A BILL FOR AN ACT

CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING
URBAN REDEVELOPMENT TO PROMOTE THE EQUITABLE
FINANCIAL CONTRIBUTION AMONG AFFECTED PUBLIC BODIES IN
CONNECTION WITH URBAN REDEVELOPMENT PROJECTS
ALLOCATING TAX REVENUES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The bill modifies statutory provisions governing an urban renewal authority (URA) in the following respects:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
Section 1 of the bill modifies the number of commissioners of a URA. Specifically, the bill deletes the requirement that a URA have an odd number of commissioners and allows a URA to have up to 13 commissioners.

In all cases where an urban renewal plan (plan) managed by the URA includes an allocation of property tax increment generated by the mill levy imposed by one or more counties, except where the municipality is a city and county, section 1 of the bill requires one commissioner to be appointed by agreement of the boards of county commissioners of each county whose property taxes are subject to allocation under any such plan. Where any plan managed by the authority includes an allocation of property tax increment generated by the mill levy imposed by any special district or school district, one such commissioner must also be a board member of a special district whose property taxes are subject to allocation under any such plan, selected by agreement of such special districts whose property taxes are subject to allocation under any such plan, and one such commissioner must also be an elected member of a board of education of a school district, selected by agreement of the school districts whose property taxes are subject to allocation under any such plan. This section of the bill also specifies the time by which such representational appointments must be made and the terms of such appointments.

Section 4 of the bill imposes similar representational requirements when the governing body of a municipality designates itself as the URA.

Under current law, if the property taxes collected as a result of the county levy will be used in the plan, the governing body of the municipality or the URA is required to submit a report discussing the impact to the county (report). Section 2 of the bill clarifies that the report is required to be sent to the board of county commissioners and also to the governing body of each taxing entity for which the revenues from its general fund mill levy is proposed to be allocated under the plan. The report is required to be developed in consultation with such board as well any such governing bodies. This section of the bill also extends the time by which the report must be initially submitted and requires the report to address impacts on districts in addition to those of the county.

Section 2 of the bill clarifies that the provisions in a plan allowing for tax increment financing apply with respect to
the property taxes of specifically designated public bodies. Section 2 of the bill also requires that, in the case of the special fund established to collect the revenues from certain taxes allocated to the URA upon the payment of indebtedness, all funds remaining in the special fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body within the boundaries of the urban renewal area must be repaid to each taxing body based on requirements specified in the bill.

Before any urban renewal plan containing any tax allocation provisions that allocates any taxes of any public body other than the municipality may be approved by the municipal governing body, section 2 of the bill also requires the governing body to notify the board of county commissioners of each county and the governing boards of each other public body whose property tax revenues would be allocated under such proposed plan. Representatives of the municipal governing body and each board of county commissioners and each public body are then required to meet and attempt to negotiate an agreement governing the types and limits of tax revenues of each taxing entity to be allocated to the urban renewal plan. Any allocated shared tax revenues governed by any agreement are limited to all or any portion of the taxes levied upon taxable property by the public body within the area covered by the urban renewal plan in addition to any sales tax revenues generated within the area covered by the urban renewal plan by the imposition of the sales tax of the municipality and any other public body.

In the absence of an agreement between the municipality and any taxing entity, section 2 of the bill prohibits the percentage of property tax increment revenues of any public body that may be allocated to the URA from exceeding the percentage of municipal sales tax increment revenues allocated to the URA under the provisions of the urban renewal plan. The bill specifies the manner in which the percentage of municipal sales tax increment revenue allocated to the URA is to be determined as well as the determination of the amount of any moneys that the municipality pays to, contributes to, or invests in the URA for the project.

