

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 5, 2024
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB24-1172 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 9, line 27, strike "AUTHORITY." and substitute
- 2 "AUTHORITY AT LEAST THIRTY DAYS BEFORE THE HEARING."
- 3 Page 11, strike lines 22 through 27.
- 4 Page 12, line 2, strike "OR SCHOOL DISTRICT".
- 5 Page 12, lines 3 and 4, strike "OR SCHOOL DISTRICT".
- 6 Page 12, line 19, strike "DISTRICTS AND A VACANCY OF THE" and
- 7 substitute "DISTRICTS."
- 8 Page 12, strike lines 20 and 21.
- 9 Page 16, line 4, after "THAN" insert "A SCHOOL DISTRICT OR".
- 10 Page 22, line 17, strike "AREA;" and substitute "AREA OR TO PROVIDE OR
- 11 EXPAND INFRASTRUCTURE OR FACILITIES TO SERVE A COUNTY
- 12 REVITALIZATION PROJECT;"
- 13 Page 22, line 18, after "AUTHORITY" insert "OR COUNTY".
- 14 Page 22, line 21, strike "AREA." and substitute "AREA OR TO PROVIDE OR
- 15 EXPAND INFRASTRUCTURE OR FACILITIES TO SERVICE A COUNTY
- 16 REVITALIZATION PROJECT."
- 17 Page 22, strike lines 22 through 24 and substitute:

1 "(4) NOTHING IN THIS ARTICLE 31 SHALL BE CONSTRUED TO
2 AFFECT THE AUTHORITY OF A MUNICIPALITY TO REGULATE AND PLAN FOR
3 THE USE OF LAND OR AFFECT ANY AGREEMENT BETWEEN A MUNICIPALITY
4 AND A LANDOWNER OR PUBLIC BODY RELATING TO THE USE OR
5 DEVELOPMENT OF LAND."

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

8 Page 33, line 12, strike "ORIGINAL".

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

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

19 Page 34, after line 6 insert:

20 "(3) (a) AT LEAST THIRTY DAYS PRIOR TO THE HEARING DESCRIBED IN
21 SUBSECTION (5)(a) OF THIS SECTION ON A COUNTY REVITALIZATION PLAN
22 OR A SUBSTANTIAL MODIFICATION TO A COUNTY REVITALIZATION PLAN,
23 THE COUNTY OR THE AUTHORITY SHALL SUBMIT A COUNTY
24 REVITALIZATION IMPACT REPORT ALONG WITH THE COUNTY
25 REVITALIZATION PLAN OR MODIFICATION TO A COUNTY REVITALIZATION
26 PLAN TO EVERY MUNICIPALITY WITHIN ONE MILE OF THE COUNTY
27 REVITALIZATION AREA. THE COUNTY REVITALIZATION IMPACT REPORT
28 MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION
29 CONCERNING THE IMPACT OF SUCH A COUNTY REVITALIZATION PLAN:

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

32 (II) AN ESTIMATE OF THE COST AND EXTENT OF ADDITIONAL
33 MUNICIPAL INFRASTRUCTURE AND SERVICES THAT ARE ANTICIPATED TO BE
34 NEEDED TO SERVE DEVELOPMENT WITHIN THE PROPOSED COUNTY
35 REVITALIZATION AREA, AND THE BENEFIT OF IMPROVEMENTS WITHIN THE
36 COUNTY REVITALIZATION AREA TO EXISTING MUNICIPAL INFRASTRUCTURE;

