last preceding
5606 general election are presented to the local school board or by action of the board.

5607 (3) (a) (i) To impose a voted local levy, a majority of the electors of a district voting at
5608 an election in the manner set forth in Subsections (9) and (10) must vote in favor of a special
5609 tax.

5610 (ii) The tax rate may not exceed .002 per dollar of taxable value.

5611 (b) Except as provided in Subsection (3)(c), in order to receive state support the first
5612 year, a district must receive voter approval no later than December 1 of the year prior to
5613 implementation.

5614 (c) Beginning on or after January 1, 2012, a school district may receive state support in
5615 accordance with Subsection (4) without complying with the requirements of Subsection (3)(b)
5616 if the local school board imposed a tax in accordance with this section during the taxable year
5617 beginning on January 1, 2011, and ending on December 31, 2011.

5618 (4) (a) In addition to the revenue a school district collects from the imposition of a levy
5619 pursuant to this section, the state shall contribute an amount sufficient to guarantee \$33.27 per
5620 weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

5621 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar
5622 of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy
5623 authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per
5624 dollar of taxable value if a school district levies a tax rate under both programs.

5625 (c) (i) Beginning July 1, 2015, the \$33.27 guarantee under Subsections (4)(a) and (b)
5626 shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12
5627 program by making the value of the guarantee equal to .011194 times the value of the prior
5628 year's weighted pupil unit for the grades 1 through 12 program.

5629 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted

5630 pupil unit for the grades 1 through 12 program for each succeeding year subject to the
5631 Legislature appropriating funds for an increase in the guarantee.

5632 (d) (i) The amount of state guarantee money to which a school district would otherwise
5633 be entitled to receive under this Subsection (4) may not be reduced for the sole reason that the
5634 district's levy is reduced as a consequence of changes in the certified tax rate under Section
5635 [59-2-924](#) pursuant to changes in property valuation.

5636 (ii) Subsection (4)(d)(i) applies for a period of five years following any such change in
5637 the certified tax rate.

5638 (e) The guarantee provided under this section does not apply to the portion of a voted
5639 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
5640 year, unless an increase in the voted local levy rate was authorized in an election conducted on
5641 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

5642 (f) (i) If a voted and board local levy funding balance exists for the prior fiscal year, the
5643 State Board of Education shall:

5644 (A) use the voted and board local levy funding balance to increase the value of the state
5645 guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year; and

5646 (B) distribute the state contribution to the voted and board local levy programs to
5647 school districts based on the increased value of the state guarantee per weighted pupil unit
5648 described in Subsection (4)(f)(i)(A).

5649 (ii) The State Board of Education shall report action taken under this Subsection (4)(f)
5650 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and
5651 Budget.

5652 (5) (a) An election to modify an existing voted local levy is not a reconsideration of the
5653 existing authority unless the proposition submitted to the electors expressly so states.

5654 (b) A majority vote opposing a modification does not deprive the district of authority to
5655 continue the levy.

5656 (c) If adoption of a voted local levy is contingent upon an offset reducing other local
5657 school board levies, the board must allow the electors, in an election, to consider modifying or

5658 discontinuing the imposition of the levy prior to a subsequent increase in other levies that
5659 would increase the total local school board levy.

5660 (d) Nothing contained in this section terminates, without an election, the authority of a
5661 school district to continue imposing an existing voted local levy previously authorized by the
5662 voters as a voted leeway program.

5663 (6) Notwithstanding Section 59-2-919, a school district may budget an increased
5664 amount of ad valorem property tax revenue derived from a voted local levy imposed under this
5665 section in addition to revenue from new growth as defined in Subsection 59-2-924~~(4)~~(1),
5666 without having to comply with the notice requirements of Section 59-2-919, if:

5667 (a) the voted local levy is approved:

5668 (i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and

5669 (ii) within the four-year period immediately preceding the year in which the school
5670 district seeks to budget an increased amount of ad valorem property tax revenue derived from
5671 the voted local levy; and

5672 (b) for a voted local levy approved or modified in accordance with this section on or
5673 after January 1, 2009, the school district complies with the requirements of Subsection (8).

5674 (7) Notwithstanding Section 59-2-919, a school district may levy a tax rate under this
5675 section that exceeds the certified tax rate without having to comply with the notice
5676 requirements of Section 59-2-919 if:

5677 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an
5678 increased amount of ad valorem property tax revenue derived from a voted local levy imposed
5679 under this section;

5680 (b) the voted local levy was approved:

5681 (i) in accordance with Subsections (9) and (10) on or after January 1, 2003; and

5682 (ii) within the four-year period immediately preceding the year in which the school
5683 district seeks to budget an increased amount of ad valorem property tax revenue derived from
5684 the voted local levy; and

5685 (c) for a voted local levy approved or modified in accordance with this section on or

5686 after January 1, 2009, the school district complies with requirements of Subsection (8).

5687 (8) For purposes of Subsection (6)(b) or (7)(c), the proposition submitted to the
5688 electors regarding the adoption or modification of a voted local levy shall contain the following
5689 statement:

5690 "A vote in favor of this tax means that (name of the school district) may increase
5691 revenue from this property tax without advertising the increase for the next five years."

5692 (9) (a) Before imposing a property tax levy pursuant to this section, a school district
5693 shall submit an opinion question to the school district's registered voters voting on the
5694 imposition of the tax rate so that each registered voter has the opportunity to express the
5695 registered voter's opinion on whether the tax rate should be imposed.

5696 (b) The election required by this Subsection (9) shall be held:

5697 (i) at a regular general election conducted in accordance with the procedures and
5698 requirements of Title 20A, Election Code, governing regular elections;

5699 (ii) at a municipal general election conducted in accordance with the procedures and
5700 requirements of Section 20A-1-202; or

5701 (iii) at a local special election conducted in accordance with the procedures and
5702 requirements of Section 20A-1-203.

5703 (c) Notwithstanding the requirements of Subsections (9)(a) and (b), beginning on or
5704 after January 1, 2012, a school district may levy a tax rate in accordance with this section
5705 without complying with the requirements of Subsections (9)(a) and (b) if the school district
5706 imposed a tax in accordance with this section at any time during the taxable year beginning on
5707 January 1, 2011, and ending on December 31, 2011.

5708 (10) If a school district determines that a majority of the school district's registered
5709 voters voting on the imposition of the tax rate have voted in favor of the imposition of the tax
5710 rate in accordance with Subsection (9), the school district may impose the tax rate.

5711 Section 159. Section **53A-17a-164** is amended to read:

5712 **53A-17a-164. Board local levy -- State guarantee.**

5713 (1) Subject to the other requirements of this section, for a calendar year beginning on

5714 or after January 1, 2012, a local school board may levy a tax to fund the school district's
5715 general fund.

5716 (2) (a) Except as provided in Subsection (2)(b), a tax rate imposed by a school district
5717 pursuant to this section may not exceed .0018 per dollar of taxable value in any calendar year.

5718 (b) A tax rate imposed by a school district pursuant to this section may not exceed
5719 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on
5720 January 1, 2011, the school district's combined tax rate for the following levies was greater
5721 than .0018 per dollar of taxable value:

5722 (i) a recreation levy imposed under Section 11-2-7;

5723 (ii) a transportation levy imposed under Section 53A-17a-127;

5724 (iii) a board-authorized levy imposed under Section 53A-17a-134;

5725 (iv) an impact aid levy imposed under Section 53A-17a-143;

5726 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
5727 budgeted for purposes other than capital outlay or debt service;

5728 (vi) a reading levy imposed under Section 53A-17a-151; and

5729 (vii) a tort liability levy imposed under Section 63G-7-704.

5730 (3) (a) In addition to the revenue a school district collects from the imposition of a levy
5731 pursuant to this section, the state shall contribute an amount sufficient to guarantee that each
5732 .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state
5733 guarantee per weighted pupil unit described in Subsection 53A-17a-133(4).

5734 (b) (i) The amount of state guarantee money to which a school district would otherwise
5735 be entitled to under this Subsection (3) may not be reduced for the sole reason that the district's
5736 levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924
5737 pursuant to changes in property valuation.

5738 (ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the
5739 certified tax rate.

5740 (4) A school district that imposes a board local levy in the calendar year beginning on
5741 January 1, 2012, is exempt from the public notice and hearing requirements of Section

5742 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to
5743 or less than the sum of the following amounts:

5744 (a) the amount of revenue generated during the calendar year beginning on January 1,
5745 2011, from the sum of the following levies of a school district:

5746 (i) a recreation levy imposed under Section 11-2-7;

5747 (ii) a transportation levy imposed under Section 53A-17a-127;

5748 (iii) a board-authorized levy imposed under Section 53A-17a-134;

5749 (iv) an impact aid levy imposed under Section 53A-17a-143;

5750 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
5751 budgeted for purposes other than capital outlay or debt service;

5752 (vi) a reading levy imposed under Section 53A-17a-151; and

5753 (vii) a tort liability levy imposed under Section 63G-7-704; and

5754 (b) revenue from new growth as defined in Subsection 59-2-924[(4)(c)](1).

5755 Section 160. Section 53A-19-105 is amended to read:

5756 **53A-19-105. School district interfund transfers.**

5757 (1) A school district shall spend revenues only within the fund for which they were
5758 originally authorized, levied, collected, or appropriated.

5759 (2) Except as otherwise provided in this section, school district interfund transfers of
5760 residual equity are prohibited.

5761 (3) The State Board of Education may authorize school district interfund transfers of
5762 residual equity when a district states its intent to create a new fund or expand, contract, or
5763 liquidate an existing fund.

5764 (4) The State Board of Education may also authorize school district interfund transfers
5765 of residual equity for a financially distressed district if the board determines the following:

5766 (a) the district has a significant deficit in its maintenance and operations fund caused
5767 by circumstances not subject to the administrative decisions of the district;

5768 (b) the deficit cannot be reasonably reduced under Section 53A-19-104; and

5769 (c) without the transfer, the school district will not be capable of meeting statewide

5770 educational standards adopted by the State Board of Education.

5771 (5) The board shall develop standards for defining and aiding financially distressed
5772 school districts under this section in accordance with Title 63G, Chapter 3, Utah
5773 Administrative Rulemaking Act.

5774 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
5775 and reported in the debt service fund.

5776 (b) Debt service levies under Subsection 59-2-924~~(3)~~(5)(e)(iii) that are not subject to
5777 the public hearing provisions of Section 59-2-919 may not be used for any purpose other than
5778 retiring general obligation debt.

5779 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal
5780 year shall be used in subsequent years for general obligation debt retirement.

5781 (d) Any amounts left in the debt service fund after all general obligation debt has been
5782 retired may be transferred to the capital projects fund upon completion of the budgetary hearing
5783 process required under Section 53A-19-102.

5784 Section 161. Section 59-2-913 is amended to read:

5785 **59-2-913. Definitions -- Statement of amount and purpose of levy -- Contents of**
5786 **statement -- Filing with county auditor -- Transmittal to commission -- Calculations for**
5787 **establishing tax levies -- Format of statement.**

5788 (1) As used in this section, "budgeted property tax revenues" does not include property
5789 tax revenue received by a taxing entity from personal property that is:

- 5790 (a) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 5791 (b) semiconductor manufacturing equipment.

5792 (2) (a) The legislative body of each taxing entity shall file a statement as provided in
5793 this section with the county auditor of the county in which the taxing entity is located.

5794 (b) The auditor shall annually transmit the statement to the commission:

5795 (i) before June 22; or

5796 (ii) with the approval of the commission, on a subsequent date prior to the date
5797 required by Section 59-2-1317 for the county treasurer to provide the notice under Section

5798 59-2-1317.

5799 (c) The statement shall contain the amount and purpose of each levy fixed by the
5800 legislative body of the taxing entity.

5801 (3) For purposes of establishing the levy set for each of a taxing entity's applicable
5802 funds, the legislative body of the taxing entity shall calculate an amount determined by dividing
5803 the budgeted property tax revenues, specified in a budget [~~which~~] that has been adopted and
5804 approved prior to setting the levy, by the amount calculated under Subsections
5805 59-2-924[~~(3)~~](5)(c)(ii)(A) through (C).

5806 (4) The format of the statement under this section shall:

5807 (a) be determined by the commission; and

5808 (b) cite any applicable statutory provisions that:

5809 (i) require a specific levy; or

5810 (ii) limit the property tax levy for any taxing entity.

5811 (5) The commission may require certification that the information submitted on a
5812 statement under this section is true and correct.