1  Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. In Colorado Revised Statutes, 31-25-104, amend (2) (a) and (2) (b); and add (2) (d) as follows:

31-25-104. Urban renewal authority. (2) (a) (I) An authority shall consist of any odd number of commissioners which shall be not less than five nor more than eleven THIRTEEN COMMISSIONERS, each of whom shall be appointed by the mayor, who shall designate the chairman for the first year; Such EXCEPT THAT, IN ALL CASES WHERE ANY URBAN RENEWAL PLAN MANAGED BY THE AUTHORITY INCLUDES AN ALLOCATION OF PROPERTY TAX INCREMENT GENERATED BY THE MILL LEVY IMPOSED BY ONE OR MORE COUNTIES, AND EXCEPT WHERE THE MUNICIPALITY IN WHICH THE AUTHORITY HAS BEEN ESTABLISHED IS A CITY AND COUNTY, ONE SUCH COMMISSIONER MUST BE APPOINTED BY AGREEMENT OF THE BOARDS OF COUNTY COMMISSIONERS OF EACH COUNTY WHOSE PROPERTY TAXES ARE SUBJECT TO ALLOCATION UNDER ANY SUCH PLAN. THE COMMISSIONER APPOINTED BY AGREEMENT BETWEEN OR AMONG THE BOARDS OF COUNTY COMMISSIONERS MUST BE EITHER A MEMBER OF ONE SUCH BOARD OR A DESIGNEE APPOINTED BY SUCH BOARDS WHO SERVES AT THE PLEASURE OF SUCH BOARDS. WHERE ANY URBAN RENEWAL PLAN MANAGED BY THE AUTHORITY INCLUDES AN ALLOCATION OF PROPERTY TAX INCREMENT GENERATED BY THE MILL LEVY IMPOSED BY ANY SPECIAL DISTRICT OR SCHOOL DISTRICT, ONE SUCH COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT WHOSE PROPERTY TAXES ARE SUBJECT TO ALLOCATION UNDER ANY SUCH PLAN, SELECTED BY AGREEMENT OF SPECIAL DISTRICTS WHOSE PROPERTY TAXES ARE SUBJECT TO ALLOCATION UNDER ANY SUCH PLAN, AND ONE SUCH COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT, SELECTED BY AGREEMENT OF THE
SCHOOL DISTRICTS WHOSE PROPERTY TAXES ARE SUBJECT TO ALLOCATION UNDER ANY SUCH PLAN. ANY INDIVIDUAL APPOINTED AS A COMMISSIONER REPRESENTING A SPECIAL DISTRICT OR A SCHOOL DISTRICT PURSUANT TO THIS SUBPARAGRAPH (I) MUST BE EITHER A MEMBER OF ONE SUCH BOARD OF DIRECTORS OR BOARD OF EDUCATION, AS APPLICABLE, OR A DESIGNEE APPOINTED BY SUCH BOARDS WHO SERVES AT THE PLEASURE OF SUCH BOARDS. IN ITS SOLE DISCRETION, A COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT MAY DECLINE TO FILL A COMMISSIONER APPOINTMENT AUTHORIZED UNDER THIS SUBPARAGRAPH (I).

(II) ALL MAYORAL appointments TO THE AUTHORITY MADE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) and designation shall be CHAIR DESIGNATIONS are subject to approval by the governing body. Not more than one of the commissioners APPOINTED BY THE MAYOR may be an official of the municipality. In the event that an official of the municipality is appointed as commissioner of an authority, acceptance or retention of such appointment shall not be IS NOT deemed a forfeiture of his OR HER office, or incompatible therewith, or AND DOES NOT affect his OR HER tenure or compensation in any way. The term of office of a commissioner of an authority who is a municipal official shall IS not be affected or curtailed by the expiration of the term of his OR HER municipal office.

(b) The commissioners who are first appointed shall MUST be designated by the mayor to serve for staggered terms so that the term of at least one commissioner will expire each year. Thereafter, the term of office shall be IS five years. A commissioner shall hold HOLDS office until his OR HER successor has been appointed and has qualified. Vacancies other than by reason of expiration of terms shall MUST be filled by the
mayor for the unexpired term; EXCEPT THAT A VACANCY OF A
COUNTY-APPOINTED SEAT MUST BE FILLED BY AGREEMENT BY THE
BOARDS OF COUNTY COMMISSIONERS FOR THE UNEXPired TERM, A
VACANCY OF THE SPECIAL DISTRICT-APPOINTED SEAT MUST BE FILLED BY
AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS, AND A VACANCY OF
THE SCHOOL DISTRICT-APPOINTED SEAT MUST BE FILLED BY AGREEMENT
OF THE AFFECTED SCHOOL DISTRICTS. A majority of the commissioners
shall constitute CONSTITUTES a quorum. The mayor shall file with the
clerk a certificate of the appointment or reappointment of any
commissioner, and such certificate shall be IS conclusive evidence of the
due and proper appointment of such commissioner. A commissioner shall
receive RECEIVES no compensation for his OR HER services, but he shall
be IS entitled to the necessary expenses, including traveling expenses,
incurred in the discharge of his OR HER duties.

