

HB1172_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1172 be amended as follows:

- 1 Amend printed bill, page 9, line 27, strike "AUTHORITY." and substitute
2 "AUTHORITY AT LEAST THIRTY DAYS BEFORE THE HEARING."

- 3 Page 22, line 17, strike "AREA;" and substitute "AREA OR TO PROVIDE OR
4 EXPAND INFRASTRUCTURE OR FACILITIES TO SERVE A COUNTY
5 REVITALIZATION PROJECT;"

- 6 Page 22, line 18, after "AUTHORITY" insert "OR COUNTY".

- 7 Page 22, line 21, strike "AREA." and substitute "AREA OR TO PROVIDE OR
8 EXPAND INFRASTRUCTURE OR FACILITIES TO SERVICE A COUNTY
9 REVITALIZATION PROJECT."

- 10 Page 22, strike lines 22 through 24 and substitute:
11 "(4) NOTHING IN THIS ARTICLE 31 SHALL BE CONSTRUED TO
12 AFFECT THE AUTHORITY OF A MUNICIPALITY TO REGULATE AND PLAN FOR
13 THE USE OF LAND OR AFFECT ANY AGREEMENT BETWEEN A MUNICIPALITY
14 AND A LANDOWNER OR PUBLIC BODY RELATING TO THE USE OR
15 DEVELOPMENT OF LAND."

- 16 Page 31, line 20, strike "RECORD." and substitute "RECORD AND TO ANY
17 MUNICIPALITY WITHIN THREE MILES OF THE PROPOSED AREA."

- 18 Page 33, line 12, strike "ORIGINAL".

- 19 Page 33, line 14, strike "MUNICIPALITY." and substitute "MUNICIPALITY,
20 EXCEPT WHERE THE PROPERTY IS SUBSEQUENTLY ANNEXED INTO THE
21 MUNICIPALITY OR PURSUANT TO SECTION 30-31-118."

- 22 Page 33, line 25, after "WHOLE." add "THE COUNTY PLANNING
23 COMMISSION SHALL ALSO REVIEW AND PROVIDE RECOMMENDATIONS AS
24 TO THE PLAN'S INTERACTION WITH APPLICABLE MUNICIPAL PLANS FOR THE
25 DEVELOPMENT OF UNINCORPORATED TERRITORY IF THE COUNTY
26 REVITALIZATION PLAN INCLUDES PROPERTY THAT IS INCLUDED WITHIN A
27 MUNICIPAL PLAN ADOPTED PURSUANT TO SECTION 31-12-105 (1)(e)(I) OR
28 SECTION 31-23-212."

- 29 Page 34, after line 6 insert:
30 "(3)(a) AT LEAST THIRTY DAYS PRIOR TO THE HEARING DESCRIBED

1 IN SUBSECTION (5)(a) OF THIS SECTION ON A COUNTY REVITALIZATION
2 PLAN OR A SUBSTANTIAL MODIFICATION TO A COUNTY REVITALIZATION
3 PLAN, THE COUNTY OR THE AUTHORITY SHALL SUBMIT A COUNTY
4 REVITALIZATION IMPACT REPORT ALONG WITH THE COUNTY
5 REVITALIZATION PLAN OR MODIFICATION TO A COUNTY REVITALIZATION
6 PLAN TO EVERY MUNICIPALITY WITHIN ONE MILE OF THE COUNTY
7 REVITALIZATION AREA. THE COUNTY REVITALIZATION IMPACT REPORT
8 MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION
9 CONCERNING THE IMPACT OF SUCH A COUNTY REVITALIZATION PLAN:

10 (I) AN ESTIMATE OF THE IMPACT OF THE COUNTY REVITALIZATION
11 PROJECT ON MUNICIPAL SERVICES AND INFRASTRUCTURE;

12 (II) AN ESTIMATE OF THE COST AND EXTENT OF ADDITIONAL
13 MUNICIPAL INFRASTRUCTURE AND SERVICES THAT ARE ANTICIPATED TO BE
14 NEEDED TO SERVE DEVELOPMENT WITHIN THE PROPOSED COUNTY
15 REVITALIZATION AREA, AND THE BENEFIT OF IMPROVEMENTS WITHIN THE
16 COUNTY REVITALIZATION AREA TO EXISTING MUNICIPAL INFRASTRUCTURE;