5813 Section 162. Section 59-2-924 is amended to read:

5814 **59-2-924. Report of valuation of property to county auditor and commission --**
5815 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**
5816 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

5817 (1) (a) Subject to Subsection (2), "new growth" means:

5818 (i) the difference between the taxable value of the following property of the taxing
5819 entity from the previous calendar year to the current year:

5820 (A) real property assessed by a county assessor in accordance with Part 3, County
5821 Assessment; and

5822 (B) property assessed by the commission under Section 59-2-201; plus

5823 (ii) the difference between the taxable year end value of personal property of the taxing
5824 entity for:

5825 (A) the calendar year immediately preceding the previous calendar year; and

5826 (B) the previous calendar year; minus
 5827 (iii) the amount of an increase in taxable value described in Subsection (2)(b).
 5828 (b) Except as provided in Subsection (1)(c), new growth shall equal the greater of:
 5829 (i) the amount calculated under Subsection (1)(a); or
 5830 (ii) zero.
 5831 (c) (i) When a project area funds collection period as defined in Section [17C-1-102](#)
 5832 ends, the project area's incremental value as defined in Section [17C-1-102](#) shall be:
 5833 (A) considered new growth; and
 5834 (B) added to the amount described in Subsection (1)(b).
 5835 (ii) The amount calculated in Subsection (1)(c)(i)(B) shall not equal less than zero.
 5836 (2) (a) For purposes of Subsection (1)(a)(ii), taxable value of personal property of the
 5837 taxing entity does not include the taxable value of personal property that is:
 5838 (i) contained on the tax rolls of the taxing entity if that property is assessed by a county
 5839 assessor in accordance with Part 3, County Assessment; and
 5840 (ii) semiconductor manufacturing equipment.
 5841 (b) Subsection (1)(a)(iii) applies to the following increases in taxable value:
 5842 (i) the amount of increase to locally assessed real property taxable values resulting
 5843 from factoring, reappraisal, or any other adjustments; or
 5844 (ii) the amount of an increase in the taxable value of property assessed by the
 5845 commission under Section [59-2-201](#) resulting from a change in the method of apportioning the
 5846 taxable value prescribed by:
 5847 (A) the Legislature;
 5848 (B) a court;
 5849 (C) the commission in an administrative rule; or
 5850 (D) the commission in an administrative order.
 5851 [(+)] (3) Before June 1 of each year, the county assessor of each county shall deliver to
 5852 the county auditor and the commission the following statements:
 5853 (a) a statement containing the aggregate valuation of all taxable real property assessed

5854 by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and

5855 (b) a statement containing the taxable value of all personal property assessed by a
5856 county assessor in accordance with Part 3, County Assessment, from the prior year end values.

5857 ~~[(2)]~~ (4) The county auditor shall, on or before June 8, transmit to the governing body
5858 of each taxing entity:

5859 (a) the statements described in Subsections ~~[(1)]~~ (3)(a) and (b);

5860 (b) an estimate of the revenue from personal property;

5861 (c) the certified tax rate; and

5862 (d) all forms necessary to submit a tax levy request.

5863 ~~[(3)]~~ (5) (a) The "certified tax rate" means a tax rate that will provide the same ad
5864 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the
5865 prior year.

5866 (b) For purposes of this Subsection ~~[(3)]~~ (5):

5867 (i) "Ad valorem property tax revenues" do not include:

5868 (A) interest;

5869 (B) penalties; and

5870 (C) revenue received by a taxing entity from personal property that is:

5871 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and

5872 (II) semiconductor manufacturing equipment.

5873 (ii) "Aggregate taxable value of all property taxed" means:

5874 (A) the aggregate taxable value of all real property assessed by a county assessor in
5875 accordance with Part 3, County Assessment, for the current year;

5876 (B) the aggregate taxable year end value of all personal property assessed by a county
5877 assessor in accordance with Part 3, County Assessment, for the prior year; and

5878 (C) the aggregate taxable value of all real and personal property assessed by the
5879 commission in accordance with Part 2, Assessment of Property, for the current year.

5880 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be
5881 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the

5882 taxing entity by the amount calculated under Subsection [~~(3)~~] (5)(c)(ii).

5883 (ii) For purposes of Subsection [~~(3)~~] (5)(c)(i), the legislative body of a taxing entity

5884 shall calculate an amount as follows:

5885 (A) calculate for the taxing entity the difference between:

5886 (I) the aggregate taxable value of all property taxed; and

5887 (II) any redevelopment adjustments for the current calendar year;

5888 (B) after making the calculation required by Subsection [~~(3)~~] (5)(c)(ii)(A), calculate an

5889 amount determined by increasing or decreasing the amount calculated under Subsection [~~(3)~~]

5890 (5)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the

5891 equalization period for the three calendar years immediately preceding the current calendar

5892 year;

5893 (C) after making the calculation required by Subsection [~~(3)~~] (5)(c)(ii)(B), calculate the

5894 product of:

5895 (I) the amount calculated under Subsection [~~(3)~~] (5)(c)(ii)(B); and

5896 (II) the percentage of property taxes collected for the five calendar years immediately

5897 preceding the current calendar year; and

5898 (D) after making the calculation required by Subsection [~~(3)~~] (5)(c)(ii)(C), calculate an

5899 amount determined by subtracting from the amount calculated under Subsection [~~(3)~~]

5900 (5)(c)(ii)(C) any new growth as defined in this section:

5901 (I) within the taxing entity; and

5902 (II) for the following calendar year:

5903 (Aa) for new growth from real property assessed by a county assessor in accordance

5904 with Part 3, County Assessment and all property assessed by the commission in accordance

5905 with Section [59-2-201](#), the current calendar year; and

5906 (Bb) for new growth from personal property assessed by a county assessor in

5907 accordance with Part 3, County Assessment, the prior calendar year.

5908 (iii) For purposes of Subsection [~~(3)~~] (5)(c)(ii)(A), the aggregate taxable value of all

5909 property taxed:

5910 (A) except as provided in Subsection [~~(3)~~] (5)(c)(iii)(B) or [~~(3)~~] (5)(c)(ii)(C), is as
5911 defined in Subsection [~~(3)~~] (5)(b)(ii);

5912 (B) does not include the total taxable value of personal property contained on the tax
5913 rolls of the taxing entity that is:

5914 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and

5915 (II) semiconductor manufacturing equipment; and

5916 (C) for personal property assessed by a county assessor in accordance with Part 3,
5917 County Assessment, the taxable value of personal property is the year end value of the personal
5918 property contained on the prior year's tax rolls of the entity.

5919 (iv) For purposes of Subsection [~~(3)~~] (5)(c)(ii)(B), for calendar years beginning on or
5920 after January 1, 2007, the value of taxable property does not include the value of personal
5921 property that is:

5922 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
5923 County Assessment; and

5924 (B) semiconductor manufacturing equipment.

5925 (v) For purposes of Subsection [~~(3)~~] (5)(c)(ii)(C)(II), for calendar years beginning on or
5926 after January 1, 2007, the percentage of property taxes collected does not include property taxes
5927 collected from personal property that is:

5928 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
5929 County Assessment; and

5930 (B) semiconductor manufacturing equipment.

5931 (vi) For purposes of Subsection [~~(3)~~] (5)(c)(ii)(B), for calendar years beginning on or
5932 after January 1, 2009, the value of taxable property does not include the value of personal
5933 property that is within the taxing entity assessed by a county assessor in accordance with Part 3,
5934 County Assessment.

5935 (vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5936 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
5937 year.

5938 (viii) (A) Except as provided in Subsections [~~(3)~~] (5)(c)(ix) and (x), for purposes of
5939 Subsection [~~(3)~~] (5)(c)(i), a taxing entity's ad valorem property tax revenues budgeted for the
5940 prior year shall be decreased by an amount of revenue equal to the five-year average of the
5941 most recent prior five years of redemptions adjusted by the five-year average redemption
5942 calculated for the prior year as reported on the county treasurer's final annual settlement
5943 required under Subsection 59-2-1365(2).

5944 (B) A decrease under Subsection [~~(3)~~] (5)(c)(viii)(A) does not apply to the multicounty
5945 assessing and collecting levy authorized in Subsection 59-2-1602(2)(a), the certified revenue
5946 levy, or the minimum basic tax rate established in Section 53A-17a-135.

5947 (ix) As used in Subsection [~~(3)~~] (5)(c)(x):

5948 (A) "One-fourth of qualifying redemptions excess amount" means a qualifying
5949 redemptions excess amount divided by four.

5950 (B) "Qualifying redemptions" means that, for a calendar year, a taxing entity's total
5951 amount of redemptions is greater than three times the five-year average of the most recent prior
5952 five years of redemptions calculated for the prior year under Subsection [~~(3)~~] (5)(c)(viii)(A).

5953 (C) "Qualifying redemptions base amount" means an amount equal to three times the
5954 five-year average of the most recent prior five years of redemptions for a taxing entity, as
5955 reported on the county treasurer's final annual settlement required under Subsection
5956 59-2-1365(2).

5957 (D) "Qualifying redemptions excess amount" means the amount by which a taxing
5958 entity's qualifying redemptions for a calendar year exceed the qualifying redemptions base
5959 amount for that calendar year.

5960 (x) (A) If, for a calendar year, a taxing entity has qualifying redemptions, the
5961 redemption amount for purposes of calculating the five-year redemption average required by
5962 Subsection [~~(3)~~] (5)(c)(viii)(A) is as provided in Subsections [~~(3)~~] (5)(c)(x)(B) and (C).

5963 (B) For the initial calendar year a taxing entity has qualifying redemptions, the taxing
5964 entity's redemption amount for that calendar year is the qualifying redemptions base amount.

5965 (C) For each of the four calendar years after the calendar year described in Subsection

5966 [~~(3)~~] (5)(c)(x)(B), one-fourth of the qualifying redemptions excess amount shall be added to the
5967 redemption amount.

5968 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5969 the commission shall make rules determining the calculation of ad valorem property tax
5970 revenues budgeted by a taxing entity.

5971 (ii) For purposes of Subsection [~~(3)~~] (5)(d)(i), ad valorem property tax revenues
5972 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax
5973 revenues are calculated for purposes of Section 59-2-913.

5974 (e) The certified tax rates for the taxing entities described in this Subsection [~~(3)~~] (5)(e)
5975 shall be calculated as follows:

5976 (i) except as provided in Subsection [~~(3)~~] (5)(e)(ii), for new taxing entities the certified
5977 tax rate is zero;

5978 (ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

5979 (A) in a county of the first, second, or third class, the levy imposed for municipal-type
5980 services under Sections 17-34-1 and 17-36-9; and

5981 (B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
5982 purposes and such other levies imposed solely for the municipal-type services identified in
5983 Section 17-34-1 and Subsection 17-36-3(22); and

5984 (iii) for debt service voted on by the public, the certified tax rate shall be the actual
5985 levy imposed by that section, except that the certified tax rates for the following levies shall be
5986 calculated in accordance with Section 59-2-913 and this section:

5987 (A) school levies provided for under Sections 53A-16-113, 53A-17a-133, and
5988 53A-17a-164; and

5989 (B) levies to pay for the costs of state legislative mandates or judicial or administrative
5990 orders under Section 59-2-1602.

5991 (f) (i) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be
5992 established at that rate which is sufficient to generate only the revenue required to satisfy one
5993 or more eligible judgments, as defined in Section 59-2-102.

5994 (ii) The ad valorem property tax revenue generated by the judgment levy shall not be
 5995 considered in establishing the taxing entity's aggregate certified tax rate.

5996 (g) The ad valorem property tax revenue generated by the capital local levy described
 5997 in Section 53A-16-113 within a taxing entity in a county of the first class:

5998 (i) may not be considered in establishing the school district's aggregate certified tax
 5999 rate; and

6000 (ii) shall be included by the commission in establishing a certified tax rate for that
 6001 capital outlay levy determined in accordance with the calculation described in Subsection
 6002 59-2-913(3).

6003 ~~[(4)]~~ (6) (a) For the purpose of calculating the certified tax rate, the county auditor shall
 6004 use:

6005 (i) the taxable value of real property assessed by a county assessor contained on the
 6006 assessment roll;

6007 (ii) the taxable value of real and personal property assessed by the commission; and

6008 (iii) the taxable year end value of personal property assessed by a county assessor
 6009 contained on the prior year's assessment roll.

6010 (b) For purposes of Subsection ~~[(4)]~~ (6)(a)(i), the taxable value of real property on the
 6011 assessment roll does not include new growth as defined in Subsection ~~[(4)(c)]~~ (1).

6012 ~~[(c) "New growth" means:]~~

6013 ~~[(i) the difference between the increase in taxable value of the following property of~~
 6014 ~~the taxing entity from the previous calendar year to the current year:]~~

6015 ~~[(A) real property assessed by a county assessor in accordance with Part 3, County~~
 6016 ~~Assessment; and]~~

6017 ~~[(B) property assessed by the commission under Section 59-2-201; plus]~~

6018 ~~[(ii) the difference between the increase in taxable year end value of personal property~~
 6019 ~~of the taxing entity from the year prior to the previous calendar year to the previous calendar~~
 6020 ~~year; minus]~~

6021 ~~[(iii) the amount of an increase in taxable value described in Subsection (4)(c).]~~

6022 [~~(d)~~ For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the
6023 taxing entity does not include the taxable value of personal property that is:]

6024 [(i) contained on the tax rolls of the taxing entity if that property is assessed by a
6025 county assessor in accordance with Part 3, County Assessment; and]

6026 [(ii) semiconductor manufacturing equipment.]