   (d) (I) ANY ADDITIONAL COMMISSIONER APPOINTMENTS
   REPRESENTING ONE OR MORE COUNTIES, SPECIAL DISTRICTS, OR SCHOOL
   DISTRICTS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) MUST BE
   MADE BY THE APPLICABLE APPOINTING AUTHORITY NOT LESS THAN ONE
   HUNDRED TWENTY DAYS BEFORE THE DATE OF THE ADOPTION OR
   MODIFICATION OF ANY URBAN RENEWAL PLAN THAT ALLOCATES ANY
   PORTION OF THE PROPERTY TAX INCREMENT GENERATED BY THE MILL
   LEVY IMPOSED BY SUCH COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT.

   (II) THE TERM OF OFFICE FOR A COMMISSIONER REPRESENTING ONE
   OR MORE COUNTIES, SPECIAL DISTRICTS, OR SCHOOL DISTRICTS PURSUANT
   TO PARAGRAPH (a) OF THIS SUBSECTION (2) IS FIVE YEARS AND ANY SUCH
   COMMISSIONER MAY BE APPOINTED BY HIS OR HER APPOINTING AUTHORITY
   FOR AN UNLIMITED NUMBER OF ADDITIONAL TERMS UNTIL EITHER THE
URBAN RENEWAL PLAN OR THE USE UNDER THE PLAN OF PROPERTY TAX INCREMENT REVENUE GENERATED BY THE MILL LEVY IMPOSED BY THE PARTICULAR APPOINTING AUTHORITY TERMINATES, WHICHEVER IS EARLIER.

SECTION 2. In Colorado Revised Statutes, 31-25-107, amend (3.5), (3.7), (9) (a) introductory portion, and (9) (a) (II); and add (9.5) as follows:

31-25-107. Approval of urban renewal plans by local governing body. (3.5) (a) At least thirty NINETY days prior to the hearing on an urban renewal plan or a substantial modification to such plan, regardless of when the urban renewal plan was first approved, the governing body or the authority shall submit such plan or modification to the board of county commissioners, and, if property taxes collected as a result of the county levy will be utilized, the governing body or the authority shall also submit an urban renewal impact report which shall include, TO THE BOARD OF COUNTY COMMISSIONERS AND TO THE GOVERNING BODY OF EACH TAXING ENTITY FOR WHICH THE REVENUES FROM ITS GENERAL FUND MILL LEVY IS PROPOSED TO BE ALLOCATED UNDER THE PLAN. THE URBAN RENEWAL IMPACT REPORT MUST BE DEVELOPED IN CONSULTATION WITH SUCH BOARD OF COUNTY COMMISSIONERS AND ANY SUCH GOVERNING BODIES AND MUST INCLUDE, at a minimum, the following information concerning the impact of such plan:

(I) The estimated duration of time to complete the urban renewal project;

(II) The estimated annual property tax increment to be generated by the urban renewal project and the portion of such property tax
increment to be allocated during this period to fund the urban renewal project;

(III) An estimate of the impact of the urban renewal project on county AND DISTRICT revenues and on the cost and extent of additional county AND DISTRICT infrastructure and services required to serve development within the proposed urban renewal area, and the benefit of improvements within the urban renewal area to existing county AND DISTRICT infrastructure;

(IV) A statement setting forth the method under which the authority or the municipality will finance, or that agreements are in place to finance, any additional county AND DISTRICT infrastructure and services required to serve development in the urban renewal area for the period in which all or any portion of the property taxes described in subparagraph (II) of paragraph (a) of subsection (9) of this section and levied by a county OR DISTRICT are paid to the authority; and

(V) Any other estimated impacts of the urban renewal project on county AND DISTRICT services or revenues.