17 (III) A STATEMENT SETTING FORTH THE METHOD UNDER WHICH
18 THE AUTHORITY OR THE COUNTY WILL FINANCE, OR THAT AGREEMENTS
19 ARE IN PLACE TO FINANCE, ANY ADDITIONAL MUNICIPAL INFRASTRUCTURE
20 AND SERVICES TO SERVE DEVELOPMENT IN THE COUNTY REVITALIZATION
21 AREA FOR THE DURATION OF THE COUNTY REVITALIZATION PROJECT; AND

22 (IV) ANY OTHER ESTIMATED IMPACTS OF THE COUNTY
23 REVITALIZATION PROJECT.

24 (b) THE INADVERTENT FAILURE OF A COUNTY OR AN AUTHORITY
25 TO SUBMIT A COUNTY REVITALIZATION PLAN, SUBSTANTIAL MODIFICATION
26 TO A COUNTY REVITALIZATION PLAN, OR A COUNTY REVITALIZATION
27 IMPACT REPORT, AS APPLICABLE, TO A MUNICIPALITY IN ACCORDANCE
28 WITH THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION NEITHER
29 CREATES A CAUSE OF ACTION IN FAVOR OF ANY PARTY NOR INVALIDATES
30 ANY COUNTY REVITALIZATION PLAN OR SUBSTANTIAL MODIFICATION TO
31 A COUNTY REVITALIZATION PLAN.

32 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
33 A CITY AND COUNTY IS NOT REQUIRED TO SUBMIT AN URBAN RENEWAL
34 IMPACT REPORT SATISFYING THE REQUIREMENTS OF SUBSECTION (3)(a) OF
35 THIS SECTION.

36 (4) UPON REQUEST OF THE COUNTY OR THE AUTHORITY, EACH
37 MUNICIPALITY THAT IS ENTITLED TO RECEIVE A COPY OF A COUNTY
38 REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO A COUNTY
39 REVITALIZATION PLAN SHALL PROVIDE AVAILABLE MUNICIPAL DATA AND
40 PROJECTIONS TO THE COUNTY OR THE AUTHORITY TO ASSIST IN PREPARING
41 A COUNTY REVITALIZATION IMPACT REPORT PURSUANT TO SUBSECTION (3)
42 OF THIS SECTION."

1 Renumber succeeding subsections accordingly.

2 Page 36, line 23, strike "WHOLE;" and substitute "WHOLE AND CONSIDERS
3 APPLICABLE MUNICIPAL PLANS FOR THE DEVELOPMENT OF
4 UNINCORPORATED TERRITORY, IF THE COUNTY REVITALIZATION PLAN
5 INCLUDES PROPERTY THAT IS INCLUDED WITHIN A MUNICIPAL PLAN
6 ADOPTED PURSUANT TO SECTION 31-12-105 (1)(e)(I) OR SECTION
7 31-23-212;"

8 Page 37, line 3, after "COUNTY" insert "AND MUNICIPAL".

9 Page 37, line 7, strike "AND".

10 Page 37, line 9, after "SERVICES" insert "OR THAT OWNS, CONTROLS, OR
11 MAINTAINS ANY INFRASTRUCTURE OR FACILITIES".

12 Page 37, line 10, strike "PLAN." and substitute "PLAN, EXCLUDING ANY
13 BURDEN THAT HAS NOT BEEN ADDRESSED PURSUANT TO SUBSECTION
14 (6)(h) OF THIS SECTION; AND

15 (j) NO PROPERTY IS INCLUDED IN THE COUNTY REVITALIZATION
16 PLAN THAT IS SUBJECT TO A PENDING ANNEXATION AGREEMENT OR FOR
17 WHICH ANNEXATION PROCEEDINGS HAVE BEEN COMMENCED WITHIN THE
18 PAST THREE YEARS."