6027 [(e) Subsection (4)(c)(iii) applies to the following increases in taxable value:]

6028 [(i) the amount of increase to locally assessed real property taxable values resulting
6029 from factoring, reappraisal, or any other adjustments; or]

6030 [(ii) the amount of an increase in the taxable value of property assessed by the
6031 commission under Section ~~59-2-201~~ resulting from a change in the method of apportioning the
6032 taxable value prescribed by:]

6033 [(A) the Legislature;]

6034 [(B) a court;]

6035 [(C) the commission in an administrative rule; or]

6036 [(D) the commission in an administrative order.]

6037 [(f)] (c) For purposes of Subsection [(4)] (6)(a)(ii), the taxable year end value of
6038 personal property on the prior year's assessment roll does not include:

6039 (i) new growth as defined in Subsection [(4)(c)] (1); or

6040 (ii) the total taxable year end value of personal property contained on the prior year's
6041 tax rolls of the taxing entity that is:

6042 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

6043 (B) semiconductor manufacturing equipment.

6044 [(5)] (7) (a) On or before June 22, each taxing entity shall annually adopt a tentative
6045 budget.

6046 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
6047 auditor of:

6048 (i) its intent to exceed the certified tax rate; and

6049 (ii) the amount by which it proposes to exceed the certified tax rate.

6050 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
6051 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

6052 Section 163. Section 59-2-924.2 is amended to read:

6053 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

6054 (1) For purposes of this section, "certified tax rate" means a certified tax rate calculated
6055 in accordance with Section 59-2-924.

6056 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from
6057 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
6058 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter
6059 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax
6060 rate to offset the increased revenues.

6061 (3) (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under
6062 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

6063 (i) decreased on a one-time basis by the amount of the estimated sales and use tax
6064 revenue to be distributed to the county under Subsection 59-12-1102(3); and

6065 (ii) increased by the amount necessary to offset the county's reduction in revenue from
6066 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
6067 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
6068 (3)(a)(i).

6069 (b) The commission shall determine estimates of sales and use tax distributions for
6070 purposes of Subsection (3)(a).

6071 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort
6072 communities sales and use tax under Section 59-12-402, the municipality's certified tax rate
6073 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of
6074 estimated revenue from the additional resort communities sales and use tax imposed under
6075 Section 59-12-402.

6076 (5) (a) This Subsection (5) applies to each county that:

6077 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special

6078 Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10); and

6079 (ii) levies a property tax on behalf of the special service district under Section
6080 17D-1-105.

6081 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall be
6082 decreased by the amount necessary to reduce county revenues by the same amount of revenues
6083 that will be generated by the property tax imposed on behalf of the special service district.

6084 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the
6085 levy on behalf of the special service district under Section 17D-1-105.

6086 (6) (a) As used in this Subsection (6):

6087 (i) "Annexing county" means a county whose unincorporated area is included within a
6088 public safety district by annexation.

6089 (ii) "Annexing municipality" means a municipality whose area is included within a
6090 public safety district by annexation.

6091 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

6092 (A) calculating, for each participating county and each participating municipality, the
6093 property tax revenue necessary:

6094 (I) in the case of a fire district, to cover all of the costs associated with providing fire
6095 protection, paramedic, and emergency services:

6096 (Aa) for a participating county, in the unincorporated area of the county; and

6097 (Bb) for a participating municipality, in the municipality; or

6098 (II) in the case of a police district, to cover all the costs:

6099 (Aa) associated with providing law enforcement service:

6100 (Ii) for a participating county, in the unincorporated area of the county; and

6101 (Iiii) for a participating municipality, in the municipality; and

6102 (Bb) that the police district board designates as the costs to be funded by a property
6103 tax; and

6104 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all

6105 participating counties and all participating municipalities and then dividing that sum by the

6106 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

6107 (I) for participating counties, in the unincorporated area of all participating counties;

6108 and

6109 (II) for participating municipalities, in all the participating municipalities.

6110 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service

6111 Area Act:

6112 (A) created to provide fire protection, paramedic, and emergency services; and

6113 (B) in the creation of which an election was not required under Subsection

6114 17B-1-214(3)(c).

6115 (v) "Participating county" means a county whose unincorporated area is included

6116 within a public safety district at the time of the creation of the public safety district.

6117 (vi) "Participating municipality" means a municipality whose area is included within a

6118 public safety district at the time of the creation of the public safety district.

6119 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service

6120 Area Act, within a county of the first class:

6121 (A) created to provide law enforcement service; and

6122 (B) in the creation of which an election was not required under Subsection

6123 17B-1-214(3)(c).

6124 (viii) "Public safety district" means a fire district or a police district.

6125 (ix) "Public safety service" means:

6126 (A) in the case of a public safety district that is a fire district, fire protection,

6127 paramedic, and emergency services; and

6128 (B) in the case of a public safety district that is a police district, law enforcement

6129 service.

6130 (b) In the first year following creation of a public safety district, the certified tax rate of

6131 each participating county and each participating municipality shall be decreased by the amount

6132 of the equalized public safety tax rate.

6133 (c) In the first budget year following annexation to a public safety district, the certified

6134 tax rate of each annexing county and each annexing municipality shall be decreased by an
6135 amount equal to the amount of revenue budgeted by the annexing county or annexing
6136 municipality:

6137 (i) for public safety service; and

6138 (ii) in:

6139 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,
6140 the prior calendar year; or

6141 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior
6142 fiscal year.

6143 (d) Each tax levied under this section by a public safety district shall be considered to
6144 be levied by:

6145 (i) each participating county and each annexing county for purposes of the county's tax
6146 limitation under Section 59-2-908; and

6147 (ii) each participating municipality and each annexing municipality for purposes of the
6148 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
6149 city.

6150 (e) The calculation of a public safety district's certified tax rate for the year of
6151 annexation shall be adjusted to include an amount of revenue equal to one half of the amount
6152 of revenue budgeted by the annexing entity for public safety service in the annexing entity's
6153 prior fiscal year if:

6154 (i) the public safety district operates on a January 1 through December 31 fiscal year;

6155 (ii) the public safety district approves an annexation of an entity operating on a July 1
6156 through June 30 fiscal year; and

6157 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

6158 (7) (a) The base taxable value under ~~[Subsection]~~ Section 17C-1-102~~[(6)]~~ shall be
6159 reduced for any year to the extent necessary to provide a community ~~[development and~~
6160 ~~renewal]~~ reinvestment agency established under Title 17C, Limited Purpose Local Government
6161 Entities - Community ~~[Development and Renewal Agencies]~~ Reinvestment Agency Act, with

6162 approximately the same amount of money the agency would have received without a reduction
6163 in the county's certified tax rate, calculated in accordance with Section 59-2-924, if:

6164 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);
6165 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
6166 previous year; and

6167 (iii) the decrease results in a reduction of the amount to be paid to the agency under
6168 Section 17C-1-403 or 17C-1-404.

6169 (b) The base taxable value under ~~[Subsection]~~ Section 17C-1-102~~[(6)]~~ shall be
6170 increased in any year to the extent necessary to provide a community ~~[development and~~
6171 ~~renewal]~~ reinvestment agency with approximately the same amount of money as the agency
6172 would have received without an increase in the certified tax rate that year if:

6173 (i) in that year the base taxable value under ~~[Subsection]~~ Section 17C-1-102~~[(6)]~~ is
6174 reduced due to a decrease in the certified tax rate under Subsection (2) or (3)(a); and

6175 (ii) the certified tax rate of a city, school district, local district, or special service
6176 district increases independent of the adjustment to the taxable value of the base year.

6177 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),
6178 the amount of money allocated and, when collected, paid each year to a community
6179 ~~[development and renewal]~~ reinvestment agency established under Title 17C, Limited Purpose
6180 Local Government Entities - Community ~~[Development and Renewal Agencies]~~ Reinvestment
6181 Agency Act, for the payment of bonds or other contract indebtedness, but not for administrative
6182 costs, may not be less than that amount would have been without a decrease in the certified tax
6183 rate under Subsection (2) or (3)(a).

6184 (8) (a) For the calendar year beginning on January 1, 2014, the calculation of a county
6185 assessing and collecting levy shall be adjusted by the amount necessary to offset:

6186 (i) any change in the certified tax rate that may result from amendments to Part 16,
6187 Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270, Section 3;
6188 and

6189 (ii) the difference in the amount of revenue a taxing entity receives from or contributes

6190 to the Property Tax Valuation Agency Fund, created in Section 59-2-1602, that may result from
6191 amendments to Part 16, Multicounty Assessing and Collecting Levy, in Laws of Utah 2014,
6192 Chapter 270, Section 3.

6193 (b) A taxing entity is not required to comply with the notice and public hearing
6194 requirements in Section 59-2-919 for an adjustment to the county assessing and collecting levy
6195 described in Subsection (8)(a).

6196 (9) (a) For the calendar year beginning on January 1, 2017, the commission shall
6197 increase or decrease a school district's certified tax rate to offset a change in revenues from the
6198 calendar year beginning on January 1, 2016, to the calendar year beginning on January 1, 2017,
6199 as follows:

6200 (i) the commission shall increase a school district's certified tax rate by the amount
6201 necessary to offset a decrease in revenues that may result from the repeal of Section 59-2-924.3
6202 on December 31, 2016; and

6203 (ii) the commission shall decrease a school district's certified tax rate by the amount
6204 necessary to offset an increase in revenues that may result from the repeal of Section
6205 59-2-924.3 on December 31, 2016.

6206 (b) (i) A school district is not required to comply with the notice and public hearing
6207 requirements of Section 59-2-919 for an offset to the certified tax rate described in Subsection
6208 (9)(a).

6209 (ii) If a school district's certified tax rate is increased in accordance with Subsection
6210 (9)(a)(i), the school district shall:

6211 (A) on or before June 15, 2017, publish the statement provided in Subsection (9)(c)
6212 one or more times in a newspaper or combination of newspapers of general circulation in the
6213 taxing entity, in a portion of the newspaper where legal notices and classified advertisements
6214 do not appear;

6215 (B) on or before June 30, 2017, read the statement provided in Subsection (9)(c) at a
6216 public meeting of the school district; and

6217 (C) if the school district maintains a database containing electronic mail addresses of

6218 one or more persons who reside within the school district boundaries, send the statement
6219 provided in Subsection (9)(c) to those electronic mail addresses.

6220 (c) For purposes of Subsection (9)(b)(ii), the statement is: "For calendar year 2017, the
6221 State Tax Commission is required to increase a property tax rate of this school district to offset
6222 a loss in revenue due to the repeal of a statute to equalize certain school district property taxes.
6223 This offset may result in an increase in your property taxes."

6224 Section 164. Section **59-2-924.3** is amended to read:

6225 **59-2-924.3. Adjustment of the calculation of the certified tax rate for a school**
6226 **district imposing a capital local levy in a county of the first class.**

6227 (1) As used in this section:

6228 (a) "Capital local levy increment" means the amount of revenue equal to the difference
6229 between:

6230 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
6231 within a school district during a fiscal year; and

6232 (ii) the amount of revenue the school district received during the same fiscal year from
6233 the distribution described in Section [53A-16-114](#).

6234 (b) "Contributing school district" means a school district in a county of the first class
6235 that in a fiscal year receives less revenue from the distribution described in Section
6236 [53A-16-114](#) than it would have received during the same fiscal year from a levy imposed
6237 within the school district of .0006 per dollar of taxable value.

6238 (c) "Receiving school district" means a school district in a county of the first class that
6239 in a fiscal year receives more revenue from the distribution described in Section [53A-16-114](#)
6240 than it would have received during the same fiscal year from a levy imposed within the school
6241 district of .0006 per dollar of taxable value.

6242 (2) A receiving school district shall decrease its capital local levy certified tax rate
6243 under Subsection [59-2-924](#)~~(3)~~[\(5\)](#)(g)(ii) by the amount required to offset the receiving school
6244 district's estimated capital local levy increment for the prior fiscal year.

6245 (3) A contributing school district is exempt from the notice and public hearing

6246 provisions of Section 59-2-919 for the school district's capital local levy certified tax rate
6247 calculated pursuant to Subsection 59-2-924[(3)](5)(g)(ii) if:

6248 (a) the contributing school district budgets an increased amount of ad valorem property
6249 tax revenue exclusive of new growth as defined in Subsection 59-2-924[(4)](1) for the capital
6250 local levy described in Section 53A-16-113; and

6251 (b) the increased amount of ad valorem property tax revenue described in Subsection
6252 (3)(a) is less than or equal to the difference between:

6253 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
6254 imposed within the contributing school district during the current taxable year; and

6255 (ii) the amount of revenue generated by a levy of .0006 per dollar of taxable value
6256 imposed within the contributing school district during the prior taxable year.

