

COMMUNITY REINVESTMENT AGENCY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows an agency and certain taxing entities to enter into an interlocal agreement for the purpose of transferring project area incremental revenue;
- ▶ for an agency that enters into an interlocal agreement for the purpose of transferring project area incremental revenue:
 - authorizes the agency to levy a property tax on property within the agency's boundaries;
 - prohibits the agency from extending the scope of certain project area plans or project area budgets;
 - allows the agency to use property tax revenue for agency-wide project development;
 - requires the agency to adopt an implementation plan to guide agency-wide project development;
 - prohibits the agency from creating a new community reinvestment project area unless the purpose is for a cooperative development project or an economic



development project;

- describes the method by which an agency's certified tax rate is calculated;
- prohibits the agency from using eminent domain for agency-wide project

development; and

- describes how the agency accounts for property tax revenue; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-5-109, as last amended by Laws of Utah 2019, Chapter 322

10-6-118, as last amended by Laws of Utah 2019, Chapter 322

17-36-15, as last amended by Laws of Utah 2012, Chapter 17

17C-1-102, as last amended by Laws of Utah 2019, Chapters 376 and 480

17C-1-202, as last amended by Laws of Utah 2018, Chapters 364 and 366

17C-1-402, as last amended by Laws of Utah 2019, Chapter 376

17C-1-409, as last amended by Laws of Utah 2019, Chapter 376

17C-1-502, as last amended by Laws of Utah 2016, Chapter 350

17C-1-605, as last amended by Laws of Utah 2016, Chapter 350

17C-2-110, as last amended by Laws of Utah 2019, Chapter 376

17C-2-206, as last amended by Laws of Utah 2016, Chapter 350

17C-2-207, as last amended by Laws of Utah 2016, Chapter 350

17C-3-109, as last amended by Laws of Utah 2018, Chapter 364

17C-3-205, as last amended by Laws of Utah 2016, Chapter 350

17C-3-206, as last amended by Laws of Utah 2016, Chapter 350

17C-4-108, as last amended by Laws of Utah 2018, Chapter 364

17C-5-102, as enacted by Laws of Utah 2016, Chapter 350

17C-5-112, as last amended by Laws of Utah 2019, Chapter 376

17C-5-306, as last amended by Laws of Utah 2017, Chapter 456

59 **53F-8-201**, as last amended by Laws of Utah 2019, Chapter 186
60 **53G-7-306**, as last amended by Laws of Utah 2019, Chapter 293
61 **59-2-924**, as last amended by Laws of Utah 2018, Chapters 101, 368, and 415

62 ENACTS:

63 **17C-1-1001**, Utah Code Annotated 1953
64 **17C-1-1002**, Utah Code Annotated 1953
65 **17C-1-1003**, Utah Code Annotated 1953
66 **17C-1-1004**, Utah Code Annotated 1953
67 **17C-1-1005**, Utah Code Annotated 1953

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

70 Section 1. Section **10-5-109** is amended to read:

71 **10-5-109. Adoption of budgets -- Filing.**

72 (1) Before June 30 of each year, or September 1 in the case of a property tax increase
73 under Sections **59-2-919** through **59-2-923**, the council shall by resolution or ordinance adopt a
74 budget for the ensuing fiscal year for each fund for which a budget is required under this
75 chapter.

76 (2) The council shall file a copy of the final budget for each fund with the state auditor
77 within 30 days after adoption.

78 (3) If a town enters into an interlocal agreement under Title 17C, Chapter 1, Part 10,
79 Agency Taxing Authority, for the purpose of transferring project area incremental revenue to a
80 community reinvestment agency, the council shall ensure that the town's budget complies with
81 Section **17C-1-1002**.

82 Section 2. Section **10-6-118** is amended to read:

83 **10-6-118. Adoption of final budget -- Certification and filing.**

84 (1) Before June 30 of each fiscal period, or, in the case of a property tax increase under
85 Sections **59-2-919** through **59-2-923**, before September 1 of the year for which a property tax
86 increase is proposed, the governing body shall by resolution or ordinance adopt a budget for the
87 ensuing fiscal period for each fund for which a budget is required under this chapter.

88 (2) The budget officer of the governing body shall certify a copy of the final budget and
89 file the copy with the state auditor within 30 days after adoption.

(3) If a city enters into an interlocal agreement under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, for the purpose of transferring project area incremental revenue to a community reinvestment agency, the city's governing body shall ensure that the city's budget complies with Section 17C-1-1002.

Section 3. Section **17-36-15** is amended to read:

17-36-15. Adoption of budget -- Immunity.

(1) (a) On or before the last day of each fiscal period, the governing body by resolution shall adopt the budget.

(b) A budget adopted in accordance with Subsection (1)(a) is, unless amended, in effect for the next fiscal period.

(c) The budget officer shall:

(i) certify a copy of the final budget, and of any subsequent budget amendment; and

(ii) file a copy with the state auditor not later than 30 days after the day on which the governing body adopts the budget.

(d) The budget officer shall file a certified copy of the budget in the office of the budget officer for inspection by the public during business hours.

(2) (a) Except as provided in Subsection (2)(b), a county officer or county employee may not file a legal action in state or federal court against the county, a department, or a county officer for any matter related to the following:

(i) the adoption of a county budget;

(ii) a county appropriation;

(iii) a county personnel allocation; or

(iv) a fund related to the county budget, a county appropriation, or a county personnel allocation.

(b) A county or district attorney may enforce a procedural requirement that governs the adoption or approval of a budget in accordance with this chapter.

(3) If a county enters into an interlocal agreement under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, for the purpose of transferring project area incremental revenue to a community reinvestment agency, the county's governing body shall ensure that the county's budget complies with Section 17C-1-1002.

Section 4. Section **17C-1-102** is amended to read:

17C-1-102. Definitions.

As used in this title:

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

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

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

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

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

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

(3) "Affordable housing" means housing owned or occupied by a low or moderate income family, as determined by resolution of the agency.

(4) "Agency" or "community reinvestment agency" means a separate body corporate and politic, created under Section [17C-1-201.5](#) or as a redevelopment agency or community development and renewal agency under previous law:

(a) that is a political subdivision of the state;

(b) that is created to undertake or promote project area development as provided in this title; and

(c) whose geographic boundaries are coterminous with:

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

(ii) for an agency created by a municipality, the boundaries of the municipality.

(5) "Agency funds" means money that an agency collects or receives for agency operations, implementing a project area plan or an implementation plan as defined in Section [17C-1-1001](#), or other agency purposes, including:

(a) project area funds;

(b) income, proceeds, revenue, or property derived from or held in connection with the agency's undertaking and implementation of project area development or agency-wide project development as defined in Section [17C-1-1001](#); [or]

(c) a contribution, loan, grant, or other financial assistance from any public or private source[-];

(d) project area incremental revenue as defined in Section 17C-1-1001; or

(e) property tax revenue as defined in Section 17C-1-1001.

(6) "Annual income" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as superseded by replacement regulations.

(7) "Assessment roll" means the same as that term is defined in Section 59-2-102.

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

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

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

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

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

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

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

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

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

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

(10) "Basic levy" means the portion of a school district's tax levy constituting the

minimum basic levy under Section 59-2-902.

(11) "Board" means the governing body of an agency, as described in Section 17C-1-203.

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

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

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

(15) "Community" means a county or municipality.

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

(17) "Community legislative body" means the legislative body of the community that created the agency.

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

(19) "Contest" means to file a written complaint in the district court of the county in which the agency is located.

(20) "Development impediment" means a condition of an area that meets the requirements described in Section 17C-2-303 for an urban renewal project area or Section 17C-5-405 for a community reinvestment project area.

(21) "Development impediment hearing" means a public hearing regarding whether a development impediment exists within a proposed:

(a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section 17C-2-302; or

(b) community reinvestment project area under Section 17C-5-404.

(22) "Development impediment study" means a study to determine whether a development impediment exists within a survey area as described in Section 17C-2-301 for an urban renewal project area or Section 17C-5-403 for a community reinvestment project area.

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

(24) "Fair share ratio" means the ratio derived by:

(a) for a municipality, comparing the percentage of all housing units within the municipality that are publicly subsidized income targeted housing units to the percentage of all housing units within the county in which the municipality is located that are publicly subsidized income targeted housing units; or

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

(25) "Family" means the same as that term is defined in regulations of the United States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by replacement regulations.

(26) "Greenfield" means land not developed beyond agricultural, range, or forestry use.

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

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

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

(a) project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001 allocated for the purposes described in Section 17C-1-411; or

(b) an agency's housing allocation.