(b) The inadvertent failure of a governing body or an authority to submit an urban renewal plan, substantial modification to the plan, or an urban renewal impact report, as applicable, to a board of county commissioners OR TO THE GOVERNING BODY OF A TAXING ENTITY in accordance with the requirements of paragraph (a) of this subsection (3.5) shall neither create CREATE a cause of action in favor of any party nor invalidate INVALIDATE any urban renewal plan or modification to the plan.

(c) Notwithstanding any other provision of this section, a city and county shall not be required to submit an urban renewal impact report
satisfying the requirements of paragraph (a) of this subsection (3.5).

(3.7) Upon request of the governing body or the authority, each county AND DISTRICT that is entitled to receive a copy of the plan shall MUST provide available county AND DISTRICT data and projections to assist the governing body or the authority in preparing the urban renewal impact report required pursuant to subsection (3.5) of this section.

(9) (a) Notwithstanding any law to the contrary, any urban renewal plan, as originally approved or as later modified pursuant to this part 1, may contain a provision that THE PROPERTY taxes OF SPECIFICALLY DESIGNATED PUBLIC BODIES, if any, levied after the effective date of the approval of such urban renewal plan upon taxable property in an urban renewal area each year or that municipal sales taxes collected within said area, or both such taxes, by or for the benefit of any THE DESIGNATED public body MUST be divided for a period not to exceed twenty-five years after the effective date of adoption of such a provision, as follows:

(II) That portion of said property taxes or all or any portion of said sales taxes, or both, in excess of the amount of property taxes or sales taxes paid into the funds of each such public body in accordance with the requirements of subparagraph (I) of this paragraph (a) MUST be allocated to and, when collected, paid into a special fund of the authority to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the authority for financing or refinancing, in whole or in part, an urban renewal project, or to make payments under an agreement executed pursuant to subsection (11) of this section. Any excess municipal sales tax collections not allocated pursuant to this subparagraph (II) MUST be
paid into the funds of the municipality. Unless and until the total valuation for assessment of the taxable property in an urban renewal area exceeds the base valuation for assessment of the taxable property in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all of the taxes levied upon the taxable property in such urban renewal area shall MUST be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in an urban renewal area exceed the base year municipal sales tax collections in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all such sales tax collections shall MUST be paid into the funds of the municipality. When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property or the total municipal sales tax collections, or both, in such urban renewal area shall MUST be paid into the funds of the respective public bodies, AND ALL FUNDS REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO THIS SUBPARAGRAPH (II) THAT HAVE NOT PREVIOUSLY BEEN REBATED AND THAT ORIGINATED AS PROPERTY TAX INCREMENT GENERATED BASED ON THE MILL LEVY OF A TAXING BODY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA MUST BE REPAID TO EACH TAXING BODY BASED ON THE PRO RATA SHARE OF THE TOTAL MILL LEVY ATTRIBUTABLE TO EACH TAXING BODY'S MILL LEVY IN THE LAST YEAR IN WHICH PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS SUBSECTION (9). ANY FUNDS REMAINING IN THE SPECIAL FUND NOT GENERATED BY PROPERTY TAX INCREMENT ARE EXCLUDED FROM ANY SUCH REPAYMENT REQUIREMENT.

