

Bill No.: HB0047 **Effective:** 7/1/2022 12:00:00 AM
LSO No.: 22LSO-0084
Enrolled Act No.: HEA No. 0024
Chapter No.: 29
Prime Sponsor: Joint Minerals, Business & Economic Development Interim Committee
Catch Title: **Local impact assistance payments.**
Subject: Amending amounts and requirements for local impact assistance payments.

Summary/Major Elements:

- Current law provides impact assistance payments, payable from sales and use taxes to counties, cities, and towns to address the unmitigated impacts of industrial facilities that are constructed within their boundaries. Impact assistance payments, which are determined by the Industrial Siting Council, are currently limited to 2.76% of the total estimated material costs of the facility.
- This act amends the maximum amount of the impact assistance payment to between 1.50% and 2.25%, depending on the total estimated material costs. The higher percentage is available for projects with lower total estimated materials costs. For facilities with costs less than \$350 million, the Industrial Siting Council may increase the maximum percentage to 2.76% if the Council finds that the maximum allowable percentage is insufficient to address the unmitigated impacts. For this increase, the Council must report to the Joint Minerals, Business, and Economic Development Interim Committee on the increase.
- The act provides that, in determining the distribution ratio of the payment among communities, the Industrial Siting Council may consider the extent and location of the unmitigated impacts, the populations of the local entities, and disproportionate impacts on smaller communities.
- The act requires each county, city, and town that receives local impact assistance payments to provide an annual report to the Industrial Siting Council on how the payments were expended.
- The act defines "unmitigated impacts" for purposes of the impact assistance payments to mean impacts incurred by a city, county, or town that are attributable to the industrial facility's construction, that are not otherwise mitigated by any other entity, that are for medical services, fire and law-enforcement services, roads, and public utilities. Unmitigated impacts do not include expenses for which the county, city, or town previously received an impact assistance payment, unless the expense is shown to be ongoing.
- The act applies to industrial facility permit applications submitted on and after July 1, 2022.

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