

ASSESSMENT AREA ACT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to an assessment for an energy efficiency upgrade or a renewable energy system.

Highlighted Provisions:

This bill:

- ▶ authorizes an interlocal entity to issue a bond for an energy efficiency upgrade or a renewable energy system;
- ▶ defines terms;
- ▶ requires that an assessment area for an energy efficiency upgrade or a renewable energy system be a voluntary assessment area;
- ▶ exempts an energy efficiency upgrade or a renewable energy system voluntary assessment area from certain contract bid requirements;
- ▶ amends provisions governing assessment levy limits and costs;
- ▶ authorizes a local entity to levy an assessment against property owned by the federal government or a public agency in certain circumstances;
- ▶ amends provisions authorizing installment payments for an assessment;
- ▶ authorizes a county to provide or finance an energy efficiency upgrade or a renewable energy system;
- ▶ authorizes a local district to provide an energy efficiency upgrade or a renewable energy system;



28 ▶ authorizes a special service district to provide an energy efficiency upgrade or a
29 renewable energy system;

30 ▶ authorizes a military installation development authority to provide an energy
31 efficiency upgrade or a renewable energy system; and

32 ▶ makes technical corrections.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **11-13-218**, as last amended by Laws of Utah 2011, Chapter 145

40 **11-42-102**, as last amended by Laws of Utah 2011, Chapters 68 and 388

41 **11-42-103**, as enacted by Laws of Utah 2007, Chapter 329

42 **11-42-202**, as last amended by Laws of Utah 2011, Chapter 68

43 **11-42-301**, as last amended by Laws of Utah 2009, Chapters 246 and 388

44 **11-42-405**, as enacted by Laws of Utah 2007, Chapter 329

45 **11-42-408**, as enacted by Laws of Utah 2007, Chapter 329

46 **11-42-411**, as last amended by Laws of Utah 2008, Chapter 250

47 **17B-1-202**, as last amended by Laws of Utah 2012, Chapter 97

48 **17D-1-201**, as last amended by Laws of Utah 2011, Chapter 106

49 **26-8a-102**, as last amended by Laws of Utah 2010, Chapter 187

50 **63H-1-201**, as last amended by Laws of Utah 2012, Chapter 80

51 ENACTS:

52 **11-42-209**, Utah Code Annotated 1953

53 **17-50-335**, Utah Code Annotated 1953



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

56 Section 1. Section **11-13-218** is amended to read:

57 **11-13-218. Authority of public agencies or interlocal entities to issue bonds.**

58 (1) A public agency may, in the same manner as it may issue bonds for its individual

59 acquisition of a facility or improvement or for constructing, improving, or extending a facility
60 or improvement, issue bonds to:

61 (a) acquire an interest in a jointly owned facility or improvement, a combination of a
62 jointly owned facility or improvement, or any other facility or improvement; or

63 (b) pay all or part of the cost of constructing, improving, or extending a jointly owned
64 facility or improvement, a combination of a jointly owned facility or improvement, or any other
65 facility or improvement.

66 (2) (a) An interlocal entity may issue bonds or notes under a resolution, trust indenture,
67 or other security instrument for the purpose of:

68 (i) financing its facilities or improvements[?]; or

69 (ii) providing for or financing an energy efficiency upgrade or a renewable energy
70 system in accordance with Title 11, Chapter 42, Assessment Area Act.

71 (b) The bonds or notes may be sold at public or private sale, mature at such times and
72 bear interest at such rates, and have such other terms and security as the entity determines.

73 (c) Such bonds are not a debt of any public agency that is a party to the agreement.

74 (3) The governing body, as defined in Section 11-13-219, of an interlocal entity may,
75 by resolution, delegate to one or more officers of the interlocal entity or to a committee of
76 designated members of the governing body the authority to:

77 (a) in accordance with and within the parameters set forth in the resolution, approve the
78 final interest rate, price, principal amount, maturity, redemption features, or other terms of a
79 bond or note; and

80 (b) approve and execute all documents relating to the issuance of the bond or note.

81 (4) Bonds and notes issued under this chapter are declared to be negotiable instruments
82 and their form and substance need not comply with the Uniform Commercial Code.

83 Section 2. Section **11-42-102** is amended to read:

84 **11-42-102. Definitions.**

85 (1) "Adequate protests" means timely filed, written protests under Section 11-42-203
86 that represent at least 50% of the frontage, area, taxable value, fair market value, lots, number
87 of connections, or equivalent residential units of the property proposed to be assessed,
88 according to the same assessment method by which the assessment is proposed to be levied,
89 after eliminating:

90 (a) protests relating to:

91 (i) property that has been deleted from a proposed assessment area; or

92 (ii) an improvement that has been deleted from the proposed improvements to be
93 provided to property within the proposed assessment area; and

94 (b) protests that have been withdrawn under Subsection 11-42-203(3).

95 (2) "Assessment area" means an area, or, if more than one area is designated, the
96 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a
97 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the
98 costs of improvements, operation and maintenance, or economic promotion activities that
99 benefit property within the area.

100 (3) "Assessment bonds" means bonds that are:

101 (a) issued under Section 11-42-605; and

102 (b) payable in part or in whole from assessments levied in an assessment area,
103 improvement revenues, and a guaranty fund or reserve fund.

104 (4) "Assessment fund" means a special fund that a local entity establishes under
105 Section 11-42-412.

106 (5) "Assessment lien" means a lien on property within an assessment area that arises
107 from the levy of an assessment, as provided in Section 11-42-501.

108 (6) "Assessment method" means the method by which an assessment is levied against
109 property, whether by frontage, area, taxable value, fair market value, lot, parcel, number of
110 connections, equivalent residential unit, any combination of these methods, or any other
111 method that equitably reflects the benefit received from the improvement.

112 (7) "Assessment ordinance" means an ordinance adopted by a local entity under
113 Section 11-42-404 that levies an assessment on benefitted property within an assessment area.

114 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
115 11-42-404 that levies an assessment on benefitted property within an assessment area.

116 (9) "Benefitted property" means property within an assessment area that directly or
117 indirectly benefits from improvements, operation and maintenance, or economic promotion
118 activities.

119 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in
120 anticipation of the issuance of assessment bonds.

121 (11) "Bonds" means assessment bonds and refunding assessment bonds.