37 (III) A STATEMENT SETTING FORTH THE METHOD UNDER WHICH

1 THE AUTHORITY OR THE COUNTY WILL FINANCE, OR THAT AGREEMENTS
2 ARE IN PLACE TO FINANCE, ANY ADDITIONAL MUNICIPAL INFRASTRUCTURE
3 AND SERVICES TO SERVE DEVELOPMENT IN THE COUNTY REVITALIZATION
4 AREA FOR THE DURATION OF THE COUNTY REVITALIZATION PROJECT; AND
5 (IV) ANY OTHER ESTIMATED IMPACTS OF THE COUNTY
6 REVITALIZATION PROJECT.
7 (b) THE INADVERTENT FAILURE OF A COUNTY OR AN AUTHORITY
8 TO SUBMIT A COUNTY REVITALIZATION PLAN, SUBSTANTIAL MODIFICATION
9 TO A COUNTY REVITALIZATION PLAN, OR A COUNTY REVITALIZATION
10 IMPACT REPORT, AS APPLICABLE, TO A MUNICIPALITY IN ACCORDANCE
11 WITH THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION NEITHER
12 CREATES A CAUSE OF ACTION IN FAVOR OF ANY PARTY NOR INVALIDATES
13 ANY COUNTY REVITALIZATION PLAN OR SUBSTANTIAL MODIFICATION TO
14 A COUNTY REVITALIZATION PLAN.
15 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
16 A CITY AND COUNTY IS NOT REQUIRED TO SUBMIT AN URBAN RENEWAL
17 IMPACT REPORT SATISFYING THE REQUIREMENTS OF SUBSECTION (3)(a) OF
18 THIS SECTION.
19 (4) UPON REQUEST OF THE COUNTY OR THE AUTHORITY, EACH
20 MUNICIPALITY THAT IS ENTITLED TO RECEIVE A COPY OF A COUNTY
21 REVITALIZATION PLAN OR A SUBSTANTIAL MODIFICATION TO A COUNTY
22 REVITALIZATION PLAN SHALL PROVIDE AVAILABLE MUNICIPAL DATA AND
23 PROJECTIONS TO THE COUNTY OR THE AUTHORITY TO ASSIST IN PREPARING
24 A COUNTY REVITALIZATION IMPACT REPORT PURSUANT TO SUBSECTION (3)
25 OF THIS SECTION."

26 Renumber succeeding subsections accordingly.

27 Page 36, line 23, strike "WHOLE;" and substitute "WHOLE AND CONSIDERS
28 APPLICABLE MUNICIPAL PLANS FOR THE DEVELOPMENT OF
29 UNINCORPORATED TERRITORY, IF THE COUNTY REVITALIZATION PLAN
30 INCLUDES PROPERTY THAT IS INCLUDED WITHIN A MUNICIPAL PLAN
31 ADOPTED PURSUANT TO SECTION 31-12-105 (1)(e)(I) OR SECTION
32 31-23-212;".

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

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

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

37 Page 37, line 10, strike "PLAN." and substitute "PLAN, EXCLUDING ANY

1 BURDEN THAT HAS NOT BEEN ADDRESSED PURSUANT TO SUBSECTION
2 (6)(h) OF THIS SECTION; AND

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

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

8 Page 38, line 22, strike "TIME." and substitute "TIME; BUT, IF THE COUNTY
9 REVITALIZATION PLAN IS MODIFIED AFTER THE LEASE OR SALE BY THE
10 AUTHORITY OF REAL PROPERTY IN THE COUNTY REVITALIZATION PROJECT
11 AREA, THE MODIFICATION IS SUBJECT TO SUCH RIGHTS AT LAW OR IN
12 EQUITY AS A LESSEE OR PURCHASER OR THE PURCHASER'S SUCCESSOR IN
13 INTEREST MAY BE ENTITLED TO ASSERT. IF THE MODIFICATION TO A
14 COUNTY REVITALIZATION PLAN WILL SUBSTANTIALLY CHANGE PROVISIONS
15 OF THE COUNTY REVITALIZATION PLAN REGARDING LAND AREA, LAND USE,
16 AUTHORIZATION TO COLLECT INCREMENTAL TAX REVENUE, THE EXTENT
17 OF THE USE OF TAX INCREMENT FINANCING, THE SCOPE OR NATURE OF THE
18 COUNTY REVITALIZATION PROJECT, THE SCOPE OR METHOD OF FINANCING,
19 DESIGN, BUILDING REQUIREMENTS, TIMING, OR PROCEDURE, AS
20 PREVIOUSLY APPROVED, OR WHERE THE MODIFICATION WILL
21 SUBSTANTIALLY CLARIFY A PLAN THAT, WHEN APPROVED, WAS LACKING
22 IN SPECIFICITY AS TO THE COUNTY REVITALIZATION PROJECT OR
23 FINANCING, THEN THE MODIFICATION IS A SUBSTANTIAL MODIFICATION TO
24 THE COUNTY REVITALIZATION PLAN AND SUBJECT TO ALL OF THE
25 REQUIREMENTS OF THIS SECTION."

