

**Representative Mike Schultz** proposes the following substitute bill:

**UTAH INLAND PORT AUTHORITY AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Schultz**

Senate Sponsor: Jerry W. Stevenson

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the Utah Inland Port Authority.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions applicable to code provisions governing the Utah Inland Port Authority, including modifying and expanding the definition of publicly owned infrastructure and improvements to include certain privately owned facilities;
- ▶ modifies provisions relating to the Authority policies and objectives;
- ▶ eliminates language making an intermodal facility owned by the Authority subject to a privilege tax;
- ▶ modifies provisions relating to the Authority board;
- ▶ removes a primary municipality's property tax revenue from property tax differential, upon certain conditions;
- ▶ requires the community development and renewal agency of a primary municipality to create a project area on authority jurisdictional land;
- ▶ requires the primary municipality, the primary municipality's agency, and the Authority to enter into an agreement relating to the distribution of certain property tax revenue for specified purposes;



- 26 ▶ modifies a provision relating to the Authority executive director;
- 27 ▶ modifies allowable uses of property tax differential;
- 28 ▶ authorizes the Authority to use property tax differential for business recruitment
- 29 incentives and establishes provisions governing business recruitment incentives;
- 30 ▶ modifies provisions relating to the Authority budget;
- 31 ▶ authorizes the Authority to use an automatic license plate reader system under
- 32 certain circumstances; and
- 33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **11-58-102**, as last amended by Laws of Utah 2021, Chapter 415
- 41 **11-58-106**, as enacted by Laws of Utah 2021, Chapter 415
- 42 **11-58-202**, as last amended by Laws of Utah 2020, Chapters 126 and 263
- 43 **11-58-203**, as last amended by Laws of Utah 2020, Chapter 126
- 44 **11-58-205**, as last amended by Laws of Utah 2020, Chapter 126
- 45 **11-58-302**, as last amended by Laws of Utah 2020, Chapter 126
- 46 **11-58-303**, as last amended by Laws of Utah 2020, Chapter 126
- 47 **11-58-304**, as last amended by Laws of Utah 2021, Chapter 415
- 48 **11-58-305**, as last amended by Laws of Utah 2020, Chapter 126
- 49 **11-58-601**, as last amended by Laws of Utah 2020, Chapter 126
- 50 **11-58-602**, as last amended by Laws of Utah 2020, Chapter 126
- 51 **11-58-801**, as last amended by Laws of Utah 2021, Chapters 84 and 345
- 52 **17D-4-102**, as last amended by Laws of Utah 2021, Chapter 415 and renumbered and
- 53 amended by Laws of Utah 2021, Chapter 314
- 54 **17D-4-203**, as last amended by Laws of Utah 2021, Chapters 414, 415 and renumbered
- 55 and amended by Laws of Utah 2021, Chapter 314
- 56 **35A-16-304**, as renumbered and amended by Laws of Utah 2021, Chapter 281

57 [41-6a-2003](#), as last amended by Laws of Utah 2020, Chapter 68  
 58 [59-12-205](#), as last amended by Laws of Utah 2021, Chapter 281  
 59 [63A-3-401.5](#), as enacted by Laws of Utah 2021, Chapter 415  
 60 [63H-1-102](#), as last amended by Laws of Utah 2021, Chapters 314, 414, and 415  
 61 [63H-1-502](#), as last amended by Laws of Utah 2021, Chapter 414

62 ENACTS:

63 [11-58-603](#), Utah Code Annotated 1953  
 64 [11-58-604](#), Utah Code Annotated 1953  
 65 [17C-5-114](#), Utah Code Annotated 1953

66 REPEALS:

67 [11-58-101](#), as enacted by Laws of Utah 2018, Chapter 179



69 *Be it enacted by the Legislature of the state of Utah:*

70 Section 1. Section [11-58-102](#) is amended to read:

71 **11-58-102. Definitions.**

72 As used in this chapter:

73 (1) "Authority" means the Utah Inland Port Authority, created in Section [11-58-201](#).

74 (2) "Authority jurisdictional land" means land within the authority boundary

75 delineated:

76 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah  
 77 Inland Port Authority Amendments, 2018 Second Special Session; and

78 (b) beginning April 1, 2020, as provided in Subsection [11-58-202](#)(3).

79 (3) "Base taxable value" means:

80 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the  
 81 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year  
 82 2018; and

83 (ii) for an area described in Subsection [11-58-601](#)(5), the taxable value of that area in  
 84 calendar year 2017; or

85 (b) for a project area that consists of land outside the authority jurisdictional land, the  
 86 taxable value of property within any portion of a project area, as designated by board  
 87 resolution, from which the property tax differential will be collected, as shown upon the

88 assessment roll last equalized before the year in which the authority adopts a project area plan  
89 for that area.

90 (4) "Board" means the authority's governing body, created in Section 11-58-301.

91 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about  
92 development of the authority jurisdictional land to achieve the goals and objectives described  
93 in Subsection 11-58-203(1), including the development and establishment of an inland port.

94 (6) "Development" means:

95 (a) the demolition, construction, reconstruction, modification, expansion, or  
96 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
97 recreational amenity, or other facility, including [~~publicly owned~~] public infrastructure and  
98 improvements; and

99 (b) the planning of, arranging for, or participation in any of the activities listed in  
100 Subsection (6)(a).

101 (7) "Development project" means a project for the development of land within a  
102 project area.

103 (8) "Inland port" means one or more sites that:

104 (a) contain multimodal [~~transportation assets and~~] facilities, intermodal facilities, or  
105 other facilities that:

106 (i) are related but may be separately owned and managed; and

107 (ii) together are intended to:

108 (A) allow global trade to be processed and altered by value-added services as goods  
109 move through the supply chain;

110 (B) provide a regional merging point for transportation modes for the distribution of  
111 goods to and from ports and other locations in other regions;

112 (C) provide cargo-handling services to allow freight consolidation and distribution,  
113 temporary storage, customs clearance, and connection between transport modes; and

114 (D) provide international logistics and distribution services, including freight  
115 forwarding, customs brokerage, integrated logistics, and information systems; and

116 (b) may include a satellite customs clearance terminal, an intermodal facility, a  
117 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and  
118 enhance regional, national, and international trade.

119 (9) "Inland port use" means a use of land:

120 (a) for an inland port;

121 (b) that directly implements or furthers the purposes of an inland port, as stated in

122 Subsection (8);

123 (c) that complements or supports the purposes of an inland port, as stated in Subsection

124 (8); or

125 (d) that depends upon the presence of the inland port for the viability of the use.

126 (10) "Intermodal facility" means a facility for transferring containerized cargo between

127 rail, truck, air, or other transportation modes.

128 [~~(10)~~] "Intermodal facility" (11) "Multimodal facility" means a hub or other facility for

129 trade combining any combination of rail, trucking, air cargo, and other transportation services.

130 [~~(11)~~] (12) "Nonvoting member" means an individual appointed as a member of the

131 board under Subsection [11-58-302](#)[~~(6)~~](3) who does not have the power to vote on matters of

132 authority business.

133 [~~(12)~~] (13) "Project area" means:

134 (a) the authority jurisdictional land; or

135 (b) land outside the authority jurisdictional land, whether consisting of a single

136 contiguous area or multiple noncontiguous areas, described in a project area plan or draft

137 project area plan, where the development project set forth in the project area plan or draft

138 project area plan takes place or is proposed to take place.

139 [~~(13)~~] (14) "Project area budget" means a multiyear projection of annual or cumulative  
140 revenues and expenses and other fiscal matters pertaining to the project area.

141 [~~(14)~~] (15) "Project area plan" means a written plan that, after its effective date, guides  
142 and controls the development within a project area.

143 [~~(15)~~] (16) "Property tax" includes a privilege tax and each levy on an ad valorem basis  
144 on tangible or intangible personal or real property.

145 [~~(16)~~] (17) "Property tax differential":

146 (a) means the difference between:

147 (i) the amount of property tax revenues generated each tax year by all taxing entities  
148 from a project area, using the current assessed value of the property; and

149 (ii) the amount of property tax revenues that would be generated from that same area

150 using the base taxable value of the property; and

151 (b) does not include property tax revenue from:

152 (i) a county additional property tax or multicounty assessing and collecting levy  
153 imposed in accordance with Section 59-2-1602;

154 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;  
155 or

156 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general  
157 obligation bond.

158 [(+7)] (18) "Public entity" means:

159 (a) the state, including each department, division, or other agency of the state; or

160 (b) a county, city, town, metro township, school district, local district, special service  
161 district, interlocal cooperation entity, community reinvestment agency, or other political  
162 subdivision of the state, including the authority.

163 [~~(18) "Publicly owned"~~] (19) "Public infrastructure and improvements":

164 (a) means infrastructure, improvements, facilities, or buildings that:

165 (i) benefit the public; and

166 (ii) (A) are owned by a public entity or a utility; or

167 (B) are publicly maintained or operated by a public entity;

168 (b) includes:

169 (i) facilities, lines, or systems that provide:

170 (A) water, chilled water, or steam; or

171 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
172 microgrids, or telecommunications service; [~~and~~]

173 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking  
174 facilities, [~~and~~] rail lines, intermodal facilities, multimodal facilities, and other public  
175 transportation facilities[-];

176 (iii) an inland port; and

177 (iv) infrastructure, improvements, facilities or buildings that:

178 (A) are privately owned;

179 (B) benefit the public;

180 (C) as determined by the board, provide a substantial benefit to the development and

181 operation of a project area; and

182 (D) are built according to the applicable county or municipal design and safety

183 standards for public infrastructure.

184 ~~[(19)]~~ (20) "Shapefile" means the digital vector storage format for storing geometric  
185 location and associated attribute information.

186 ~~[(20)]~~ (21) "Taxable value" means the value of property as shown on the last equalized  
187 assessment roll.

188 ~~[(21)]~~ (22) "Taxing entity":

189 (a) means a public entity that levies a tax on property within a project area; and

190 (b) does not include a public infrastructure district that the authority creates under Title  
191 17D, Chapter 4, Public Infrastructure District Act.

192 ~~[(22)]~~ (23) "Voting member" means an individual appointed or designated as a member  
193 of the board under Subsection 11-58-302(2).

194 Section 2. Section 11-58-106 is amended to read:

195 **11-58-106. Loan approval committee -- Approval of infrastructure loans.**

196 (1) As used in this section:

197 (a) "Borrower" means the same as that term is defined in Section 63A-3-401.5.

198 (b) "Infrastructure loan" means the same as that term is defined in Section  
199 63A-3-401.5.

200 (c) "Infrastructure project" means the same as that term is defined in Section  
201 63A-3-401.5.

202 ~~[(d) "Inland port fund" means the same as that term is defined in Section 63A-3-401.5.]~~

203 ~~[(e)]~~ (d) "Loan approval committee" means a committee consisting of[:] the individuals  
204 who are the voting members of the board.

205 ~~[(i) the two board members appointed by the governor;]~~

206 ~~[(ii) the board member appointed by the president of the Senate;]~~

207 ~~[(iii) the board member appointed by the speaker of the House of Representatives; and]~~

208 ~~[(iv) the board member appointed by the chair of the Permanent Community Impact~~  
209 ~~Fund Board.]~~

210 (2) The loan approval committee may approve an infrastructure loan from the inland  
211 port fund, as defined in Section 63A-3-401.5, to a borrower for an infrastructure project

212 undertaken by the borrower.