122 (12) "Commercial area" means an area in which at least 75% of the property is devoted
123 to the interchange of goods or commodities.

124 (13) (a) "Commercial or industrial real property" means real property used directly or
125 indirectly or held for one of the following purposes or activities, regardless of whether the
126 purpose or activity is for profit:

127 (i) commercial;

128 (ii) mining;

129 (iii) industrial;

130 (iv) manufacturing;

131 (v) governmental;

132 (vi) trade;

133 (vii) professional;

134 (viii) a private or public club;

135 (ix) a lodge;

136 (x) a business; or

137 (xi) a similar purpose.

138 (b) "Commercial or industrial real property" includes real property that:

139 (i) is used as or held for dwelling purposes; and

140 (ii) contains four or more rental units.

141 ~~(13)~~ (14) "Connection fee" means a fee charged by a local entity to pay for the costs
142 of connecting property to a publicly owned sewer, storm drainage, water, gas, communications,
143 or electrical system, whether or not improvements are installed on the property.

144 ~~(14)~~ (15) "Contract price" means:

145 (a) the cost of acquiring an improvement, if the improvement is acquired; or

146 (b) the amount payable to one or more contractors for the design, engineering,
147 inspection, and construction of an improvement.

148 ~~(15)~~ (16) "Designation ordinance" means an ordinance adopted by a local entity
149 under Section 11-42-206 designating an assessment area.

150 ~~(16)~~ (17) "Designation resolution" means a resolution adopted by a local entity under
151 Section 11-42-206 designating an assessment area.

152 [~~(17)~~] (18) "Economic promotion activities" means activities that promote economic
153 growth in a commercial area of a local entity, including:

- 154 (a) sponsoring festivals and markets;
- 155 (b) promoting business investment or activities;
- 156 (c) helping to coordinate public and private actions; and
- 157 (d) developing and issuing publications designed to improve the economic well-being
158 of the commercial area.

159 (19) "Energy efficiency upgrade" means an improvement that is permanently affixed to
160 commercial or industrial real property that is designed to reduce energy consumption.
161 including:

- 162 (a) insulation in:
 - 163 (i) a wall, roof, floor, or foundation; or
 - 164 (ii) a heating and cooling distribution system;
- 165 (b) a window or door, including:
 - 166 (i) a storm window or door;
 - 167 (ii) a multiglazed window or door;
 - 168 (iii) a heat-absorbing window or door;
 - 169 (iv) a heat-reflective glazed and coated window or door;
 - 170 (v) additional window or door glazing;
 - 171 (vi) a window or door with reduced glass area; or
 - 172 (vii) other window or door modifications;
- 173 (c) an automatic energy control system;
- 174 (d) in a building or a central plant, a heating, ventilation, or air conditioning and
175 distribution system;
- 176 (e) caulk or weatherstripping;
- 177 (f) a light fixture that does not increase the overall illumination of a building unless an
178 increase is necessary to conform with the applicable building code;
- 179 (g) an energy recovery system;
- 180 (h) a daylighting system;
- 181 (i) measures to reduce the consumption of water, through conservation or more
182 efficient use of water, including:

- 183 (i) installation of low-flow toilets and showerheads;
 184 (ii) installation of timer or timing systems for a hot water heater; or
 185 (iii) installation of rain catchment systems; or
 186 (j) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
 187 measure by the governing body of a local entity.

188 ~~[(18)]~~ (20) "Equivalent residential unit" means a dwelling, unit, or development that is
 189 equal to a single-family residence in terms of the nature of its use or impact on an improvement
 190 to be provided in the assessment area.

191 ~~[(19)]~~ (21) "Governing body" means:

- 192 (a) for a county, city, or town, the legislative body of the county, city, or town;
 193 (b) for a local district, the board of trustees of the local district;
 194 (c) for a special service district:
 195 (i) the legislative body of the county, city, or town that established the special service
 196 district, if no administrative control board has been appointed under Section 17D-1-301; or
 197 (ii) the administrative control board of the special service district, if an administrative
 198 control board has been appointed under Section 17D-1-301; and
 199 (d) for the military installation development authority created in Section 63H-1-201,
 200 the authority board, as defined in Section 63H-1-102.

201 ~~[(20)]~~ (22) "Guaranty fund" means the fund established by a local entity under Section
 202 11-42-701.

203 ~~[(21)]~~ (23) "Improved property" means property proposed to be assessed within an
 204 assessment area upon which a residential, commercial, or other building has been built.

205 ~~[(22)]~~ (24) "Improvement":

206 (a) (i) means ~~[any]~~ a publicly owned infrastructure, system, or other facility, a publicly
 207 or privately owned energy efficiency upgrade, or a publicly or privately owned renewable
 208 energy system that:

- 209 (A) a local entity is authorized to provide; ~~[or]~~
 210 (B) the governing body of a local entity determines is necessary or convenient to
 211 enable the local entity to provide a service that the local entity is authorized to provide; ~~[and]~~ or
 212 (C) a local entity is requested to provide through an interlocal agreement in accordance
 213 with Title 11, Chapter 13, Interlocal Cooperation Act; and

214 (ii) includes facilities in an assessment area, including a private driveway, an irrigation
215 ditch, and a water turnout, that:

216 (A) can be conveniently installed at the same time as an infrastructure, system, or other
217 facility described in Subsection [~~(22)~~] (24)(a)(i); and

218 (B) are requested by a property owner on whose property or for whose benefit the
219 infrastructure, system, or other facility is being installed; or

220 (b) for a local district created to assess groundwater rights in accordance with Section
221 17B-1-202, means a system or plan to regulate groundwater withdrawals within a specific
222 groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.

223 [~~(23)~~] (25) "Improvement revenues":

224 (a) means charges, fees, impact fees, or other revenues that a local entity receives from
225 improvements; and

226 (b) does not include revenue from assessments.

227 [~~(24)~~] (26) "Incidental refunding costs" means any costs of issuing refunding
228 assessment bonds and calling, retiring, or paying prior bonds, including:

229 (a) legal and accounting fees;

230 (b) charges of financial advisors, escrow agents, certified public accountant verification
231 entities, and trustees;

232 (c) underwriting discount costs, printing costs, the costs of giving notice;

233 (d) any premium necessary in the calling or retiring of prior bonds;

234 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to
235 refund the outstanding prior bonds;

236 (f) any other costs that the governing body determines are necessary or desirable to
237 incur in connection with the issuance of refunding assessment bonds; and

238 (g) any interest on the prior bonds that is required to be paid in connection with the
239 issuance of the refunding assessment bonds.