19 Page 37, line 12, strike "(4)" and substitute "(6)".

20 Page 38, line 22, strike "TIME." and substitute "TIME; BUT, IF THE COUNTY
21 REVITALIZATION PLAN IS MODIFIED AFTER THE LEASE OR SALE BY THE
22 AUTHORITY OF REAL PROPERTY IN THE COUNTY REVITALIZATION PROJECT
23 AREA, THE MODIFICATION IS SUBJECT TO SUCH RIGHTS AT LAW OR IN
24 EQUITY AS A LESSEE OR PURCHASER OR THE PURCHASER'S SUCCESSOR IN
25 INTEREST MAY BE ENTITLED TO ASSERT. IF THE MODIFICATION TO A
26 COUNTY REVITALIZATION PLAN WILL SUBSTANTIALLY CHANGE PROVISIONS
27 OF THE COUNTY REVITALIZATION PLAN REGARDING LAND AREA, LAND USE,
28 AUTHORIZATION TO COLLECT INCREMENTAL TAX REVENUE, THE EXTENT
29 OF THE USE OF TAX INCREMENT FINANCING, THE SCOPE OR NATURE OF THE
30 COUNTY REVITALIZATION PROJECT, THE SCOPE OR METHOD OF FINANCING,
31 DESIGN, BUILDING REQUIREMENTS, TIMING, OR PROCEDURE, AS
32 PREVIOUSLY APPROVED, OR WHERE THE MODIFICATION WILL
33 SUBSTANTIALLY CLARIFY A PLAN THAT, WHEN APPROVED, WAS LACKING
34 IN SPECIFICITY AS TO THE COUNTY REVITALIZATION PROJECT OR
35 FINANCING, THEN THE MODIFICATION IS A SUBSTANTIAL MODIFICATION TO

1 THE COUNTY REVITALIZATION PLAN AND SUBJECT TO ALL OF THE
2 REQUIREMENTS OF THIS SECTION."

3 Page 39, line 3, strike "A NOTICE" and substitute "TO EACH MUNICIPALITY
4 WITHIN THREE MILES OF THE COUNTY REVITALIZATION AREA ALONG WITH
5 A NOTICE".

6 Page 39, after line 26 insert:

7 "(f) ANY TAXING ENTITY THAT LEVIES TAXES ON PROPERTY
8 LOCATED WITHIN THE COUNTY REVITALIZATION AREA AND ANY
9 MUNICIPALITY WITH TERRITORY WITHIN THREE MILES OF THE COUNTY
10 REVITALIZATION AREA MAY FILE AN ACTION IN A STATE DISTRICT COURT
11 EXERCISING JURISDICTION OVER THE COUNTY IN WHICH THE COUNTY
12 REVITALIZATION AREA IS LOCATED FOR AN ORDER DETERMINING, UNDER
13 A DE NOVO STANDARD OF REVIEW, WHETHER THE MODIFICATION IS A
14 SUBSTANTIAL MODIFICATION. IF REQUESTED BY THE TAXING ENTITY OR
15 MUNICIPALITY, THE COURT SHALL ENJOIN ANY ACTION BY THE AUTHORITY
16 PURSUANT TO THE MODIFICATION UNTIL THE COURT HAS DETERMINED
17 WHETHER THE MODIFICATION IS A SUBSTANTIAL MODIFICATION AND, IF
18 THE COURT MAKES SUCH A DETERMINATION, THE COURT SHALL FURTHER
19 ENJOIN ANY ACTION BY THE AUTHORITY PURSUANT TO THE MODIFICATION
20 UNTIL THE AUTHORITY COMPLIES WITH SUBSECTION (8) OF THIS SECTION."

21 Page 40, line 4, strike "TWENTY-EIGHT" and substitute "FORTY-FIVE".

22 Page 40, line 19, strike "AREA." and substitute "AREA AND TO EACH
23 MUNICIPALITY WITHIN THREE MILES OF THE COUNTY REVITALIZATION
24 AREA."

25 Page 40, line 25, strike "PLAN." and substitute "PLAN, EXCEPT TO THE
26 EXTENT INCONSISTENT WITH THE LAWS OF A MUNICIPALITY FOLLOWING
27 ANNEXATION OF SUCH PROPERTY."