213 (3) (a) The loan approval committee shall establish the terms of an infrastructure loan  
214 in accordance with Section [63A-3-404](#).

215 (b) The loan approval committee shall require the terms of an infrastructure loan  
216 secured by property tax differential to include a requirement that money from the infrastructure  
217 loan be used only for an infrastructure project within the project area that generates the  
218 property tax differential.

219 (c) The terms of an infrastructure loan that the loan approval committee approves may  
220 include provisions allowing for the infrastructure loan to be forgiven if:

- 221 (i) the infrastructure loan is to a public university in the state;
- 222 (ii) the infrastructure loan is to fund a vehicle electrification pilot project;
- 223 (iii) the amount of the infrastructure loan does not exceed \$15,000,000; and
- 224 (iv) the public university receives matching funds for the vehicle electrification pilot  
225 project from another source.

226 (4) (a) The loan approval committee shall establish policies and guidelines with respect  
227 to prioritizing requests for infrastructure loans and approving infrastructure loans.

228 (b) With respect to infrastructure loan requests for an infrastructure project on authority  
229 jurisdictional land, the policies and guidelines established under Subsection (4)(a) shall give  
230 priority to an infrastructure loan request that furthers the policies and best practices  
231 incorporated into the environmental sustainability component of the authority's business plan  
232 under Subsection [11-58-202\(1\)\(a\)](#).

233 (5) Within 60 days after the execution of an infrastructure loan, the loan approval  
234 committee shall report the infrastructure loan, including the loan amount, terms, and security,  
235 to the Executive Appropriations Committee.

236 (6) (a) Salaries and expenses of committee members who are legislators shall be paid  
237 in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
238 Compensation.

239 (b) A committee member who is not a legislator may not receive compensation or  
240 benefits for the member's service on the committee, but may receive per diem and  
241 reimbursement for travel expenses incurred as a committee member at the rates established by  
242 the Division of Finance under:



243 (i) Sections 63A-3-106 and 63A-3-107; and

244 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
245 63A-3-107.

246 Section 3. Section 11-58-202 is amended to read:

247 **11-58-202. Authority powers and duties.**

248 (1) The authority has exclusive jurisdiction, responsibility, and power to coordinate the  
249 efforts of all applicable state and local government entities, property owners and other private  
250 parties, and other stakeholders to:

251 (a) develop and implement a business plan for the authority jurisdictional land, to  
252 include an environmental sustainability component, developed in conjunction with the Utah  
253 Department of Environmental Quality, incorporating policies and best practices to meet or  
254 exceed applicable federal and state standards, including:

255 (i) emissions monitoring and reporting; and

256 (ii) strategies that use the best available technology to mitigate environmental impacts  
257 from development and uses on the authority jurisdictional land;

258 (b) plan and facilitate the development of inland port uses on authority jurisdictional  
259 land and on land in other authority project areas;

260 (c) manage any inland port located on land owned or leased by the authority; and

261 (d) establish a foreign trade zone, as provided under federal law, covering some or all  
262 of the authority jurisdictional land or land in other authority project areas.

263 (2) The authority may:

264 (a) facilitate and bring about the development of inland port uses on land that is part of  
265 the authority jurisdictional land or that is in other authority project areas, including engaging in  
266 marketing and business recruitment activities and efforts to encourage and facilitate:

267 (i) the development of an inland port on the authority jurisdictional land; and

268 (ii) other development of the authority jurisdictional land consistent with the policies  
269 and objectives described in Subsection 11-58-203(1);

270 (b) facilitate and provide funding for the development of [~~the authority jurisdictional~~  
271 ~~land and land in other authority project areas~~] land in a project area, including the development  
272 of [~~publicly owned~~] public infrastructure and improvements and other infrastructure and  
273 improvements on or related to [~~the authority jurisdictional land~~] land in a project area;

274 (c) engage in marketing and business recruitment activities and efforts to encourage  
275 and facilitate development of the authority jurisdictional land;

276 (d) apply for and take all other necessary actions for the establishment of a foreign  
277 trade zone, as provided under federal law, covering some or all of the authority jurisdictional  
278 land;

279 (e) as the authority considers necessary or advisable to carry out any of its duties or  
280 responsibilities under this chapter:

281 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal  
282 property;

283 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or  
284 personal property; or

285 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;

286 (f) sue and be sued;

287 (g) enter into contracts generally;

288 (h) provide funding for the development of [~~publicly owned~~] public infrastructure and  
289 improvements or other infrastructure and improvements on or related to the authority  
290 jurisdictional land or other authority project areas;

291 (i) exercise powers and perform functions under a contract, as authorized in the  
292 contract;

293 (j) receive the property tax differential, as provided in this chapter;

294 (k) accept financial or other assistance from any public or private source for the  
295 authority's activities, powers, and duties, and expend any funds so received for any of the  
296 purposes of this chapter;

297 (l) borrow money, contract with, or accept financial or other assistance from the federal  
298 government, a public entity, or any other source for any of the purposes of this chapter and  
299 comply with any conditions of the loan, contract, or assistance;

300 (m) issue bonds to finance the undertaking of any development objectives of the  
301 authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act,  
302 bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial  
303 Property Assessed Clean Energy Act;

304 (n) hire employees, including contract employees;

305 (o) transact other business and exercise all other powers provided for in this chapter;  
 306 (p) engage one or more consultants to advise or assist the authority in the performance  
 307 of the authority's duties and responsibilities;

308 (q) work with other political subdivisions and neighboring property owners and  
 309 communities to mitigate potential negative impacts from the development of authority  
 310 jurisdictional land;

311 ~~[(r) own and operate an intermodal facility if the authority considers the authority's~~  
 312 ~~ownership and operation of an intermodal facility to be necessary or desirable;]~~

313 ~~[(s) own and operate publicly owned]~~ (r) own, lease, operate, or otherwise control  
 314 public infrastructure and improvements in a project area ~~[outside the authority jurisdictional~~  
 315 ~~land]; [and]~~

316 ~~[(t)]~~ (s) exercise powers and perform functions that the authority is authorized by  
 317 statute to exercise or perform[.];

318 (t) develop and implement world-class, state-of-the-art, zero-emissions logistics to:

319 (i) support continued growth of the state's economy;

320 (ii) promote the state as the global center of efficient and sustainable supply chain  
 321 logistics;

322 (iii) facilitate the efficient movement of goods on roads and rails and through the air;

323 (iv) benefit the commercial viability of tenants and users; and

324 (u) attract capital and expertise in pursuit of the next generation of logistics solutions.

325 (3) (a) Beginning April 1, 2020, the authority shall:

326 (i) be the repository of the official delineation of the boundary of the authority  
 327 jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic  
 328 component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special  
 329 Session, subject to Subsection (3)(b) and any later changes to the boundary enacted by the  
 330 Legislature; and

331 (ii) maintain an accurate digital file of the boundary that is easily accessible by the  
 332 public.

333 (b) (i) As used in this Subsection (3)(b), "split property" means a piece of land:

334 (A) with a single tax identification number; and

335 (B) that is partly included within and partly excluded from the authority jurisdictional

336 land by the boundary delineated in the shapefile described in Subsection 11-58-102(2).

337 (ii) With the consent of the mayor of the municipality in which the split property is  
338 located, the executive director may adjust the boundary of the authority jurisdictional land to  
339 include an excluded portion of a split property or exclude an included portion of a split  
340 property.

341 (iii) In adjusting the boundary under Subsection (3)(b)(ii), the executive director shall  
342 consult with the county assessor, the county surveyor, the owner of the split property, and the  
343 municipality in which the split property is located.

344 (iv) A boundary adjustment under this Subsection (3)(b) affecting the northwest  
345 boundary of the authority jurisdictional land shall maintain the buffer area between authority  
346 jurisdictional land intended for development and land outside the boundary of the authority  
347 jurisdictional land to be preserved from development.

348 (v) Upon completing boundary adjustments under this Subsection (3)(b), the executive  
349 director shall cause to be recorded in the county recorder's office a map or other description,  
350 sufficient for purposes of the county recorder, of the adjusted boundary of the authority  
351 jurisdictional land.

352 (vi) The authority shall modify the official delineation of the boundary of the authority  
353 jurisdictional land under Subsection (3)(a) to reflect a boundary adjustment under this  
354 Subsection (3)(b).

355 (4) (a) The authority may establish a community enhancement program designed to  
356 address the impacts that development or inland port uses within project areas have on adjacent  
357 communities.

358 (b) (i) The authority may use authority money to support the community enhancement  
359 program and to pay for efforts to address the impacts described in Subsection (4)(a).

360 (ii) Authority money designated for use under Subsection (4)(b)(i) is exempt from  
361 execution or any other process in the collection of a judgment against or debt or other  
362 obligation of the authority arising out of the authority's activities with respect to the community  
363 enhancement program.

364 (c) On or before October 31, 2020, the authority shall report on the authority's actions  
365 under this Subsection (4) to:

366 (i) the Business, Economic Development, and Labor Appropriations Subcommittee of

367 the Legislature;

368 (ii) the Economic Development and Workforce Services Interim Committee of the  
369 Legislature; and

370 (iii) the Business and Labor Interim Committee of the Legislature.

371 [~~5) An intermodal facility owned by the authority is subject to a privilege tax under~~  
372 ~~Title 59, Chapter 4, Privilege Tax.~~]

373 Section 4. Section **11-58-203** is amended to read:

374 **11-58-203. Policies and objectives of the authority -- Additional duties of the**  
375 **authority.**

376 (1) The policies and objectives of the authority are to:

377 (a) maximize long-term economic benefits to the area, the region, and the state;

378 (b) maximize the creation of high-quality jobs;

379 (c) respect and maintain sensitivity to the unique natural environment of areas in  
380 proximity to the authority jurisdictional land and land in other authority project areas;

381 (d) improve air quality and minimize resource use;

382 (e) respect existing land use and other agreements and arrangements between property  
383 owners within the authority jurisdictional land and within other authority project areas and  
384 applicable governmental authorities;

385 (f) promote and encourage development and uses that are compatible with or  
386 complement uses in areas in proximity to the authority jurisdictional land or land in other  
387 authority project areas;

388 (g) take advantage of the authority jurisdictional land's strategic location and other  
389 features, including the proximity to transportation and other infrastructure and facilities, that  
390 make the authority jurisdictional land attractive to:

391 (i) businesses that engage in regional, national, or international trade; and

392 (ii) businesses that complement businesses engaged in regional, national, or  
393 international trade;

394 (h) facilitate the transportation of goods;

395 (i) coordinate trade-related opportunities to export Utah products nationally and  
396 internationally;

397 (j) support and promote land uses on the authority jurisdictional land and land in other

398 authority project areas that generate economic development, including rural economic  
399 development;

400 (k) establish a project of regional significance;

401 (l) facilitate an intermodal facility;

402 (m) support uses of the authority jurisdictional land for inland port uses, including  
403 warehousing, light manufacturing, and distribution facilities;

404 (n) facilitate an increase in trade in the region and in global commerce;

405 (o) promote the development of facilities that help connect local businesses to potential  
406 foreign markets for exporting or that increase foreign direct investment;

407 (p) encourage all class 5 through 8 designated truck traffic entering the authority  
408 jurisdictional land to meet the heavy-duty highway compression-ignition diesel engine and  
409 urban bus exhaust emission standards for year 2007 and later; ~~and~~

410 (q) encourage the development and use of cost-efficient renewable energy in project  
411 areas[-];

412 (r) aggressively pursue world-class businesses that employ cutting-edge technologies to  
413 locate within a project area; and

414 (s) pursue land remediation and development opportunities for publicly owned land to  
415 add value to a project area.