240 [~~(25)~~] (27) "Installment payment date" means the date on which an installment
241 payment of an assessment is payable.

242 [~~(26)~~] (28) "Interim warrant" means a warrant issued by a local entity under Section
243 11-42-601.

244 [~~(27)~~] (29) "Jurisdictional boundaries" means:

245 (a) for a county, the boundaries of the unincorporated area of the county; and

246 (b) for each other local entity, the boundaries of the local entity.

247 [~~28~~] (30) "Local district" means a local district under Title 17B, Limited Purpose
248 Local Government Entities - Local Districts.

249 [~~29~~] (31) "Local entity" means a county, city, town, special service district, local
250 district, an interlocal entity as defined in Section 11-13-103, a military installation development
251 authority created in Section 63H-1-201, or other political subdivision of the state.

252 [~~30~~] (32) "Local entity obligations" means assessment bonds, refunding assessment
253 bonds, interim warrants, and bond anticipation notes issued by a local entity.

254 [~~31~~] (33) "Mailing address" means:

255 (a) a property owner's last-known address using the name and address appearing on the
256 last completed real property assessment roll of the county in which the property is located; and

257 (b) if the property is improved property:

258 (i) the property's street number; or

259 (ii) the post office box, rural route number, or other mailing address of the property, if
260 a street number has not been assigned.

261 [~~32~~] (34) "Net improvement revenues" means all improvement revenues that a local
262 entity has received since the last installment payment date, less all amounts payable by the local
263 entity from those improvement revenues for operation and maintenance costs.

264 [~~33~~] (35) "Operation and maintenance costs":

265 (a) means the costs that a local entity incurs in operating and maintaining
266 improvements in an assessment area, whether or not those improvements have been financed
267 under this chapter; and

268 (b) includes service charges, administrative costs, ongoing maintenance charges, and
269 tariffs or other charges for electrical, water, gas, or other utility usage.

270 [~~34~~] (36) "Overhead costs" means the actual costs incurred or the estimated costs to
271 be incurred by a local entity in connection with an assessment area for appraisals, legal fees,
272 filing fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and
273 paying agent fees, publishing and mailing costs, costs of levying an assessment, recording
274 costs, and all other incidental costs.

275 [~~36~~] (37) "Prior assessment ordinance" means the ordinance levying the assessments

276 from which the prior bonds are payable.

277 [~~(37)~~] (38) "Prior assessment resolution" means the resolution levying the assessments
278 from which the prior bonds are payable.

279 [~~(35)~~] (39) "Prior bonds" means the assessment bonds that are refunded in part or in
280 whole by refunding assessment bonds.

281 [~~(38)~~] (40) "Project engineer" means the surveyor or engineer employed by or private
282 consulting engineer engaged by a local entity to perform the necessary engineering services for
283 and to supervise the construction or installation of the improvements.

284 [~~(39)~~] (41) "Property" includes real property and any interest in real property, including
285 water rights and leasehold rights.

286 [~~(40)~~] (42) "Property price" means the price at which a local entity purchases or
287 acquires by eminent domain property to make improvements in an assessment area.

288 [~~(41)~~] (43) "Provide" or "providing," with reference to an improvement, includes the
289 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and
290 expansion of an improvement.

291 [~~(42)~~] (44) "Public agency" means:

- 292 (a) the state or any agency, department, or division of the state; and
- 293 (b) a political subdivision of the state.

294 [~~(43)~~] (45) "Reduced payment obligation" means the full obligation of an owner of
295 property within an assessment area to pay an assessment levied on the property after the
296 assessment has been reduced because of the issuance of refunding assessment bonds, as
297 provided in Section 11-42-608.

298 [~~(44)~~] (46) "Refunding assessment bonds" means assessment bonds that a local entity
299 issues under Section 11-42-607 to refund, in part or in whole, assessment bonds.

300 (47) "Renewable energy system" means a product, a system, a device, or an interacting
301 group of devices that:

302 (a) is permanently affixed to commercial or industrial real property; and

303 (b) produces energy from renewable resources, including:

304 (i) a photovoltaic system;

305 (ii) a solar thermal system;

306 (iii) a wind system;

- 307 (iv) a geothermal system, including:
- 308 (A) a generation system;
- 309 (B) a direct-use system; or
- 310 (C) a ground source heat pump system;
- 311 (v) a microhydro system; or
- 312 (vi) other renewable sources approved by the governing body of a local entity.

313 [~~45~~] (48) "Reserve fund" means a fund established by a local entity under Section
 314 11-42-702.

315 [~~46~~] (49) "Service" means:

- 316 (a) water, sewer, storm drainage, garbage collection, library, recreation,
- 317 communications, or electric service;
- 318 (b) economic promotion activities; or
- 319 (c) any other service that a local entity is required or authorized to provide.

320 [~~47~~] (50) "Special service district" has the same meaning as defined in Section
 321 17D-1-102.

322 [~~48~~] (51) "Unimproved property" means property upon which no residential,
 323 commercial, or other building has been built.

324 [~~49~~] (52) "Voluntary assessment area" means an assessment area that contains only
 325 property whose owners have voluntarily consented to an assessment.

326 Section 3. Section **11-42-103** is amended to read:

327 **11-42-103. Limit on effect of this chapter.**

328 (1) Nothing in this chapter may be construed to authorize a local entity to provide an
 329 improvement or service that the local entity is not otherwise authorized to provide.

330 (2) Notwithstanding Subsection (1), a local entity may provide a renewable energy
 331 system or energy efficiency upgrade that the local entity finds or determines to be in the public
 332 interest.

