

Amendments to House Bill No. 152
1st Reading Copy

Requested by Representative Brian Hoven

For the House Taxation Committee

Prepared by Megan Moore
January 23, 2013 (3:35pm)

1. Title, page 1, line 8 through line 9.
Strike: "APPLICATIONS" on line 8 through "DECISIONS" on line 9
Insert: "AN APPLICANT MAY APPEAL TO DISTRICT COURT FOR A WRIT OF MANDAMUS IF A GOVERNING BODY DOES NOT MAKE A TIMELY DECISION"
2. Page 1, line 22.
Strike: "Except as provided in subsection (2)(c), in"
Insert: "In"
3. Page 1, line 23.
Following: "(1), the"
Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"
4. Page 1, line 24.
Strike: "defined in 76-15-103"
Insert: "provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town"
5. Page 1, line 29.
Strike: "for the first time"
Strike: "30"
Insert: "60"
6. Page 1, line 30.
Following: "i"
Insert: "and"
7. Page 2, lines 1 and 2.
Strike: subsection (ii) in its entirety
Renumber: subsequent subsections
8. Page 2, line 3.
Following: "section"
Insert: "and deny or approve it"
9. Page 2, line 4.
Strike: "30"
Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection
(2) (b) (i) "

10. Page 2, lines 5 through 9.

Strike: subsection (c) in its entirety.

Insert: "(c) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination."

11. Page 2, line 28.

Following: "first"

Insert: "first"

12. Page 2, line 29.

Strike: "or be considered approved as provided under subsection (2) (c)."

Insert: ", and the"

13. Page 2, line 30.

Strike: "(b) The"

14. Page 3, line 3 through line 9.

Strike: subsection (c) in its entirety

15. Page 4, line 3.

Strike: "Except as provided in subsection (3) (b), in"

Insert: "In"

Strike: "to confer"

Insert: "for a taxpayer to receive"

16. Page 4, line 4.

Following: "(1), the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

17. Page 4, line 5.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town"

18. Page 4, line 9.

Strike: "for the first time"

Strike: "30"

Insert: "60"

19. Page 4, line 10.

Following: ";"

Insert: "and"

20. Page 4, lines 11 and 12.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

21. Page 4, line 13.

Following: "section"

Insert: "and deny or approve it"

22. Page 4, line 14.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3) (a) (i) "

23. Page 4, lines 15 through 19.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination."

24. Page 6, line 4.

Strike: "Except as provided in subsection (3) (b), in"

Insert: "In"

Strike: "to confer"

Insert: "for a taxpayer to receive"

25. Page 6, line 5.

Following: "(1), the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

26. Page 6, line 7.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county or consolidated local government or 7-1-4127 if an incorporated city or town"

27. Page 6, line 12.

Strike: "for the first time"

Strike: "30"

Insert: "60"

28. Page 6, line 13.

Following: ";"

Insert: "and"

29. Page 6, lines 14 and 15.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

30. Page 6, line 16.

Following: "section"

Insert: "and deny or approve it"

31. Page 6, line 17.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection
(3) (a) (i)"

32. Page 6, lines 18 through 22.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, consolidated local government, city, or town is located a writ of mandamus to compel the governing body to make a determination."

33. Page 7, line 13.

Strike: "Except as provided in subsection (3) (b), in"

Insert: "In"

34. Page 7, line 14.

Following: "(1), the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

35. Page 7, line 15.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county or 7-1-4127 if an incorporated city or town"

36. Page 7, line 18.

Strike: "for the first time"

37. Page 7, line 21.

Following: ";"

Insert: "and"

38. Page 7, lines 22 and 23.

Strike: subsection (ii) in its entirety

ReNUMBER: subsequent subsections

39. Page 7, line 24.

Following: "section"

Insert: "and deny or approve it"

40. Page 7, line 25.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3) (a) (i)"

41. Page 7, lines 26 through 30.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, city, or town is located a writ of mandamus to compel the governing body to make a determination."

42. Page 8, line 27.

Strike: "Except as provided in subsection (3) (b), in"

Insert: "In"

Following: "order"

Insert: "for a taxpayer"

43. Page 8, line 28.

Following: "section, the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

44. Page 8, lines 29 and 30.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county, consolidated government, or school district or 7-1-4127 if an incorporated city or town"

45. Page 9, line 12.

Strike: "for the first time"

Strike: "30"

Insert: "60"

46. Page 9, line 13.

Following: "i"

Insert: "and"

47. Page 9, lines 14 and 15.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

48. Page 9, line 16.

Following: "section"

Insert: "and deny or approve it"

49. Page 9, line 17.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection
(3) (a) (i) "

50. Page 9, lines 18 through 22.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, consolidated government, city, town, or school district is located a writ of mandamus to compel the governing body to make a determination."

51. Page 9, line 23.

Strike: "(a)"

52. Page 9, line 25 through page 10, line 1.

Strike: subsection (b) in its entirety

53. Page 10, line 22.

Strike: "Except as provided in subsection (3) (b), in"

Insert: "In"

Following: "order"

Insert: "for a taxpayer"

54. Page 10, line 23.

Following: "section, the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

55. Page 10, lines 24 and 25.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county, consolidated government, or school district or 7-1-4127 if an incorporated city or town"

56. Page 11, line 7.

Strike: "for the first time"

Strike: "30"

Insert: "60"

57. Page 11, line 8.

Following: "i"

Insert: "and"

58. Page 11, lines 9 and 10.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

59. Page 11, line 11.

Following: "section"

Insert: "and deny or approve it"

60. Page 11, line 12.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection
(3) (a) (i)"

61. Page 11, lines 13 through 17.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, consolidated government, city, town, or school district is located a writ of mandamus to compel the governing body to make a determination."

62. Page 11, line 18.

Strike: "(a)"

63. Page 11, lines 20 through 26.

Strike: subsection (b) in its entirety

64. Page 12, line 23.

Strike: "Except as provided in subsection (3) (b), in"

Insert: "In"

Following: "order"

Insert: "for a taxpayer"

65. Page 12, line 24.

Following: "section, the"

Insert: "taxpayer must have applied by March 1 of the year during which the benefit is first applicable. The"

66. Page 12, line 26.

Strike: "defined in 76-15-103"

Insert: "provided in 7-1-2121 if a county, consolidated government, or school district or 7-1-4127 if an incorporated city or town"

67. Page 13, line 6.

Strike: "for the first time"

Strike: "30"

Insert: "60"

68. Page 13, line 7.

Following: "i"

Insert: "and"

69. Page 13, lines 8 and 9.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

70. Page 13, line 10.

Following: "section"

Insert: "and deny or approve it"

71. Page 13, line 11.

Strike: "30"

Insert: "120"

Strike: "the second due notice publication"

Insert: "receiving the application as provided in subsection (3) (a) (i)"

72. Page 13, lines 12 through 16.

Strike: subsection (b) in its entirety

Insert: "(b) If the governing body fails to hold a hearing or deny or approve the application within 120 days of receiving the application, the applicant may seek from the district court in the jurisdiction in which the county, consolidated government, city, town, or school district is located a writ of mandamus to compel the governing body to make a determination."

73. Page 13, line 17.

Strike: "(a)"

74. Page 13, lines 19 through 25.

Strike: subsection (b) in its entirety

75. Page 13, line 29.

Strike: "or it is considered approved under subsection (3)(b)"

- END -