416 (2) In fulfilling its duties and responsibilities relating to the development of the  
417 authority jurisdictional land and land in other authority project areas and to achieve and  
418 implement the development policies and objectives under Subsection (1), the authority shall:

419 (a) work to identify funding sources, including federal, state, and local government  
420 funding and private funding, for capital improvement projects in and around the authority  
421 jurisdictional land and land in other authority project areas and for an inland port;

422 (b) review and identify land use and zoning policies and practices to recommend to  
423 municipal land use policymakers and administrators that are consistent with and will help to  
424 achieve:

425 (i) the policies and objectives stated in Subsection (1); and

426 (ii) the mutual goals of the state and local governments that have authority  
427 jurisdictional land with their boundaries with respect to the authority jurisdictional land;

428 (c) consult and coordinate with other applicable governmental entities to improve and

429 enhance transportation and other infrastructure and facilities in order to maximize the potential  
430 of the authority jurisdictional land to attract, retain, and service users who will help maximize  
431 the long-term economic benefit to the state; and

432 (d) pursue policies that the board determines are designed to avoid or minimize  
433 negative environmental impacts of development.

434 ~~[(3)(a) The authority may use property tax differential and other authority money to~~  
435 ~~encourage, incentivize, or require development that.]~~

436 ~~[(i) mitigates noise, air pollution, light pollution, surface and groundwater pollution,~~  
437 ~~and other negative environmental impacts;]~~

438 ~~[(ii) mitigates traffic congestion; or]~~

439 ~~[(iii) uses high efficiency building construction and operation.]~~

440 ~~[(b)(i) In consultation with the municipality in which development is expected to~~  
441 ~~occur, the authority shall establish minimum mitigation and environmental standards that a~~  
442 ~~landowner is required to meet to qualify for the use of property tax differential in the~~  
443 ~~landowner's development.]~~

444 ~~[(ii) The authority may not use property tax differential for a landowner's development~~  
445 ~~in a project area unless the minimum mitigation and environmental standards are followed with~~  
446 ~~respect to that landowner's development.]~~

447 ~~[(c) The authority may develop and implement world-class, state-of-the-art,~~  
448 ~~zero-emissions logistics that support continued growth of the state's economy in order to:]~~

449 ~~[(i) promote the state as the global center of efficient and sustainable supply chain~~  
450 ~~logistics;]~~

451 ~~[(ii) facilitate the efficient movement of goods on roads and rails and through the air;]~~

452 ~~[(iii) benefit the commercial viability of developers, landowners, and tenants and users;~~  
453 ~~and]~~

454 ~~[(iv) attract capital and expertise in pursuit of the next generation of logistics~~  
455 ~~solutions.]~~

456 (3) The board may consider the emissions profile of road, yard, or rail vehicles:

457 (a) in determining access by those vehicles to facilities that the authority owns or  
458 finances; or

459 (b) in setting fees applicable to those vehicles for the use of facilities that the authority

460 owns or finances.

461 Section 5. Section 11-58-205 is amended to read:

462 **11-58-205. Applicability of other law -- Cooperation of state and local**  
463 **governments -- Municipality to consider board input -- Prohibition relating to natural**  
464 **resources -- Inland port as permitted or conditional use -- Municipal services --**  
465 **Disclosure by nonauthority governing body member.**

466 (1) Except as otherwise provided in this chapter, the authority does not have and may  
467 not exercise any powers relating to the regulation of land uses on the authority jurisdictional  
468 land.

469 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
470 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
471 by Title 63E, Independent Entities Code.

472 (3) A department, division, or other agency of the state and a political subdivision of  
473 the state shall cooperate with the authority to the fullest extent possible to provide whatever  
474 support, information, or other assistance the board requests that is reasonably necessary to help  
475 the authority fulfill its duties and responsibilities under this chapter.

476 (4) In making decisions affecting the authority jurisdictional land, the legislative body  
477 of a municipality in which the authority jurisdictional land is located shall consider input from  
478 the authority board.

479 (5) (a) No later than December 31, 2018, the ordinances of a municipality with  
480 authority jurisdictional land within its boundary shall allow an inland port as a permitted or  
481 conditional use, subject to standards that are:

- 482 (i) determined by the municipality; and
- 483 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

484 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the  
485 time prescribed in that subsection shall allow an inland port as a permitted use without regard  
486 to any contrary provision in the municipality's land use ordinances.

487 (6) The transporting, unloading, loading, transfer, or temporary storage of natural  
488 resources may not be prohibited on the authority jurisdictional land.

489 (7) (a) A municipality whose boundary includes authority jurisdictional land shall  
490 provide the same municipal services to the area of the municipality that is within the authority



491 jurisdictional land as the municipality provides to other areas of the municipality with similar  
492 zoning and a similar development level.

493 (b) The level and quality of municipal services that a municipality provides within  
494 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality  
495 of municipal services that the municipality provides to other areas of the municipality with  
496 similar zoning and a similar development level.

497 (8) (a) As used in this Subsection (8):

498 (i) "Direct financial benefit" means the same as that term is defined in Section  
499 [11-58-304](#).

500 (ii) "Nonauthority governing body member" means a member of the board or other  
501 body that has authority to make decisions for a nonauthority government owner.

502 (iii) "Nonauthority government owner" mean a state agency or nonauthority local  
503 government entity that owns land that is part of the authority jurisdictional land.

504 (iv) "Nonauthority local government entity":

505 (A) means a county, city, town, metro township, local district, special service district,  
506 community reinvestment agency, or other political subdivision of the state; and

507 (B) excludes the authority.

508 (v) "State agency" means a department, division, or other agency or instrumentality of  
509 the state, including an independent state agency.

510 (b) A nonauthority governing body member who owns or has a financial interest in  
511 land that is part of the authority jurisdictional land or who reasonably expects to receive a  
512 direct financial benefit from development of authority jurisdictional land shall submit a written  
513 disclosure to the authority board and the nonauthority government owner.

514 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

515 (i) the nonauthority governing body member's ownership or financial interest in  
516 property that is part of the authority jurisdictional land; and

517 (ii) the direct financial benefit the nonauthority governing body member expects to  
518 receive from development of authority jurisdictional land.

519 (d) A nonauthority governing body member required under Subsection (8)(b) to submit  
520 a written disclosure shall submit the disclosure no later than 30 days after:

521 (i) the nonauthority governing body member:

522 (A) acquires an ownership or financial interest in property that is part of the authority  
523 jurisdictional land; or

524 (B) first knows that the nonauthority governing body member expects to receive a  
525 direct financial benefit from the development of authority jurisdictional land; or

526 (ii) the effective date of this Subsection (8), if that date is later than the period  
527 described in Subsection (8)(d)(i).

528 (e) A written disclosure submitted under this Subsection (8) is a public record.

529 (9) No later than December 31, 2022, a primary municipality, as defined in Section  
530 11-58-601, shall enter into an agreement with the authority under which the primary  
531 municipality agrees to facilitate the efficient processing of land use applications, as defined in  
532 Section 10-9a-103, relating to authority jurisdictional land within the primary municipality,  
533 including providing for at least one full-time employee as a single point of contact for the  
534 processing of those land use applications.

535 Section 6. Section **11-58-302** is amended to read:

536 **11-58-302. Number of board members -- Appointment -- Vacancies.**

537 (1) The authority's board shall consist of [~~11~~] five voting members, as provided in  
538 Subsection (2).

539 (2) (a) The governor shall appoint [~~two~~] as board members two individuals who are not  
540 elected government officials:

541 (i) one of whom shall be an individual engaged in statewide economic development or  
542 corporate recruitment and retention; and

543 (ii) one of whom shall be an individual engaged in statewide trade, import and export  
544 activities, [~~or~~] foreign direct investment, or public-private partnerships.

545 (b) The president of the Senate shall appoint [~~one~~] as a board member one individual  
546 with relevant business expertise.

547 (c) The speaker of the House of Representatives shall appoint [~~one~~] as a board member  
548 one individual with relevant business expertise.

549 [~~(d) The mayor of Salt Lake County, or the mayor's designee, shall serve as a board~~  
550 ~~member.]~~

551 [~~(e) The chair of the Permanent Community Impact Fund Board, created in Section~~  
552 ~~35A-8-304, shall appoint one board member from among the members of the Permanent~~

553 Community Impact Fund Board.]

554 ~~[(f) The mayor of Salt Lake City, or the mayor's designee, shall serve as a board~~  
555 ~~member.]~~

556 ~~[(g) A member of the Salt Lake City council, selected by the Salt Lake City council,~~  
557 ~~shall serve as a board member.]~~

558 ~~[(h) The city manager of West Valley City, with the consent of the city council of West~~  
559 ~~Valley City, shall appoint one board member.]~~

560 ~~[(i) The director of the Salt Lake County office of Regional Economic Development~~  
561 ~~shall serve as a board member.]~~

562 ~~[(j) The mayor of the Magna metro township, or the mayor's designee, shall serve as a~~  
563 ~~board member.]~~

564 (d) The president of the Senate and speaker of the House of Representatives shall  
565 jointly appoint as a board member one individual with relevant business expertise.

566 (3) (a) The board shall include three nonvoting board members.

567 (b) The board shall appoint as nonvoting board members two individuals with  
568 expertise in transportation and logistics.

569 (c) One of the nonvoting board members shall be a member of the Salt Lake City  
570 Council, designated by the Salt Lake City Council, who represents a council district whose  
571 boundary includes authority jurisdictional land.

572 (d) The board may set the term of office for nonvoting board members appointed under  
573 Subsection (3)(b).

574 ~~[(3)]~~ (4) An individual required under Subsection (2) to appoint a board member shall  
575 appoint each initial board member the individual is required to appoint no later than June 1,  
576 ~~[2018]~~ 2022.

577 ~~[(4)]~~ (5) (a) A vacancy in the board shall be filled in the same manner under this  
578 section as the appointment of the member whose vacancy is being filled.

579 (b) A person appointed to fill a vacancy shall serve the remaining unexpired term of  
580 the member whose vacancy the person is filling.

581 ~~[(5)]~~ (6) A member of the board appointed ~~[by the governor, president of the Senate, or~~  
582 ~~speaker of the House of Representatives]~~ under Subsection (2) serves at the pleasure of and  
583 may be removed and replaced at any time, with or without cause, by the ~~[governor, president of~~

584 ~~the Senate, or speaker of the House of Representatives, respectively]~~ individual or individuals  
585 who appointed the member.

586 [~~(6) The authority may appoint nonvoting members of the board and set terms for those~~  
587 ~~nonvoting members.]~~

588 (7) Upon a vote of a majority of all board members, the board may appoint a board  
589 chair and any other officer of the board.