(30) (a) "Inactive airport site" means land that:

- 245 (i) consists of at least 100 acres;
- 246 (ii) is occupied by an airport:
- 247 (A) (I) that is no longer in operation as an airport; or
- 248 (II) (Aa) that is scheduled to be decommissioned; and
- 249 (Bb) for which a replacement commercial service airport is under construction; and
- 250 (B) that is owned or was formerly owned and operated by a public entity; and
- 251 (iii) requires remediation because:
- 252 (A) of the presence of hazardous waste or solid waste; or
- 253 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
- 254 electric service, water system, and sewer system, needed to support development of the site.
- 255 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
- 256 described in Subsection (30)(a).
- 257 (31) (a) "Inactive industrial site" means land that:
- 258 (i) consists of at least 1,000 acres;
- 259 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
- 260 facility; and
- 261 (iii) requires remediation because of the presence of hazardous waste or solid waste.
- 262 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
- 263 described in Subsection (31)(a).
- 264 (32) "Income targeted housing" means housing that is owned or occupied by a family
- 265 whose annual income is at or below 80% of the median annual income for a family within the
- 266 county in which the housing is located.
- 267 (33) "Incremental value" means a figure derived by multiplying the marginal value of
- 268 the property located within a project area on which tax increment is collected by a number that
- 269 represents the adjusted tax increment from that project area that is paid to the agency.
- 270 (34) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
- 271 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- 272 (35) (a) "Local government building" means a building owned and operated by a
- 273 community for the primary purpose of providing one or more primary community functions,
- 274 including:
- 275 (i) a fire station;

- (ii) a police station;
- (iii) a city hall; or
- (iv) a court or other judicial building.

(b) "Local government building" does not include a building the primary purpose of which is cultural or recreational in nature.

(36) "Marginal value" means the difference between actual taxable value and base taxable value.

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

(38) "Municipality" means a city, town, or metro township as defined in Section 10-2a-403.

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

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

(a) includes a description of:

- (i) the project area development that the person will undertake;
- (ii) the amount of project area funds the person may receive; and
- (iii) the terms and conditions under which the person may receive project area funds;

and

(b) is approved by resolution of the board.

(41) "Plan hearing" means the public hearing on a proposed project area plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection 17C-4-102(1)(d) for a community development project area plan, or Subsection 17C-5-104(3)(e) for a community reinvestment project area plan.

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

(43) "Pre-July 1, 1993, project area plan" means a project area plan adopted before July

1, 1993, whether or not amended subsequent to the project area plan's adoption.

(44) "Private," with respect to real property, means property not owned by a public entity or any other governmental entity.

(45) "Project area" means the geographic area described in a project area plan within which the project area development described in the project area plan takes place or is proposed to take place.

(46) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area prepared in accordance with:

(a) for an urban renewal project area, Section 17C-2-201;

(b) for an economic development project area, Section 17C-3-201;

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

(d) for a community reinvestment project area, Section 17C-5-302.

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

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

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

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

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

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

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

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

(h) relocating a business;

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

(j) eliminating a development impediment or the causes of a development impediment;
(k) redevelopment as defined under the law in effect before May 1, 2006; or
(l) any activity described in this Subsection (47) outside of a project area that the board determines to be a benefit to the project area.

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

(49) "Project area funds collection period" means the period of time that:

(a) begins the day on which the first payment of project area funds is distributed to an agency under a project area budget approved by a taxing entity committee or an interlocal agreement; and

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

(50) "Project area plan" means an urban renewal project area plan, an economic development project area plan, a community development project area plan, or a community reinvestment project area plan that, after the project area plan's effective date, guides and controls the project area development.

(51) (a) "Property tax" means each levy on an ad valorem basis on tangible or intangible personal or real property.

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

(52) "Public entity" means:

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

(b) the state, including any of the state's departments or agencies; or

(c) a political subdivision of the state, including a county, municipality, school district, local district, special service district, community reinvestment agency, or interlocal cooperation entity.

(53) "Publicly owned infrastructure and improvements" means water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, or

other facilities, infrastructure, and improvements benefitting the public and to be publicly owned or publicly maintained or operated.

(54) "Record property owner" or "record owner of property" means the owner of real property, as shown on the records of the county in which the property is located, to whom the property's tax notice is sent.

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

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

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

(56) "Superfund site":

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

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

(57) "Survey area" means a geographic area designated for study by a survey area resolution to determine whether:

(a) one or more project areas within the survey area are feasible; or

(b) a development impediment exists within the survey area.

(58) "Survey area resolution" means a resolution adopted by a board that designates a survey area.

(59) "Taxable value" means:

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

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

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

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

(i) the amount of property tax revenue generated each tax year by a taxing entity from

the area within a project area designated in the project area plan as the area from which tax increment is to be collected, using the current assessed value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

(ii) the amount of property tax revenue that would be generated from that same area using the base taxable value of the property and each taxing entity's current certified tax rate as defined in Section 59-2-924.

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

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

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

(61) "Taxing entity" means a public entity that:

(a) levies a tax on property located within a project area; or

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

(62) "Taxing entity committee" means a committee representing the interests of taxing entities, created in accordance with Section 17C-1-402.

(63) "Unincorporated" means not within a municipality.

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

Section 5. 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, acquire by gift, 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;

- 431 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
432 (g) provide for project area development as provided in this title;
433 (h) receive and use agency funds as provided in this title;
434 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants
435 running with the land consistent with the project area plan;
436 (j) accept financial or other assistance from any public or private source for the
437 agency's activities, powers, and duties, and expend any funds the agency receives for any
438 purpose described in this title;
439 (k) borrow money or accept financial or other assistance from a public entity or any
440 other source for any of the purposes of this title and comply with any conditions of any loan or
441 assistance;
442 (l) issue bonds to finance the undertaking of any project area development or for any of
443 the agency's other purposes, including:
444 (i) reimbursing an advance made by the agency or by a public entity to the agency;
445 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
446 (iii) refunding bonds to pay or retire bonds previously issued by the community that
447 created the agency for expenses associated with project area development;
448 (m) pay an impact fee, exaction, or other fee imposed by a community in connection
449 with land development; [or]
450 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
451 ~~[(n)]~~ (o) transact other business and exercise all other powers described in this title.
452 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i)
453 is a public purpose.
454 (3) An agency may acquire real property under Subsection (1)(c) that is outside a
455 project area only if the board determines that the property will benefit a project area.
456 (4) An agency is not subject to Section 10-8-2 or 17-50-312.
457 Section 6. Section 17C-1-402 is amended to read:
458 **17C-1-402. Taxing entity committee.**
459 (1) The provisions of this section apply to a taxing entity committee that is created by
460 an agency for:
461 (a) a post-June 30, 1993, urban renewal project area plan or economic development

project area plan;

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

(c) a community reinvestment project area plan adopted before May 14, 2019, that is subject to a taxing entity committee.

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

(A) two school district representatives appointed in accordance with Subsection (2)(a)(ii);

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

(II) in a county of the first class, one representative appointed by the county executive and one representative appointed by the legislative body of the county in which the agency is located;

(C) if the agency is created by a municipality, two representatives appointed by resolution of the legislative body of the municipality;

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

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

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

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

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

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

(c) (i) A taxing entity committee representative may be appointed for a set term or

493 period of time, as determined by the appointing authority under Subsection (2)(a)(i).

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

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

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

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

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

506 (3) At a taxing entity committee's first meeting, the taxing entity committee shall adopt
507 an organizing resolution that:

508 (a) designates a chair and a secretary of the taxing entity committee; and

509 (b) if the taxing entity committee considers it appropriate, governs the use of electronic
510 meetings under Section 52-4-207.

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

512 (i) an urban renewal project area plan;

513 (ii) an economic development project area plan; or

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

516 (b) A taxing entity committee may:

517 (i) cast votes that are binding on all taxing entities;

518 (ii) negotiate with the agency concerning a proposed project area plan;

519 (iii) approve or disapprove:

520 (A) an urban renewal project area budget as described in Section 17C-2-204;

521 (B) an economic development project area budget as described in Section 17C-3-203;

522 or

523 (C) for a community reinvestment project area plan that is subject to a taxing entity

committee, a community reinvestment project area budget as described in Section 17C-5-302;

(iv) approve or disapprove an amendment to a project area budget as described in Section 17C-2-206, 17C-3-205, or 17C-5-306;

(v) approve an exception to the limits on the value and size of a project area imposed under this title;

(vi) approve:

(A) an exception to the percentage of tax increment to be paid to the agency;

(B) except for a project area funds collection period that is approved by an interlocal agreement, each project area funds collection period; and

(C) an exception to the requirement for an urban renewal project area budget, an economic development project area budget, or a community reinvestment project area budget to include a maximum cumulative dollar amount of tax increment that the agency may receive;

(vii) approve the use of tax increment for publicly owned infrastructure and improvements outside of a project area that the agency and community legislative body determine to be of benefit to the project area, as described in Subsection

17C-1-409(1)(a)(iii)~~[(D)]~~(E);

(viii) waive the restrictions described in Subsection 17C-2-202(1);

(ix) subject to Subsection (4)(c), designate the base taxable value for a project area budget; and

(x) give other taxing entity committee approval or consent required or allowed under this title.

