

**BILL SUMMARY**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1599</b>
<b>Version:</b>	<b>Conference Committee Substitute (CCRA)</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Rep. Martinez</b>
<b>Date:</b>	<b>5/25/2023</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

The second conference committee substitute to HB 1599 establishes that municipal zoning decisions are legislative in nature and valid unless the ordinance is proved to lack a substantial relation to public health and safety or if it constitutes an arbitrary exercise of police power. The measure also establishes that municipal platting decisions are quasi-judicial in nature and gives the Planning Commission and the City Council of a municipality the discretion to determine a plat compliance with regulations, codes, and ordinances. In the case of a preliminary or final plat denial, the city attorney is required to identify the basis for denial. Comprehensive plans are allowed to be used as a guide when making zoning or plat decisions, but decisions are required to be based on objective and relevant facts and municipal code.

The measure provides that in municipalities where the city council does not serve as the board of adjustment, decisions of the board are advisory to the city council or are final subject to judicial review or are final subject to appeal to the city council and judicial review.

While the measure makes no changes to the public notice and hearing requirements for proceedings to discuss a proposed rezoning application, governing bodies are prohibited from basing their decision making upon the presence, number, or magnitude of opposition or protest to the application.

Prepared By: Keana Swadley

**Fiscal Analysis**

HB 1599 in its current form is not anticipated to have a direct fiscal impact on the state budget or appropriations.

Prepared By: John McPhetridge, House Fiscal Director and Counsel

**Other Considerations**

None.