(9.5) (a) BEFORE ANY URBAN RENEWAL PLAN CONTAINING ANY TAX ALLOCATION PROVISIONS THAT ALLOCATES ANY TAXES OF ANY
PUBLIC BODY OTHER THAN THE MUNICIPALITY MAY BE APPROVED BY THE
MUNICIPAL GOVERNING BODY PURSUANT TO SUBSECTION (9) OF THIS
SECTION, THE GOVERNING BODY SHALL NOTIFY THE BOARD OF COUNTY
COMMISSIONERS OF EACH COUNTY AND THE GOVERNING BOARDS OF EACH
OTHER PUBLIC BODY WHOSE PROPERTY TAX REVENUES WOULD BE
ALLOCATED UNDER SUCH PROPOSED PLAN. REPRESENTATIVES OF THE
MUNICIPAL GOVERNING BODY AND EACH BOARD OF COUNTY
COMMISSIONERS AND EACH PUBLIC BODY SHALL THEN MEET AND ATTEMPT
TO NEGOTIATE AN AGREEMENT GOVERNING THE TYPES AND LIMITS OF TAX
REVENUES OF EACH TAXING ENTITY TO BE ALLOCATED TO THE URBAN
RENEWAL PLAN. THE AGREEMENT MUST ADDRESS, WITHOUT LIMITATION,
ESTIMATED IMPACTS OF THE URBAN RENEWAL PLAN ON COUNTY OR
DISTRICT SERVICES OR REVENUES. THE AGREEMENT MAY BE ENTERED INTO
SEPARATELY BETWEEN THE MUNICIPALITY AND EACH SUCH COUNTY OR
OTHER PUBLIC BODY, OR THROUGH A JOINT AGREEMENT BETWEEN THE
MUNICIPALITY AND ANY PUBLIC BODY THAT HAS CHOSEN TO ENTER THAT
AGREEMENT. ANY SUCH ALLOCATED SHARED TAX REVENUES GOVERNED
BY ANY AGREEMENT ARE LIMITED TO ALL OR ANY PORTION OF THE TAXES
LEVIED UPON TAXABLE PROPERTY BY THE PUBLIC BODY WITHIN THE AREA
COVERED BY THE URBAN RENEWAL PLAN IN ADDITION TO ANY SALES TAX
REVENUES GENERATED WITHIN THE AREA COVERED BY THE URBAN
RENEWAL PLAN BY THE IMPOSITION OF THE SALES TAX OF THE
MUNICIPALITY AND ANY OTHER PUBLIC BODY.

(b) THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS
SUBSECTION (9.5) MAY PROVIDE FOR A WAIVER OF ANY PROVISION OF THIS
PART 1 THAT PROVIDES FOR NOTICE TO THE PUBLIC BODY, REQUIRES ANY
FILING WITH OR BY THE PUBLIC BODY, REQUIRES OR PERMITS CONSENT
FROM THE PUBLIC BODY, OR PROVIDES ANY ENFORCEMENT RIGHT TO THE
PUBLIC BODY. THE MUNICIPALITY MAY DELEGATE TO THE AUTHORITY THE
RESPONSIBILITY FOR NEGOTIATING THE AGREEMENT DESCRIBED IN THIS
SUBSECTION (9.5) AS LONG AS FINAL APPROVAL OF THE PLAN OR ANY
MODIFICATION OF THE PLAN IS MADE BY THE GOVERNING BODY OF THE
MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(c) IF, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM THE
DATE OF NOTICE OR SUCH LONGER PERIOD AS THE MUNICIPAL GOVERNING
BODY AND ANY PUBLIC BODY MAY AGREE, THERE IS NO AGREEMENT
BETWEEN THE MUNICIPAL GOVERNING BODY AND ANY PUBLIC BODY AS
DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5), THE PROVISIONS
AND LIMITATIONS OF PARAGRAPH (d) OF THIS SUBSECTION (9.5) GOVERN
THE ALLOCATION OF TAX REVENUES FOR EACH PUBLIC BODY FOR WHICH
THERE IS NO AGREEMENT.

(d) (I) IN THE ABSENCE OF AN AGREEMENT BETWEEN THE
MUNICIPALITY AND ANY TAXING ENTITY AS DESCRIBED IN PARAGRAPH (a)
OF THIS SUBSECTION (9.5), THE PERCENTAGE OF PROPERTY TAX
INCREMENT REVENUES OF ANY PUBLIC BODY THAT MAY BE ALLOCATED TO
THE AUTHORITY PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF
SUBSECTION (9) OF THIS SECTION SHALL NOT EXCEED THE PERCENTAGE OF
MUNICIPAL SALES TAX INCREMENT REVENUES ALLOCATED TO THE
AUTHORITY PURSUANT TO SAID SUBPARAGRAPH (II) UNDER THE
PROVISIONS OF THE PLAN, AS ORIGINALLY APPROVED AND AS IT MAY BE
LATER MODIFIED.