333 Section 4. Section **11-42-202** is amended to read:

334 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
 335 **designation.**

336 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

- 337 (a) state that the local entity proposes to:

338 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
339 assessment area;

340 (ii) provide an improvement to property within the proposed assessment area; and

341 (iii) finance some or all of the cost of improvements by an assessment on benefitted
342 property within the assessment area;

343 (b) describe the proposed assessment area by any reasonable method that allows an
344 owner of property in the proposed assessment area to determine that the owner's property is
345 within the proposed assessment area;

346 (c) describe, in a general way, the improvements to be provided to the assessment area,
347 including:

348 (i) the general nature of the improvements; and

349 (ii) the general location of the improvements, by reference to streets or portions or
350 extensions of streets or by any other means that the governing body chooses that reasonably
351 describes the general location of the improvements;

352 (d) state the estimated cost of the improvements as determined by a project engineer;

353 (e) state that the local entity proposes to levy an assessment on benefitted property
354 within the assessment area to pay some or all of the cost of the improvements according to the
355 estimated direct and indirect benefits to the property from the improvements;

356 (f) state the assessment method by which the governing body proposes to levy the
357 assessment;

358 (g) state:

359 (i) the time within which and the location at which protests against designation of the
360 proposed assessment area or of the proposed improvements are required to be filed; and

361 (ii) the method by which the governing body will determine the number of protests
362 required to defeat the designation of the proposed assessment area or acquisition or
363 construction of the proposed improvements;

364 (h) state the date, time, and place of the public hearing required in Section 11-42-204;

365 (i) if the governing body elects to create and fund a reserve fund under Section
366 11-42-702, include a description of:

367 (i) how the reserve fund will be funded and replenished; and

368 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of

369 the bonds;

370 (j) if the governing body intends to designate a voluntary assessment area, include a
371 property owner consent form that:

372 (i) estimates the total assessment to be levied against the particular parcel of property;

373 (ii) describes any additional benefits that the governing body expects the assessed
374 property to receive from the improvements; and

375 (iii) designates the date and time by which the fully executed consent form is required
376 to be submitted to the governing body;

377 (k) if the local entity intends to levy an assessment to pay operation and maintenance
378 costs or for economic promotion activities, include:

379 (i) a description of the operation and maintenance costs or economic promotion
380 activities to be paid by assessments and the initial estimated annual assessment to be levied;

381 (ii) a description of how the estimated assessment will be determined;

382 (iii) a description of how and when the governing body will adjust the assessment to
383 reflect the costs of:

384 (A) in accordance with Section 11-42-406, current economic promotion activities; or

385 (B) current operation and maintenance costs;

386 (iv) a description of the method of assessment if different from the method of
387 assessment to be used for financing any improvement; and

388 (v) a statement of the maximum number of years over which the assessment will be
389 levied for:

390 (A) operation and maintenance costs; or

391 (B) economic promotion activities; and

392 (l) if the governing body intends to divide the proposed assessment area into zones
393 under Subsection 11-42-201(1)(b), include a description of the proposed zones.

394 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information
395 that the governing body considers to be appropriate, including:

396 (a) the amount or proportion of the cost of the improvement to be paid by the local
397 entity or from sources other than an assessment;

398 (b) the estimated amount of each type of assessment for the various improvements to
399 be financed according to the method of assessment that the governing body chooses; and

400 (c) provisions for any improvements described in Subsection
401 11-42-102[(22)](24)(a)(ii).

402 (3) Each notice required under Subsection 11-42-201(2)(a) shall:

403 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
404 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
405 least five but not more than 20 days before the deadline for filing protests specified in the
406 notice under Subsection (1)(g); or

407 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
408 boundaries, be posted in at least three public places within the local entity's jurisdictional
409 boundaries at least 20 but not more than 35 days before the deadline for filing protests
410 specified in the notice under Subsection (1)(g); and

411 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for
412 four weeks before the deadline for filing protests specified in the notice under Subsection
413 (1)(g); and

414 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
415 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed
416 assessment area at the property owner's mailing address.

417 Section 5. Section **11-42-209** is enacted to read:

418 **11-42-209. Designation of assessment area for energy efficiency upgrade or**
419 **renewable energy system -- Requirements.**

420 (1) A governing body may not adopt a designation ordinance or resolution to designate
421 an assessment area for an energy efficiency upgrade or a renewable energy system, unless the
422 assessment area is a voluntary assessment area.

423 (2) A local entity may not include property in a voluntary assessment area described in
424 Subsection (1) unless an owner of property located in the assessment area provides to the local
425 entity:

426 (a) the written consent of each person ~~§~~→ or institution ←~~§~~ holding a lien on the property;
426a and

427 (b) evidence:

428 (i) that there are no delinquent taxes, special assessments, or water or sewer charges on
429 the property;

430 (ii) that the property is not subject to a trust deed or other lien on which there is a

431 recorded notice of default, foreclosure, or delinquency that has not been cured; and
432 (iii) that there are no involuntary liens, including a lien on real property, or on the
433 proceeds of a contract relating to real property, for services, labor, or materials furnished in
434 connection with the construction or improvement of the property.

435 Section 6. Section **11-42-301** is amended to read:

436 **11-42-301. Improvements made only under contract let to lowest responsive,**
437 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
438 **contract requirement.**

439 (1) Except as otherwise provided in this section, a local entity may make improvements
440 in an assessment area only under contract let to the lowest responsive, responsible bidder for
441 the kind of service, material, or form of construction that the local entity's governing body
442 determines in compliance with any applicable local entity ordinances.

443 (2) A local entity may:

444 (a) divide improvements into parts;

445 (b) (i) let separate contracts for each part; or

446 (ii) combine multiple parts into the same contract; and

447 (c) let a contract on a unit basis.

448 (3) (a) A local entity may not let a contract until after publishing notice as provided in
449 Subsection (3)(b):

450 (i) at least one time in a newspaper of general circulation within the boundaries of the
451 local entity at least 15 days before the date specified for receipt of bids; and

452 (ii) in accordance with Section 45-1-101, at least 15 days before the date specified for
453 receipt of bids.

454 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
455 receive sealed bids at a specified time and place for the construction of the improvements.

456 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
457 publish the notice or to publish the notice within 15 days before the date specified for receipt of
458 bids, the governing body may proceed to let a contract for the improvements if the local entity
459 receives at least three sealed and bona fide bids from contractors by the time specified for the
460 receipt of bids.

461 (d) A local entity may publish a notice required under this Subsection (3) at the same

462 time as a notice under Section 11-42-202.

463 (4) (a) A local entity may accept as a sealed bid a bid that is:

464 (i) manually sealed and submitted; or

465 (ii) electronically sealed and submitted.

466 (b) The governing body or project engineer shall, at the time specified in the notice
467 under Subsection (3), open and examine the bids.