6257 (4) Regardless of the amount a school district receives from the revenue collected from
6258 the .0006 portion of the capital local levy required in Section 53A-16-113, the revenue
6259 generated within the school district from the .0006 portion of the capital local levy required in
6260 Section 53A-16-113 shall be considered to be budgeted ad valorem property tax revenues of
6261 the school district that levies the .0006 portion of the capital local levy for purposes of
6262 calculating the school district's certified tax rate in accordance with Subsection
6263 59-2-924[(3)](5)(g)(ii).

6264 Section 165. Section 59-7-614.2 is amended to read:

6265 **59-7-614.2. Refundable economic development tax credit.**

6266 (1) As used in this section:

6267 (a) "Business entity" means a taxpayer that meets the definition of "business entity" as
6268 defined in Section 63N-2-103.

6269 (b) "Community [~~development and renewal~~] reinvestment agency" is as defined in
6270 Section 17C-1-102.

6271 (c) "Local government entity" is as defined in Section 63N-2-103.

6272 (d) "Office" means the Governor's Office of Economic Development.

6273 (2) Subject to the other provisions of this section, a business entity, local government

6274 entity, or community [~~development and renewal~~] reinvestment agency may claim a refundable
6275 tax credit for economic development.

6276 (3) The tax credit under this section is the amount listed as the tax credit amount on the
6277 tax credit certificate that the office issues to the business entity, local government entity, or
6278 community [~~development and renewal~~] reinvestment agency for the taxable year.

6279 (4) A community [~~development and renewal~~] reinvestment agency may claim a tax
6280 credit under this section only if a local government entity assigns the tax credit to the
6281 community [~~development and renewal~~] reinvestment agency in accordance with Section
6282 [63N-2-104](#).

6283 (5) (a) In accordance with any rules prescribed by the commission under Subsection
6284 (5)(b), the commission shall make a refund to the following that claim a tax credit under this
6285 section:

- 6286 (i) a local government entity;
- 6287 (ii) a community [~~development and renewal~~] reinvestment agency; or
- 6288 (iii) a business entity if the amount of the tax credit exceeds the business entity's tax
6289 liability for a taxable year.

6290 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6291 commission may make rules providing procedures for making a refund to a business entity,
6292 local government entity, or community [~~development and renewal~~] reinvestment agency as
6293 required by Subsection (5)(a).

6294 (6) (a) On or before October 1, 2013, and every five years after October 1, 2013, the
6295 Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and
6296 make recommendations to the Legislative Management Committee concerning whether the tax
6297 credit should be continued, modified, or repealed.

6298 (b) For purposes of the study required by this Subsection (6), the office shall provide
6299 the following information to the Revenue and Taxation Interim Committee:

- 6300 (i) the amount of tax credit that the office grants to each business entity, local
6301 government entity, or community [~~development and renewal~~] reinvestment agency for each

6302 calendar year;

6303 (ii) the criteria that the office uses in granting a tax credit;

6304 (iii) (A) for a business entity, the new state revenues generated by the business entity

6305 for the calendar year; or

6306 (B) for a local government entity, regardless of whether the local government entity

6307 assigns the tax credit in accordance with Section 63N-2-104, the new state revenues generated

6308 as a result of a new commercial project within the local government entity for each calendar

6309 year;

6310 (iv) the information contained in the office's latest report to the Legislature under

6311 Section 63N-2-106; and

6312 (v) any other information that the Revenue and Taxation Interim Committee requests.

6313 (c) The Revenue and Taxation Interim Committee shall ensure that its

6314 recommendations under Subsection (6)(a) include an evaluation of:

6315 (i) the cost of the tax credit to the state;

6316 (ii) the purpose and effectiveness of the tax credit; and

6317 (iii) the extent to which the state benefits from the tax credit.

6318 Section 166. Section 59-12-603 is amended to read:

6319 **59-12-603. County tax -- Bases -- Rates -- Use of revenues -- Adoption of**

6320 **ordinance required -- Advisory board -- Administration -- Collection -- Administrative**

6321 **charge -- Distribution -- Enactment or repeal of tax or tax rate change -- Effective date --**

6322 **Notice requirements.**

6323 (1) (a) In addition to any other taxes, a county legislative body may, as provided in this

6324 part, impose a tax as follows:

6325 (i) (A) a county legislative body of any county may impose a tax of not to exceed 3%

6326 on all short-term leases and rentals of motor vehicles not exceeding 30 days, except for leases

6327 and rentals of motor vehicles made for the purpose of temporarily replacing a person's motor

6328 vehicle that is being repaired pursuant to a repair or an insurance agreement; and

6329 (B) beginning on or after January 1, 1999, a county legislative body of any county

6330 imposing a tax under Subsection (1)(a)(i)(A) may, in addition to imposing the tax under
6331 Subsection (1)(a)(i)(A), impose a tax of not to exceed 4% on all short-term leases and rentals
6332 of motor vehicles not exceeding 30 days, except for leases and rentals of motor vehicles made
6333 for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant
6334 to a repair or an insurance agreement;

6335 (ii) a county legislative body of any county may impose a tax of not to exceed 1% of all
6336 sales of the following that are sold by a restaurant:

- 6337 (A) alcoholic beverages;
- 6338 (B) food and food ingredients; or
- 6339 (C) prepared food; and

6340 (iii) a county legislative body of a county of the first class may impose a tax of not to
6341 exceed .5% on charges for the accommodations and services described in Subsection
6342 [59-12-103\(1\)\(i\)](#).

6343 (b) A tax imposed under Subsection (1)(a) is subject to the audit provisions of Section
6344 [17-31-5.5](#).

6345 (2) (a) Subject to Subsection (2)(b), revenue from the imposition of the taxes provided
6346 for in Subsections (1)(a)(i) through (iii) may be used for:

- 6347 (i) financing tourism promotion; and
- 6348 (ii) the development, operation, and maintenance of:
 - 6349 (A) an airport facility;
 - 6350 (B) a convention facility;
 - 6351 (C) a cultural facility;
 - 6352 (D) a recreation facility; or
 - 6353 (E) a tourist facility.

6354 (b) A county of the first class shall expend at least \$450,000 each year of the revenues
6355 from the imposition of a tax authorized by Subsection (1)(a)(iii) within the county to fund a
6356 marketing and ticketing system designed to:

6357 (i) promote tourism in ski areas within the county by persons that do not reside within

6358 the state; and

6359 (ii) combine the sale of:

6360 (A) ski lift tickets; and

6361 (B) accommodations and services described in Subsection 59-12-103(1)(i).

6362 (3) A tax imposed under this part may be pledged as security for bonds, notes, or other
6363 evidences of indebtedness incurred by a county, city, or town under Title 11, Chapter 14, Local
6364 Government Bonding Act, or a community [~~development and renewal~~] reinvestment agency
6365 under Title 17C, Chapter 1, Part 5, Agency Bonds, to finance:

6366 (a) an airport facility;

6367 (b) a convention facility;

6368 (c) a cultural facility;

6369 (d) a recreation facility; or

6370 (e) a tourist facility.

6371 (4) (a) In order to impose the tax under Subsection (1), each county legislative body
6372 shall adopt an ordinance imposing the tax.

6373 (b) The ordinance under Subsection (4)(a) shall include provisions substantially the
6374 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on
6375 those items and sales described in Subsection (1).

6376 (c) The name of the county as the taxing agency shall be substituted for that of the state
6377 where necessary, and an additional license is not required if one has been or is issued under
6378 Section 59-12-106.

6379 (5) In order to maintain in effect its tax ordinance adopted under this part, each county
6380 legislative body shall, within 30 days of any amendment of any applicable provisions of Part 1,
6381 Tax Collection, adopt amendments to its tax ordinance to conform with the applicable
6382 amendments to Part 1, Tax Collection.

6383 (6) (a) Regardless of whether a county of the first class creates a tourism tax advisory
6384 board in accordance with Section 17-31-8, the county legislative body of the county of the first
6385 class shall create a tax advisory board in accordance with this Subsection (6).

- 6386 (b) The tax advisory board shall be composed of nine members appointed as follows:
6387 (i) four members shall be appointed by the county legislative body of the county of the
6388 first class as follows:
6389 (A) one member shall be a resident of the unincorporated area of the county;
6390 (B) two members shall be residents of the incorporated area of the county; and
6391 (C) one member shall be a resident of the unincorporated or incorporated area of the
6392 county; and
6393 (ii) subject to Subsections (6)(c) and (d), five members shall be mayors of cities or
6394 towns within the county of the first class appointed by an organization representing all mayors
6395 of cities and towns within the county of the first class.
6396 (c) Five members of the tax advisory board constitute a quorum.
6397 (d) The county legislative body of the county of the first class shall determine:
6398 (i) terms of the members of the tax advisory board;
6399 (ii) procedures and requirements for removing a member of the tax advisory board;
6400 (iii) voting requirements, except that action of the tax advisory board shall be by at
6401 least a majority vote of a quorum of the tax advisory board;
6402 (iv) chairs or other officers of the tax advisory board;
6403 (v) how meetings are to be called and the frequency of meetings; and
6404 (vi) the compensation, if any, of members of the tax advisory board.
6405 (e) The tax advisory board under this Subsection (6) shall advise the county legislative
6406 body of the county of the first class on the expenditure of revenues collected within the county
6407 of the first class from the taxes described in Subsection (1)(a).
6408 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), a tax authorized under this part
6409 shall be administered, collected, and enforced in accordance with:
6410 (A) the same procedures used to administer, collect, and enforce the tax under:
6411 (I) Part 1, Tax Collection; or
6412 (II) Part 2, Local Sales and Use Tax Act; and
6413 (B) Chapter 1, General Taxation Policies.

6414 (ii) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or
6415 Subsections 59-12-205(2) through (6).

6416 (b) Except as provided in Subsection (7)(c):

6417 (i) for a tax under this part other than the tax under Subsection (1)(a)(i)(B), the
6418 commission shall distribute the revenues to the county imposing the tax; and

6419 (ii) for a tax under Subsection (1)(a)(i)(B), the commission shall distribute the revenues
6420 according to the distribution formula provided in Subsection (8).

6421 (c) The commission shall retain and deposit an administrative charge in accordance
6422 with Section 59-1-306 from the revenues the commission collects from a tax under this part.

6423 (8) The commission shall distribute the revenues generated by the tax under Subsection
6424 (1)(a)(i)(B) to each county collecting a tax under Subsection (1)(a)(i)(B) according to the
6425 following formula:

6426 (a) the commission shall distribute 70% of the revenues based on the percentages
6427 generated by dividing the revenues collected by each county under Subsection (1)(a)(i)(B) by
6428 the total revenues collected by all counties under Subsection (1)(a)(i)(B); and

6429 (b) the commission shall distribute 30% of the revenues based on the percentages
6430 generated by dividing the population of each county collecting a tax under Subsection
6431 (1)(a)(i)(B) by the total population of all counties collecting a tax under Subsection (1)(a)(i)(B).

6432 (9) (a) For purposes of this Subsection (9):

6433 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Part 2,
6434 County Annexation.

6435 (ii) "Annexing area" means an area that is annexed into a county.

6436 (b) (i) Except as provided in Subsection (9)(c), if, on or after July 1, 2004, a county
6437 enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or
6438 change shall take effect:

6439 (A) on the first day of a calendar quarter; and

6440 (B) after a 90-day period beginning on the date the commission receives notice meeting
6441 the requirements of Subsection (9)(b)(ii) from the county.

6442 (ii) The notice described in Subsection (9)(b)(i)(B) shall state:
6443 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;
6444 (B) the statutory authority for the tax described in Subsection (9)(b)(ii)(A);
6445 (C) the effective date of the tax described in Subsection (9)(b)(ii)(A); and
6446 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
6447 (9)(b)(ii)(A), the rate of the tax.

6448 (c) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of
6449 the first billing period:

6450 (A) that begins after the effective date of the enactment of the tax or the tax rate
6451 increase; and

6452 (B) if the billing period for the transaction begins before the effective date of the
6453 enactment of the tax or the tax rate increase imposed under Subsection (1).

6454 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last
6455 billing period:

6456 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;
6457 and

6458 (B) if the billing period for the transaction begins before the effective date of the repeal
6459 of the tax or the tax rate decrease imposed under Subsection (1).

6460 (d) (i) Except as provided in Subsection (9)(e), if, for an annexation that occurs on or
6461 after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a
6462 tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

6463 (A) on the first day of a calendar quarter; and

6464 (B) after a 90-day period beginning on the date the commission receives notice meeting
6465 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.

6466 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:

6467 (A) that the annexation described in Subsection (9)(d)(i) will result in an enactment,
6468 repeal, or change in the rate of a tax under this part for the annexing area;

6469 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);

6470 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and

6471 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
6472 (9)(d)(ii)(A), the rate of the tax.