(c) (i) Except as provided in Subsection (4)(c)(ii), the base year may not be a year that is earlier than five years before the beginning of a project area funds collection period.

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

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

(a) if the project area is located within a municipality, five members; or

(b) if the project area is not located within a municipality, four members.

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

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

555 (i) at which a quorum is present; and
556 (ii) considering an action relating to a project area budget for, or approval of a
557 development impediment determination within, a project area or proposed project area that
558 contains:

559 (A) an inactive industrial site;
560 (B) an inactive airport site; or
561 (C) a closed military base; or

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

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

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

569 (i) the proposed agenda for the taxing entity committee meeting; and
570 (ii) if not previously provided and if the documents exist and are to be considered at
571 the meeting:

572 (A) the project area plan or proposed project area plan;
573 (B) the project area budget or proposed project area budget;
574 (C) the analysis required under Subsection 17C-2-103(2), 17C-3-103(2), or
575 17C-5-105(12);
576 (D) the development impediment study;
577 (E) the agency's resolution making a development impediment determination under
578 Subsection 17C-2-102(1)(a)(ii)(B) or 17C-5-402(2)(c)(ii); and
579 (F) other documents to be considered by the taxing entity committee at the meeting.

580 (c) (i) An agency may not schedule a taxing entity committee meeting on a day on
581 which the Legislature is in session.

582 (ii) Notwithstanding Subsection (7)(c)(i), a taxing entity committee may, by unanimous
583 consent, waive the scheduling restriction described in Subsection (7)(c)(i).

584 (8) (a) A taxing entity committee may not vote on a proposed project area budget or
585 proposed amendment to a project area budget at the first meeting at which the proposed project

area budget or amendment is considered unless all members of the taxing entity committee present at the meeting consent.

(b) A second taxing entity committee meeting to consider a proposed project area budget or a proposed amendment to a project area budget may not be held within 14 days after the first meeting unless all members of the taxing entity committee present at the first meeting consent.

(9) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and Public Meetings Act.

(10) A taxing entity committee's records shall be:

(a) considered the records of the agency that created the taxing entity committee; and

(b) maintained by the agency in accordance with Section 17C-1-209.

(11) Each time a school district representative or a representative of the State Board of Education votes as a member of a taxing entity committee to allow an agency to receive tax increment, to increase the amount of tax increment the agency receives, or to extend a project area funds collection period, that representative shall, within 45 days after the vote, provide to the representative's respective school board an explanation in writing of the representative's vote and the reasons for the vote.

(12) (a) The auditor of each county in which an agency is located shall provide a written report to the taxing entity committee stating, with respect to property within each project area:

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

(ii) the assessed value.

(b) With respect to the information required under Subsection (12)(a), the auditor shall provide:

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

(ii) estimated amounts for each year beginning the year after the time of the report and ending the time that each project area funds collection period ends.

(c) The auditor of the county in which the agency is located shall provide a report under this Subsection (12):

(i) at least annually; and
(ii) upon request of the taxing entity committee, before a taxing entity committee meeting at which the committee considers whether to allow the agency to receive tax increment, to increase the amount of tax increment that the agency receives, or to extend a project area funds collection period.

(13) This section does not apply to:

(a) a community development project area plan; or
(b) a community reinvestment project area plan that is subject to an interlocal agreement.

(14) (a) A taxing entity committee resolution approving a development impediment determination, approving a project area budget, or approving an amendment to a project area budget:

(i) is final; and
(ii) is not subject to repeal, amendment, or reconsideration unless the agency first consents by resolution to the proposed repeal, amendment, or reconsideration.

(b) The provisions of Subsection (14)(a) apply regardless of when the resolution is adopted.

Section 7. Section **17C-1-409** is amended to read:

17C-1-409. Allowable uses of agency funds.

(1) (a) An agency may use agency funds:

(i) for any purpose authorized under this title;
(ii) for administrative, overhead, legal, or other operating expenses of the agency, including consultant fees and expenses under Subsection **17C-2-102**(1)(b)(ii)(B) or funding for a business resource center;

(iii) to pay for, including financing or refinancing, all or part of:

(A) project area development in a project area, including environmental remediation activities occurring before or after adoption of the project area plan;

(B) housing-related expenditures, projects, or programs as described in Section **17C-1-411** or **17C-1-412**;

(C) an incentive or other consideration paid to a participant under a participation agreement;

(D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the project area funds are collected; or

(E) the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the project area funds are collected if the board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements benefit the project area;

(iv) in an urban renewal project area that includes some or all of an inactive industrial site and subject to Subsection (1)(e), to reimburse the Department of Transportation created under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit District Act, for the cost of:

(A) construction of a public road, bridge, or overpass;

(B) relocation of a railroad track within the urban renewal project area; or

(C) relocation of a railroad facility within the urban renewal project area; ~~or~~

(v) subject to Subsection (5), to transfer funds to a community that created the agency;

or

(vi) subject to Subsection (1)(f), for agency-wide project development under Part 10, Agency Taxing Authority.

(b) The determination of the board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

(c) An agency may not use project area funds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan without the community legislative body's consent.

(d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a project area fund to another project area fund if:

(A) the board approves; and

(B) the community legislative body approves.

(ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the projections for agency funds are sufficient to repay the loan amount.

(iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,

Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

(e) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:

(i) the Department of Transportation; or

(ii) a public transit district.

(f) Before an agency may use project area funds for agency-wide project development, as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity committee or each taxing entity party to an interlocal agreement with the agency.

(2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use Tax Incentive Payments Act.

(b) An agency may use sales and use tax revenue that the agency receives under an interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the interlocal agreement.

(3) (a) An agency may contract with the community that created the agency or another public entity to use agency funds to reimburse the cost of items authorized by this title to be paid by the agency that are paid by the community or other public entity.

(b) If land is acquired or the cost of an improvement is paid by another public entity and the land or improvement is leased to the community, an agency may contract with and make reimbursement from agency funds to the community.

(4) Notwithstanding any other provision of this title, an agency may not use project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001, to construct a local government building unless the taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.

(5) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and

17C-1-412~~[(3)]~~(1)(a)(x) may not exceed the community's annual local contribution as defined in Section 35A-8-606.

Section 8. Section 17C-1-502 is amended to read:

17C-1-502. Sources from which bonds may be made payable -- Agency powers regarding bonds.

~~[(1) The principal and interest on a bond issued by an agency may be paid from:]~~

(1) An agency may pay the principal and interest on a bond issued by the agency from:

(a) the income and revenues of the project area development financed with the proceeds of the bond;

(b) the income and revenue of certain designated project area development regardless of whether the project area development is financed in whole or in part with the proceeds of the bond;

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

(d) project area funds;

(e) agency revenues generally;

(f) a contribution, loan, grant, or other financial assistance from a public entity in aid of project area development, including the assignment of revenue or taxes in support of an agency bond; ~~[or]~~

(g) project area incremental revenue or property tax revenue as those terms are defined in Section 17C-1-1001; or

(h) funds derived from any combination of the methods listed in Subsections (1)(a) through ~~[(f)]~~ (g).

(2) In connection with the issuance of an agency bond, an agency may:

(a) pledge all or any part of the agency's gross or net rents, fees, or revenues to which the agency's right then exists or may thereafter come into existence;

(b) encumber by mortgage, deed of trust, or otherwise all or any part of the agency's real or personal property, then owned or thereafter acquired; and

(c) make the covenants and take the action that:

(i) may be necessary, convenient, or desirable to secure the bond; or

(ii) except as otherwise provided in this chapter, will tend to make the bond more

marketable, even though such covenants or actions are not specifically enumerated in this chapter.

Section 9. Section **17C-1-605** is amended to read:

17C-1-605. Audit report.

(1) Each agency required to be audited under Section **17C-1-604** shall, within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.