468 (c) In open session, the governing body:

469 (i) shall declare the bids; and

470 (ii) may reject any or all bids if the governing body considers the rejection to be for the
471 public good.

472 (d) The local entity may award the contract to the lowest responsive, responsible bidder
473 even if the price bid by that bidder exceeds the estimated costs as determined by the project
474 engineer.

475 (e) A local entity may in any case:

476 (i) refuse to award a contract;

477 (ii) obtain new bids after giving a new notice under Subsection (3);

478 (iii) determine to abandon the assessment area; or

479 (iv) not make some of the improvements proposed to be made.

480 (5) A local entity is not required to let a contract as provided in this section for:

481 (a) an improvement or part of an improvement the cost of which or the making of
482 which is donated or contributed;

483 (b) an improvement that consists of furnishing utility service or maintaining
484 improvements;

485 (c) labor, materials, or equipment supplied by the local entity;

486 (d) the local entity's acquisition of completed or partially completed improvements in
487 an assessment area;

488 (e) design, engineering, and inspection costs incurred with respect to the construction
489 of improvements in an assessment area; or

490 (f) additional work performed in accordance with the terms of a contract duly let to the
491 lowest responsive, responsible bidder.

492 (6) A local entity may itself furnish utility service and maintain improvements within

493 an assessment area.

494 (7) (a) A local entity may acquire completed or partially completed improvements in an
495 assessment area, but may not pay an amount for those improvements that exceeds their fair
496 market value.

497 (b) Upon the local entity's payment for completed or partially completed
498 improvements, title to the improvements shall be conveyed to the local entity or another public
499 agency.

500 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
501 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
502 assessment area.

503 (9) (a) Except as provided in Subsection (9)(b), this section does not apply to a
504 voluntary assessment area designated for the purpose of levying an assessment for an energy
505 efficiency upgrade or a renewable energy system.

506 (b) (i) A local entity that designates a voluntary assessment area described in
507 Subsection (9)(a) shall provide to each owner of property to be assessed a list of service
508 providers authorized by the local entity to provide the energy efficiency upgrade or renewable
509 energy system.

510 (ii) A property owner described in Subsection (9)(b)(i) shall select a service provider
511 from the list to provide the energy efficiency upgrade or renewable energy system for the
512 owner's property.

513 Section 7. Section **11-42-405** is amended to read:

514 **11-42-405. Limit on amount of assessment -- Costs required to be paid by the**
515 **local entity.**

516 (1) An assessment levied within an assessment area may not, in the aggregate, exceed
517 the sum of:

518 (a) the contract price or estimated contract price;

519 (b) the acquisition price of improvements;

520 (c) the reasonable cost of:

521 (i) (A) utility services, maintenance, and operation, to the extent permitted by
522 Subsection 11-42-401(4); and

523 (B) labor, materials, or equipment supplied by the local entity;

- 524 (ii) economic promotion activities; or
- 525 (iii) operation and maintenance costs;
- 526 (d) the price or estimated price of purchasing property;
- 527 (e) any connection fees;
- 528 (f) estimated interest on interim warrants and bond anticipation notes issued with
- 529 respect to an assessment area;
- 530 (g) the capitalized interest on each assessment bond;
- 531 [~~g~~] (h) overhead costs not to exceed 15% of the sum of Subsections (1)(a), (b), (c),
- 532 and (e);
- 533 [~~h~~] (i) an amount for contingencies of not more than 10% of the sum of Subsections
- 534 (1)(a) and (c), if the assessment is levied before construction of the improvements in the
- 535 assessment area is completed;
- 536 [~~i~~] (j) an amount sufficient to fund a reserve fund, if the governing body creates and
- 537 funds a reserve fund as provided in Section 11-42-702; [~~and~~]
- 538 [~~j~~] (k) 1/2 the cost of grading changes as provided in Section 11-42-407[-]; and
- 539 (l) incidental costs incurred by a property owner in order to satisfy the local entity's
- 540 requirements for inclusion in a voluntary assessment area, if applicable.
- 541 (2) Each local entity providing an improvement in an assessment area shall pay, from
- 542 improvement revenues not pledged to the payment of bonds and from any other legally
- 543 available money:
- 544 (a) overhead costs for which an assessment cannot be levied;
- 545 (b) the costs of providing an improvement for which an assessment was not levied, if
- 546 the assessment is levied before construction of the improvement in the assessment area is
- 547 completed; and
- 548 (c) the acquisition and constructions costs of an improvement for the benefit of
- 549 property against which an assessment may not be levied.

Section 8. Section **11-42-408** is amended to read:

11-42-408. Assessment against government land prohibited -- Exception.

- 552 (1) (a) Except as provided in Subsection (2), a local entity may not levy an assessment
- 553 against property owned by the federal government or a public agency, even if the property
- 554 benefits from the improvement.

555 (b) Notwithstanding Subsection (1)(a), a public agency may contract with a local
556 entity:

557 (i) for the local entity to provide an improvement to property owned by the public
558 agency; and

559 (ii) to pay for the improvement provided by the local entity.

560 (c) Nothing in this section may be construed to prevent a local entity from imposing on
561 and collecting from a public agency, or a public agency from paying, a reasonable charge for a
562 service rendered or material supplied by the local entity to the public agency, including a
563 charge for water, sewer, or lighting service.

564 (2) Notwithstanding Subsection (1):

565 (a) a local entity may continue to levy and enforce an assessment against property
566 acquired by a public agency within an assessment area if the acquisition occurred after the
567 assessment area was designated; ~~and~~

568 (b) property that is subject to an assessment lien at the time it is acquired by a public
569 agency continues to be subject to the lien and to enforcement of the lien if the assessment and
570 interest on the assessment are not paid when due[:]; and

571 (c) a local entity may levy an assessment against property owned by the federal
572 government or a public agency if the federal government or public agency voluntarily enters
573 into a voluntary assessment area for the purpose of financing an energy efficiency upgrade or a
574 renewable energy system.

575 Section 9. Section **11-42-411** is amended to read:

576 **11-42-411. Installment payment of assessments.**

577 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to
578 Subsection (1)(b), provide that some or all of the assessment be paid in installments over a
579 period not to exceed 20 years from the effective date of the resolution or ordinance.