6473 (e) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of
6474 the first billing period:

6475 (A) that begins after the effective date of the enactment of the tax or the tax rate
6476 increase; and

6477 (B) if the billing period for the transaction begins before the effective date of the
6478 enactment of the tax or the tax rate increase imposed under Subsection (1).

6479 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last
6480 billing period:

6481 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;
6482 and

6483 (B) if the billing period for the transaction begins before the effective date of the repeal
6484 of the tax or the tax rate decrease imposed under Subsection (1).

6485 Section 167. Section **63G-7-102** is amended to read:

6486 **63G-7-102. Definitions.**

6487 As used in this chapter:

6488 (1) "Claim" means any asserted demand for or cause of action for money or damages,
6489 whether arising under the common law, under state constitutional provisions, or under state
6490 statutes, against a governmental entity or against an employee in the employee's personal
6491 capacity.

6492 (2) (a) "Employee" includes:

6493 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

6494 (ii) members of a governing body;

6495 (iii) members of a government entity board;

6496 (iv) members of a government entity commission;

6497 (v) members of an advisory body, officers, and employees of a Children's Justice

6498 Center created in accordance with Section 67-5b-104;

6499 (vi) student teachers holding a letter of authorization in accordance with Sections
6500 53A-6-103 and 53A-6-104;

6501 (vii) educational aides;

6502 (viii) students engaged in providing services to members of the public in the course of
6503 an approved medical, nursing, or other professional health care clinical training program;

6504 (ix) volunteers as defined by Subsection 67-20-2(3); and
6505 (x) tutors.

6506 (b) "Employee" includes all of the positions identified in Subsection (2)(a), whether or
6507 not the individual holding that position receives compensation.

6508 (c) "Employee" does not include an independent contractor.

6509 (3) "Governmental entity" means the state and its political subdivisions as both are
6510 defined in this section.

6511 (4) (a) "Governmental function" means each activity, undertaking, or operation of a
6512 governmental entity.

6513 (b) "Governmental function" includes each activity, undertaking, or operation
6514 performed by a department, agency, employee, agent, or officer of a governmental entity.

6515 (c) "Governmental function" includes a governmental entity's failure to act.

6516 (5) "Injury" means death, injury to a person, damage to or loss of property, or any other
6517 injury that a person may suffer to the person or estate, that would be actionable if inflicted by a
6518 private person or the private person's agent.

6519 (6) "Personal injury" means an injury of any kind other than property damage.

6520 (7) "Political subdivision" means any county, city, town, school district, community
6521 [~~development and renewal~~] reinvestment agency, special improvement or taxing district, local
6522 district, special service district, an entity created by an interlocal agreement adopted under Title
6523 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
6524 corporation.

6525 (8) "Property damage" means injury to, or loss of, any right, title, estate, or interest in

6526 real or personal property.

6527 (9) "State" means the state of Utah, and includes each office, department, division,
6528 agency, authority, commission, board, institution, hospital, college, university, Children's
6529 Justice Center, or other instrumentality of the state.

6530 (10) "Willful misconduct" means the intentional doing of a wrongful act, or the
6531 wrongful failure to act, without just cause or excuse, where the actor is aware that the actor's
6532 conduct will probably result in injury.

6533 Section 168. Section **63G-9-201** is amended to read:

6534 **63G-9-201. Members -- Functions.**

6535 (1) As used in this chapter:

6536 (a) "Political subdivision" means any county, city, town, school district, community
6537 ~~[development and renewal]~~ reinvestment agency, special improvement or taxing district, local
6538 district, special service district, an entity created by an interlocal agreement adopted under Title
6539 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
6540 corporation.

6541 (b) "State" means the state of Utah, and includes each office, department, division,
6542 agency, authority, commission, board, institution, college, university, Children's Justice Center,
6543 or other instrumentality of the state.

6544 (2) The governor, the state auditor, and the attorney general shall constitute a Board of
6545 Examiners, with power to examine all claims against the state or a political subdivision, for the
6546 payment of which funds appropriated by the Legislature or derived from any other source are
6547 not available.

6548 (3) No claim against the state or a political subdivision, for the payment of which
6549 specifically designated funds are required to be appropriated by the Legislature shall be passed
6550 upon by the Legislature without having been considered and acted upon by the Board of
6551 Examiners.

6552 (4) The governor shall be the president, and the state auditor shall be the secretary of
6553 the board, and in the absence of either an officer pro tempore may be elected from among the

6554 members of the board.

6555 Section 169. Section **63I-1-259** is amended to read:

6556 **63I-1-259. Repeal dates, Title 59.**

6557 (1) Subsection ~~59-2-924[3]~~59-2-924.2(g) is repealed on December 31, 2016.

6558 (2) Subsection ~~59-2-924.2~~59-2-924.2(9) is repealed on December 31, 2017.

6559 (3) Section ~~59-2-924.3~~ is repealed on December 31, 2016.

6560 (4) Section ~~59-7-618~~ is repealed July 1, 2020.

6561 (5) Section ~~59-9-102.5~~ is repealed December 31, 2020.

6562 (6) Section ~~59-10-1033~~ is repealed July 1, 2020.

6563 (7) Subsection ~~59-12-2219~~59-12-2219(10) is repealed on June 30, 2020.

6564 Section 170. Section **63N-2-103** is amended to read:

6565 **63N-2-103. Definitions.**

6566 As used in this part:

6567 (1) "Business entity" means a person that enters into an agreement with the office to
6568 initiate a new commercial project in Utah that will qualify the person to receive a tax credit
6569 under Section ~~59-7-614.2~~ or ~~59-10-1107~~.

6570 (2) "Community [~~development and renewal~~] reinvestment agency" has the same
6571 meaning as that term is defined in Section ~~17C-1-102~~.

6572 (3) "Development zone" means an economic development zone created under Section
6573 ~~63N-2-104~~.

6574 (4) "High paying jobs" means:

6575 (a) with respect to a business entity, the aggregate average annual gross wages, not
6576 including healthcare or other paid or unpaid benefits, of newly created full-time employment
6577 positions in a business entity that are at least 110% of the average wage of a community in
6578 which the employment positions will exist;

6579 (b) with respect to a county, the aggregate average annual gross wages, not including
6580 healthcare or other paid or unpaid benefits, of newly created full-time employment positions in
6581 a new commercial project within the county that are at least 110% of the average wage of the

6582 county in which the employment positions will exist; or

6583 (c) with respect to a city or town, the aggregate average annual gross wages, not
6584 including healthcare or other paid or unpaid benefits of newly created full-time employment
6585 positions in a new commercial project within the city or town that are at least 110% of the
6586 average wages of the city or town in which the employment positions will exist.

6587 (5) "Local government entity" means a county, city, or town that enters into an
6588 agreement with the office to have a new commercial project that:

6589 (a) is initiated within the county's, city's, or town's boundaries; and

6590 (b) qualifies the county, city, or town to receive a tax credit under Section 59-7-614.2.

6591 (6) (a) "New commercial project" means an economic development opportunity that
6592 involves new or expanded industrial, manufacturing, distribution, or business services in Utah.

6593 (b) "New commercial project" does not include retail business.

6594 (7) (a) "New incremental jobs" means full-time employment positions that are filled by
6595 employees who work at least 30 hours per week and that are:

6596 (i) with respect to a business entity, created in addition to the baseline count of
6597 employment positions that existed within the business entity before the new commercial
6598 project;

6599 (ii) with respect to a county, created as a result of a new commercial project with
6600 respect to which the county or a community development and renewal agency seeks to claim a
6601 tax credit under Section 59-7-614.2; or

6602 (iii) with respect to a city or town, created as a result of a new commercial project with
6603 respect to which the city, town, or a community development and renewal agency seeks to
6604 claim a tax credit under Section 59-7-614.2.

6605 (b) "New incremental jobs" may include full-time equivalent positions that are filled by
6606 more than one employee, if each employee who works less than 30 hours per week is provided
6607 benefits comparable to a full-time employee.

6608 (c) "New incremental jobs" does not include jobs that are shifted from one jurisdiction
6609 in the state to another jurisdiction in the state.

- 6610 (8) "New state revenues" means:
- 6611 (a) with respect to a business entity:
- 6612 (i) incremental new state sales and use tax revenues that a business entity pays under
- 6613 Title 59, Chapter 12, Sales and Use Tax Act, as a result of a new commercial project in a
- 6614 development zone;
- 6615 (ii) incremental new state tax revenues that a business entity pays as a result of a new
- 6616 commercial project in a development zone under:
- 6617 (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 6618 (B) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
- 6619 Information;
- 6620 (C) Title 59, Chapter 10, Part 2, Trusts and Estates;
- 6621 (D) Title 59, Chapter 10, Part 4, Withholding of Tax; or
- 6622 (E) a combination of Subsections (8)(a)(ii)(A) through (D);
- 6623 (iii) incremental new state tax revenues paid as individual income taxes under Title 59,
- 6624 Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, by
- 6625 employees of a new or expanded industrial, manufacturing, distribution, or business service
- 6626 within a new commercial project as evidenced by payroll records that indicate the amount of
- 6627 employee income taxes withheld and transmitted to the State Tax Commission by the new or
- 6628 expanded industrial, manufacturing, distribution, or business service within the new
- 6629 commercial project; or
- 6630 (iv) a combination of Subsections (8)(a)(i) through (iii); or
- 6631 (b) with respect to a local government entity:
- 6632 (i) incremental new state sales and use tax revenues that are collected under Title 59,
- 6633 Chapter 12, Sales and Use Tax Act, as a result of a new commercial project in a development
- 6634 zone;
- 6635 (ii) incremental new state tax revenues that are collected as a result of a new
- 6636 commercial project in a development zone under:
- 6637 (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

- 6638 (B) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
6639 Information;
- 6640 (C) Title 59, Chapter 10, Part 2, Trusts and Estates;
- 6641 (D) Title 59, Chapter 10, Part 4, Withholding of Tax; or
- 6642 (E) a combination of Subsections (8)(b)(ii)(A) through (D);
- 6643 (iii) incremental new state tax revenues paid as individual income taxes under Title 59,
6644 Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, by
6645 employees of a new or expanded industrial, manufacturing, distribution, or business service
6646 within a new commercial project as evidenced by payroll records that indicate the amount of
6647 employee income taxes withheld and transmitted to the State Tax Commission by the new or
6648 expanded industrial, manufacturing, distribution, or business service within the new
6649 commercial project; or
- 6650 (iv) a combination of Subsections (8)(b)(i) through (iii).
- 6651 (9) "Significant capital investment" means an amount of at least \$10,000,000 to
6652 purchase capital or fixed assets, which may include real property, personal property, and other
6653 fixtures related to a new commercial project:
- 6654 (a) that represents an expansion of existing operations in the state; or
- 6655 (b) that maintains or increases the business entity's existing work force in the state.
- 6656 (10) "Tax credit" means an economic development tax credit created by Section
6657 [59-7-614.2](#) or [59-10-1107](#).
- 6658 (11) "Tax credit amount" means the amount the office lists as a tax credit on a tax
6659 credit certificate for a taxable year.
- 6660 (12) "Tax credit certificate" means a certificate issued by the office that:
- 6661 (a) lists the name of the business entity, local government entity, or community
6662 development and renewal agency to which the office authorizes a tax credit;
- 6663 (b) lists the business entity's, local government entity's, or community development and
6664 renewal agency's taxpayer identification number;
- 6665 (c) lists the amount of tax credit that the office authorizes the business entity, local

6666 government entity, or community development and renewal agency for the taxable year; and
6667 (d) may include other information as determined by the office.

6668 Section 171. Section **63N-2-104** is amended to read:

6669 **63N-2-104. Creation of economic development zones -- Tax credits -- Assignment**
6670 **of tax credit.**

6671 (1) The office, with advice from the board, may create an economic development zone
6672 in the state if the following requirements are satisfied:

6673 (a) the area is zoned commercial, industrial, manufacturing, business park, research
6674 park, or other appropriate business related use in a community-approved master plan;

6675 (b) the request to create a development zone has first been approved by an appropriate
6676 local government entity; and

6677 (c) local incentives have been or will be committed to be provided within the area.

6678 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
6679 the office shall make rules establishing the requirements for a business entity or local
6680 government entity to qualify for a tax credit for a new commercial project in a development
6681 zone under this part.

6682 (b) The office shall ensure that the requirements described in Subsection (2)(a) include
6683 the following:

6684 (i) the new commercial project is within the development zone;

6685 (ii) the new commercial project includes direct investment within the geographic
6686 boundaries of the development zone;

6687 (iii) the new commercial project brings new incremental jobs to Utah;

6688 (iv) the new commercial project includes the creation of high paying jobs in the state,
6689 significant capital investment in the state, or significant purchases from vendors and providers
6690 in the state, or a combination of these three economic factors;

6691 (v) the new commercial project generates new state revenues; and

6692 (vi) a business entity, a local government entity, or a community [~~development and~~
6693 ~~renewal~~] reinvestment agency to which a local government entity assigns a tax credit under this

6694 section meets the requirements of Section [63N-2-105](#).