(2) Each audit report under Subsection (1) shall include:

(a) the tax increment collected by the agency for each project area;

(b) the amount of tax increment paid to each taxing entity under Section **17C-1-410**;

(c) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the agency's project areas; ~~and~~

(d) the amount of property tax revenue generated under Part 10, Agency Taxing Authority; and

(e) the actual amount expended for:

(i) acquisition of property;

(ii) site improvements or site preparation costs;

(iii) installation of public utilities or other public improvements; and

(iv) administrative costs of the agency.

Section 10. Section **17C-1-1001** is enacted to read:

Part 10. Agency Taxing Authority

17C-1-1001. Definitions.

(1) As used in this part:

(a) (i) "Agency-wide project development" means activity within the agency's boundaries that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of achieving the results described in an implementation plan.

(ii) "Agency-wide project development" does not include project area development under a project area plan.

(b) "Certified tax rate" means the same as that term is defined in Section **59-2-924**.

(c) "Cooperative development project" means project area development with impacts

that extend beyond an agency's geographic boundaries to the benefit of two or more communities.

(d) "Economic development project" means project area development for the purpose of:

- (i) creating, developing, attracting, and retaining business;
- (ii) creating or preserving jobs;
- (iii) stimulating business and economic activity; or
- (iv) providing a local incentive as required by the Governor's Office of Economic Development under Title 63N, Governor's Office of Economic Development.

(e) "Eligible taxing entity" means a taxing entity that:

- (i) is a municipality, a county, or a school district; and
- (ii) contains an agency partially or completely within the taxing entity's geographic boundaries.

(f) "Implementation plan" means a plan adopted in accordance with Section 17C-1-1004 that:

- (i) describes how the agency uses property tax revenue; and
 - (ii) guides and controls agency-wide project development.
- (g) "Project area incremental revenue" means the amount of revenue generated by the incremental value that a taxing entity receives after a project area funds collection period ends.
- (h) "Property tax revenue" means the amount of revenue generated by an agency from the property within the agency using the current taxable value of the property and the agency's certified tax rate.

Section 11. Section 17C-1-1002 is enacted to read:

17C-1-1002. Transferring project area incremental revenue -- Agency may levy a property tax.

(1) An agency and an eligible taxing entity may enter into an interlocal agreement for the purpose of transferring all or a portion of the eligible taxing entity's project area incremental revenue.

(2) An agency shall ensure that an interlocal agreement described in Subsection (1):

- (a) identifies each project area that is subject to the interlocal agreement;
- (b) is adopted by the board and the taxing entity in accordance with Section

17C-1-1003;

(c) for each project area:

(i) states the amount of project area incremental revenue that the eligible taxing entity agrees to transfer to the agency;

(ii) states the year in which the eligible taxing entity will transfer the amount described in Subsection (2)(c)(i); and

(iii) for the year described in Subsection (2)(c)(ii), requires the agency and the eligible taxing entity to add or subtract the project area incremental revenue transferred in the agency's and eligible taxing entity's respective budgets;

(d) includes a copy of the implementation plan described in Section 17C-1-1004;

(e) requires the agency to dissolve, in accordance with Section 17C-1-702, any project area:

(i) that is subject to the interlocal agreement; and

(ii) for which the project area funds collection period will expire; and

(f) is filed with the county auditor, the State Tax Commission, and the eligible taxing entity.

(3) If an agency and an eligible taxing entity enter into an interlocal agreement under this section:

(a) subject to Subsection (4) and Section 17C-1-1004, the agency may levy a property tax on taxable property within the agency's geographic boundaries; and

(b) except as provided in Subsection (5), the agency may not:

(i) create a new community reinvestment project area within the taxing entity's geographic boundaries; or

(ii) amend a project area plan or budget if the amendment:

(A) enlarges the project area from which tax increment is collected;

(B) permits the agency to receive a greater amount of tax increment; or

(C) extends the project area funds collection period.

(4) (a) An agency may levy a property tax for a fiscal year that:

(i) is after the year in which the agency receives project area incremental revenue; and

(ii) begins on or after the January 1 on which the agency has authority to impose a property tax under this section.

(b) An agency board shall calculate the agency's certified tax rate in accordance with Section [59-2-924](#).

(c) An agency may levy a property tax rate that exceeds the agency's certified rate only if the agency complies with Sections [59-2-919](#) through [59-2-923](#).

(5) For a cooperative development project or an economic development project, an agency may, in accordance with Chapter 5, Community Reinvestment:

(a) create a new community reinvestment project area; or

(b) amend a community reinvestment project area plan or budget.

Section 12. Section **17C-1-1003** is enacted to read:

17C-1-1003. Interlocal agreement -- Notice requirements -- Effective date.

(1) An agency that enters into an interlocal agreement under Section [17C-1-1002](#) shall:

(a) adopt the interlocal agreement at an open and public meeting; and

(b) provide a notice, in accordance with Subsections (2) and (3), titled "Authorization to Levy a Property Tax."

(2) Upon the execution of an interlocal agreement, the agency shall provide, subject to Subsection (3), notice of the execution by:

(a) (i) publishing the notice in a newspaper of general circulation within the agency's geographic boundaries; or

(ii) if there is no newspaper of general circulation within the agency's geographic boundaries, posting the notice in at least three public places within the agency's geographic boundaries; and

(b) posting the notice on the Utah Public Notice Website created in Section [63F-1-701](#).

(3) A notice described in Subsection (2) shall include:

(a) a summary of the interlocal agreement; and

(b) a statement that the interlocal agreement:

(i) is available for public inspection and the place and the hours for inspection; and

(ii) authorizes the agency to:

(A) receive all or a portion of a taxing entity's project area incremental revenue; and

(B) levy a property tax on taxable property within the agency's boundaries.

(4) An interlocal agreement described in Section [17C-1-1002](#) is effective the day on which the notice is published or posted in accordance with Subsections (2) and (3).

(5) An eligible taxing entity that enters into an interlocal agreement under Section 17C-1-1002 shall make a copy of the interlocal agreement available to the public for inspecting and copying at the eligible taxing entity's office during normal business hours.

Section 13. Section **17C-1-1004** is enacted to read:

17C-1-1004. Implementation plan -- Use of an agency's property tax revenue -- Eminent domain.

(1) Before an agency may levy a property tax, an agency board shall adopt an implementation plan:

(a) at a plan hearing held in accordance with Chapter 1, Part 8, Hearing and Notice Requirements; and

(b) that:

(i) contains a boundary description and a map of the geographic area within which the agency will use the agency's property tax revenue;

(ii) contains a general description of the existing land uses, zoning, infrastructure conditions, population densities, and demographics of the area described in Subsection (1)(b)(i);

(iii) describes the physical, social, and economic conditions that exist in the area described in Subsection (1)(b)(i);

(iv) describes the goals and strategies that will guide the agency's use of property tax revenue;

(v) shows how agency-wide project development will further the purposes of this title;

(vi) is consistent with the general plan of the community that created the agency and shows that agency-wide project development will conform to the community's general plan;

(vii) generally describes the type of financial assistance and tools that the agency anticipates providing to participants;

(viii) includes an analysis or description of the anticipated public benefits resulting from agency-wide project development, including benefits to economic activity and taxing entities' tax bases;

(ix) includes any identified geographic target areas within which the agency will focus investment; and

(x) includes other information that the agency determines to be necessary or advisable.

(2) (a) Except as provided in Subsection (2)(b), an agency that levies a property tax under this part may not use eminent domain to acquire property for agency-wide project development.

(b) An agency that levies a property tax under this part may use eminent domain for an urban renewal project area or a community reinvestment project area in accordance with Part 9, Eminent Domain.

Section 14. Section **17C-1-1005** is enacted to read:

17C-1-1005. Agency property tax levy -- Budget -- Accounting for property tax revenue.

(1) (a) Each agency that levies and collects property tax under this part shall levy and collect the property tax in accordance with Title 59, Chapter 2, Property Tax Act.

(b) Except as provided in Subsection (1)(c), an agency, at a regular meeting or special meeting called for that purpose, shall, by resolution, set the property tax rate by the date described in Section [59-2-912](#).

(c) An agency may set the rate described in Subsection (1)(b) at an appropriate later date in accordance with Sections [59-2-919](#) through [59-2-923](#).

(2) (a) An agency shall include in the agency's budget any project area incremental revenue transferred by an eligible taxing entity under this part.

(b) The amount of project area incremental revenue described in Subsection (2)(a) plus the ad valorem property tax revenue that the agency budgeted for the prior year shall constitute the basis for determining the property tax levy that the agency sets for the corresponding tax year.