580 (b) If an assessment resolution or ordinance provides that some or all of the assessment
581 be paid in installments for a period exceeding 10 years from the effective date of the resolution
582 or ordinance, the governing body:

583 (i) shall make a determination that:

584 (A) the improvement for which the assessment is made has a reasonable useful life for
585 the full period during which installments are to be paid; or

586 (B) it would be in the best interests of the local entity and the property owners for
587 installments to be paid for more than 10 years; and

588 (ii) may provide in the resolution or ordinance that no assessment is payable during
589 some or all of the period ending three years after the effective date of the resolution or
590 ordinance.

591 (2) An assessment resolution or ordinance that provides for the assessment to be paid
592 in installments may provide that the unpaid balance be paid over the period of time that
593 installments are payable:

594 (a) in substantially equal installments of principal; [~~or~~]

595 (b) in substantially equal installments of principal and interest[-]; or

596 (c) for an assessment levied for an energy efficiency upgrade or a renewable energy
597 system, in accordance with the assessment resolution or ordinance.

598 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be
599 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance
600 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and
601 variable rates, as determined by the governing body, from the effective date of the resolution or
602 ordinance or another date specified in the resolution or ordinance.

603 (b) If the assessment is for operation and maintenance costs or for the costs of
604 economic promotion activities:

605 (i) a local entity may charge interest only from the date each installment is due; and

606 (ii) the first installment of an assessment shall be due 15 days after the effective date of
607 the assessment resolution or ordinance.

608 (c) If an assessment resolution or ordinance provides for the unpaid balance of the
609 assessment to bear interest at a variable rate, the assessment resolution or ordinance shall
610 specify:

611 (i) the basis upon which the rate is to be determined from time to time;

612 (ii) the manner in which and schedule upon which the rate is to be adjusted; and

613 (iii) a maximum rate that the assessment may bear.

614 (4) Interest payable on assessments may include:

615 (a) interest on assessment bonds;

616 (b) ongoing local entity costs incurred for administration of the assessment area; and

617 (c) any costs incurred with respect to:

618 (i) securing a letter of credit or other instrument to secure payment or repurchase of
619 bonds; or

620 (ii) retaining a marketing agent or an indexing agent.

621 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition
622 to the amount of each installment annually or at more frequent intervals as provided in the
623 assessment resolution or ordinance.

624 (6) (a) Except for an assessment for operation and maintenance costs or for the costs of
625 economic promotion activities, a property owner may pay some or all of the entire assessment
626 without interest if paid within 25 days after the assessment resolution or ordinance takes effect.

627 (b) After the 25-day period stated in Subsection (6)(a), a property owner may at any
628 time prepay some or all of the assessment levied against the owner's property.

629 (c) A local entity may require a prepayment of an installment to include:

630 (i) an amount equal to the interest that would accrue on the assessment to the next date
631 on which interest is payable on bonds issued in anticipation of the collection of the assessment;
632 and

633 (ii) the amount necessary, in the governing body's opinion or the opinion of the officer
634 designated by the governing body, to assure the availability of money to pay:

635 (A) interest that becomes due and payable on those bonds; and

636 (B) any premiums that become payable on bonds that are called in order to use the
637 money from the prepaid assessment installment.

638 Section 10. Section **17-50-335** is enacted to read:

639 **17-50-335. Energy efficiency upgrade or renewable energy system.**

640 A county may provide or finance an energy efficiency upgrade or a renewable energy
641 system, as defined in Section 11-42-102, in a designated voluntary assessment area in
642 accordance with Title 11, Chapter 42, Assessment Area Act.

643 Section 11. Section **17B-1-202** is amended to read:

644 **17B-1-202. Local district may be created -- Services that may be provided --**
645 **Limitations.**

646 (1) (a) A local district may be created as provided in this part to provide within its
647 boundaries service consisting of:

- 648 (i) the operation of an airport;
- 649 (ii) the operation of a cemetery;
- 650 (iii) fire protection, paramedic, and emergency services, including consolidated 911
- 651 and emergency dispatch services;
- 652 (iv) garbage collection and disposal;
- 653 (v) health care, including health department or hospital service;
- 654 (vi) the operation of a library;
- 655 (vii) abatement or control of mosquitos and other insects;
- 656 (viii) the operation of parks or recreation facilities or services;
- 657 (ix) the operation of a sewage system;
- 658 (x) the construction and maintenance of a right-of-way, including:
- 659 (A) a curb;
- 660 (B) a gutter;
- 661 (C) a sidewalk;
- 662 (D) a street;
- 663 (E) a road;
- 664 (F) a water line;
- 665 (G) a sewage line;
- 666 (H) a storm drain;
- 667 (I) an electricity line;
- 668 (J) a communications line;
- 669 (K) a natural gas line; or
- 670 (L) street lighting;
- 671 (xi) transportation, including public transit and providing streets and roads;
- 672 (xii) the operation of a system, or one or more components of a system, for the
- 673 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
- 674 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
- 675 the system is operated on a wholesale or retail level or both;
- 676 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
- 677 groundwater right for the development and execution of a groundwater management plan in
- 678 cooperation with and approved by the state engineer in accordance with Section 73-5-15;

679 (xiv) law enforcement service;
680 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
681 or the conversion to underground of an existing electric utility line;
682 (xvi) the control or abatement of earth movement or a landslide; ~~or~~
683 (xvii) the operation of animal control services and facilities[-]; or
684 (xviii) an energy efficiency upgrade or a renewable energy system, as defined in
685 Section 11-42-102, in accordance with Title 11, Chapter 42, Assessment Area Act.

686 (b) Each local district that provides the service of the underground installation of an
687 electric utility line or the conversion to underground of an existing electric utility line shall, in
688 installing or converting the line, provide advance notice to and coordinate with the utility that
689 owns the line.

690 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include
691 the banking of groundwater rights by a local district in a critical management area as defined in
692 Section 73-5-15 following the adoption of a groundwater management plan by the state
693 engineer under Section 73-5-15.

694 (i) A local district may manage the groundwater rights it acquires under Subsection
695 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater management plan
696 described in this Subsection (1)(c).

697 (ii) A groundwater right held by a local district to satisfy the provisions of a
698 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

699 (iii) (A) A local district may divest itself of a groundwater right subject to a
700 determination that the groundwater right is not required to facilitate the groundwater
701 management plan described in this Subsection (1)(c).

702 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section
703 73-1-4 beginning on the date of divestiture.