6695 (3) (a) The office, after consultation with the board, may enter into a written agreement
6696 with a business entity or local government entity authorizing a tax credit to the business entity
6697 or local government entity if the business entity or local government entity meets the
6698 requirements described in this section.

6699 (b) (i) With respect to a new commercial project, the office may authorize a tax credit
6700 to a business entity or a local government entity, but not both.

6701 (ii) In determining whether to authorize a tax credit with respect to a new commercial
6702 project to a business entity or a local government entity, the office shall authorize the tax credit
6703 in a manner that the office determines will result in providing the most effective incentive for
6704 the new commercial project.

6705 (c) (i) Except as provided in Subsection (3)(c)(ii), the office may not authorize or
6706 commit to authorize a tax credit that exceeds:

6707 (A) 50% of the new state revenues from the new commercial project in any given year;
6708 or

6709 (B) 30% of the new state revenues from the new commercial project over the lesser of
6710 the life of a new commercial project or 20 years.

6711 (ii) If the eligible business entity makes capital expenditures in the state of
6712 \$1,500,000,000 or more associated with a new commercial project, the office may:

6713 (A) authorize or commit to authorize a tax credit not exceeding 60% of new state
6714 revenues over the lesser of the life of the project or 20 years, if the other requirements of this
6715 part are met;

6716 (B) establish the year that state revenues and incremental jobs baseline data are
6717 measured for purposes of an incentive under this Subsection (3)(c)(ii); and

6718 (C) offer an incentive under this Subsection (3)(c)(ii) or modify an existing incentive
6719 previously granted under Subsection (3)(c)(i) that is based on the baseline measurements
6720 described in Subsection (3)(c)(ii)(B), except that the incentive may not authorize or commit to
6721 authorize a tax credit of more than 60% of new state revenues in any one year.

6722 (d) (i) A local government entity may by resolution assign a tax credit authorized by
6723 the office to a community [~~development and renewal~~] reinvestment agency.

6724 (ii) The local government entity shall provide a copy of the resolution described in
6725 Subsection (3)(d)(i) to the office.

6726 (iii) If a local government entity assigns a tax credit to a community [~~development and~~
6727 ~~renewal~~] reinvestment agency, the written agreement described in Subsection (3)(a) shall:

6728 (A) be between the office, the local government entity, and the community
6729 [~~development and renewal~~] reinvestment agency;

6730 (B) establish the obligations of the local government entity and the community
6731 [~~development and renewal~~] reinvestment agency; and

6732 (C) establish the extent to which any of the local government entity's obligations are
6733 transferred to the community [~~development and renewal~~] reinvestment agency.

6734 (iv) If a local government entity assigns a tax credit to a community [~~development and~~
6735 ~~renewal~~] reinvestment agency:

6736 (A) the community [~~development and renewal~~] reinvestment agency shall retain
6737 records as described in Subsection (4)(d); and

6738 (B) a tax credit certificate issued in accordance with Section [63N-2-106](#) shall list the
6739 community [~~development and renewal~~] reinvestment agency as the named applicant.

6740 (4) The office shall ensure that the written agreement described in Subsection (3):

6741 (a) specifies the requirements that the business entity or local government entity shall
6742 meet to qualify for a tax credit under this part;

6743 (b) specifies the maximum amount of tax credit that the business entity or local
6744 government entity may be authorized for a taxable year and over the life of the new commercial
6745 project;

6746 (c) establishes the length of time the business entity or local government entity may
6747 claim a tax credit;

6748 (d) requires the business entity or local government entity to retain records supporting a
6749 claim for a tax credit for at least four years after the business entity or local government entity

6750 claims a tax credit under this part; and

6751 (e) requires the business entity or local government entity to submit to audits for
6752 verification of the tax credit claimed.

6753 Section 172. Section **63N-2-105** is amended to read:

6754 **63N-2-105. Qualifications for tax credit -- Procedure.**

6755 (1) The office shall certify a business entity's or local government entity's eligibility for
6756 a tax credit as provided in this part.

6757 (2) A business entity or local government entity seeking to receive a tax credit as
6758 provided in this part shall provide the office with:

6759 (a) an application for a tax credit certificate, including a certification, by an officer of
6760 the business entity, of any signature on the application;

6761 (b) (i) for a business entity, documentation of the new state revenues from the business
6762 entity's new commercial project that were paid during the preceding calendar year; or

6763 (ii) for a local government entity, documentation of the new state revenues from the
6764 new commercial project within the area of the local government entity that were paid during
6765 the preceding calendar year;

6766 (c) known or expected detriments to the state or existing businesses in the state;

6767 (d) if a local government entity seeks to assign the tax credit to a community
6768 [~~development and renewal~~] reinvestment agency as described in Section [63N-2-104](#), a
6769 statement providing the name and taxpayer identification number of the community
6770 [~~development and renewal~~] reinvestment agency to which the local government entity seeks to
6771 assign the tax credit;

6772 (e) (i) with respect to a business entity, a document that expressly directs and
6773 authorizes the State Tax Commission to disclose to the office the business entity's returns and
6774 other information that would otherwise be subject to confidentiality under Section [59-1-403](#) or
6775 Section 6103, Internal Revenue Code;

6776 (ii) with respect to a local government entity that seeks to claim the tax credit:

6777 (A) a document that expressly directs and authorizes the State Tax Commission to

6778 disclose to the office the local government entity's returns and other information that would
6779 otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal
6780 Revenue Code; and

6781 (B) if the new state revenues collected as a result of a new commercial project are
6782 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or
6783 business service within a new commercial project within the area of the local government
6784 entity, a document signed by an authorized representative of the new or expanded industrial,
6785 manufacturing, distribution, or business service that:

6786 (I) expressly directs and authorizes the State Tax Commission to disclose to the office
6787 the returns of the new or expanded industrial, manufacturing, distribution, or business service
6788 and other information that would otherwise be subject to confidentiality under Section
6789 59-1-403 or Section 6103, Internal Revenue Code; and

6790 (II) lists the taxpayer identification number of the new or expanded industrial,
6791 manufacturing, distribution, or business service; or

6792 (iii) with respect to a local government entity that seeks to assign the tax credit to a
6793 community [~~development and renewal~~] reinvestment agency:

6794 (A) a document signed by the members of the governing body of the community
6795 [~~development and renewal~~] reinvestment agency that expressly directs and authorizes the State
6796 Tax Commission to disclose to the office the returns of the community [~~development and~~
6797 ~~renewal~~] reinvestment agency and other information that would otherwise be subject to
6798 confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code; and

6799 (B) if the new state revenues collected as a result of a new commercial project are
6800 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or
6801 business service within a new commercial project within the community [~~development and~~
6802 ~~renewal~~] reinvestment agency, a document signed by an authorized representative of the new or
6803 expanded industrial, manufacturing, distribution, or business service that:

6804 (I) expressly directs and authorizes the State Tax Commission to disclose to the office
6805 the returns of the new or expanded industrial, manufacturing, distribution, or business service

6806 and other information that would otherwise be subject to confidentiality under Section
6807 [59-1-403](#) or Section 6103, Internal Revenue Code; and

6808 (II) lists the taxpayer identification number of the new or expanded industrial,
6809 manufacturing, distribution, or business service; and

6810 (f) for a business entity only, documentation that the business entity has satisfied the
6811 performance benchmarks outlined in the written agreement described in Subsection
6812 [63N-2-104\(3\)\(a\)](#), including:

6813 (i) the creation of new incremental jobs that are also high paying jobs;

6814 (ii) significant capital investment;

6815 (iii) significant purchases from Utah vendors and providers; or

6816 (iv) a combination of these benchmarks.

6817 (3) (a) The office shall submit the documents described in Subsection (2)(e) to the
6818 State Tax Commission.

6819 (b) Upon receipt of a document described in Subsection (2)(e), the State Tax
6820 Commission shall provide the office with the returns and other information requested by the
6821 office that the State Tax Commission is directed or authorized to provide to the office in
6822 accordance with Subsection (2)(e).

6823 (4) If, after review of the returns and other information provided by the State Tax
6824 Commission, or after review of the ongoing performance of the business entity or local
6825 government entity, the office determines that the returns and other information are inadequate
6826 to provide a reasonable justification for authorizing or continuing a tax credit, the office shall:

6827 (a) (i) deny the tax credit; or

6828 (ii) terminate the agreement described in Subsection [63N-2-104\(3\)\(a\)](#) for failure to
6829 meet the performance standards established in the agreement; or

6830 (b) inform the business entity or local government entity that the returns or other
6831 information were inadequate and ask the business entity or local government entity to submit
6832 new documentation.

6833 (5) If after review of the returns and other information provided by the State Tax

6834 Commission, the office determines that the returns and other information provided by the
6835 business entity or local government entity provide reasonable justification for authorizing a tax
6836 credit, the office shall, based upon the returns and other information:

6837 (a) determine the amount of the tax credit to be granted to the business entity, local
6838 government entity, or if the local government entity assigns the tax credit as described in
6839 Section [63N-2-104](#), to the community [~~development and renewal~~] reinvestment agency to
6840 which the local government entity assigns the tax credit;

6841 (b) issue a tax credit certificate to the business entity, local government entity, or if the
6842 local government entity assigns the tax credit as described in Section [63N-2-104](#), to the
6843 community [~~development and renewal~~] reinvestment agency to which the local government
6844 entity assigns the tax credit; and

6845 (c) provide a duplicate copy of the tax credit certificate to the State Tax Commission.

6846 (6) A business entity, local government entity, or community [~~development and~~
6847 ~~renewal~~] reinvestment agency may not claim a tax credit unless the business entity, local
6848 government entity, or community [~~development and renewal~~] reinvestment agency has a tax
6849 credit certificate issued by the office.

6850 (7) (a) A business entity, local government entity, or community [~~development and~~
6851 ~~renewal~~] reinvestment agency may claim a tax credit in the amount listed on the tax credit
6852 certificate on its tax return.

6853 (b) A business entity, local government entity, or community [~~development and~~
6854 ~~renewal~~] reinvestment agency that claims a tax credit under this section shall retain the tax
6855 credit certificate in accordance with Section [59-7-614.2](#) or [59-10-1107](#).

6856 Section 173. Section **63N-2-107** is amended to read:

6857 **63N-2-107. Reports of new state revenues, partial rebates, and tax credits.**

6858 (1) Before October 1 of each year, the office shall submit a report to the Governor's
6859 Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the Division
6860 of Finance identifying:

6861 (a) (i) the total estimated amount of new state revenues created from new commercial

6862 projects in development zones;

6863 (ii) the estimated amount of new state revenues from new commercial projects in
6864 development zones that will be generated from:

6865 (A) sales tax;

6866 (B) income tax; and

6867 (C) corporate franchise and income tax; and

6868 (iii) the minimum number of new incremental jobs and high paying jobs that will be
6869 created before any tax credit is awarded; and

6870 (b) the total estimated amount of tax credits that the office projects that business
6871 entities, local government entities, or community [~~development and renewal~~] reinvestment
6872 agencies will qualify to claim under this part.

6873 (2) By the first business day of each month, the office shall submit a report to the
6874 Governor's Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the
6875 Division of Finance identifying:

6876 (a) each new agreement entered into by the office since the last report;

6877 (b) the estimated amount of new state revenues that will be generated under each
6878 agreement;

6879 (c) the estimated maximum amount of tax credits that a business entity, local
6880 government entity, or community [~~development and renewal~~] reinvestment agency could
6881 qualify for under each agreement; and

6882 (d) the minimum number of new incremental jobs and high paying jobs that will be
6883 created before any tax credit is awarded.

6884 (3) At the reasonable request of the Governor's Office of Management and Budget, the
6885 Office of Legislative Fiscal Analyst, or the Division of Finance, the office shall provide
6886 additional information about the tax credit, new incremental jobs and high paying jobs, costs,
6887 and economic benefits related to this part, if the information is part of a public record as
6888 defined in Section [63G-2-103](#).

6889 Section 174. Section **63N-2-108** is amended to read:

6890 **63N-2-108. Expenditure of amounts received by a local government entity or**
6891 **community reinvestment agency as a tax credit -- Commingling of tax credit amounts**
6892 **with certain other amounts.**

6893 (1) Subject to Subsections (2) and (3), a local government entity or community
6894 [~~development and renewal~~] reinvestment agency may expend amounts the local government
6895 entity or community [~~development and renewal~~] reinvestment agency receives as a tax credit
6896 under Section 59-7-614.2:

6897 (a) for infrastructure, including real property or personal property, if that infrastructure
6898 is related to the new commercial project with respect to which the local government entity or
6899 community [~~development and renewal~~] reinvestment agency claims the tax credit under
6900 Section 59-7-614.2; or

6901 (b) for another economic development purpose related to the new commercial project
6902 with respect to which the local government entity or community [~~development and renewal~~]
6903 reinvestment agency claims the tax credit under Section 59-7-614.2.

