

HB0017S02 compared with HB0017S01

~~{deleted text}~~ shows text that was in HB0017S01 but was deleted in HB0017S02.

Inserted text shows text that was not in HB0017S01 but was inserted into HB0017S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Douglas V}~~Senator Daniel W. ~~{Sagers}~~Thatcher proposes the following substitute bill:

COMMUNITY REINVESTMENT AGENCIES REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas V. Sagers

Senate Sponsor: ~~{~~Daniel W. Thatcher

LONG TITLE

General Description:

This bill amends provisions in Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.

Highlighted Provisions:

This bill:

- ▶ modifies agency powers;
- ▶ allows a community to enter into an interlocal agreement with an agency to exercise agency power within the community, regardless of whether the community has created an agency;
- ▶ authorizes a public entity to dispose of or lease the public entity's property to an agency for less than fair market value; and

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- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

17C-1-202, as last amended by Laws of Utah 2016, Chapter 350

17C-1-204, as last amended by Laws of Utah 2016, Chapter 350

17C-1-207, as last amended by Laws of Utah 2016, Chapter 350

Utah Code Sections Affected by Coordination Clause:

17C-1-207, as last amended by Laws of Utah 2016, Chapter 350

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

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

17C-1-202. Agency powers.

(1) An agency may:

(a) sue and be sued;

(b) enter into contracts generally;

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

(d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal property;

(e) own, hold, maintain, utilize, manage, or operate real or personal property, which may include the use of agency funds or the collection of revenue;

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

~~(f)~~ (g) provide for project area development as provided in this title;

~~(g)~~ (h) receive and use agency funds as provided in this title;

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

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

~~[(+)]~~(k) borrow money or accept financial or other assistance from a public entity or any other source for any of the purposes of this title and comply with any conditions of any loan or assistance;

~~[(*)]~~(l) issue bonds to finance the undertaking of any project area development or for any of the agency's other purposes, including:

- (i) reimbursing an advance made by the agency or by a public entity to the agency;
- (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
- (iii) refunding bonds to pay or retire bonds previously issued by the community that created the agency for expenses associated with project area development;

~~[(+)]~~(m) pay an impact fee, exaction, or other fee imposed by a community in connection with land development; or

~~[(m)]~~(n) transact other business and exercise all other powers described in this title.

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

(1)~~[(+)]~~(i) is a public purpose.

(3) An agency is not subject to Section 10-8-2 or 17-50-312.

Section 2. Section 17C-1-204 is amended to read:

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

(1) (a) A community ~~[that has not]~~, regardless of whether the community has created an agency, may enter into an interlocal agreement with an agency located in the same or an abutting county that authorizes the agency to exercise all the powers granted to an agency under this title within all or a portion of the community.

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

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

(a) the agency may act in all respects as if a project area within the community were within the agency's boundaries;

(b) the board has all the rights, powers, and privileges with respect to a project area

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within the community as if the project area were within the agency's boundaries;

(c) the agency may be paid project area funds to the same extent as if a project area within the community were within the agency's boundaries; and

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

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

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

(i) "County agency" means an agency that is created by a county.

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

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

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

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

(A) part of the inactive industrial site because the site lies within the perimeter described in Section 17C-1-102; and

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

(b) (i) Subject to Subsection (4)(b)(ii), a county agency may undertake project area development on industrial property if the record property owner of the industrial property submits a written request to the county agency to do so.

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

(c) If a county agency undertakes project area development on industrial property:

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

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

(iii) the county agency may be paid project area funds to the same extent as if the project area were within the county agency's boundary.

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

Section ~~17C-1-207~~3. Section **17C-1-207** is amended to read:

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

(1) In order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within an area in which the public entity is authorized to act, a public entity may:

- (a) (i) provide or cause to be furnished:
 - (A) parks, playgrounds, or other recreational facilities;
 - (B) community, educational, water, sewer, or drainage facilities; or
 - (C) any other works which the public entity is otherwise empowered to undertake;
- (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;
 - (iii) in any part of the project area:
 - (A) (I) plan or replan any property within the project area;
 - (II) plat or replat any property within the project area;
 - (III) vacate a plat;
 - (IV) amend a plat; or
 - (V) zone or rezone any property within the project area; and
 - (B) make any legal exceptions from building regulations and ordinances;
 - (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of the bonds;
 - (v) notwithstanding any law to the contrary, enter into an agreement for any period of time with another public entity concerning action to be taken pursuant to any of the powers granted in this title;
 - (vi) do anything necessary to aid or cooperate in the planning or implementation of the project area development;
 - (vii) in connection with the project area plan, become obligated to the extent authorized and funds have been made available to make required improvements or construct required structures; and

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(viii) lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and

(b) ~~[15 days after posting public notice]~~ for less than fair market value or for no consideration, and subject to Subsection (2):

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

(ii) lease property from ~~[the]~~ an agency; [or]

~~[(ii)]~~ (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to an agency; or

(iv) lease the public entity's property to ~~[the]~~ an agency.

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

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

(2) A public entity may provide project area development assistance described in Subsection (1)(b) no sooner than 15 days after the day on which the public entity posts notice of the assistance:

(a) on the Utah Public Notice Website described in Section 63F-1-701; and

(b) (i) on the public entity's public website; or

(ii) if the public entity does not have a public website, in a newspaper of general circulation within the county in which the project area for which the entity provides the assistance is located.

(3) ~~{A public entity that provides}~~ The following are not subject to Sections 10-8-2 or 17-50-312:

(a) project area development assistance ~~that a public entity provides~~ under this section ~~is not subject to Section 10-8-2 or 17-50-312.~~

~~Section 2}; or~~

(b) a transfer of funds or property from an agency to a public entity.

Section 4. Coordinating H.B. 17 with H.B. 15 -- Substantive and technical amendments.

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If this H.B. 17 and H.B. 15, Community Reinvestment Agency Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Section 17C-1-207 to read:

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

(1) In order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within an area in which the public entity is authorized to act, a public entity may:

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

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

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

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

(ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;

(iii) in any part of the project area:

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

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

(III) vacate a plat;

(IV) amend a plat; or

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

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

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

(v) notwithstanding any law to the contrary, enter into an agreement for a period of time with another public entity concerning action to be taken pursuant to any of the powers granted in this title;

(vi) do anything necessary to aid or cooperate in the planning or implementation of the project area development;

(vii) in connection with the project area plan, become obligated to the extent authorized and funds have been made available to make required improvements or construct required structures; and

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(viii) lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and

(b) ~~[15 days after posting public notice]~~ for less than fair market value or for no consideration, and subject to Subsection (3):

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

(ii) lease property from ~~[the]~~ an agency; [or]

~~[(ii)]~~ (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to an agency; or

(iv) lease the public entity's property to ~~[the]~~ an agency.

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

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

(2) ~~{A public entity that provides assistance under this section is}~~ The following are not subject to {Section} Sections 10-8-2 or 17-50-312:

(a) project area development assistance that a public entity provides under this section;

or

(b) a transfer of funds or property from an agency to a public entity.

(3) A public entity may provide assistance described in Subsection (1)(b) no sooner than 15 days after the day on which the public entity posts notice of the assistance on:

(a) the Utah Public Notice Website described in Section 63F-1-701; and

(b) the public entity's public website."