704 (iv) Upon a determination by the state engineer that an area is no longer a critical
705 management area as defined in Section 73-5-15, a groundwater right held by the local district is
706 subject to Section 73-1-4.

707 (v) A local district created in accordance with Subsection (1)(a)(xiii) to develop and
708 execute a groundwater management plan may hold or acquire a right to surface waters that are
709 naturally tributary to the groundwater basin subject to the groundwater management plan if the

710 surface waters are appropriated in accordance with Title 73, Water and Irrigation, and used in
711 accordance with Title 73, Chapter 3b, Groundwater Recharge and Recovery Act.

712 (2) For purposes of this section:

713 (a) "Operation" means all activities involved in providing the indicated service
714 including acquisition and ownership of property reasonably necessary to provide the indicated
715 service and acquisition, construction, and maintenance of facilities and equipment reasonably
716 necessary to provide the indicated service.

717 (b) "System" means the aggregate of interrelated components that combine together to
718 provide the indicated service including, for a sewage system, collection and treatment.

719 (3) (a) A local district may not be created to provide and may not after its creation
720 provide more than four of the services listed in Subsection (1).

721 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing
722 more than four services if, before April 30, 2007, the local district was authorized to provide
723 those services.

724 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to
725 provide and may not after its creation provide to an area the same service already being
726 provided to that area by another political subdivision, unless the other political subdivision
727 gives its written consent.

728 (b) For purposes of Subsection (4)(a), a local district does not provide the same service
729 as another political subdivision if it operates a component of a system that is different from a
730 component operated by another political subdivision but within the same:

731 (i) sewage system; or

732 (ii) water system.

733 (5) (a) Except for a local district in the creation of which an election is not required
734 under Subsection 17B-1-214(3)(d), the area of a local district may include all or part of the
735 unincorporated area of one or more counties and all or part of one or more municipalities.

736 (b) The area of a local district need not be contiguous.

737 (6) For a local district created before May 5, 2008, the authority to provide fire
738 protection service also includes the authority to provide:

739 (a) paramedic service; and

740 (b) emergency service, including hazardous materials response service.

741 (7) A local district created before May 11, 2010, authorized to provide the construction
742 and maintenance of curb, gutter, or sidewalk may provide a service described in Subsection
743 (1)(a)(x) on or after May 11, 2010.

744 (8) A local district created before May 10, 2011, authorized to provide culinary,
745 irrigation, sewage, or storm water services may provide a service described in Subsection
746 (1)(a)(xii) on or after May 10, 2011.

747 Section 12. Section **17D-1-201** is amended to read:

748 **17D-1-201. Services that a special service district may be created to provide.**

749 As provided in this part, a county or municipality may create a special service district to
750 provide any combination of the following services:

751 (1) water;

752 (2) sewerage;

753 (3) drainage;

754 (4) flood control;

755 (5) garbage collection and disposal;

756 (6) health care;

757 (7) transportation, including the receipt of federal secure rural school funds under

758 Section 51-9-603 for the purposes of constructing, improving, repairing, or maintaining public
759 roads;

760 (8) recreation;

761 (9) fire protection, including:

762 (a) emergency medical services, ambulance services, and search and rescue services, if
763 fire protection service is also provided;

764 (b) Firewise Communities programs and the development of community wildfire
765 protection plans; and

766 (c) the receipt of federal secure rural school funds as provided under Section 51-9-603
767 for the purposes of carrying out Firewise Communities programs, developing community
768 wildfire protection plans, and performing emergency services, including firefighting on federal
769 land and other services authorized under this Subsection (9);

770 (10) providing, operating, and maintaining correctional and rehabilitative facilities and
771 programs for municipal, state, and other detainees and prisoners;

- 772 (11) street lighting;
- 773 (12) consolidated 911 and emergency dispatch;
- 774 (13) animal shelter and control;
- 775 (14) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease
- 776 Funds, and expending those funds to provide construction and maintenance of public facilities,
- 777 traditional governmental services, and planning, as a means for mitigating impacts from
- 778 extractive mineral industries;
- 779 (15) in a county of the first class, extended police protection; [~~or~~]
- 780 (16) control or abatement of earth movement or a landslide[-]; or
- 781 (17) an energy efficiency upgrade or a renewable energy system, as defined in Section
- 782 11-42-102, in accordance with Title 11, Chapter 42, Assessment Area Act.

783 Section 13. Section **26-8a-102** is amended to read:

784 **26-8a-102. Definitions.**

785 As used in this chapter:

786 (1) (a) "911 ambulance or paramedic services" means:

787 (i) either:

788 (A) 911 ambulance service;

789 (B) 911 paramedic service; or

790 (C) both 911 ambulance and paramedic service; and

791 (ii) a response to a 911 call received by a designated dispatch center that receives 911
792 or E911 calls.

793 (b) "911 ambulance or paramedic service" does not mean a seven or ten digit telephone
794 call received directly by an ambulance provider licensed under this chapter.

795 (2) "Ambulance" means a ground, air, or water vehicle that:

796 (a) transports patients and is used to provide emergency medical services; and

797 (b) is required to obtain a permit under Section 26-8a-304 to operate in the state.

798 (3) "Ambulance provider" means an emergency medical service provider that:

799 (a) transports and provides emergency medical care to patients; and

800 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

801 (4) "Committee" means the State Emergency Medical Services Committee created by
802 Section 26-1-7.

803 (5) "Direct medical observation" means in-person observation of a patient by a
804 physician, registered nurse, physician's assistant, or individual certified under Section
805 26-8a-302.

806 (6) "Emergency medical condition" means:

807 (a) a medical condition that manifests itself by symptoms of sufficient severity,
808 including severe pain, that a prudent layperson, who possesses an average knowledge of health
809 and medicine, could reasonably expect the absence of immediate medical attention to result in:

810 (i) placing the individual's health in serious jeopardy;

811 (ii) serious impairment to bodily functions; or

812 (iii) serious dysfunction of any bodily organ or part; or

813 (b) a medical condition that in the opinion of a physician or his designee requires direct
814 medical observation during transport or may require the intervention of an individual certified
815 under Section 26-8a-302 during transport.

816 (7) "Emergency medical service personnel":

817 (a) means an individual who provides emergency medical services to a patient and is
818 required to be certified under Section 26-8a-302; and

819 (b) includes a paramedic, medical director of a licensed emergency medical service
820 provider, emergency medical service instructor, and other categories established by the
821 committee.