6904 (2) A local government entity may:

6905 (a) commingle amounts the local government entity receives as a tax credit under
6906 Section 59-7-614.2 with amounts the local government entity receives under Title 63N,
6907 Chapter 3, Part 1, Industrial Assistance Account; and

6908 (b) expend the commingled amounts described in Subsection (2)(a) for a purpose
6909 described in Title 63N, Chapter 3, Part 1, Industrial Assistance Account, if that purpose is
6910 related to the new commercial project with respect to which the local government entity claims
6911 the tax credit under Section 59-7-614.2.

6912 (3) A community [~~development and renewal~~] reinvestment agency may:

6913 (a) commingle amounts the community [~~development and renewal~~] reinvestment
6914 agency receives as a tax credit under Section 59-7-614.2 with amounts the community
6915 [~~development and renewal~~] reinvestment agency receives under Title 17C, Chapter 1, Part 4,
6916 [~~Tax Increment and Sales Tax~~] Project Area Funds; and

6917 (b) expend the commingled amounts described in Subsection (3)(a) for a purpose

6918 described in Title 17C, Chapter 1, Part 4, [~~Tax Increment and Sales Tax~~] Project Area Funds, if
6919 that purpose is related to the new commercial project with respect to which the community
6920 [~~development and renewal~~] reinvestment agency claims the tax credit under Section
6921 [59-7-614.2](#).

6922 Section 175. Section **63N-2-502** is amended to read:

6923 **63N-2-502. Definitions.**

6924 As used in this part:

6925 (1) "Agreement" means an agreement described in Section [63N-2-503](#).

6926 (2) "Base taxable value" means the value of hotel property before the construction on a
6927 qualified hotel begins, as that value is established by the county in which the hotel property is
6928 located, using a reasonable valuation method that may include the value of the hotel property
6929 on the county assessment rolls the year before the year during which construction on the
6930 qualified hotel begins.

6931 (3) "Certified claim" means a claim that the office has approved and certified as
6932 provided in Section [63N-2-505](#).

6933 (4) "Claim" means a written document submitted by a qualified hotel owner or host
6934 local government to request a convention incentive.

6935 (5) "Claimant" means the qualified hotel owner or host local government that submits a
6936 claim under Subsection [63N-2-505\(1\)\(a\)](#) for a convention incentive.

6937 (6) "Commission" means the Utah State Tax Commission.

6938 (7) "Community [~~development and renewal~~] reinvestment agency" means the same as
6939 that term is defined in Section [17C-1-102](#).

6940 (8) "Construction revenue" means revenue generated from state taxes and local taxes
6941 imposed on transactions occurring during the eligibility period as a result of the construction of
6942 the hotel property, including purchases made by a qualified hotel owner and its subcontractors.

6943 (9) "Convention incentive" means an incentive for the development of a qualified
6944 hotel, in the form of payment from the incentive fund as provided in this part, as authorized in
6945 an agreement.

- 6946 (10) "Eligibility period" means:
- 6947 (a) the period that:
- 6948 (i) begins the date construction of a qualified hotel begins; and
- 6949 (ii) ends:
- 6950 (A) for purposes of the state portion, 20 years after the date of initial occupancy of that
- 6951 qualified hotel; or
- 6952 (B) for purposes of the local portion and incremental property tax revenue, 25 years
- 6953 after the date of initial occupancy of that hotel; or
- 6954 (b) as provided in an agreement between the office and a qualified hotel owner or host
- 6955 local government, a period that:
- 6956 (i) begins no earlier than the date construction of a qualified hotel begins; and
- 6957 (ii) is shorter than the period described in Subsection (10)(a).
- 6958 (11) "Endorsement letter" means a letter:
- 6959 (a) from the county in which a qualified hotel is located or is proposed to be located;
- 6960 (b) signed by the county executive; and
- 6961 (c) expressing the county's endorsement of a developer of a qualified hotel as meeting
- 6962 all the county's criteria for receiving the county's endorsement.
- 6963 (12) "Host agency" means the community [~~development and renewal~~] reinvestment
- 6964 agency of the host local government.
- 6965 (13) "Host local government" means:
- 6966 (a) a county that enters into an agreement with the office for the construction of a
- 6967 qualified hotel within the unincorporated area of the county; or
- 6968 (b) a city or town that enters into an agreement with the office for the construction of a
- 6969 qualified hotel within the boundary of the city or town.
- 6970 (14) "Hotel property" means a qualified hotel and any property that is included in the
- 6971 same development as the qualified hotel, including convention, exhibit, and meeting space,
- 6972 retail shops, restaurants, parking, and other ancillary facilities and amenities.
- 6973 (15) "Incentive fund" means the Convention Incentive Fund created in Section

6974 [63N-2-503.5](#).

6975 (16) "Incremental property tax revenue" means the amount of property tax revenue
6976 generated from hotel property that equals the difference between:

6977 (a) the amount of property tax revenue generated in any tax year by all taxing entities
6978 from hotel property, using the current assessed value of the hotel property; and

6979 (b) the amount of property tax revenue that would be generated that tax year by all
6980 taxing entities from hotel property, using the hotel property's base taxable value.

6981 (17) "Local portion" means the portion of new tax revenue that is generated by local
6982 taxes.

6983 (18) "Local taxes" means a tax imposed under:

6984 (a) Section [59-12-204](#);

6985 (b) Section [59-12-301](#);

6986 (c) Sections [59-12-352](#) and [59-12-353](#);

6987 (d) Subsection [59-12-603\(1\)\(a\)\(i\)\(A\)](#);

6988 (e) Subsection [59-12-603\(1\)\(a\)\(i\)\(B\)](#);

6989 (f) Subsection [59-12-603\(1\)\(a\)\(ii\)](#);

6990 (g) Subsection [59-12-603\(1\)\(a\)\(iii\)](#); or

6991 (h) Section [59-12-1102](#).

6992 (19) "New tax revenue" means construction revenue, offsite revenue, and onsite
6993 revenue.

6994 (20) "Offsite revenue" means revenue generated from state taxes and local taxes
6995 imposed on transactions by a third-party seller occurring other than on hotel property during the
6996 eligibility period, if:

6997 (a) the transaction is subject to a tax under Title 59, Chapter 12, Sales and Use Tax
6998 Act; and

6999 (b) the third-party seller voluntarily consents to the disclosure of information to the
7000 office, as provided in Subsection [63N-2-505\(2\)\(b\)\(i\)\(E\)](#).

7001 (21) "Onsite revenue" means revenue generated from state taxes and local taxes

7002 imposed on transactions occurring on hotel property during the eligibility period.

7003 (22) "Public infrastructure" means:

7004 (a) water, sewer, storm drainage, electrical, telecommunications, and other similar
7005 systems and lines;

7006 (b) streets, roads, curbs, gutters, sidewalks, walkways, parking facilities, and public
7007 transportation facilities; and

7008 (c) other buildings, facilities, infrastructure, and improvements that benefit the public.

7009 (23) "Qualified hotel" means a full-service hotel development constructed in the state
7010 on or after July 1, 2014 that:

7011 (a) requires a significant capital investment;

7012 (b) includes at least 85 square feet of convention, exhibit, and meeting space per guest
7013 room; and

7014 (c) is located within 1,000 feet of a convention center that contains at least 500,000
7015 square feet of convention, exhibit, and meeting space.

7016 (24) "Qualified hotel owner" means a person who owns a qualified hotel.

7017 (25) "Review committee" means the independent review committee established under
7018 Section [63N-2-504](#).

7019 (26) "Significant capital investment" means an amount of at least \$200,000,000.

7020 (27) "State portion" means the portion of new tax revenue that is generated by state
7021 taxes.

7022 (28) "State taxes" means a tax imposed under Subsection [59-12-103](#)(2)(a)(i), (2)(b)(i),
7023 (2)(c)(i), or (2)(d)(i)(A).

7024 (29) "Third-party seller" means a person who is a seller in a transaction:

7025 (a) occurring other than on hotel property;

7026 (b) that is:

7027 (i) the sale, rental, or lease of a room or of convention or exhibit space or other
7028 facilities on hotel property; or

7029 (ii) the sale of tangible personal property or a service that is part of a bundled

7030 transaction, as defined in Section 59-12-102, with a sale, rental, or lease described in
7031 Subsection (29)(b)(i); and

7032 (c) that is subject to a tax under Title 59, Chapter 12, Sales and Use Tax Act.

7033 Section 176. Section 63N-2-505 is amended to read:

7034 **63N-2-505. Submission of written claim for convention incentive -- Disclosure of**
7035 **tax returns and other information -- Determination of claim.**

7036 (1) The office may not pay any money from the incentive fund to a qualified hotel
7037 owner or host local government unless:

7038 (a) the qualified hotel owner or host local government submits a claim and other
7039 required documentation, as provided in this section; and

7040 (b) the office approves and certifies the claim, as provided in this section.

7041 (2) A qualified hotel owner or host local government that desires to qualify for a
7042 convention incentive shall submit to the office:

7043 (a) a written claim for a convention incentive;

7044 (b) (i) for a claim submitted by a qualified hotel owner:

7045 (A) a certification by the individual signing the claim that the individual is duly
7046 authorized to sign the claim on behalf of the qualified hotel owner;

7047 (B) documentation of the new tax revenue previously generated, itemized by
7048 construction revenue, offsite revenue, onsite revenue, type of sales or use tax, and the location
7049 of the transaction generating the new tax revenue as determined under Sections 59-12-211,
7050 59-12-211.1, 59-12-212, 59-12-213, 59-12-214, and 59-12-215;

7051 (C) the identity of sellers collecting onsite revenue and the date the sellers will begin
7052 collecting onsite revenue;

7053 (D) a document in which the qualified hotel owner expressly directs and authorizes the
7054 commission to disclose to the office the qualified hotel owner's tax returns and other
7055 information that would otherwise be subject to confidentiality under Section 59-1-403 or
7056 Section 6103, Internal Revenue Code;

7057 (E) a document in which the qualified hotel's direct vendors, lessees, or subcontractors,

7058 as applicable, expressly direct and authorize the commission to disclose to the office the tax
7059 returns and other information of those vendors, lessees, or subcontractors that would otherwise
7060 be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;

7061 (F) a document in which a third-party seller expressly and voluntarily directs and
7062 authorizes the commission to disclose to the office the third-party seller's tax returns and other
7063 information that would otherwise be subject to confidentiality under Section 59-1-403 or
7064 Section 6103, Internal Revenue Code;

7065 (G) documentation verifying that the qualified hotel owner is in compliance with the
7066 terms of the agreement; and

7067 (H) any other documentation that the agreement or office requires; and

7068 (ii) for an application submitted by a host local government, documentation of the new
7069 tax revenue generated during the preceding year;

7070 (c) if the host local government intends to assign the convention incentive to a
7071 community [~~development and renewal~~] reinvestment agency, a document signed by the
7072 governing body members of the community [~~development and renewal~~] reinvestment agency
7073 that expressly directs and authorizes the commission to disclose to the office the agency's tax
7074 returns and other information that would otherwise be subject to confidentiality under Section
7075 59-1-403 or Section 6103, Internal Revenue Code; and

7076 (d) an audit level attestation, or other level of review approved by the office, from an
7077 independent certified public accountant, hired by the claimant, attesting to the accuracy and
7078 validity of the amount of the state portion and the local portion being claimed by the claimant.

7079 (3) (a) The office shall submit to the commission the documents described in
7080 Subsections (2)(b)(i)(C), (D), and (E) and (2)(c) authorizing disclosure of the tax returns and
7081 other information.

7082 (b) Upon receipt of the documents described in Subsection (3)(a), the commission shall
7083 provide to the office the tax returns and other information described in those documents.

7084 (4) If the office determines that the tax returns and other information are inadequate to
7085 enable the office to approve and certify a claim, the office shall inform the claimant that the tax

7086 returns and other information were inadequate and request the tax credit applicant to submit
7087 additional documentation to validate the claim.

7088 (5) If the office determines that the returns and other information, including any
7089 additional documentation provided under Subsection (4), comply with applicable requirements
7090 and provide reasonable justification to approve and certify the claim, the office shall:

7091 (a) approve and certify the claim;

7092 (b) determine the amount of the certified claim; and

7093 (c) disburse money from the incentive fund to pay the certified claim as provided in
7094 Subsection (6).

7095 (6) The office shall pay claims from available money in the incentive fund at least
7096 annually.