590 [~~(8) (a) An individual designated as a board member under Subsection (2)(g), (i), or (j)~~  
591 ~~who would be precluded from serving as a board member because of Subsection~~  
592 ~~11-58-304(2).]~~

593 [~~(i) may serve as a board member notwithstanding Subsection 11-58-304(2); and]~~

594 [~~(ii) shall disclose in writing to the board the circumstances that would otherwise have~~  
595 ~~precluded the individual from serving as a board member under Subsection 11-58-304(2).]~~

596 [~~(b) A written disclosure under Subsection (8)(a)(ii) is a public record under Title 63G,~~  
597 ~~Chapter 2, Government Records Access and Management Act.]~~

598 [~~(9)~~] (8) The board may appoint one or more advisory committees that may include  
599 individuals from impacted public entities, community organizations, environmental  
600 organizations, business organizations, or other organizations or associations.

601 Section 7. Section **11-58-303** is amended to read:

602 **11-58-303. Term of board members -- Quorum -- Compensation.**

603 (1) The term of a board member appointed under Subsection ~~11-58-302(2)(a), (b), (c),~~  
604 ~~(e), (g), or (h)]~~ is four years, except that the initial term of one of the two members appointed  
605 under Subsection ~~11-58-302(2)(a) and of the [members] member~~ appointed under [Subsections  
606 ~~11-58-302(2)(e) and (g)]~~ Subsection 11-58-302(2)(d) is two years.

607 (2) Each board member shall serve until a successor is duly appointed and qualified.

608 (3) A board member may serve multiple terms if duly appointed to serve each term  
609 under Subsection ~~11-58-302(2)~~.

610 (4) A majority of board members constitutes a quorum, and the action of a majority of  
611 a quorum constitutes action of the board.

612 (5) (a) A board member who is not a legislator may not receive compensation or  
613 benefits for the member's service on the board, but may receive per diem and reimbursement  
614 for travel expenses incurred as a board member as allowed in:

- 615 (i) Sections 63A-3-106 and 63A-3-107; and  
616 (ii) rules made by the Division of Finance according to Sections 63A-3-106 and  
617 63A-3-107.
- 618 (b) Compensation and expenses of a board member who is a legislator are governed by  
619 Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.  
620 Section 8. Section 11-58-304 is amended to read:  
621 **11-58-304. Limitations on board members and executive director.**
- 622 (1) As used in this section:  
623 (a) "Direct financial benefit":  
624 (i) means any form of financial benefit that accrues to an individual directly, including:  
625 (A) compensation, commission, or any other form of a payment or increase of money;  
626 and  
627 (B) an increase in the value of a business or property; and  
628 (ii) does not include a financial benefit that accrues to the public generally.  
629 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 630 (2) An individual may not serve as a voting member of the board or as executive  
631 director if:  
632 (a) the individual owns real property, other than a personal residence in which the  
633 individual resides, within a project area, whether or not the ownership interest is a recorded  
634 interest;  
635 (b) a family member of the individual owns an interest in real property, other than a  
636 personal residence in which the family member resides, located within a project area; or  
637 (c) the individual or a family member of the individual owns an interest in, is directly  
638 affiliated with, or is an employee or officer of a private firm, private company, or other private  
639 entity that the individual reasonably believes is likely to:  
640 (i) participate in or receive a direct financial benefit from the development of the  
641 authority jurisdictional land; or  
642 (ii) acquire an interest in or locate a facility within a project area.  
643 (3) Before taking office as a voting member of the board or accepting employment as  
644 executive director, an individual shall submit to the authority[:-(a)] a statement verifying that  
645 the individual's service as a board member or employment as executive director does not

646 violate Subsection (2)~~[-or]~~.

647 ~~[(b) for an individual to whom Subsection 11-58-302(8) applies, the disclosure~~  
648 ~~required under that subsection.]~~

649 (4) (a) An individual may not, at any time during the individual's service as a voting  
650 member or employment with the authority, acquire, or take any action to initiate, negotiate, or  
651 otherwise arrange for the acquisition of, an interest in real property located within a project  
652 area, if:

653 (i) the acquisition is in the individual's personal capacity or in the individual's capacity  
654 as an employee or officer of a private firm, private company, or other private entity; and

655 (ii) the acquisition will enable the individual to receive a direct financial benefit as a  
656 result of the development of the project area.

657 (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to  
658 initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is  
659 a personal residence in which the individual will reside upon acquisition of the real property.

660 (5) (a) A voting member or nonvoting member of the board or an employee of the  
661 authority may not receive a direct financial benefit from the development of a project area.

662 (b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

663 (i) expense reimbursements;

664 (ii) per diem pay for board member service, if applicable; or

665 (iii) an employee's compensation or benefits from employment with the authority.

666 (6) Nothing in this section may be construed to affect the application or effect of any  
667 other code provision applicable to a board member or employee relating to ethics or conflicts  
668 of interest.

669 Section 9. Section **11-58-305** is amended to read:

670 **11-58-305. Executive director.**

671 (1) ~~[On or before July 1, 2019, the]~~ The board shall hire and oversee a full-time  
672 executive director.

673 (2) (a) The executive director is the chief executive officer of the authority.

674 (b) The role of the executive director is to:

675 (i) manage and oversee the day-to-day operations of the authority;

676 (ii) fulfill the executive and administrative duties and responsibilities of the authority;

677 and

678 (iii) perform other functions, as directed by the board.

679 (3) The executive director shall have the education, experience, and training necessary  
680 to perform the executive director's duties in a way that maximizes the potential for successfully  
681 achieving and implementing the strategies, policies, and objectives stated in Subsection  
682 [11-58-203](#)(1).

683 (4) An executive director is an at-will employee who serves at the pleasure of the board  
684 and may be removed by the board at any time.

685 (5) The board shall establish the duties, compensation, and benefits of an executive  
686 director.

687 Section 10. Section **11-58-601** is amended to read:

688 **11-58-601. Port authority receipt and use of property tax differential --**  
689 **Distribution of property tax differential.**

690 (1) As used in this section:

691 (a) "Designation resolution" means a resolution adopted by the board that designates a  
692 transition date for the parcel specified in the resolution.

693 (b) "Exempt area" means the authority jurisdictional land that is within a primary  
694 municipality, excluding areas described in Subsection (5)(a) and parcels of land described in  
695 Subsection (5)(b).

696 ~~[(b)]~~ (c) "Post-designation differential" means 75% of property tax differential  
697 generated from a post-designation parcel.

698 ~~[(c)]~~ (d) "Post-designation parcel" means a parcel within a project area after the  
699 transition date for that parcel.

700 ~~[(d)]~~ (e) "Pre-designation differential" means 75% of property tax differential  
701 generated from all pre-designation parcels within a project area.

702 ~~[(e)]~~ (f) "Pre-designation parcel" means a parcel within a project area before the  
703 transition date for that parcel.

704 (g) "Primary municipality" means the municipality that has more authority jurisdictional  
705 land within the municipality's boundary than is included within the boundary of any other  
706 municipality.

707 ~~[(f)]~~ (h) "Transition date" means the date after which the authority is to be paid

708 post-designation differential for the parcel that is the subject of a designation resolution.

709 (2) (a) The authority shall be paid pre-designation differential generated within the  
710 authority jurisdictional land:

711 (i) for the period beginning November 2019 and ending November 2044; and

712 (ii) for a period of 15 years following the period described in Subsection (2)(a)(i) if,  
713 before the end of the period described in Subsection (2)(a)(i), the board adopts a resolution  
714 extending the period described in Subsection (2)(a)(i) for 15 years.

715 (b) The authority shall be paid pre-designation differential generated within a project  
716 area, other than the authority jurisdictional land:

717 (i) for a period of 25 years beginning the date the board adopts a project area plan  
718 under Section 11-58-502 establishing the project area; and

719 (ii) for a period of 15 years following the period described in Subsection (2)(b)(i) if,  
720 before the end of the period described in Subsection (2)(b)(i), the board adopts a resolution  
721 extending the period described in Subsection (2)(b)(i) for 15 years.

722 (3) The authority shall be paid post-designation differential generated from a  
723 post-designation parcel:

724 (a) for a period of 25 years beginning on the transition date for that parcel; and

725 (b) for a period of an additional 15 years beyond the period stated in Subsection (3)(a)  
726 if the board determines by resolution that the additional years of post-designation differential  
727 from that parcel will produce a significant benefit.

728 (4) (a) For purposes of this section, the authority may designate an improved portion of  
729 a parcel in a project area as a separate parcel.

730 (b) An authority designation of an improved portion of a parcel as a separate parcel  
731 under Subsection (4)(a) does not constitute a subdivision, as defined in Section 10-9a-103 or  
732 Section 17-27a-103.

733 (c) A county recorder shall assign a separate tax identification number to the improved  
734 portion of a parcel designated by the authority as a separate parcel under Subsection (4)(a).

735 (5) The authority may not receive:

736 (a) a taxing entity's portion of property tax differential generated from an area included  
737 within a community reinvestment project area under a community reinvestment project area  
738 plan, as defined in Section 17C-1-102, adopted before October 1, 2018, if the taxing entity has,



739 before October 1, 2018, entered into a fully executed, legally binding agreement under which  
 740 the taxing entity agrees to the use of its tax increment, as defined in Section [17C-1-102](#), under  
 741 the community reinvestment project area plan; or

742 (b) property tax differential from a parcel of land:

743 (i) that was substantially developed before December 1, 2018;

744 (ii) for which a certificate of occupancy was issued before December 1, 2018; and

745 (iii) that is identified in a list that the municipality in which the land is located provides  
 746 to the authority and the county assessor by April 1, 2020.

747 (6) (a) Notwithstanding Subsections (2) and (3), beginning with the first tax year that  
 748 begins on or after January 1, 2023, the authority may not receive the portion of property tax  
 749 differential generated by a property tax levied by a primary municipality on the exempt area if:

750 (i) the primary municipality, the primary municipality's agency, as defined in Section  
 751 [17C-5-114](#), and the authority have entered into the agreement described in Section [17C-5-114](#);  
 752 and

753 (ii) the primary municipality and the authority have entered into the agreement  
 754 described in Subsection [11-58-205\(9\)](#).

755 (b) If the authority ceases to receive the portion of property tax differential described in  
 756 Subsection (6)(a), the primary municipality may retain and use, for municipal operations, all  
 757 property tax revenue generated from the primary municipality's property tax levy on the exempt  
 758 area, subject to the requirements of Section [17C-5-114](#).

759 ~~[(6)]~~ (7) (a) As used in this Subsection ~~[(6)]~~ (7):

760 (i) "Agency land" means authority jurisdictional land that is within the boundary of an  
 761 eligible community reinvestment agency and from which the authority is paid property tax  
 762 differential.

763 (ii) "Applicable differential" means the amount of property tax differential paid to the  
 764 authority that is generated from agency land.

765 (iii) "Eligible community reinvestment agency" means the community reinvestment  
 766 agency in which agency land is located.

767 (b) The authority shall pay 10% of applicable differential to the eligible community  
 768 reinvestment agency, to be used for affordable housing as provided in Section [17C-1-412](#).