(3) (a) An agency shall create a property tax revenue fund and separately account for property tax revenue generated under this part.

(b) An agency shall include revenue and expenditures of the property tax revenue fund described in Subsection (3)(a) in the annual budget adopted in accordance with Section [17C-1-601.5](#).

Section 15. Section **17C-2-110** is amended to read:

17C-2-110. Amending an urban renewal project area plan.

~~[(1) An]~~ (1) Except as provided in Section [17C-1-1002](#), an agency may amend an urban renewal project area plan as provided in this section.

927 (2) If an agency proposes to amend an urban renewal project area plan to enlarge the
928 project area:

929 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
930 a project area plan apply equally to the proposed amendment as if it were a proposed project
931 area plan;

932 (b) for a pre-July 1, 1993, project area plan, the base year for the new area added to the
933 project area shall be determined under Subsection 17C-1-102(9) using the effective date of the
934 amended project area plan;

935 (c) for a post-June 30, 1993, project area plan:

936 (i) the base year for the new area added to the project area shall be determined under
937 Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in
938 Subsection (2)(c)(ii); and

939 (ii) the agency shall obtain the consent of the taxing entity committee before the agency
940 may collect tax increment from the area added to the project area by the amendment;

941 (d) the agency shall make a determination regarding the existence of a development
942 impediment in the area proposed to be added to the project area by following the procedure set
943 forth in Chapter 2, Part 3, Development Impediment Determination in Urban Renewal Project
944 Areas; and

945 (e) the agency need not make a development impediment determination in the project
946 area as described in the original project area plan, if the agency made a development
947 impediment determination regarding that project area in connection with adoption of the
948 original project area plan.

949 (3) If a proposed amendment does not propose to enlarge an urban renewal project
950 area, a board may adopt a resolution approving an amendment to a project area plan after:

951 (a) the agency gives notice, as provided in Section 17C-1-806, of the proposed
952 amendment and of the public hearing required by Subsection (3)(b);

953 (b) the board holds a public hearing on the proposed amendment that meets the
954 requirements of a plan hearing;

955 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
956 amendment proposes:

957 (i) to enlarge the area within the project area from which tax increment is collected;

(ii) to permit the agency to receive a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan; or

(iii) for an amendment to a project area plan that was adopted before April 1, 1983, to expand the area from which tax increment is collected to exceed 100 acres of private property; and

(d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to extend the project area funds collection period, or both, than allowed under the adopted project area plan.

(4) (a) An agency may amend an urban renewal project area plan without complying with the notice and public hearing requirements of Subsections ~~[(2)(a) and]~~ (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

(i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or

(ii) subject to Subsection (4)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:

(A) tax exempt;

(B) without a development impediment; or

(C) no longer necessary or desirable to the project area.

(b) An agency may make an amendment removing one or more parcels from a project area under Subsection (4)(a)(ii) without the consent of the record property owner of each parcel being removed.

(5) (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.

(b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment were a project area plan.

(6) (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure fails to comply with a provision of this title.

(b) After the 30-day period described in Subsection (6)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Section 16. Section 17C-2-206 is amended to read:

17C-2-206. Amending an urban renewal project area budget.

~~[(1) An]~~ (1) Except as provided in Section 17C-1-1002, an agency may by resolution amend an urban renewal project area budget as provided in this section.

(2) To amend an adopted urban renewal project area budget, the agency shall:

(a) advertise and hold one public hearing on the proposed amendment as provided in Subsection (3);

(b) if approval of the taxing entity committee was required for adoption of the original project area budget, obtain the approval of the taxing entity committee to the same extent that the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;

(c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and

(d) adopt a resolution amending the project area budget.

(3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Subsections 17C-2-201(2)(c) and (d), except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.

(4) If the removal of a parcel under Subsection 17C-2-110(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with

1020 the new base taxable value without:

1021 (a) complying with Subsections (2)(a) and (3); and

1022 (b) if applicable, obtaining taxing entity committee approval described in Subsection
1023 (2)(b).

1024 (5) If a proposed amendment is not adopted, the agency shall continue to operate under
1025 the previously adopted project area budget without the proposed amendment.

1026 (6) (a) A person may contest the agency's adoption of a budget amendment within 30
1027 days after the day on which the agency adopts the amendment.

1028 (b) A person who fails to contest a budget amendment under Subsection (6)(a):

1029 (i) forfeits any claim against an agency's adoption of the amendment; and

1030 (ii) may not contest:

1031 (A) a distribution of tax increment to the agency under the budget amendment; or

1032 (B) an agency's use of a tax increment under the budget amendment.

1033 Section 17. Section **17C-2-207** is amended to read:

1034 **17C-2-207. Extending collection of tax increment in an urban renewal project**
1035 **area budget.**

1036 (1) An extension approved by a taxing entity or taxing entity committee before May
1037 10, 2011, is not subject to this section.

1038 (2) (a) ~~[An]~~ Except as provided in Section [17C-1-1002](#), an agency's collection of tax
1039 increment under an urban renewal project area budget may be extended by:

1040 (i) following the project area budget amendment procedures outlined in Section
1041 [17C-2-206](#); or

1042 (ii) following the procedures outlined in this section.

1043 (b) The base taxable value for an urban renewal project area budget may not be altered
1044 as a result of an extension under this section unless otherwise expressly provided for in an
1045 interlocal agreement adopted in accordance with Subsection (3)(a).

1046 (3) ~~[To]~~ Except as provided in Subsection (4), to extend under this section the project
1047 area funds collection period under a previously approved project area budget, the agency shall:

1048 (a) obtain the approval of the taxing entity through an interlocal agreement;

1049 (b) (i) hold a public hearing on the proposed extension in accordance with Subsection
1050 [17C-2-201](#)(2)(d) in the same manner as required for a proposed project area budget; and

1051 (ii) provide notice of the hearing:
 1052 (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and
 1053 (B) including the proposed project area budget's extension period; and
 1054 (c) after obtaining the taxing entity's approval in accordance with Subsection (3)(a), at
 1055 or after the public hearing, adopt a resolution approving the extension.

1056 (4) To extend under this section the project area funds collection period under a
 1057 previously approved project area budget for a project area that includes an inactive industrial
 1058 site, the agency shall:

1059 (a) hold a public hearing on the proposed extension in accordance with Subsection
 1060 17C-2-201(2)(d) in the same manner as required for a proposed project area budget;
 1061 (b) provide notice of the hearing as required by Chapter 1, Part 8, Hearing and Notice
 1062 Requirements, including notice of the proposed project area budget's extension period; and
 1063 (c) at or after the public hearing, adopt a resolution approving the extension.

1064 ~~[(4)]~~ (5) After the project area funds collection period expires, an agency may continue
 1065 to receive project area funds from those taxing entities that agree to an extension through an
 1066 interlocal agreement in accordance with Subsection (3)(a) or through the process described in
 1067 Subsection (4).

1068 ~~[(5)]~~ (6) (a) A person may contest the agency's adoption of an extension within 30 days
 1069 after the day on which the agency adopts the resolution providing for the extension.

1070 (b) A person ~~[who]~~ that fails to contest an extension under Subsection ~~[(5)]~~ (6)(a):

1071 (i) shall forfeit any claim against the agency's adoption of the extension; and
 1072 (ii) may not contest:

1073 (A) a distribution of tax increment to the agency under the budget, as extended; or
 1074 (B) an agency's use of tax increment under the budget, as extended.

1075 (7) When extending the project area funds collection period in accordance with this
 1076 section, an agency may amend the project area plan.

1077 Section 18. Section **17C-3-109** is amended to read:

1078 **17C-3-109. Amending an economic development project area plan.**

1079 (1) ~~[An]~~ Except as provided in Section 17C-1-1002, an agency may amend an
 1080 economic development project area plan ~~[may be amended]~~ as provided in this section.

1081 (2) If an agency proposes to amend an economic development project area plan to

1082 enlarge the project area:

1083 (a) the requirements under this part that apply to adopting a project area plan apply
1084 equally to the proposed amendment as if it were a proposed project area plan;

1085 (b) the base year for the new area added to the project area shall be determined under
1086 Subsection 17C-1-102(9) using the date of the taxing entity committee's consent referred to in
1087 Subsection (2)(c); and

1088 (c) the agency shall obtain the consent of the taxing entity committee before the agency
1089 may collect tax increment from the area added to the project area by the amendment.