7097 (7) For each certified claim, the office shall provide the commission:

7098 (a) for onsite revenue:

7099 (i) the identity of sellers operating upon the hotel property;

7100 (ii) the date that the commission is to begin depositing or transferring onsite revenue
7101 under Section 63N-2-503.5 for each seller operating upon the hotel property;

7102 (iii) the date that the commission is to stop depositing or transferring onsite revenue to
7103 the incentive fund under Section 63N-2-503.5 for each seller operating upon the hotel property;
7104 and

7105 (iv) the type of sales or use tax subject to the commission's deposit or transfer to the
7106 incentive fund under Section 63N-2-503.5;

7107 (b) for construction revenue and offsite revenue:

7108 (i) the amount of new tax revenue authorized under the agreement constituting
7109 construction revenue or offsite revenue;

7110 (ii) the location of the transactions generating the construction revenue and offsite
7111 revenue, as determined under Sections 59-12-211, 59-12-211.1, 59-12-212, 59-12-213,
7112 59-12-214, and 59-12-215; and

7113 (iii) the type of sales or use tax that constitutes the construction revenue of offsite

7114 revenue described in Subsection (7)(b)(ii); and

7115 (c) any other information the commission requires.

7116 Section 177. Section **63N-2-507** is amended to read:

7117 **63N-2-507. Assigning convention incentive.**

7118 (1) A host local government that enters into an agreement with the office may, by
7119 resolution, assign a convention incentive to a community [~~development and renewal~~
7120 reinvestment agency, in accordance with rules adopted by the office.

7121 (2) A host local government that adopts a resolution assigning a convention incentive
7122 under Subsection (1) shall provide a copy of the resolution to the office.

7123 Section 178. Section **63N-2-508** is amended to read:

7124 **63N-2-508. Payment of incremental property tax revenue.**

7125 (1) As used in this section:

7126 (a) "Displaced tax increment" means the amount of tax increment that a county would
7127 have paid to the host agency, except for Subsection (2)(b), from tax increment revenue
7128 generated from the project area in which the hotel property is located.

7129 (b) "Secured obligations" means bonds or other obligations of a host agency for the
7130 payment of which the host agency has, before March 13, 2015, pledged tax increment
7131 generated from the project area in which the hotel property is located.

7132 (c) "Tax increment" means the same as that term is defined in Section [17C-1-102](#).

7133 (d) "Tax increment shortfall" means the amount of displaced tax increment a host
7134 agency needs to receive, in addition to any other tax increment the host agency receives from
7135 the project area in which the hotel property is located, to provide the host agency sufficient tax
7136 increment funds to be able to pay the debt service on its secured obligations.

7137 (2) (a) In accordance with rules adopted by the office and subject to Subsection (5), a
7138 county in which a qualified hotel is located shall retain incremental property tax revenue during
7139 the eligibility period.

7140 (b) The amount of incremental property tax revenue that a county retains under
7141 Subsection (2)(a) for a taxable year reduces by that amount any tax increment that the county

7142 would otherwise have paid to the host agency for that year, subject to Subsection (5).

7143 (c) For any taxable year in which a reduction of tax increment occurs as provided in

7144 Subsection (2)(b), the county shall provide the host agency a notice that:

7145 (i) states the amount of displaced tax increment for that year;

7146 (ii) states the number of years remaining in the eligibility period;

7147 (iii) provides a detailed accounting of how the displaced tax increment was used; and

7148 (iv) explains how the displaced tax increment will be used in the following taxable

7149 year.

7150 (3) Incremental property tax revenue may be used only for:

7151 (a) the purchase of or payment for, or reimbursement of a previous purchase of or

7152 payment for:

7153 (i) tangible personal property used in the construction of convention, exhibit, or

7154 meeting space on hotel property;

7155 (ii) tangible personal property that, upon the construction of hotel property, becomes

7156 affixed to hotel property as real property; or

7157 (iii) any labor and overhead costs associated with the construction described in

7158 Subsections (3)(a)(i) and (ii); and

7159 (b) public infrastructure.

7160 (4) (a) Incremental property tax:

7161 (i) is not tax increment; and

7162 (ii) is not subject to:

7163 (A) Title 17C, Limited Purpose Local Government Entities - Community

7164 [~~Development and Renewal Agencies~~] Reinvestment Agency Act; or

7165 (B) any other law governing tax increment, except as provided in Subsection (4)(c).

7166 (b) The payment and use of incremental property tax, as provided in this part, is not

7167 subject to the approval of any taxing entity, as defined in Section [17C-1-102](#).

7168 (c) Revenue from an increase in the taxable value of hotel property is considered to be

7169 a redevelopment adjustment for purposes of calculating the certified tax rate under Section

7170 59-2-924.

7171 (5) (a) Subject to Subsection (5)(b), a county may not spend the portion of incremental
7172 property tax revenue that is displaced tax increment until after 30 days after the county
7173 provides the notice required under Subsection (2)(c).

7174 (b) If, within 30 days after the county provides the notice required under Subsection
7175 (2)(c), a host agency provides written notice to the county that the host agency will experience
7176 a tax increment shortfall, the county shall, unless the host agency agrees otherwise, pay to the
7177 host agency displaced tax increment in the amount of the tax increment shortfall.

7178 Section 179. Section **67-1a-6.5** is amended to read:

7179 **67-1a-6.5. Certification of local entity boundary actions -- Definitions -- Notice**
7180 **requirements -- Electronic copies -- Filing.**

7181 (1) As used in this section:

7182 (a) "Applicable certificate" means:

7183 (i) for the impending incorporation of a city, town, local district, conservation district,
7184 or incorporation of a local district from a reorganized special service district, a certificate of
7185 incorporation;

7186 (ii) for the impending creation of a county, school district, special service district,
7187 community [~~development and renewal~~] reinvestment agency, or interlocal entity, a certificate
7188 of creation;

7189 (iii) for the impending annexation of territory to an existing local entity, a certificate of
7190 annexation;

7191 (iv) for the impending withdrawal or disconnection of territory from an existing local
7192 entity, a certificate of withdrawal or disconnection, respectively;

7193 (v) for the impending consolidation of multiple local entities, a certificate of
7194 consolidation;

7195 (vi) for the impending division of a local entity into multiple local entities, a certificate
7196 of division;

7197 (vii) for the impending adjustment of a common boundary between local entities, a

- 7198 certificate of boundary adjustment; and
- 7199 (viii) for the impending dissolution of a local entity, a certificate of dissolution.
- 7200 (b) "Approved final local entity plat" means a final local entity plat, as defined in
- 7201 Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by
- 7202 the county surveyor.
- 7203 (c) "Approving authority" has the same meaning as defined in Section 17-23-20.
- 7204 (d) "Boundary action" has the same meaning as defined in Section 17-23-20.
- 7205 (e) "Center" means the Automated Geographic Reference Center created under Section
- 7206 63F-1-506.
- 7207 (f) "Community [~~development and renewal~~] reinvestment agency" has the same
- 7208 meaning as defined in Section 17C-1-102.
- 7209 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.
- 7210 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.
- 7211 (i) "Local district" has the same meaning as defined in Section 17B-1-102.
- 7212 (j) "Local entity" means a county, city, town, school district, local district, community
- 7213 [~~development and renewal~~] reinvestment agency, special service district, conservation district,
- 7214 or interlocal entity.
- 7215 (k) "Notice of an impending boundary action" means a written notice, as described in
- 7216 Subsection (3), that provides notice of an impending boundary action.
- 7217 (l) "Special service district" has the same meaning as defined in Section 17D-1-102.
- 7218 (2) Within 10 days after receiving a notice of an impending boundary action, the
- 7219 lieutenant governor shall:
- 7220 (a) (i) issue the applicable certificate, if:
- 7221 (A) the lieutenant governor determines that the notice of an impending boundary action
- 7222 meets the requirements of Subsection (3); and
- 7223 (B) except in the case of an impending local entity dissolution, the notice of an
- 7224 impending boundary action is accompanied by an approved final local entity plat;
- 7225 (ii) send the applicable certificate to the local entity's approving authority;

- 7226 (iii) return the original of the approved final local entity plat to the local entity's
7227 approving authority;
- 7228 (iv) send a copy of the applicable certificate and approved final local entity plat to:
7229 (A) the State Tax Commission;
7230 (B) the center; and
7231 (C) the county assessor, county surveyor, county auditor, and county attorney of each
7232 county in which the property depicted on the approved final local entity plat is located; and
7233 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
7234 that is the subject of the applicable certificate is:
7235 (A) the incorporation or creation of a new local entity;
7236 (B) the consolidation of multiple local entities;
7237 (C) the division of a local entity into multiple local entities; or
7238 (D) the dissolution of a local entity; or
7239 (b) (i) send written notification to the approving authority that the lieutenant governor
7240 is unable to issue the applicable certificate, if:
7241 (A) the lieutenant governor determines that the notice of an impending boundary action
7242 does not meet the requirements of Subsection (3); or
7243 (B) the notice of an impending boundary action is:
7244 (I) not accompanied by an approved final local entity plat; or
7245 (II) accompanied by a plat or final local entity plat that has not been approved as a final
7246 local entity plat by the county surveyor under Section [17-23-20](#); and
7247 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
7248 unable to issue the applicable certificate.
- 7249 (3) Each notice of an impending boundary action shall:
7250 (a) be directed to the lieutenant governor;
7251 (b) contain the name of the local entity or, in the case of an incorporation or creation,
7252 future local entity, whose boundary is affected or established by the boundary action;
7253 (c) describe the type of boundary action for which an applicable certificate is sought;

7254 (d) be accompanied by a letter from the Utah State Retirement Office, created under
7255 Section 49-11-201, to the approving authority that identifies the potential provisions under
7256 Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply
7257 with, related to the boundary action, if the boundary action is an impending incorporation or
7258 creation of a local entity that may result in the employment of personnel; and

7259 (e) (i) contain a statement, signed and verified by the approving authority, certifying
7260 that all requirements applicable to the boundary action have been met; or

7261 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy
7262 of the court order approving the dissolution of the municipality.

7263 (4) The lieutenant governor may require the approving authority to submit a paper or
7264 electronic copy of a notice of an impending boundary action and approved final local entity plat
7265 in conjunction with the filing of the original of those documents.

7266 (5) (a) The lieutenant governor shall:

7267 (i) keep, index, maintain, and make available to the public each notice of an impending
7268 boundary action, approved final local entity plat, applicable certificate, and other document that
7269 the lieutenant governor receives or generates under this section;

7270 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
7271 Internet for 12 months after the lieutenant governor receives or generates the document;

7272 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
7273 person who requests a paper copy; and

7274 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
7275 any person who requests a certified copy.

7276 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
7277 copy of a document that the lieutenant governor provides under this Subsection (5).

7278 Section 180. Section 72-1-208 is amended to read:

7279 **72-1-208. Cooperation with counties, cities, towns, the federal government, and**
7280 **all state departments -- Inspection of work done by a public transit district.**

7281 (1) The department shall cooperate with the counties, cities, towns, and community

7282 [~~development and renewal~~] reinvestment agencies in the construction, maintenance, and use of
7283 the highways and in all related matters, and may provide services to the counties, cities, towns,
7284 and community [~~development and renewal~~] reinvestment agencies on terms mutually agreed
7285 upon.

7286 (2) The department, with the approval of the governor, shall cooperate with the federal
7287 government in all federal-aid projects and with all state departments in all matters in
7288 connection with the use of the highways.

7289 (3) The department:

7290 (a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a,
7291 Part 8, Public Transit District Act, relating to safety appliances and procedures; and

7292 (b) may make further additions or changes necessary for the purpose of safety to
7293 employees and the general public.

7294 Section 181. **Repealer.**

7295 This bill repeals:

7296 Section **17C-1-303, Summary of sale or other disposition of agency property --**

7297 **Publication of summary.**

7298 Section **17C-3-301, Combining hearings.**

7299 Section **17C-3-302, Continuing a hearing.**

7300 Section **17C-3-303, Notice required for continued hearing.**

7301 Section **17C-3-401, Agency to provide notice of hearings.**

7302 Section **17C-3-402, Requirements for notice provided by agency.**

7303 Section **17C-3-403, Additional requirements for notice of a plan hearing.**

7304 Section **17C-3-404, Additional requirements for notice of a budget hearing.**

7305 Section **17C-4-301, Continuing a plan hearing.**

7306 Section **17C-4-302, Notice required for continued hearing.**

7307 Section **17C-4-401, Agency required to provide notice of plan hearing.**

7308 Section **17C-4-402, Requirements for notice provided by agency.**

7309 Section 182. **Coordinating S.B. 151 with H.B. 25 -- Superseding technical and**

7310 **substantive amendments.**

7311 If this S.B. 151 and H.B. 25, Property Tax Changes, both pass and become law, it is the
7312 intent of the Legislature that the Office of Legislative Research and General Counsel prepare
7313 the Utah Code database for publication as follows:

7314 (1) the amendments to Section 59-2-924 in H.B. 25 supersede the amendments to
7315 Section 59-2-924 in this bill; and

7316 (2) modify Subsection 59-2-924(1)(g) to read:

7317 "(g) "Incremental value" means the same as that term is defined in Section 17C-1-102."