769 ~~[(7)]~~ (8) (a) Subject to Subsection ~~[(7)]~~ (8)(b), a county that collects property tax on

770 property within a project area shall pay and distribute to the authority the property tax  
771 differential that the authority is entitled to collect under this chapter, in the manner and at the  
772 time provided in Section [59-2-1365](#).

773 (b) For property tax differential that a county collects for tax year 2019, a county shall  
774 pay and distribute to the authority, on or before June 30, 2020, the property tax differential that  
775 the authority is entitled to collect:

776 (i) according to the provisions of this section; and

777 (ii) based on the boundary of the authority jurisdictional land as of May 31, 2020.

778 (9) Notwithstanding any other provision of this chapter, beginning with the first tax  
779 year that begins on or after January 1, 2023, the authority may not use the portion of property  
780 tax differential generated by a property tax levied by a primary municipality on the exempt area  
781 unless the primary municipality, the primary municipality's agency, as defined in Section  
782 17C-5-114, and the authority have entered into an agreement as provided in Section  
783 17C-5-114.

784 Section 11. Section **11-58-602** is amended to read:

785 **11-58-602. Allowable uses of property tax differential and other funds.**

786 (1) (a) The authority may use ~~[the]~~ money from property tax differential, money the  
787 authority receives from the state, money the authority receives under Subsection  
788 [59-12-205\(2\)](#)~~(b)(iii)~~(a)(ii)(C), and other ~~[funds]~~ money available to the authority:

789 ~~[(a)]~~ (i) for any purpose authorized under this chapter;

790 ~~[(b)]~~ (ii) for administrative, overhead, legal, consulting, and other operating expenses of  
791 the authority;

792 ~~[(c)]~~ (iii) to pay for, including financing or refinancing, all or part of the development  
793 of land within a project area, including assisting the ongoing operation of a development or  
794 facility within the project area;

795 ~~[(d)]~~ (iv) to pay the cost of the installation and construction of ~~[publicly owned]~~ public  
796 infrastructure and improvements within the project area from which the property tax  
797 differential funds were collected;

798 ~~[(e)]~~ (v) to pay the cost of the installation of ~~[publicly owned]~~ public infrastructure and  
799 improvements outside a project area if the board determines by resolution that the  
800 infrastructure and improvements are of benefit to the project area;

801           ~~[(f)]~~ (vi) to pay to a community reinvestment agency for affordable housing, as  
802 provided in Subsection ~~11-58-601~~~~[(6)]~~(7); ~~[and]~~  
803           ~~[(g)]~~ (vii) to pay the principal and interest on bonds issued by the authority~~[-]; and~~  
804           (viii) subject to Subsection (1)(b), to encourage, incentivize, or require development  
805 that:  
806           (A) mitigates noise, air pollution, light pollution, surface and groundwater pollution,  
807 and other negative environmental impacts;  
808           (B) mitigates traffic congestion; or  
809           (C) uses high efficiency building construction and operation.  
810           (b) (i) The authority shall establish minimum mitigation and environmental standards  
811 that a landowner is required to meet to qualify for the use of property tax differential under  
812 Subsection (1)(a)(viii) in the landowner's development.  
813           (ii) In establishing minimum mitigation and environmental standards, the authority  
814 shall consult with:  
815           (A) the municipality in which the development is expected to occur, for development  
816 expected to occur within a municipality; or  
817           (B) the county in whose unincorporated area the development is expected to occur, for  
818 development expected to occur within the unincorporated area of a county.  
819           (iii) The authority may not use property tax differential under Subsection (1)(a)(viii)  
820 for a landowner's development in a project area unless the minimum mitigation and  
821 environmental standards are followed with respect to that landowner's development.  
822           (2) The authority may use revenue generated from the operation of ~~[publicly owned]~~  
823 public infrastructure operated by the authority or improvements, including an intermodal  
824 facility, operated by the authority to:  
825           (a) operate and maintain the infrastructure or improvements; and  
826           (b) pay for authority operating expenses, including administrative, overhead, and legal  
827 expenses.  
828           (3) The determination of the board under Subsection ~~[(1)(e)]~~ (1)(a)(v) regarding benefit  
829 to the project area is final.  
830           (4) The authority may not use property tax differential revenue collected from one  
831 project area for a development project within another project area.

832 (5) Until the authority adopts a business plan under Subsection 11-58-202(1)(a), the  
833 authority may not spend property tax differential revenue collected from authority jurisdictional  
834 land.

835 (6) (a) As used in this Subsection (6):

836 (i) "Authority sales and use tax revenue" means money distributed to the authority  
837 under Subsection 59-12-205(2)(b)(iii)(a)(ii)(C).

838 (ii) "Eligible county" means a county that would be entitled to receive sales and use tax  
839 revenue under Subsection 59-12-205(2)(b)(i)(a)(ii)(A) in the absence of Subsection  
840 59-12-205(2)(b)(iii)(a)(ii)(C).

841 (iii) "Eligible municipality" means a municipality that would be entitled to receive  
842 sales and use tax revenue under Subsection 59-12-205(2)(b)(i)(a)(ii)(A) in the absence of  
843 Subsection 59-12-205(2)(b)(iii)(a)(ii)(C).

844 (iv) "Point of sale portion" means:

845 (A) for an eligible county, the amount of sales and use tax revenue the eligible county  
846 would have received under Subsection 59-12-205(2)(b)(i)(a)(ii)(A) in the absence of  
847 Subsection 59-12-205(2)(b)(iii)(a)(ii)(C), excluding the retail sales portion; and

848 (B) for an eligible municipality, the amount of sales and use tax revenue the eligible  
849 municipality would have received under Subsection 59-12-205(2)(b)(i)(a)(ii)(A) in the  
850 absence of Subsection 59-12-205(2)(b)(iii)(a)(ii)(C), excluding the retail sales portion.

851 (v) "Retail sales portion" means the amount of sales and use tax revenue collected  
852 under Subsection 59-12-205(2)(b)(i)(a)(ii)(A) from retail sales transactions that occur on  
853 authority jurisdictional land.

854 (b) Within 45 days after receiving authority sales and use tax revenue, the authority  
855 shall:

856 (i) distribute half of the point of sale portion to each eligible county and eligible  
857 municipality; and

858 (ii) distribute all of the retail sales portion to each eligible county and eligible  
859 municipality.

860 Section 12. Section 11-58-603 is enacted to read:

861 **11-58-603. Use of authority money for business recruitment incentive.**

862 (1) As used in this section:

863 (a) "Business recruitment incentive" means the post-performance payment of property  
864 tax differential as an incentive for a capital expenditure or for the creation of high-paying jobs  
865 within a project area, as provided in this section.

866 (b) "Capital expenditure" means an expenditure of money, other than property tax  
867 differential:

868 (i) by an applicant under an incentive application; and

869 (ii) for the development of capital facilities that are:

870 (A) constructed within a project area; and

871 (B) focused on value-added manufacturing that optimizes the use of rail facilities.

872 (c) "High-paying job" means a job:

873 (i) created because of development activity within a project area; and

874 (ii) that pays at least 130% of the average for all wages within the county in which the  
875 project area is located for the year during which an incentive application is submitted.

876 (d) "Incentive application" means an application for a business recruitment incentive.

877 (e) "Tax differential parcel" means a parcel of land:

878 (i) on which capital facilities are constructed from a capital expenditure; or

879 (ii) where development activity occurs that results in the creation of high-paying jobs.

880 (2) The authority may use property tax differential as a business recruitment incentive  
881 as provided in this section.

882 (3) The board shall establish the application timeline, documentation requirements, and  
883 approval criteria applicable to an incentive application and approval of an incentive  
884 application, consistent with this section.

885 (4) (a) Subject to Subsection (4)(b), a person may qualify for a business recruitment  
886 incentive if:

887 (i) the person submits an incentive application according to requirements established  
888 by the board;

889 (ii) the person meets the requirements under Subsection (5) or (6) for a business  
890 recruitment incentive; and

891 (iii) the board approves the incentive application.

892 (b) A person may not qualify for a business recruitment incentive if the person's  
893 development project relates primarily to retail operations or the distribution of goods.

- 894           (5) The authority may pay a person, on a post-performance basis:  
895           (a) up to 20% of the property tax differential generated from a tax differential parcel  
896 for a period of 20 years, if the person demonstrates that at least \$1,000,000,000 of capital  
897 expenditure will occur on the tax differential parcel due to the person's development project;  
898           (b) up to 15% of the property tax differential generated from a tax differential parcel  
899 for a period of 15 years, if the person demonstrates that at least \$500,000,000 of capital  
900 expenditure will occur on the tax differential parcel due to the person's development project; or  
901           (c) up to 10% of the property tax differential generated from a tax differential parcel  
902 for a period of 10 years, if the person demonstrates that at least \$100,000,000 of capital  
903 expenditure will occur on the tax differential parcel due to the person's development project.  
904           (6) The authority may pay a person, on a post-performance basis:  
905           (a) up to 10% of the property tax differential generated from a tax differential parcel  
906 for a period of 20 years, if the person demonstrates that the person's development activity on  
907 the tax differential parcel will result in the creation of at least 1,000 high-paying jobs;  
908           (b) up to 8% of the property tax differential generated from a tax differential parcel for  
909 a period of 15 years, if the person demonstrates that the person's development activity on the  
910 tax differential parcel will result in the creation of at least 500 high-paying jobs; or  
911           (c) up to 5% of the property tax differential generated from a tax differential parcel for  
912 a period of 10 years, if the person demonstrates that the person's development activity on the  
913 tax differential parcel will result in the creation of at least 250 high-paying jobs.  
914           (7) Subject to the limits stated in Subsections (5) and (6), the amount of property tax  
915 differential to be paid under this section and the timing of any payment are at the discretion of  
916 the board.  
917           (8) A person may not receive a business recruitment incentive under both Subsection  
918 (5) and Subsection (6).  
919           Section 13. Section **11-58-604** is enacted to read:  
920           **11-58-604. Authority's uses of authority property tax revenue.**  
921           (1) As used in this section:  
922           (a) "Authority property tax revenue" means property tax revenue the authority receives  
923 under Section [17C-5-114](#).  
924           (b) "Primary municipality" means the same as that term is defined in Section

925 [11-58-601.](#)

926 (2) Of the authority property tax revenue the authority receives, the authority shall use:

927 (a) 40% for environmental mitigation projects within the authority jurisdictional land;

928 (b) 40% for mitigation projects, which may include a regional traffic study and an

929 environmental impact mitigation analysis, for communities that are:

930 (i) within the primary municipality;

931 (ii) adjacent to the authority jurisdictional land; and

932 (iii) west of the east boundary of the right of way of a fixed guideway used, as of

933 January 1, 2022, for commuter rail within the primary municipality; and

934 (c) 20% for economic development activities on the authority jurisdictional land.

935 Section 14. Section **11-58-801** is amended to read:

936 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**

937 **-- Auditor forms -- Requirement to file annual budget.**

938 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
939 expenditures for the authority for each fiscal year.

940 (2) Each annual authority budget shall be adopted before June ~~[22]~~ 30, except that the  
941 authority's initial budget shall be adopted as soon as reasonably practicable after the  
942 organization of the board and the beginning of authority operations.

943 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

944 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the  
945 annual budget.