1090 (3) If a proposed amendment does not propose to enlarge an economic development
1091 project area, a board may adopt a resolution approving an amendment to an economic
1092 development project area plan after:

1093 (a) the agency gives notice, as provided in Chapter 1, Part 8, Hearing and Notice
1094 Requirements, of the proposed amendment and of the public hearing required by Subsection
1095 (3)(b);

1096 (b) the board holds a public hearing on the proposed amendment that meets the
1097 requirements of a plan hearing;

1098 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
1099 amendment proposes:

1100 (i) to enlarge the area within the project area from which tax increment is received; or

1101 (ii) to permit the agency to receive a greater percentage of tax increment or to extend
1102 the project area funds collection period under the economic development project area plan; and

1103 (d) the agency obtains the consent of the legislative body or governing board of each
1104 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
1105 than all taxing entities, a greater percentage of tax increment or to extend the project area funds
1106 collection period, or both, than allowed under the economic development project area plan.

1107 (4) (a) An economic development project area plan may be amended without
1108 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and
1109 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the
1110 amendment:

1111 (i) makes a minor adjustment in the boundary description of a project area boundary
1112 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;

1113 or

1114 (ii) subject to Subsection (4)(b), removes one or more parcels from a project area

1115 because the agency determines that each parcel removed is:

1116 (A) tax exempt; or

1117 (B) no longer necessary or desirable to the project area.

1118 (b) An amendment removing one or more parcels from a project area under Subsection

1119 (4)(a) may be made without the consent of the record property owner of each parcel being

1120 removed.

1121 (5) (a) An amendment approved by board resolution under this section may not take

1122 effect until adopted by ordinance of the legislative body of the community in which the project

1123 area that is the subject of the project area plan being amended is located.

1124 (b) Upon a community legislative body passing an ordinance adopting an amendment

1125 to a project area plan, the agency whose project area plan was amended shall comply with the

1126 requirements of Sections [17C-3-107](#) and [17C-3-108](#) to the same extent as if the amendment

1127 were a project area plan.

1128 (6) (a) Within 30 days after the day on which an amendment to a project area plan

1129 becomes effective, a person may contest the amendment to the project area plan or the

1130 procedure used to adopt the amendment to the project area plan if the amendment or procedure

1131 fails to comply with a provision of this title.

1132 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not

1133 contest the amendment to the project area plan or procedure used to adopt the amendment to

1134 the project area plan for any cause.

1135 Section 19. Section **17C-3-205** is amended to read:

1136 **17C-3-205. Amending an economic development project area budget.**

1137 (1) ~~[An]~~ Except as provided in Section [17C-1-1002](#), an agency may by resolution

1138 amend an economic development project area budget as provided in this section.

1139 (2) To amend an adopted economic development project area budget, the agency shall:

1140 (a) advertise and hold one public hearing on the proposed amendment as provided in

1141 Subsection (3);

1142 (b) if approval of the taxing entity committee was required for adoption of the original

1143 project area budget, obtain the approval of the taxing entity committee to the same extent that

the agency was required to obtain the consent of the taxing entity committee for the project area budget as originally adopted;

(c) if approval of the taxing entity committee is required under Subsection (2)(b), obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the taxing entity committee followed the appropriate procedures to approve the project area budget; and

(d) adopt a resolution amending the project area budget.

(3) The public hearing required under Subsection (2)(a) shall be conducted according to the procedures and requirements of Section 17C-3-201, except that if the amended project area budget proposes that the agency be paid a greater proportion of tax increment from a project area than was to be paid under the previous project area budget, the notice shall state the percentage paid under the previous project area budget and the percentage proposed under the amended project area budget.

(4) If the removal of a parcel under Subsection 17C-3-109(4)(a)(ii) reduces the base taxable value of the project area, an agency may amend the project area budget to conform with the new base taxable value without:

(a) complying with Subsections (2)(a) and (3); and

(b) if applicable, obtaining taxing entity committee approval described in Subsection (2)(b).

(5) If a proposed amendment is not adopted, the agency shall continue to operate under the previously adopted economic development project area budget without the proposed amendment.

(6) (a) A person may contest the agency's adoption of a budget amendment within 30 days after the day on which the agency adopts the amendment.

(b) A person ~~who~~ that fails to contest a budget amendment under Subsection (6)(a):

(i) forfeits any claim against an agency's adoption of the amendment; and

(ii) may not contest:

(A) a distribution of tax increment to the agency under the budget amendment; or

(B) an agency's use of a tax increment under a budget amendment.

Section 20. Section 17C-3-206 is amended to read:

17C-3-206. Extending collection of tax increment under an economic

1175 **development project area budget.**

1176 (1) An amendment or extension approved by a taxing entity or taxing entity committee
1177 before May 10, 2011, is not subject to this section.

1178 (2) (a) ~~[An]~~ Except as provided in Section 17C-1-1002, an agency's collection of tax
1179 increment under an adopted economic development project area budget may be extended by:

1180 (i) following the project area budget amendment procedures outlined in Section
1181 17C-3-205; or

1182 (ii) following the procedures outlined in this section.

1183 (b) The base taxable value for an urban renewal project area budget may not be altered
1184 as a result of an extension under this section unless otherwise expressly provided for in an
1185 interlocal agreement adopted in accordance with Subsection (3)(a).

1186 (3) To extend under this section the agency's collection of tax increment from a taxing
1187 entity under a previously approved project area budget, the agency shall:

1188 (a) obtain the approval of the taxing entity through an interlocal agreement;

1189 (b) (i) hold a public hearing on the proposed extension in accordance with Subsection
1190 17C-2-201(2)(d) in the same manner as required for a proposed project area budget; and

1191 (ii) provide notice of the hearing:

1192 (A) as required by Chapter 1, Part 8, Hearing and Notice Requirements; and

1193 (B) including the proposed period of extension of the project area budget; and

1194 (c) after obtaining the approval of the taxing entity in accordance with Subsection
1195 (3)(a), at or after the public hearing, adopt a resolution approving the extension.

1196 (4) After the expiration of a project area budget, an agency may continue to receive tax
1197 increment from those taxing entities that have agreed to an extension through an interlocal
1198 agreement in accordance with Subsection (3)(a).

1199 (5) (a) A person may contest the agency's adoption of a budget extension within 30
1200 days after the day on which the agency adopts the resolution providing for the extension.

1201 (b) A person ~~[who]~~ that fails to contest a budget extension under Subsection (5)(a):

1202 (i) shall forfeit any claim against the agency's adoption of the extension; and

1203 (ii) may not contest:

1204 (A) a distribution of tax increment to the agency under the budget, as extended; or

1205 (B) an agency's use of tax increment under the budget, as extended.

Section 21. Section **17C-4-108** is amended to read:

17C-4-108. Amending a community development project area plan.

(1) Except as provided in Section **17C-1-1002**, an agency may amend a community development project area plan as provided in this section.

~~[(+)]~~ (2) Except as provided in Subsection ~~[(+)]~~ (3) and Section **17C-4-109**, the requirements under this part that apply to adopting a community development project area plan apply equally to a proposed amendment of a community development project area plan as though the amendment were a proposed project area plan.

~~[(2)]~~ (3) (a) Notwithstanding Subsection ~~[(+)]~~ (2), a community development project area plan may be amended without complying with the requirements of Chapter 1, Part 8, Hearing and Notice Requirements, if the proposed amendment:

(i) makes a minor adjustment in the boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or

(ii) subject to Subsection ~~[(2)]~~ (3)(b), removes one or more parcels from a project area because the agency determines that each parcel removed is:

(A) tax exempt; or

(B) no longer necessary or desirable to the project area.

(b) An amendment removing one or more parcels from a community development project area under Subsection ~~[(2)]~~ (3)(a)(ii) may be made without the consent of the record property owner of each parcel being removed.

~~[(3)]~~ (4) (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.

(b) Upon a community legislative body passing an ordinance adopting an amendment to a community development project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections **17C-4-106** and **17C-4-107** to the same extent as if the amendment were a project area plan.

~~[(4)]~~ (5) (a) Within 30 days after the day on which an amendment to a project area plan becomes effective, a person may contest the amendment to the project area plan or the procedure used to adopt the amendment to the project area plan if the amendment or procedure

fails to comply with a provision of this title.

(b) After the 30-day period described in Subsection ~~[(4)]~~ (5)(a) expires, a person may not contest the amendment to the project area plan or procedure used to adopt the amendment to the project area plan for any cause.

Section 22. Section **17C-5-102** is amended to read:

17C-5-102. Applicability of chapter.