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

29 Page 39, after line 26 insert:

30 "(f) ANY TAXING ENTITY THAT LEVIES TAXES ON PROPERTY
31 LOCATED WITHIN THE COUNTY REVITALIZATION AREA AND ANY
32 MUNICIPALITY WITH TERRITORY WITHIN THREE MILES OF THE COUNTY
33 REVITALIZATION AREA MAY FILE AN ACTION IN A STATE DISTRICT COURT
34 EXERCISING JURISDICTION OVER THE COUNTY IN WHICH THE COUNTY
35 REVITALIZATION AREA IS LOCATED FOR AN ORDER DETERMINING, UNDER
36 A DE NOVO STANDARD OF REVIEW, WHETHER THE MODIFICATION IS A
37 SUBSTANTIAL MODIFICATION. IF REQUESTED BY THE TAXING ENTITY OR
38 MUNICIPALITY, THE COURT SHALL ENJOIN ANY ACTION BY THE AUTHORITY

1 PURSUANT TO THE MODIFICATION UNTIL THE COURT HAS DETERMINED
2 WHETHER THE MODIFICATION IS A SUBSTANTIAL MODIFICATION AND, IF
3 THE COURT MAKES SUCH A DETERMINATION, THE COURT SHALL FURTHER
4 ENJOIN ANY ACTION BY THE AUTHORITY PURSUANT TO THE MODIFICATION
5 UNTIL THE AUTHORITY COMPLIES WITH SUBSECTION (8) OF THIS SECTION."

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

7 Page 40, line 19, strike "AREA." and substitute "AREA AND TO EACH
8 MUNICIPALITY WITHIN THREE MILES OF THE COUNTY REVITALIZATION
9 AREA."

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

13 Page 43, line 3, strike "(11)(a)(II)" and substitute "(13)(a)(II)".

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

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

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

18 Page 45, after line 12 insert:

19 "(V) A COUNTY REVITALIZATION PLAN SHALL NOT BE AFFECTED
20 BY THE ANNEXATION OF ANY PROPERTY IN THE COUNTY REVITALIZATION
21 AREA."

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

24 Page 48, strike lines 9 through 21.

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

26 Page 62, after line 8 insert:

27 "**30-31-118. Inclusion of incorporated territory in a county**
28 **revitalization area.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF
29 THIS ARTICLE 31, A COUNTY REVITALIZATION PLAN, COUNTY

1 REVITALIZATION PROJECT, OR COUNTY REVITALIZATION AREA MAY
2 INCLUDE INCORPORATED TERRITORY THAT IS WITHIN THE BOUNDARIES OF
3 A MUNICIPALITY AND CONTIGUOUS TO A PORTION OF AN URBAN RENEWAL
4 AREA LOCATED OUTSIDE OF THE MUNICIPALITY'S BOUNDARIES. NO SUCH
5 TERRITORY SHALL BE INCLUDED IN THE PLAN, PROJECT, OR AREA WITHOUT
6 THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY EXERCISING
7 JURISDICTION OVER THE INCORPORATED TERRITORY PROPOSED FOR
8 INCLUSION AND THE CONSENT OF EACH OWNER OF, AND EACH HOLDER OF
9 A RECORDED MORTGAGE OR DEED OF TRUST ENCUMBERING, REAL
10 PROPERTY WITHIN THE INCORPORATED AREA PROPOSED FOR INCLUSION.

11 (2) IN ADDITION TO THE PROCEDURES FOR APPROVAL OF A
12 PROPOSED COUNTY REVITALIZATION PLAN BY THE COUNTY PURSUANT TO
13 SECTION 30-31-109, INCORPORATED TERRITORY MUST ONLY BE INCLUDED
14 IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA UPON THE
15 GOVERNING BODY OF THE MUNICIPALITY:

16 (a) MAKING A DETERMINATION THAT THE AREA PROPOSED FOR
17 INCLUSION IN THE COUNTY REVITALIZATION PLAN IS A REVITALIZATION
18 AREA AND DESIGNATING THE AREA AS APPROPRIATE FOR A COUNTY
19 REVITALIZATION PROJECT IN THE MANNER PROVIDED IN SECTION
20 30-31-109 (1);