946 (b) The authority shall provide notice of the public hearing on the annual budget by  
947 publishing notice:

948 (i) at least once in a newspaper of general circulation within the state, at least one week  
949 before the public hearing; and

950 (ii) on the Utah Public Notice Website created in Section [63A-16-601](#), ~~[for]~~ at least  
951 one week immediately before the public hearing.

952 (c) The authority shall make the annual budget available for public inspection at least  
953 three days before the date of the public hearing.

954 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
955 in each authority budget, including:

- 956 (a) revenues and expenditures for the budget year;
- 957 (b) legal fees; and
- 958 (c) administrative costs, including rent, supplies, and other materials, and salaries of
- 959 authority personnel.

960 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of

961 the annual budget with the auditor of each county in which the authority jurisdictional land is

962 located, the State Tax Commission, the state auditor, the State Board of Education, and each

963 taxing entity that levies a tax on property from which the authority collects property tax

964 differential.

965 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the

966 state as a taxing entity is met if the authority files a copy with the State Tax Commission and

967 the state auditor.

968 Section 15. Section **17C-5-114** is enacted to read:

969 **17C-5-114. Project area for inland port area -- Sharing of property tax revenue**

970 **from the area.**

971 (1) As used in this section:

972 (a) "Exempt area" means the same as that term is defined in Section [11-58-601](#).

973 (b) "Exempt area property tax" means ~~Ŝ → [all annual property tax revenue generated from a~~

974 ~~primary municipality's property tax levy on property within the exempt area]~~ **the portion of**

974a **property tax differential generated by a property tax levied by a primary municipality on**

974b **property in the exempt area** ~~←Ŝ~~ .

975 (c) "Port authority" means the Utah Inland Port Authority, created in Section

976 [11-58-201](#).

977 (d) "Primary municipality" means the same as that term is defined in Section

978 [11-58-601](#).

979 (e) "Primary municipality's agency" means the agency created by a primary

980 municipality.

981 (2) No later than December 31, 2022, the primary municipality's agency shall create a

982 project area consisting of the exempt area.

983 (3) No later than December 31, 2022, a primary municipality, the primary

984 municipality's agency, and the port authority shall enter into an agreement requiring:

985 (a) the primary municipality's agency to be paid exempt area property tax, beginning

986 with the first tax year that begins on or after January 1, 2023, for distribution in the amounts



987 and for the purposes provided in this Subsection (3):

988 (b) the primary municipality's agency to pay, beginning with the first tax year that  
 989 begins on or after January 1, 2023, 25% of the exempt area property tax to the port authority:

990 (i) for the port authority's use as provided in Section 11-58-604; and

991 (ii) (A) for a period of 25 years beginning January 1, 2023; and

992 (B) for a period of an additional 15 years beyond the period stated in Subsection

993 (3)(b)(ii)(A) if the board of the port authority determines by resolution, adopted before the

994 expiration of the 25-year period under Subsection (3)(b)(ii)(A), that the additional years will

995 produce a significant benefit to the uses described in Section 11-58-604 and if the primary

996 municipality's agency amends the applicable project area plan, in accordance with Section

997 17C-5-112, to reflect the additional period of time for the payment of exempt area property tax;

998 (c) the primary municipality's agency to pay, beginning the first tax year that begins on

999 or after January 1, 2023 and in addition to the amounts under Subsection (3)(b), a percentage,

1000 as defined in Subsection (4), of the exempt area property tax to the port authority for the port

1001 authority's use as provided in Section 11-58-604;

1002 (d) the port authority to consult with the primary municipality concerning the

1003 mitigation projects described in Subsections 11-58-604(2)(a) and (b); and

1004 (e) the primary municipality's agency to use 10% of exempt area property tax for

1005 affordable housing as provided in Section 17C-1-412.

1006 (4) The percentage of the exempt area property tax to be paid to the port authority as

1007 provided in Subsection (3):

1008 (a) shall be 40% for the first tax year that begins on or after January 1, 2023,

1009 decreasing 2% each year after the 2023 tax year, so that in 2029 the percentage is 28;

1010 (b) beginning January 1, 2030, and for a period of seven years, shall be 10%;

1011 (c) beginning January 1, 2037, and for a period of 11 years, shall be 8%; and

1012 (d) after 2047, shall be 0%.

1013 Section 16. Section 17D-4-102 is amended to read:

1014 **17D-4-102. Definitions.**

1015 As used in this chapter:

1016 (1) "Board" means the board of trustees of a public infrastructure district.

1017 (2) "Creating entity" means the county, municipality, or development authority that

1018 approves the creation of a public infrastructure district.

1019 (3) "Development authority" means:

1020 (a) the Utah Inland Port Authority created in Section 11-58-201; or

1021 (b) the military installation development authority created in Section 63H-1-201.

1022 (4) "District applicant" means the person proposing the creation of a public  
1023 infrastructure district.

1024 (5) "Division" means a division of a public infrastructure district:

1025 (a) that is relatively equal in number of eligible voters or potential eligible voters to all  
1026 other divisions within the public infrastructure district, taking into account existing or potential  
1027 developments which, when completed, would increase or decrease the population within the  
1028 public infrastructure district; and

1029 (b) which a member of the board represents.

1030 (6) "Governing document" means the document governing a public infrastructure  
1031 district to which the creating entity agrees before the creation of the public infrastructure  
1032 district, as amended from time to time, and subject to the limitations of Title 17B, Chapter 1,  
1033 Provisions Applicable to All Local Districts, and this chapter.

1034 (7) (a) "Limited tax bond" means a bond:

1035 (i) that is directly payable from and secured by ad valorem property taxes that are  
1036 levied:

1037 (A) by a public infrastructure district that issues the bond; and

1038 (B) on taxable property within the district;

1039 (ii) that is a general obligation of the public infrastructure district; and

1040 (iii) for which the ad valorem property tax levy for repayment of the bond does not  
1041 exceed the property tax levy rate limit established under Section 17D-4-303 for any fiscal year,  
1042 except as provided in Subsection 17D-4-301(8).

1043 (b) "Limited tax bond" does not include:

1044 (i) a short-term bond;

1045 (ii) a tax and revenue anticipation bond; or

1046 (iii) a special assessment bond.

1047 (8) "Public infrastructure and improvements" means:

1048 (a) [~~publicly owned infrastructure and improvements, as~~] the same as that term is

1049 defined in Section 11-58-102, for a public infrastructure district created by the Utah Inland Port  
1050 Authority created in Section 11-58-201; and

1051 (b) the same as that term is defined in Section 63H-1-102, for a public infrastructure  
1052 district created by the military installation development authority created in Section 63H-1-201.

1053 Section 17. Section 17D-4-203 is amended to read:

1054 **17D-4-203. Public infrastructure district powers.**

1055 A public infrastructure district shall have all of the authority conferred upon a local  
1056 district under Section 17B-1-103, and in addition a public infrastructure district may:

1057 (1) issue negotiable bonds to pay:

1058 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending  
1059 any of the improvements, facilities, or property allowed under Section 11-14-103;

1060 (b) capital costs of improvements in an energy assessment area, as defined in Section  
1061 11-42a-102, and other related costs, against the funds that the public infrastructure district will  
1062 receive because of an assessment in an energy assessment area, as defined in Section  
1063 11-42a-102;

1064 (c) public improvements related to the provision of housing;

1065 (d) capital costs related to public transportation; and

1066 (e) for a public infrastructure district created by a development authority, the cost of  
1067 acquiring or financing public infrastructure and improvements[~~as defined in Section~~  
1068 63H-1-102];

1069 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,  
1070 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers  
1071 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal  
1072 Cooperation Act, without the consent of the creating entity;

1073 (3) acquire completed or partially completed improvements for fair market value as  
1074 reasonably determined by:

1075 (a) the board;

1076 (b) the creating entity, if required in the governing document; or

1077 (c) a surveyor or engineer that a public infrastructure district employs or engages to  
1078 perform the necessary engineering services for and to supervise the construction or installation  
1079 of the improvements;

1080 (4) contract with the creating entity for the creating entity to provide administrative  
1081 services on behalf of the public infrastructure district, when agreed to by both parties, in order  
1082 to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and

1083 (5) for a public infrastructure district created by a development authority:

1084 (a) (i) operate and maintain public infrastructure and improvements the district  
1085 acquires or finances; and

1086 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those  
1087 public infrastructure and improvements; and

1088 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

1089 Section 18. Section **35A-16-304** is amended to read:

1090 **35A-16-304. Homeless Shelter Cities Mitigation Restricted Account.**

1091 (1) As used in this section:

1092 (a) "Annual local contribution" means:

1093 (i) for a participating local government, the lesser of \$200,000 or an amount equal to  
1094 1.8% of the participating local government's tax revenue distribution amount under Subsection  
1095 [59-12-205\(2\)\(a\)\(i\)](#) for the previous fiscal year; or

1096 (ii) for an eligible municipality or a grant eligible entity that is certified in accordance  
1097 with Section [35A-8-609](#), \$0.

1098 (b) "Eligible municipality" means the same as that term is defined in Section  
1099 [35A-16-305](#).

1100 (c) "Grant eligible entity" means the same as that term is defined in Section  
1101 [35A-16-306](#).

1102 (d) "Participating local government" means a county or municipality, as defined in  
1103 Section [10-1-104](#), that is not an eligible municipality or grant eligible entity as certified by the  
1104 department in accordance with Section [35A-16-307](#).

1105 (2) There is created a restricted account within the General Fund known as the  
1106 Homeless Shelter Cities Mitigation Restricted Account.

1107 (3) The account shall be funded by:

1108 (a) local sales and use tax revenue deposited into the account in accordance with  
1109 Section [59-12-205](#); and

1110 (b) interest earned on the account.

1111 (4) (a) The office shall administer the account.

1112 (b) Subject to appropriation, the office shall disburse funds from the account to:

1113 (i) eligible municipalities in accordance with Sections 35A-16-305 and 63J-1-802; and

1114 (ii) grant eligible entities in accordance with Sections 35A-16-306 and 63J-1-802.

1115 Section 19. Section 41-6a-2003 is amended to read:

1116 **41-6a-2003. Automatic license plate reader systems -- Restrictions.**

1117 (1) Except as provided in Subsection (2), a governmental entity may not use an  
1118 automatic license plate reader system.

1119 (2) An automatic license plate reader system may be used:

1120 (a) by a law enforcement agency for the purpose of protecting public safety, conducting  
1121 criminal investigations, or ensuring compliance with local, state, and federal laws;

1122 (b) by a governmental parking enforcement entity for the purpose of enforcing state  
1123 and local parking laws;

1124 (c) by a parking enforcement entity for regulating the use of a parking facility;

1125 (d) for the purpose of controlling access to a secured area;

1126 (e) for the purpose of collecting an electronic toll;

1127 (f) for the purpose of enforcing motor carrier laws;

1128 (g) by a public transit district for the purpose of assessing parking needs and  
1129 conducting a travel pattern analysis; [~~or~~]

1130 (h) by an institution of higher education within the state system of higher education as  
1131 described in Section 53B-1-102:

1132 (i) for a purpose described in Subsections (2)(a) through (d); or

1133 (ii) if the data collected is anonymized, for research and educational purposes[~~;~~]; or

1134 (i) by the Utah Inland Port Authority, created in Section 11-58-201, or by a contractor  
1135 of the Utah Inland Port Authority with the approval of the board of the Utah Inland Port  
1136 Authority, if:

1137 (i) the automatic license plate reader system is used only within a project area, as  
1138 defined in Section 11-58-102, of the Utah Inland Port Authority;

1139 (ii) the purpose of using the automatic license plate reader system is to improve supply  
1140 chain efficiency or the efficiency of the movement of goods by analyzing and researching data  
1141 related to commercial vehicle traffic; and

1142 (iii) specific license plate information is anonymized.