822 (8) "Emergency medical service providers" means:

823 (a) licensed ambulance providers and paramedic providers;

824 (b) a facility or provider that is required to be designated under Section 26-8a-303; and

825 (c) emergency medical service personnel.

826 (9) "Emergency medical services" means medical services, transportation services, or
827 both rendered to a patient.

828 (10) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

829 (a) maintained and used for the transportation of emergency medical personnel,
830 equipment, and supplies to the scene of a medical emergency; and

831 (b) required to be permitted under Section 26-8a-304.

832 (11) "Governing body":

833 (a) is as defined in [~~Subsection~~] Section 11-42-102[~~(19)~~]; and

834 (b) for purposes of a "special service district" under ~~[Subsection]~~ Section
835 11-42-102~~(19)~~, means a special service district that has been delegated the authority to select
836 a provider under this chapter by the special service district's legislative body or administrative
837 control board.

838 (12) "Interested party" means:

839 (a) a licensed or designated emergency medical services provider that provides
840 emergency medical services within or in an area that abuts an exclusive geographic service area
841 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
842 Providers;

843 (b) any municipality, county, or fire district that lies within or abuts a geographic
844 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
845 Paramedic Providers; or

846 (c) the department when acting in the interest of the public.

847 (13) "Medical control" means a person who provides medical supervision to an
848 emergency medical service provider.

849 (14) "Non-911 service" means transport of a patient that is not 911 transport under
850 Subsection (1).

851 (15) "Paramedic provider" means an entity that:

852 (a) employs emergency medical service personnel; and

853 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

854 (16) "Patient" means an individual who, as the result of illness or injury, meets any of
855 the criteria in Section 26-8a-305.

856 (17) "Political subdivision" means:

857 (a) a city or town located in a county of the first or second class as defined in Section
858 17-50-501;

859 (b) a county of the first or second class;

860 (c) the following districts located in a county of the first or second class:

861 (i) a special service district created under Title 17D, Chapter 1, Special Service District
862 Act; or

863 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local
864 Districts, for the purpose of providing fire protection, paramedic, and emergency services;

- 865 (d) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);
- 866 (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or
- 867 (f) a special service district for fire protection service under Subsection 17D-1-201(9).

868 (18) "Trauma" means an injury requiring immediate medical or surgical intervention.

869 (19) "Trauma system" means a single, statewide system that:

870 (a) organizes and coordinates the delivery of trauma care within defined geographic
871 areas from the time of injury through transport and rehabilitative care; and

872 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
873 delivering care for trauma patients, regardless of severity.

874 (20) "Triage" means the sorting of patients in terms of disposition, destination, or
875 priority. For prehospital trauma victims, triage requires a determination of injury severity to
876 assess the appropriate level of care according to established patient care protocols.

877 (21) "Triage, treatment, transportation, and transfer guidelines" means written
878 procedures that:

879 (a) direct the care of patients; and

880 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
881 center, or an emergency medical service provider.

882 Section 14. Section **63H-1-201** is amended to read:

883 **63H-1-201. Creation of military installation development authority -- Status and**
884 **powers of authority -- Limitation.**

885 (1) There is created a military installation development authority.

886 (2) The authority is:

887 (a) an independent, nonprofit, separate body corporate and politic, with perpetual
888 succession and statewide jurisdiction, whose purpose is to facilitate the development of
889 military land in a project area;

890 (b) a political subdivision of the state; and

891 (c) a public corporation, as defined in Section 63E-1-102.

892 (3) The authority may:

893 (a) as provided in this chapter, facilitate the development of land within one or more
894 project areas, including the ongoing operation of facilities within a project area;

895 (b) sue and be sued;

- 896 (c) enter into contracts generally;
- 897 (d) buy, obtain an option upon, or otherwise acquire any interest in real or personal
898 property:
 - 899 (i) in a project area; or
 - 900 (ii) outside a project area for publicly owned infrastructure and improvements, if the
901 board considers the purchase, option, or other interest acquisition to be necessary for fulfilling
902 the authority's development objectives;
- 903 (e) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
904 personal property;
- 905 (f) enter into a lease agreement on real or personal property, either as lessee or lessor:
 - 906 (i) in a project area; or
 - 907 (ii) outside a project area, if the board considers the lease to be necessary for fulfilling
908 the authority's development objectives;
- 909 (g) provide for the development of land within a project area under one or more
910 contracts;
- 911 (h) exercise powers and perform functions under a contract, as authorized in the
912 contract;
- 913 (i) exercise exclusive police power within a project area to the same extent as though
914 the authority were a municipality, including the collection of regulatory fees;
- 915 (j) receive tax increment and other taxes and fees as provided in this chapter;
- 916 (k) accept financial or other assistance from any public or private source for the
917 authority's activities, powers, and duties, and expend any funds so received for any of the
918 purposes of this chapter;
- 919 (l) borrow money, contract with, or accept financial or other assistance from the federal
920 government, a public entity, or any other source for any of the purposes of this chapter and
921 comply with any conditions of the loan, contract, or assistance;
- 922 (m) issue bonds to finance the undertaking of any development objectives of the
923 authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and
924 Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;
- 925 (n) hire employees, including contract employees;
- 926 (o) transact other business and exercise all other powers provided for in this chapter;

927 (p) enter into a development agreement with a developer of land within a project area;

928 (q) enter into an agreement with a political subdivision of the state under which the
929 political subdivision provides one or more municipal services within a project area;

930 (r) enter into an agreement with a private contractor to provide one or more municipal
931 services within a project area;

932 (s) provide for or finance an energy efficiency upgrade or a renewable energy system,
933 as defined in Section 11-42-102, in accordance with Title 11, Chapter 42, Assessment Area
934 Act;

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

937 [~~t~~] (u) enter into an agreement with the federal government or an agency of the
938 federal government under which the federal government or agency:

939 (i) provides law enforcement services only to military land within a project area; and

940 (ii) may enter into a mutual aid or other cooperative agreement with a law enforcement
941 agency of the state or a political subdivision of the state.

942 (4) The authority may not itself provide law enforcement service or fire protection
943 service within a project area but may enter into an agreement for one or both of those services,
944 as provided in Subsection (3)(q).

Legislative Review Note
as of 2-14-13 8:15 AM

Office of Legislative Research and General Counsel