(II) ANY AMOUNT OF FUNDS THAT ARE SUBJECT TO EXEMPTIONS,
REBATES, OR REPAYMENTS THAT ARE PAID OR THAT ARE REQUIRED OR
CONTRACTED TO BE PAID TO THE MUNICIPALITY MUST BE EXCLUDED IN
DETERMINING THE PERCENTAGE OF MUNICIPAL SALES TAX INCREMENT
REVENUE ALLOCATED TO THE AUTHORITY.

(III) WITHIN THE TWELVE-MONTH PERIOD PRIOR TO THE EFFECTIVE
DATE OF THE APPROVAL OR MODIFICATION OF THE URBAN RENEWAL PLAN
REQUIRING THE ALLOCATION OF MONEYS TO AN AUTHORITY PURSUANT TO
PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION, THE AMOUNT OF ANY
MONEYS THAT THE MUNICIPALITY PAYS TO, CONTRIBUTES TO, OR INVESTS
IN THE AUTHORITY FOR THE PROJECT, OR THAT ARE SPENT BY A PRIVATE
ENTITY FOR WHICH THE MUNICIPALITY HAS AGREED IN WRITING TO
REIMBURSE THE ENTITY WITH SALES TAX REVENUE COLLECTED IN THE
AREA OF THE URBAN RENEWAL PROJECT, IS TO BE DETERMINED BY THE
MUNICIPALITY AND THE AUTHORITY PRIOR TO THE ALLOCATION OF
REVENUES PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) AND
THE MUNICIPALITY IS ENTITLED TO REIMBURSEMENT OF SUCH AMOUNT
FROM THE SPECIAL FUND OF THE AUTHORITY ESTABLISHED PURSUANT TO
PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 31-25-115, add (1.5)
as follows:

31-25-115. Transfer - abolishment. (1.5) WHEN THE GOVERNING
BODY OF A MUNICIPALITY DESIGNATES ITSELF AS THE AUTHORITY OR
TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY AND
WHERE AN URBAN RENEWAL PLAN MANAGED BY THE GOVERNING BODY
INCLUDES AN ALLOCATION OF PROPERTY TAX INCREMENT GENERATED BY
THE MILL LEVY IMPOSED BY ONE OR MORE COUNTIES, THE BOARDS OF
COUNTY COMMISSIONERS OF EACH COUNTY WHOSE PROPERTY TAXES ARE
SUBJECT TO ALLOCATION UNDER ANY SUCH PLAN MAY, BY AGREEMENT,
APPOINT ONE COMMISSIONER TO THE AUTHORITY. WHERE ANY URBAN
RENEWAL PLAN MANAGED BY THE AUTHORITY INCLUDES AN ALLOCATION OF PROPERTY TAX INCREMENT GENERATED BY THE MILL LEVY IMPOSED BY ANY SPECIAL DISTRICT OR SCHOOL DISTRICT, THE SPECIAL DISTRICTS AND SCHOOL DISTRICTS WHOSE PROPERTY TAXES ARE SUBJECT TO ALLOCATION UNDER ANY SUCH PLAN MAY EACH ALSO APPOINT ONE BOARD MEMBER TO THE AUTHORITY. APPOINTMENTS MADE PURSUANT TO THIS SUBSECTION (1.5) MUST BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 31-25-104 (2).

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 113 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to:

(a) Urban renewal authorities and any urban renewal plans created or modified on or after January 1, 2016; and

(b) Urban renewal authorities considering urban renewal plan amendments or modifications, including, without limitation, any addition of an urban renewal project; an alteration of urban renewal area boundaries; any change in the structure of the tax increment financing components of the plan, including, without limitation, any change in the mill levy on the sales tax component of the plan or any modifications of
the percentages of sales tax increment revenue used in the plan; or an extension of an urban renewal plan or the duration of specific projects regardless of whether such extension or related changes in duration require actual alteration of the terms of the urban renewal plan.