1143 Section 20. Section **59-12-205** is amended to read:

1144 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
1145 **tax revenue -- Determination of population.**

1146 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
1147 **59-12-204**, a county, city, or town shall adopt amendments to the county's, city's, or town's  
1148 sales and use tax ordinances:

1149 (a) within 30 days of the day on which the state makes an amendment to an applicable  
1150 provision of Part 1, Tax Collection; and

1151 (b) as required to conform to the amendments to Part 1, Tax Collection.

1152 (2) (a) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

1153 ~~[(a)]~~ (i) 50% of each dollar collected from the sales and use tax authorized by this part  
1154 shall be distributed to each county, city, and town on the basis of the percentage that the  
1155 population of the county, city, or town bears to the total population of all counties, cities, and  
1156 towns in the state; and

1157 ~~[(b)(i)]~~ (ii) (A) except as provided in Subsections ~~[(2)(b)(ii) and (iii)]~~ (2)(a)(ii)(B) and  
1158 (C), 50% of each dollar collected from the sales and use tax authorized by this part shall be  
1159 distributed to each county, city, and town on the basis of the location of the transaction as  
1160 determined under Sections **59-12-211** through **59-12-215**;

1161 ~~[(ii)]~~ (B) 50% of each dollar collected from the sales and use tax authorized by this part  
1162 within a project area described in a project area plan adopted by the military installation  
1163 development authority under Title 63H, Chapter 1, Military Installation Development  
1164 Authority Act, shall be distributed to the military installation development authority created in  
1165 Section **63H-1-201**; and

1166 ~~[(iii)]~~ (C) beginning July 1, 2022 50% of each dollar collected from the sales and use  
1167 tax authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port  
1168 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section  
1169 **11-58-201**.

1170 (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before  
1171 July 1, 2022.

1172 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall

- 1173 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:
- 1174 (i) the county, city, or town is a:
- 1175 (A) county of the third, fourth, fifth, or sixth class;
- 1176 (B) city of the fifth class; or
- 1177 (C) town;
- 1178 (ii) the county, city, or town received a distribution under this section for the calendar
- 1179 year beginning on January 1, 2008, that was less than the distribution under this section that the
- 1180 county, city, or town received for the calendar year beginning on January 1, 2007;
- 1181 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located
- 1182 within the unincorporated area of the county for one or more days during the calendar year
- 1183 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,
- 1184 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North
- 1185 American Industry Classification System of the federal Executive Office of the President,
- 1186 Office of Management and Budget; or
- 1187 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
- 1188 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
- 1189 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
- 1190 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
- 1191 2002 North American Industry Classification System of the federal Executive Office of the
- 1192 President, Office of Management and Budget; and
- 1193 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment
- 1194 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for
- 1195 one or more days during the calendar year beginning on January 1, 2008, was not the holder of
- 1196 a direct payment permit under Section [59-12-107.1](#); or
- 1197 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
- 1198 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a
- 1199 city or town for one or more days during the calendar year beginning on January 1, 2008, was
- 1200 not the holder of a direct payment permit under Section [59-12-107.1](#).
- 1201 (b) The commission shall make the distribution required by this Subsection (3) to a
- 1202 county, city, or town described in Subsection (3)(a):
- 1203 (i) from the distribution required by Subsection (2)(a); and



1204 (ii) before making any other distribution required by this section.  
1205 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by  
1206 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.  
1207 (ii) For purposes of Subsection (3)(c)(i):  
1208 (A) the numerator of the fraction is the difference calculated by subtracting the  
1209 distribution a county, city, or town described in Subsection (3)(a) received under this section  
1210 for the calendar year beginning on January 1, 2008, from the distribution under this section that  
1211 the county, city, or town received for the calendar year beginning on January 1, 2007; and  
1212 (B) the denominator of the fraction is \$333,583.  
1213 (d) A distribution required by this Subsection (3) is in addition to any other distribution  
1214 required by this section.  
1215 (4) (a) As used in this Subsection (4):  
1216 (i) "Eligible county, city, or town" means a county, city, or town that:  
1217 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)  
1218 equal to the amount described in Subsection (4)(b)(ii); and  
1219 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,  
1220 2016.  
1221 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue  
1222 distributions an eligible county, city, or town received from a tax imposed in accordance with  
1223 this part for fiscal year 2004-05.  
1224 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax  
1225 imposed in accordance with this part equal to the greater of:  
1226 (i) the payment required by Subsection (2); or  
1227 (ii) the minimum tax revenue distribution.  
1228 (5) (a) For purposes of this Subsection (5):  
1229 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to  
1230 1.8% of the participating local government's tax revenue distribution amount under Subsection  
1231 (2)(a) for the previous fiscal year.  
1232 (ii) "Participating local government" means a county or municipality, as defined in  
1233 Section 10-1-104, that is not an eligible municipality or grant eligible entity certified in  
1234 accordance with Section 35A-16-307.



1235 (b) For revenue collected from the tax authorized by this part that is distributed on or  
1236 after January 1, 2019, the commission, before making a tax revenue distribution under  
1237 Subsection (2)(a) to a participating local government, shall:

1238 (i) subtract one-twelfth of the annual local contribution for each participating local  
1239 government from the participating local government's tax revenue distribution under  
1240 Subsection (2)(a); and

1241 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter  
1242 Cities Mitigation Restricted Account created in Section 35A-16-304.

1243 (c) For a participating local government that qualifies to receive a distribution  
1244 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection  
1245 (5) after the commission applies the provisions of Subsections (3) and (4).

1246 (6) (a) Population figures for purposes of this section shall be based on the most recent  
1247 official census or census estimate of the United States Bureau of the Census.

1248 (b) If a needed population estimate is not available from the United States Bureau of  
1249 the Census, population figures shall be derived from the estimate from the Utah Population  
1250 Committee.

1251 (c) The population of a county for purposes of this section shall be determined only  
1252 from the unincorporated area of the county.

1253 Section 21. Section 63A-3-401.5 is amended to read:

1254 **63A-3-401.5. Definitions.**

1255 As used in this part:

1256 (1) "Borrower" means a person who borrows money from an infrastructure fund for an  
1257 infrastructure project.

1258 (2) "Independent political subdivision" means:

1259 (a) the Utah Inland Port Authority created in Section 11-58-201;

1260 (b) the Point of the Mountain State Land Authority created in Section 11-59-201; or

1261 (c) the Military Installation Development Authority created in Section 63H-1-201.

1262 (3) "Infrastructure fund" means a fund created in Subsection 63A-3-402(1).

1263 (4) "Infrastructure loan" means a loan of infrastructure fund money to finance an  
1264 infrastructure project.

1265 (5) "Infrastructure project" means a project to acquire, construct, reconstruct,

1266 rehabilitate, equip, or improve public infrastructure and improvements:

1267 (a) within a project area; or

1268 (b) outside a project area, if the respective loan approval committee determines by  
1269 resolution that the public infrastructure and improvements are of benefit to the project area.

1270 (6) "Inland port" means the same as that term is defined in Section [11-58-102](#).

1271 (7) "Inland port fund" means the infrastructure fund created in Subsection  
1272 [63A-3-402](#)(1)(a).

1273 (8) "Military development fund" means the infrastructure fund created in Subsection  
1274 [63A-3-402](#)(1)(c).

1275 (9) "Point of the mountain fund" means the infrastructure fund created in Subsection  
1276 [63A-3-402](#)(1)(b).

1277 (10) "Project area" means:

1278 (a) the same as that term is defined in Section [11-58-102](#), for purposes of an  
1279 infrastructure loan from the inland port fund;

1280 (b) the point of the mountain state land, as defined in Section [11-59-102](#), for purposes  
1281 of an infrastructure loan from the point of the mountain fund; and

1282 (c) the same as that term is defined in Section [63H-1-102](#), for purposes of an  
1283 infrastructure loan from the military development fund.

1284 (11) "Property tax revenue" means:

1285 (a) property tax differential, as defined in Section [11-58-102](#), for purposes of an  
1286 infrastructure loan from the inland port fund; or

1287 (b) property tax allocation, as defined in Section [63H-1-102](#), for purposes of an  
1288 infrastructure loan from the military development fund.

1289 (12) "Public infrastructure and improvements":

1290 (a) means the same as that term is defined in Section [11-58-102](#), for purposes of an  
1291 infrastructure loan from the inland port fund[:]; and

1292 ~~[(i) means publicly owned infrastructure and improvements, as defined in Section~~  
1293 ~~[11-58-102](#); and]~~

1294 ~~[(ii) includes an inland port facility; and]~~

1295 (b) means the same as that term is defined in Section [63H-1-102](#), for purposes of an  
1296 infrastructure loan from the military development fund.

1297 (13) "Respective loan approval committee" means:

1298 (a) the committee created in Section 11-58-106, for purposes of an infrastructure loan  
1299 from the inland port fund;

1300 (b) the committee created in Section 11-59-104, for purposes of an infrastructure loan  
1301 from the point of the mountain fund; and

1302 (c) the committee created in Section 63H-1-104, for purposes of an infrastructure loan  
1303 from the military development fund.

1304 Section 22. Section 63H-1-102 is amended to read:

1305 **63H-1-102. Definitions.**

1306 As used in this chapter:

1307 (1) "Authority" means the Military Installation Development Authority, created under  
1308 Section 63H-1-201.

1309 (2) "Base taxable value" means:

1310 (a) for military land or other land that was exempt from a property tax at the time that a  
1311 project area was created that included the military land or other land, a taxable value of zero; or

1312 (b) for private property that is included in a project area, the taxable value of the  
1313 property within any portion of the project area, as designated by board resolution, from which  
1314 the property tax allocation will be collected, as shown upon the assessment roll last equalized:

1315 (i) before the year in which the authority creates the project area; or

1316 (ii) before the year in which the project area plan is amended, for property added to a  
1317 project area by an amendment to a project area plan.

1318 (3) "Board" means the governing body of the authority created under Section  
1319 63H-1-301.

1320 (4) (a) "Dedicated tax collections" means the property tax that remains after the  
1321 authority is paid the property tax allocation the authority is entitled to receive under Subsection  
1322 63H-1-501(1), for a property tax levied by:

1323 (i) a county, including a district the county has established under Subsection 17-34-3(2)  
1324 to levy a property tax under Title 17, Chapter 34, Municipal-Type Services to Unincorporated  
1325 Areas; or

1326 (ii) an included municipality.

1327 (b) "Dedicated tax collections" does not include a county additional property tax or

1328 multicounty assessing and collecting levy imposed in accordance with Section [59-2-1602](#).

1329 (5) "Develop" means to engage in development.