28 Page 45, line 3, strike "(11)(a)(III)" and substitute "(13)(a)(III)".

29 Page 45, lines 8 and 9, strike "ANNEXED INTO A MUNICIPALITY OR".

30 Page 45, line 9, after "AREA" insert "OR ANY OTHER PROPERTY TAX
31 INCREMENT AREA".

32 Page 45, after line 12 insert:

1 "(V) A COUNTY REVITALIZATION PLAN SHALL NOT BE AFFECTED
2 BY THE ANNEXATION OF ANY PROPERTY IN THE COUNTY REVITALIZATION
3 AREA."

4 Page 46, line 14, strike "(11)(a)(I) AND (11)(a)(II)" and substitute
5 "(13)(a)(I) AND (13)(a)(II)".

6 Page 49, line 3, strike "(12)" and substitute "(14)".

7 Page 62, after line 8 insert:

8 **"30-31-118. Inclusion of incorporated territory in a county**
9 **revitalization area.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
10 THIS ARTICLE 31, A COUNTY REVITALIZATION PLAN, COUNTY
11 REVITALIZATION PROJECT, OR COUNTY REVITALIZATION AREA MAY
12 INCLUDE INCORPORATED TERRITORY THAT IS WITHIN THE BOUNDARIES OF
13 A MUNICIPALITY AND CONTIGUOUS TO A PORTION OF AN URBAN RENEWAL
14 AREA LOCATED OUTSIDE OF THE MUNICIPALITY'S BOUNDARIES. NO SUCH
15 TERRITORY SHALL BE INCLUDED IN THE PLAN, PROJECT, OR AREA WITHOUT
16 THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY EXERCISING
17 JURISDICTION OVER THE INCORPORATED TERRITORY PROPOSED FOR
18 INCLUSION AND THE CONSENT OF EACH OWNER OF, AND EACH HOLDER OF
19 A RECORDED MORTGAGE OR DEED OF TRUST ENCUMBERING, REAL
20 PROPERTY WITHIN THE INCORPORATED AREA PROPOSED FOR INCLUSION.

21 (2) IN ADDITION TO THE PROCEDURES FOR APPROVAL OF A
22 PROPOSED COUNTY REVITALIZATION PLAN BY THE COUNTY PURSUANT TO
23 SECTION 30-31-109, INCORPORATED TERRITORY MUST ONLY BE INCLUDED
24 IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA UPON THE
25 GOVERNING BODY OF THE MUNICIPALITY:

26 (a) MAKING A DETERMINATION THAT THE AREA PROPOSED FOR
27 INCLUSION IN THE COUNTY REVITALIZATION PLAN IS A REVITALIZATION
28 AREA AND DESIGNATING THE AREA AS APPROPRIATE FOR A COUNTY
29 REVITALIZATION PROJECT IN THE MANNER PROVIDED IN SECTION
30 30-31-109 (1);

31 (b) REFERRING THE COUNTY REVITALIZATION PLAN TO THE
32 PLANNING COMMISSION OF THE MUNICIPALITY FOR A DETERMINATION AS
33 TO THE CONFORMITY OF THE COUNTY REVITALIZATION PLAN WITH THE
34 GENERAL PLAN FOR DEVELOPMENT FOR THE MUNICIPALITY IN THE MANNER
35 PROVIDED IN SECTION 30-31-109 (2);

36 (c) CONDUCTING A PUBLIC HEARING AND MAKING FINDINGS AND
37 A DETERMINATION TO APPROVE INCLUSION OF THE INCORPORATED
38 TERRITORY IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA IN
39 THE MANNER PROVIDED IN SECTION 30-31-109 (5)(a), (5)(b)(I) THROUGH

1 (5)(b)(IV), (5)(c), (5)(d), (6), (8), AND (9);
2 (d) MAKING AN ADDITIONAL FINDING THAT EACH OWNER OF, AND
3 EACH HOLDER OF A RECORDED MORTGAGE OR DEED OF TRUST
4 ENCUMBERING, REAL PROPERTY IN THE INCORPORATED TERRITORY
5 PROPOSED FOR INCLUSION IN THE COUNTY REVITALIZATION PLAN,
6 PROJECT, OR AREA CONSENTS TO THE INCLUSION; AND