21 (b) REFERRING THE COUNTY REVITALIZATION PLAN TO THE
22 PLANNING COMMISSION OF THE MUNICIPALITY FOR A DETERMINATION AS
23 TO THE CONFORMITY OF THE COUNTY REVITALIZATION PLAN WITH THE
24 GENERAL PLAN FOR DEVELOPMENT FOR THE MUNICIPALITY IN THE MANNER
25 PROVIDED IN SECTION 30-31-109 (2);

26 (c) CONDUCTING A PUBLIC HEARING AND MAKING FINDINGS AND
27 A DETERMINATION TO APPROVE INCLUSION OF THE INCORPORATED
28 TERRITORY IN THE COUNTY REVITALIZATION PLAN, PROJECT, OR AREA IN
29 THE MANNER PROVIDED IN SECTION 30-31-109 (5)(a), (5)(b)(I) THROUGH
30 (5)(b)(IV), (5)(c), (5)(d), (6), (8), AND (9);

31 (d) MAKING AN ADDITIONAL FINDING THAT EACH OWNER OF, AND
32 EACH HOLDER OF A RECORDED MORTGAGE OR DEED OF TRUST
33 ENCUMBERING, REAL PROPERTY IN THE INCORPORATED TERRITORY
34 PROPOSED FOR INCLUSION IN THE COUNTY REVITALIZATION PLAN,
35 PROJECT, OR AREA CONSENTS TO THE INCLUSION; AND

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

41 (4) ANY COUNTY REVITALIZATION PLAN APPROVED IN
42 ACCORDANCE WITH THIS SECTION MAY BE MODIFIED AS PROVIDED IN
43 SECTION 30-31-109 (10); EXCEPT THAT A MODIFICATION MUST BE

1 APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY, THE COUNTY,
2 AND THE AUTHORITY.

3 (5) AN AUTHORITY, A COUNTY, AND A MUNICIPALITY MAY,
4 CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, ENTER INTO AN
5 INTERGOVERNMENTAL AGREEMENT TO FURTHER EFFECTUATE THE
6 PURPOSES OF THIS SECTION AND TO PROVIDE FOR THE INCLUSION OF
7 INCORPORATED TERRITORY IN A COUNTY REVITALIZATION AREA.

8 (6) THIS SECTION DOES NOT APPLY TO THE INCLUSION OF
9 TERRITORY IN A COUNTY REVITALIZATION AREA AS A RESULT OF
10 ANNEXATION."

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

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

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

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

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

20 Page 77, lines 25 and 26, strike "30-31-109 (11)(a)(I)," and substitute
21 "30-31-109 (13)(a)(I),".

22 Strike "(3)" and substitute "(5)" on: **Page 34**, line 6; **Page 35**, lines 12 and
23 15; **Page 36**, lines 3, 8, 11, and 17; and **Page 37**, line 18.

24 Strike "(11)" and substitute "(13)" on: **Page 43**, line 10; **Page 45**, lines 22
25 and 25; **Page 46**, lines 5 and 23; **Page 47**, line 20; **Page 49**, line 26; **Page**
26 **52**, line 6; **Page 69**, line 26; and **Page 78**, line 5.

27 Strike "SPECIAL DISTRICT, OR SCHOOL DISTRICT" and substitute "OR
28 SPECIAL DISTRICT" on: **Page 43**, lines 15 and 16, 20 and 21, and 23; **Page**
29 **44**, line 2; and **Page 48**, lines 2 and 4.

30 Strike "(11)(a)" and substitute "(13)(a)" on: **Page 46**, lines 9, 12, and 17;
31 **Page 48**, lines 1, 7, and 27; **Page 49**, line 21 and 24; and **Page 70**, line 17.

32 Strike "(11)(a)(I)" and substitute "(13)(a)(I)" on: **Page 42**, line 1; **Page**

- 1 **42**, lines 16 and 22; **Page 47**, lines 9 and 15; and **Page 77**, line 9.
- 2 Strike "(11)(a)(II)" and substitute "(13)(a)(II)" on: **Page 37**, line 6,; **Page**
3 **42**, line 11; **Page 43**, line 19; **Page 44**, line 4, 21, and 24; **Page 45**, line
4 7 and 13; **Page 47**, line 11; and **Page 77**, line 9.
- 5 Strike "(13)(a)" and substitute "(15)(a)" on: **Page 50**, lines 5 and 9.
- 6 Strike "(9)(a)" and substitute "(11)(a)" on: **Page 40**, lines 7 and 16.

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