1330 (6) (a) "Development" means an activity occurring:

1331 (i) on land within a project area that is owned or operated by the military, the authority,  
1332 another public entity, or a private entity; or

1333 (ii) on military land associated with a project area.

1334 (b) "Development" includes the demolition, construction, reconstruction, modification,  
1335 expansion, maintenance, operation, or improvement of a building, facility, utility, landscape,  
1336 parking lot, park, trail, or recreational amenity.

1337 (7) "Development project" means a project to develop land within a project area.

1338 (8) "Elected member" means a member of the authority board who:

1339 (a) is a mayor or member of a legislative body appointed under Subsection

1340 [63H-1-302](#)(2)(b); or

1341 (b) (i) is appointed to the authority board under Subsection [63H-1-302](#)(2)(a) or (3); and

1342 (ii) concurrently serves in an elected state, county, or municipal office.

1343 (9) "Included municipality" means a municipality, some or all of which is included  
1344 within a project area.

1345 (10) (a) "Military" means a branch of the armed forces of the United States, including  
1346 the Utah National Guard.

1347 (b) "Military" includes, in relation to property, property that is occupied by the military  
1348 and is owned by the government of the United States or the state.

1349 (11) "Military Installation Development Authority accommodations tax" or "MIDA  
1350 accommodations tax" means the tax imposed under Section [63H-1-205](#).

1351 (12) "Military Installation Development Authority energy tax" or "MIDA energy tax"  
1352 means the tax levied under Section [63H-1-204](#).

1353 (13) "Military land" means land or a facility, including leased land or a leased facility,  
1354 that is part of or affiliated with a base, camp, post, station, yard, center, or installation under the  
1355 jurisdiction of the United States Department of Defense, the United States Department of  
1356 Veterans Affairs, or the Utah National Guard.

1357 (14) "Municipal energy tax" means a municipal energy sales and use tax under Title  
1358 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.

- 1359 (15) "Municipal services revenue" means revenue that the authority:
- 1360 (a) collects from the authority's:
- 1361 (i) levy of a municipal energy tax;
- 1362 (ii) levy of a MIDA energy tax;
- 1363 (iii) levy of a telecommunications tax;
- 1364 (iv) imposition of a transient room tax; and
- 1365 (v) imposition of a resort communities tax;
- 1366 (b) receives under Subsection 59-12-205(2)~~(b)(ii)~~(a)(ii)(B); and
- 1367 (c) receives as dedicated tax collections.
- 1368 (16) "Municipal tax" means a municipal energy tax, MIDA energy tax, MIDA
- 1369 accommodations tax, telecommunications tax, transient room tax, or resort communities tax.
- 1370 (17) "Project area" means the land, including military land, whether consisting of a
- 1371 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft
- 1372 project area plan, where the development project set forth in the project area plan or draft
- 1373 project area plan takes place or is proposed to take place.
- 1374 (18) "Project area budget" means a multiyear projection of annual or cumulative
- 1375 revenues and expenses and other fiscal matters pertaining to a project area that includes:
- 1376 (a) the base taxable value of property in the project area;
- 1377 (b) the projected property tax allocation expected to be generated within the project
- 1378 area;
- 1379 (c) the amount of the property tax allocation expected to be shared with other taxing
- 1380 entities;
- 1381 (d) the amount of the property tax allocation expected to be used to implement the
- 1382 project area plan, including the estimated amount of the property tax allocation to be used for
- 1383 land acquisition, public improvements, infrastructure improvements, and loans, grants, or other
- 1384 incentives to private and public entities;
- 1385 (e) the property tax allocation expected to be used to cover the cost of administering
- 1386 the project area plan;
- 1387 (f) if the property tax allocation is to be collected at different times or from different
- 1388 portions of the project area, or both:
- 1389 (i) (A) the tax identification numbers of the parcels from which the property tax

1390 allocation will be collected; or

1391 (B) a legal description of the portion of the project area from which the property tax  
1392 allocation will be collected; and

1393 (ii) an estimate of when other portions of the project area will become subject to  
1394 collection of the property tax allocation; and

1395 (g) for property that the authority owns or leases and expects to sell or sublease, the  
1396 expected total cost of the property to the authority and the expected selling price or lease  
1397 payments.

1398 (19) "Project area plan" means a written plan that, after the plan's effective date, guides  
1399 and controls the development within a project area.

1400 (20) (a) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4,  
1401 Privilege Tax, except as described in Subsection (20)(b), and each levy on an ad valorem basis  
1402 on tangible or intangible personal or real property.

1403 (b) "Property tax" does not include a privilege tax on the taxable value:

1404 (i) attributable to a portion of a facility leased to the military for a calendar year when:

1405 (A) a lessee of military land has constructed a facility on the military land that is part of  
1406 a project area;

1407 (B) the lessee leases space in the facility to the military for the entire calendar year; and

1408 (C) the lease rate paid by the military for the space is \$1 or less for the entire calendar  
1409 year, not including any common charges that are reimbursements for actual expenses; or

1410 (ii) of the following property owned by the authority, regardless of whether the  
1411 authority enters into a long-term operating agreement with a privately owned entity under  
1412 which the privately owned entity agrees to operate the property:

1413 (A) a hotel;

1414 (B) a hotel condominium unit in a condominium project, as defined in Section 57-8-3;

1415 and

1416 (C) a commercial condominium unit in a condominium project, as defined in Section  
1417 57-8-3.

1418 (21) "Property tax allocation" means the difference between:

1419 (a) the amount of property tax revenues generated each tax year by all taxing entities  
1420 from the area within a project area designated in the project area plan as the area from which

1421 the property tax allocation is to be collected, using the current assessed value of the property;  
1422 and

1423 (b) the amount of property tax revenues that would be generated from that same area  
1424 using the base taxable value of the property.

1425 (22) "Public entity" means:

1426 (a) the state, including each department or agency of the state; or

1427 (b) a political subdivision of the state, including a county, city, town, school district,  
1428 local district, special service district, or interlocal cooperation entity, including the authority.

1429 (23) (a) "Public infrastructure and improvements" means infrastructure,  
1430 improvements, facilities, or buildings that:

1431 (i) benefit the public, the authority, the military, or military-related entities; and

1432 (ii) (A) are publicly owned by the military, the authority, a public infrastructure district  
1433 under Title 17D, Chapter 4, Public Infrastructure District Act, or another public entity;

1434 (B) are owned by a utility; or

1435 (C) are publicly maintained or operated by the military, the authority, or another public  
1436 entity.

1437 (b) "Public infrastructure and improvements" also means infrastructure, improvements,  
1438 facilities, or buildings that:

1439 (i) are privately owned; and

1440 (ii) provide a substantial benefit, as determined by the board, to the development and  
1441 operation of a project area.

1442 (c) "Public infrastructure and improvements" includes:

1443 (i) facilities, lines, or systems that harness geothermal energy or provide water, chilled  
1444 water, steam, sewer, storm drainage, natural gas, electricity, or telecommunications;

1445 (ii) streets, roads, curb, gutter, sidewalk, walkways, tunnels, solid waste facilities,  
1446 parking facilities, public transportation facilities, and parks, trails, and other recreational  
1447 facilities;

1448 (iii) snowmaking equipment and related improvements that can also be used for water  
1449 storage or fire suppression purposes; and

1450 (iv) a building and related improvements for occupancy by the public, the authority, the  
1451 military, or military-related entities.

1452 (24) "Remaining municipal services revenue" means municipal services revenue that  
1453 the authority has not:

1454 (a) spent during the authority's fiscal year for municipal services as provided in  
1455 Subsection 63H-1-503(1); or

1456 (b) redirected to use in accordance with Subsection 63H-1-502(3).

1457 (25) "Resort communities tax" means a sales and use tax imposed under Section  
1458 59-12-401.

1459 (26) "Taxable value" means the value of property as shown on the last equalized  
1460 assessment roll.

1461 (27) "Taxing entity":

1462 (a) means a public entity that levies a tax on property within a project area; and

1463 (b) does not include a public infrastructure district that the authority creates under Title  
1464 17D, Chapter 4, Public Infrastructure District Act.

1465 (28) "Telecommunications tax" means a telecommunications license tax under Title  
1466 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

1467 (29) "Transient room tax" means a tax under Section 59-12-352.

1468 Section 23. Section 63H-1-502 is amended to read:

1469 **63H-1-502. Allowable uses of property tax allocation and other funds.**

1470 (1) Other than municipal services revenue, the authority may use the property tax  
1471 allocation and other funds available to the authority:

1472 (a) for any purpose authorized under this chapter;

1473 (b) for administrative, overhead, legal, and other operating expenses of the authority;

1474 (c) to pay for, including financing or refinancing, all or part of the development of land  
1475 within the project area from which the property tax allocation or other funds were collected,  
1476 including assisting the ongoing operation of a development or facility within the project area;

1477 (d) to pay the cost of the installation and construction of public infrastructure and  
1478 improvements within the project area from which the property tax allocation funds were  
1479 collected;

1480 (e) to pay the cost of the installation and construction of public infrastructure and  
1481 improvements, including a passenger ropeway, as defined in Section 72-11-102, outside the  
1482 project area if:



- 1483 (i) the authority board determines by resolution that the infrastructure and  
1484 improvements are of benefit to the project area; and
- 1485 (ii) for a passenger ropeway, at least one end of the ropeway is located within the  
1486 project area;
- 1487 (f) to pay the principal and interest on bonds issued by the authority;
- 1488 (g) to pay for a morale, welfare, and recreation program of a United States Air Force  
1489 base in Utah, affiliated with the project area from which the funds were collected; or
- 1490 (h) to pay for the promotion of:
- 1491 (i) a development within the project area; or
- 1492 (ii) amenities outside of the project area that are associated with a development within  
1493 the project area.
- 1494 (2) The authority may use revenue generated from the authority's operation of public  
1495 infrastructure and improvements to:
- 1496 (a) operate and maintain the public infrastructure and improvements; and
- 1497 (b) pay for authority operating expenses, including administrative, overhead, and legal  
1498 expenses.
- 1499 (3) For purposes of Subsection (1), the authority may use:
- 1500 (a) tax revenue received under Subsection [59-12-205\(2\)](#)~~(b)(ii)~~(a)(ii)(B);
- 1501 (b) resort communities tax revenue;
- 1502 (c) MIDA energy tax revenue, received under Section [63H-1-204](#), which does not have  
1503 to be used in the project area where the revenue was generated;
- 1504 (d) MIDA accommodations tax revenue, received under Section [63H-1-205](#);
- 1505 (e) transient room tax revenue generated from hotels located on authority-owned or  
1506 other public-entity-owned property;
- 1507 (f) municipal energy tax revenue generated from hotels located on authority-owned or  
1508 other public-entity-owned property; or
- 1509 (g) payments received under Subsection [63H-1-501\(4\)](#).
- 1510 (4) The determination of the authority board under Subsection (1)(e) regarding benefit  
1511 to the project area is final.
- 1512 **Section 24. Repealer.**
- 1513 This bill repeals:

1514 Section **11-58-101**, Title.

1515 Section 25. **Effective date.**

1516 If approved by two-thirds of all the members elected to each house, this bill takes effect

1517 upon approval by the governor, or the day following the constitutional time limit of Utah

1518 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

1519 the date of veto override.