7 (e) DETERMINING WHETHER THE INCORPORATED TERRITORY MUST
8 BE INCLUDED IN ANY PROVISION FOR THE DIVISION OF TAXES IN THE
9 COUNTY REVITALIZATION AREA AS AUTHORIZED BY SECTION 30-31-109
10 (13), AND, IF SO DETERMINED, NOTIFYING THE COUNTY ASSESSOR OF SUCH
11 INCLUSION AS REQUIRED BY SECTION 30-31-109 (15).

12 (4) ANY COUNTY REVITALIZATION PLAN APPROVED IN
13 ACCORDANCE WITH THIS SECTION MAY BE MODIFIED AS PROVIDED IN
14 SECTION 30-31-109 (10); EXCEPT THAT A MODIFICATION MUST BE
15 APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY, THE COUNTY,
16 AND THE AUTHORITY.

17 (5) AN AUTHORITY, A COUNTY, AND A MUNICIPALITY MAY,
18 CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, ENTER INTO AN
19 INTERGOVERNMENTAL AGREEMENT TO FURTHER EFFECTUATE THE
20 PURPOSES OF THIS SECTION AND TO PROVIDE FOR THE INCLUSION OF
21 INCORPORATED TERRITORY IN A COUNTY REVITALIZATION AREA.

22 (6) THIS SECTION DOES NOT APPLY TO THE INCLUSION OF
23 TERRITORY IN A COUNTY REVITALIZATION AREA AS A RESULT OF
24 ANNEXATION."

25 Page 70, line 19, strike "30-31-109 (11)(a)(I)," and substitute "30-31-109
26 (13)(a)(I),".

27 Page 74, line 9, strike "30-31-109 (11)," and substitute "30-31-109 (13),".

28 Page 77, line 6, strike "30-31-109 (11)(a)," and substitute "30-31-109
29 (13)(a),".

30 Page 77, line 11, strike "30-31-109 (11)(a)," and substitute "30-31-109
31 (13)(a),".

32 Page 77, line 23, strike "30-31-109 (11)(a)," and substitute "30-31-109
33 (13)(a),".

34 Page 77, lines 25 and 26, strike "30-31-109 (11)(a)(I)," and substitute
35 "30-31-109 (13)(a)(I),".

36 Strike "(3)" and substitute "(5)" on: **Page 34**, line 6; **Page 35**, lines 12 and
37 15; **Page 36**, lines 3, 8, 11, and 17; and **Page 37**, line 18.

- 1 Strike "(11)" and substitute "(13)" on: **Page 43**, line 10; **Page 45**, lines 22
2 and 25; **Page 46**, lines 5 and 23; **Page 47**, line 20; **Page 49**, line 26; **Page**
3 **52**, line 6; **Page 69**, line 26; and **Page 78**, line 5.
- 4 Strike "(11)(a)" and substitute "(13)(a)" on: **Page 46**, lines 9, 12, and 17;
5 **Page 48**, lines 1, 7, and 27; **Page 49**, line 21 and 24; and **Page 70**, line 17.
- 6 Strike "(11)(a)(I)" and substitute "(13)(a)(I)" on: **Page 42**, line 1; **Page**
7 **42**, lines 16 and 22; **Page 43**, line 3; **Page 47**, lines 9 and 15; and **Page**
8 **77**, line 9.
- 9 Strike "(11)(a)(II)" and substitute "(13)(a)(II)" on: **Page 37**, line 6,; Page
10 42, line 11; **Page 43**, line 19; Page 44, line 4, 21, and 24; **Page 45**, line 7;
11 **Page 45**, line 13; **Page 47**, line 11; and **Page 77**, line 9.
- 12 Strike "(13)(a)" and substitute "(15)(a)" on: **Page 50**, lines 5 and 9.
- 13 Strike "(9)(a)" and substitute "(11)(a)" on: **Page 40**, lines 7 and 16.

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