This chapter applies to a community reinvestment project area that:

(1) an agency created on or after May 10, 2016; and

(2) an agency that has entered into an interlocal agreement and levies a property tax under Chapter 1, Part 10, Agency Taxing Authority, created for a cooperative development project or an economic development project as those terms are defined in Section [17C-1-1001](#).

Section 23. Section **17C-5-112** is amended to read:

17C-5-112. Amending a community reinvestment project area plan.

~~[(1) - An]~~ (1) Except as provided in Section [17C-1-1002](#), an agency may amend a community reinvestment project area plan in accordance with this section.

(2) (a) If an amendment proposes to enlarge a community reinvestment project area's geographic area, the agency shall:

(i) comply with this part as though the agency were creating a community reinvestment project area;

(ii) if the agency anticipates receiving project area funds from the area proposed to be added to the community reinvestment project area, before the agency may collect project area funds:

(A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtain approval to receive tax increment from the taxing entity committee; or

(B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtain the approval of the taxing entity that is a party to the interlocal agreement; and

(iii) if the agency anticipates acquiring property in the area proposed to be added to the community reinvestment project area by eminent domain, follow the procedures described in Section [17C-5-402](#).

(b) The base year for the area proposed to be added to the community reinvestment

project area shall be determined using the date of:

(i) the taxing entity committee's consent as described in Subsection (2)(a)(ii)(A); or

(ii) the taxing entity's consent as described in Subsection (2)(a)(ii)(B).

(3) If an amendment does not propose to enlarge a community reinvestment project area's geographic area, the board may adopt a resolution approving the amendment after the agency:

(a) if the amendment does not propose to allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:

(i) gives notice in accordance with Section 17C-1-806; and

(ii) holds a public hearing on the proposed amendment that meets the requirements described in Subsection 17C-5-104(3); or

(b) if the amendment proposes to also allow the agency to receive a greater amount of project area funds or to extend a project area funds collection period:

(i) complies with ~~[Subsection]~~ Subsections (3)(a)(i) and (ii); and

(ii) (A) for a community reinvestment project area plan that is subject to a taxing entity committee, obtains approval from the taxing entity committee; or

(B) for a community reinvestment project area plan that is subject to an interlocal agreement, obtains approval to receive project area funds from the taxing entity that is a party to the interlocal agreement.

(4) (a) If a board has not made a determination under Part 4, Development Impediment Determination in a Community Reinvestment Project Area, but intends to use eminent domain within a community reinvestment project area, the agency may amend the community reinvestment project area plan in accordance with this Subsection (4).

(b) To amend a community reinvestment project area plan as described in Subsection (4)(a), an agency shall:

(i) adopt a survey area resolution that identifies each parcel that the agency intends to study to determine whether a development impediment exists;

(ii) in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, conduct a development impediment study within the survey area and make a development impediment determination; and

(iii) obtain approval to amend the community reinvestment project area plan from each

1299 taxing entity that is a party to an interlocal agreement.

1300 (c) Amending a community reinvestment project area plan as described in this

1301 Subsection (4) does not affect:

1302 (i) the base year of the parcel or parcels that are the subject of an amendment under this

1303 Subsection (4); and

1304 (ii) any interlocal agreement under which the agency is authorized to receive project

1305 area funds from the community reinvestment project area.

1306 (5) An agency may amend a community reinvestment project area plan without

1307 obtaining the consent of a taxing entity or a taxing entity committee and without providing

1308 notice or holding a public hearing if the amendment:

1309 (a) makes a minor adjustment in the community reinvestment project area boundary

1310 that is requested by a county assessor or county auditor to avoid inconsistent property boundary

1311 lines; or

1312 (b) removes one or more parcels from a community reinvestment project area because

1313 the agency determines that each parcel is:

1314 (i) tax exempt;

1315 (ii) without a development impediment; or

1316 (iii) no longer necessary or desirable to the project area.

1317 (6) (a) An amendment approved by board resolution under this section may not take

1318 effect until the community legislative body adopts an ordinance approving the amendment.

1319 (b) Upon the community legislative body adopting an ordinance approving an

1320 amendment under Subsection (6)(a), the agency shall comply with the requirements described

1321 in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community reinvestment

1322 project area plan.

1323 (7) (a) Within 30 days after the day on which an amendment to a project area plan

1324 becomes effective, a person may contest the amendment to the project area plan or the

1325 procedure used to adopt the amendment to the project area plan if the amendment or procedure

1326 fails to comply with a provision of this title.

1327 (b) After the 30-day period described in Subsection (7)(a) expires, a person may not

1328 contest the amendment to the project area plan or procedure used to adopt the amendment to

1329 the project area plan for any cause.

Section 24. Section **17C-5-306** is amended to read:

17C-5-306. Amending a community reinvestment project area budget.

(1) [~~Before~~] Except as provided in Section [17C-1-1002](#) and before a project area funds collection period ends, an agency may amend a community reinvestment project area budget in accordance with this section.

(2) To amend a community reinvestment project area budget, an agency shall:

(a) provide notice and hold a public hearing on the proposed amendment in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;

(b) (i) if the community reinvestment project area budget required approval from a taxing entity committee, obtain the taxing entity committee's approval; or

(ii) if the community reinvestment project area budget required an interlocal agreement with a taxing entity, obtain approval from the taxing entity that is a party to the interlocal agreement; and

(c) at the public hearing described in Subsection (2)(a) or at a subsequent board meeting, by resolution, adopt the community reinvestment project area budget amendment.

(3) If an agency proposes a community reinvestment project area budget amendment under which the agency is paid a greater proportion of tax increment from the community reinvestment project area than provided under the community reinvestment project area budget, the notice described in Subsection (2)(a) shall state:

(a) the percentage of tax increment paid under the community reinvestment project area budget; and

(b) the proposed percentage of tax increment paid under the community reinvestment project area budget amendment.

(4) (a) If an agency proposes a community reinvestment project area budget amendment that extends a project area funds collection period, before a taxing entity committee or taxing entity may provide the taxing entity committee's or taxing entity's approval described in Subsection (2)(b), the agency shall provide to the taxing entity committee or taxing entity:

(i) the reasons why the extension is required;

(ii) a description of the project area development for which project area funds received by the agency under the extension will be used;

(iii) a statement of whether the project area funds received by the agency under the extension will be used within an active project area or a proposed project area; and

(iv) a revised community reinvestment project area budget that includes:

(A) the annual and total amounts of project area funds that the agency receives under the extension; and

(B) the number of years that are added to each project area funds collection period under the extension.

(b) With respect to an amendment described in Subsection (4)(a), a taxing entity committee or taxing entity may consent to:

(i) allow an agency to use project area funds received under an extension within a different project area from which the project area funds are generated; or

(ii) alter the base taxable value in connection with a community reinvestment project area budget extension.

(5) If an agency proposes a community reinvestment project area budget amendment that reduces the base taxable value of the project area due to the removal of a parcel under Subsection [17C-5-112\(5\)\(b\)](#), an agency may amend a project area budget without:

(a) complying with Subsection (2)(a); and

(b) obtaining taxing entity committee or taxing entity approval described in Subsection (2)(b).

(6) (a) A person may contest an agency's adoption of a community reinvestment project area budget amendment within 30 days after the day on which the agency adopts the community reinvestment project area budget amendment.

(b) After the 30-day period described in Subsection (6)(a), a person may not contest:

(i) the agency's adoption of the community reinvestment project area budget amendment;

(ii) a payment to the agency under the community reinvestment project area budget amendment; or

(iii) the agency's use of project area funds received under the community reinvestment project area budget amendment.

Section 25. Section **53F-8-201** is amended to read:

53F-8-201. Annual certification of tax rate proposed by local school board --

Inclusion of school district budget -- Modified filing date.

(1) Prior to June 22 of each year, each local school board shall certify to the county legislative body in which the district is located, on forms prescribed by the State Tax Commission, the proposed tax rate approved by the local school board.

(2) A copy of the district's budget, including items under Section 53G-7-302, and a certified copy of the local school board's resolution which approved the budget and set the tax rate for the subsequent school year beginning July 1 shall accompany the tax rate.

(3) If the tax rate approved by the local school board is in excess of the certified tax rate, as defined in Section 59-2-924, the date for filing the tax rate and budget adopted by the local school board shall be that established under Section 59-2-919.

(4) If a school district enters into an interlocal agreement under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, for the purpose of transferring project area incremental revenue to a community reinvestment agency, the local school board shall ensure that the district's budget complies with Section 17C-1-1002.

Section 26. Section 53G-7-306 is amended to read:

53G-7-306. School district interfund transfers.

(1) A school district shall spend revenues only within the fund for which they were originally authorized, levied, collected, or appropriated.

(2) Except as otherwise provided in this section, school district interfund transfers of residual equity are prohibited.

(3) The state board may authorize school district interfund transfers of residual equity when a district states its intent to create a new fund or expand, contract, or liquidate an existing fund.

(4) The state board may also authorize school district interfund transfers of residual equity for a financially distressed district if the state board determines the following:

(a) the district has a significant deficit in its maintenance and operations fund caused by circumstances not subject to the administrative decisions of the district;

(b) the deficit cannot be reasonably reduced under Section 53G-7-305; and

(c) without the transfer, the school district will not be capable of meeting statewide educational standards adopted by the state board.

(5) The board shall develop in rule standards for defining and aiding financially

1423 distressed school districts under this section.

1424 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
1425 and reported in the debt service fund.

1426 (b) Debt service levies under Subsection 59-2-924(5)(~~c~~)(d) that are not subject to the
1427 public hearing provisions of Section 59-2-919 may not be used for any purpose other than
1428 retiring general obligation debt.

1429 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal
1430 year shall be used in subsequent years for general obligation debt retirement.

1431 (d) Any amounts left in the debt service fund after all general obligation debt has been
1432 retired may be transferred to the capital projects fund upon completion of the budgetary hearing
1433 process required under Section 53G-7-303.

1434 Section 27. Section 59-2-924 is amended to read:

1435 **59-2-924. Definitions -- Report of valuation of property to county auditor and**
1436 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
1437 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
1438 **commission.**

1439 (1) As used in this section:

1440 (a) (i) "Ad valorem property tax revenue" means revenue collected in accordance with
1441 this chapter.

1442 (ii) "Ad valorem property tax revenue" does not include:

1443 (A) interest;

1444 (B) penalties;

1445 (C) collections from redemptions; or

1446 (D) revenue received by a taxing entity from personal property that is semiconductor
1447 manufacturing equipment assessed by a county assessor in accordance with Part 3, County
1448 Assessment.

1449 (b) (i) "Aggregate taxable value of all property taxed" means:

1450 (A) the aggregate taxable value of all real property a county assessor assesses in
1451 accordance with Part 3, County Assessment, for the current year;

1452 (B) the aggregate taxable value of all real and personal property the commission
1453 assesses in accordance with Part 2, Assessment of Property, for the current year; and

(C) the aggregate year end taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable value of personal property that is:

(A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment; and

(B) contained on the prior year's tax rolls of the taxing entity.

(c) "Centrally assessed benchmark value" means an amount equal to the highest year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for a previous calendar year that begins on or after January 1, 2015, adjusted for taxable value attributable to:

(i) an annexation to a taxing entity; or

(ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property.

(d) (i) "Centrally assessed new growth" means the greater of:

(A) zero; or

(B) the amount calculated by subtracting the centrally assessed benchmark value adjusted for prior year end incremental value from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value.

(ii) "Centrally assessed new growth" does not include a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

(e) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

(f) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.

~~(f)~~ (g) "Eligible new growth" means the greater of:

(i) zero; or

(ii) the sum of:

- 1485 (A) locally assessed new growth;
- 1486 (B) centrally assessed new growth; and
- 1487 (C) project area new growth.
- 1488 ~~[(g)]~~ (h) "Incremental value" means the same as that term is defined in Section
- 1489 [17C-1-102](#).
- 1490 ~~[(h)]~~ (i) (i) "Locally assessed new growth" means the greater of:
- 1491 (A) zero; or
- 1492 (B) the amount calculated by subtracting the year end taxable value of real property the
- 1493 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
- 1494 adjusted for prior year end incremental value from the taxable value of real property the county
- 1495 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
- 1496 for current year incremental value.
- 1497 (ii) "Locally assessed new growth" does not include a change in:
- 1498 (A) value as a result of factoring in accordance with Section [59-2-704](#), reappraisal, or
- 1499 another adjustment;
- 1500 (B) assessed value based on whether a property is allowed a residential exemption for a
- 1501 primary residence under Section [59-2-103](#);
- 1502 (C) assessed value based on whether a property is assessed under Part 5, Farmland
- 1503 Assessment Act; or
- 1504 (D) assessed value based on whether a property is assessed under Part 17, Urban
- 1505 Farming Assessment Act.
- 1506 ~~[(i)]~~ (j) "Project area" means the same as that term is defined in Section [17C-1-102](#).
- 1507 ~~[(j)]~~ (k) "Project area new growth" means an amount equal to the incremental value
- 1508 that is no longer provided to an agency as tax increment.
- 1509 (l) "Project area incremental revenue" means the same as that term is defined in
- 1510 Section [17C-1-1001](#).
- 1511 (2) Before June 1 of each year, the county assessor of each county shall deliver to the
- 1512 county auditor and the commission the following statements:
- 1513 (a) a statement containing the aggregate valuation of all taxable real property a county
- 1514 assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and
- 1515 (b) a statement containing the taxable value of all personal property a county assessor

assesses in accordance with Part 3, County Assessment, from the prior year end values.

(3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:

(a) the statements described in Subsections (2)(a) and (b);

(b) an estimate of the revenue from personal property;

(c) the certified tax rate; and

(d) all forms necessary to submit a tax levy request.

(4) (a) (i) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the ~~[ad valorem property tax revenue that a taxing entity budgeted for the prior year]~~ amount described in Subsection (4)(a)(ii) by the amount calculated under Subsection (4)(b).

(ii) For the purposes of Subsection (4)(a)(i), the amount is:

(A) for a taxing entity that did not transfer all or a portion of the taxing entity's project area incremental revenue with a community reinvestment agency in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the ad valorem property tax revenue that the taxing entity budgeted for the prior year;

(B) for a taxing entity that transferred all or a portion of the taxing entity's project area incremental revenue with a community reinvestment agency in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the ad valorem property tax revenue that the taxing entity budgeted for the prior year minus the amount of project area incremental revenue the taxing entity transferred to the community reinvestment agency in the prior year; or

(C) for a community reinvestment agency that received all or a portion of a taxing entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the amount of project area incremental revenue transferred to the community reinvestment agency plus the ad valorem property tax revenue that the community reinvestment agency budgeted for the prior year.

(b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as follows:

(i) calculate for the taxing entity the difference between:

(A) the aggregate taxable value of all property taxed; and

(B) any adjustments for current year incremental value;

(ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year;

(iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:

(A) the amount calculated under Subsection (4)(b)(ii); and

(B) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

(iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:

(A) multiplying the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year by eligible new growth; and

(B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under Subsection (4)(b)(iii).

(5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:

(a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;

(b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:

(i) in a county of the first, second, or third class, the levy imposed for municipal-type services under Sections 17-34-1 and 17-36-9; and

(ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section 17-34-1 and Subsection 17-36-3[(22)](23); ~~and~~

(c) for a community reinvestment agency that received all or a portion of a taxing entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4) except that the commission shall treat the total revenue transferred to the community reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the prior year; and

1578 ~~[(e)]~~ (d) for debt service voted on by the public, the certified tax rate is the actual levy
1579 imposed by that section, except that a certified tax rate for the following levies shall be
1580 calculated in accordance with Section 59-2-913 and this section:

1581 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
1582 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative
1583 orders under Section 59-2-1602.

1584 (6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be
1585 imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more
1586 eligible judgments.

1587 (b) The ad valorem property tax revenue generated by a judgment levy described in
1588 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax
1589 rate.

1590 (7) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

1591 (i) the taxable value of real property:
1592 (A) the county assessor assesses in accordance with Part 3, County Assessment; and
1593 (B) contained on the assessment roll;
1594 (ii) the year end taxable value of personal property:
1595 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
1596 (B) contained on the prior year's assessment roll; and
1597 (iii) the taxable value of real and personal property the commission assesses in
1598 accordance with Part 2, Assessment of Property.

1599 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
1600 growth.

1601 (8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

1602 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall
1603 notify the county auditor of:

1604 (i) the taxing entity's intent to exceed the certified tax rate; and
1605 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.
1606 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
1607 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

1608 (d) The county auditor shall ensure that the tentative budget of each taxing entity and

community reinvestment agency that enters into an interlocal agreement under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, is increased or reduced by the amount of project area incremental revenue transferred.

(9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim Committee if:

(i) the amount calculated under Subsection (9)(b) is 10% or more of the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value; and

(ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by subtracting the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value, from the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value.

(c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by subtracting the total taxable value of real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the requirement under Subsection (9)(a)(ii).