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**INLAND PORT AUTHORITY AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W Stevenson**

House Sponsor: Jefferson Moss

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ makes the Utah Inland Port Authority subject to the Utah Industrial Facilities and Development Act;
- ▶ modifies limitations on board members;
- ▶ modifies notice requirements for a project area plan;
- ▶ prohibits the authority from paying certain developer costs associated with the construction of public infrastructure and improvements in a project area;
- ▶ provides that the base taxable value of project area land applies to land added to the project area;
- ▶ prohibits contaminated land or land within a remediation project area to be used for a distribution center;
- ▶ modifies requirements to qualify for a business recruitment incentive;
- ▶ modifies provisions relating to the distribution of sales tax revenue; and
- ▶ removes a condition applicable to the authority's creation of a remediation project area.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**11-17-2 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 354

28 **11-17-3.5 (Effective 05/01/24)**, as enacted by Laws of Utah 2009, Chapter 92  
 29 **11-58-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 259  
 30 **11-58-205 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 259  
 31 **11-58-206 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 259  
 32 **11-58-304 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 82  
 33 **11-58-503 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 435  
 34 **11-58-504 (Effective 05/01/24)**, as enacted by Laws of Utah 2018, Chapter 179  
 35 **11-58-602 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 259  
 36 **11-58-603 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 259  
 37 **11-58-605 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 259  
 38 **59-12-205 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 302,  
 39 471 and 492

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

42 Section 1. Section **11-17-2** is amended to read:

43 **11-17-2 (Effective 05/01/24). Definitions.**

44 As used in this chapter:

- 45 (1) "Bonds" means bonds, notes, or other evidences of indebtedness.  
 46 (2) "Energy efficiency upgrade" means an improvement that is permanently affixed to real  
 47 property and that is designed to reduce energy consumption, including:  
 48 (a) insulation in:  
 49 (i) a wall, ceiling, roof, floor, or foundation; or  
 50 (ii) a heating or cooling distribution system;  
 51 (b) an insulated window or door, including:  
 52 (i) a storm window or door;  
 53 (ii) a multiglazed window or door;  
 54 (iii) a heat-absorbing window or door;  
 55 (iv) a heat-reflective glazed and coated window or door;  
 56 (v) additional window or door glazing;  
 57 (vi) a window or door with reduced glass area; or  
 58 (vii) other window or door modifications that reduce energy loss;  
 59 (c) an automatic energy control system;  
 60 (d) in a building or a central plant, a heating, ventilation, or air conditioning and  
 61 distribution system;

- 62 (e) caulking or weatherstripping;
- 63 (f) a light fixture that does not increase the overall illumination of a building unless an
- 64 increase is necessary to conform with the applicable building code;
- 65 (g) an energy recovery system;
- 66 (h) a daylighting system;
- 67 (i) measures to reduce the consumption of water, through conservation or more efficient
- 68 use of water, including:
- 69 (i) installation of a low-flow toilet or showerhead;
- 70 (ii) installation of a timer or timing system for a hot water heater; or
- 71 (iii) installation of a rain catchment system; or
- 72 (j) any other modified, installed, or remodeled fixture that is approved as a utility
- 73 cost-savings measure by the governing body.

74 (3) "Finance" or "financing" includes the issuing of bonds by a municipality, county, or  
 75 state university for the purpose of using a portion, or all or substantially all of the  
 76 proceeds to pay for or to reimburse the user, lender, or the user or lender's designee for  
 77 the costs of the acquisition of facilities of a project, or to create funds for the project  
 78 itself where appropriate, whether these costs are incurred by the municipality, the  
 79 county, the state university, the user, or a designee of the user. If title to or in these  
 80 facilities at all times remains in the user, the bonds of the municipality or county shall be  
 81 secured by a pledge of one or more notes, debentures, bonds, other secured or unsecured  
 82 debt obligations of the user or lender, or the sinking fund or other arrangement as in the  
 83 judgment of the governing body is appropriate for the purpose of assuring repayment of  
 84 the bond obligations to investors in accordance with their terms.

- 85 (4) "Governing body" means:
- 86 (a) for a county, city, town, or metro township, the legislative body of the county, city,
  - 87 town, or metro township;
  - 88 (b) for the Utah Inland Port Authority created in Section 11-58-201, the board, as
  - 89 defined in Section 11-58-102;
  - 90 ~~[(b)]~~ (c) for the military installation development authority created in Section 63H-1-201,
  - 91 the board, as defined in Section 63H-1-102;
  - 92 ~~[(e)]~~ (d) for a state university except as provided in Subsection ~~[(4)(d)]~~ (4)(e), the board
  - 93 or body having the control and supervision of the state university; and
  - 94 ~~[(d)]~~ (e) for a nonprofit corporation or foundation created by and operating under the
  - 95 auspices of a state university, the board of directors or board of trustees of that

96 corporation or foundation.

97 (5) (a) "Industrial park" means land, including all necessary rights, appurtenances,  
98 easements, and franchises relating to it, acquired and developed by a municipality,  
99 county, or state university for the establishment and location of a series of sites for  
100 plants and other buildings for industrial, distribution, and wholesale use.

101 (b) "Industrial park" includes the development of the land for an industrial park under  
102 this chapter or the acquisition and provision of water, sewerage, drainage, street,  
103 road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad, or  
104 docking facilities, or any combination of them, but only to the extent that these  
105 facilities are incidental to the use of the land as an industrial park.

106 (6) "Lender" means a trust company, savings bank, savings and loan association, bank,  
107 credit union, or any other lending institution that lends, loans, or leases proceeds of a  
108 financing to the user or a user's designee.

109 (7) "Mortgage" means a mortgage, trust deed, or other security device.

110 (8) "Municipality" means any incorporated city, town, or metro township in the state,  
111 including cities or towns operating under home rule charters.

112 (9) "Pollution" means any form of environmental pollution including water pollution, air  
113 pollution, pollution caused by solid waste disposal, thermal pollution, radiation  
114 contamination, or noise pollution.

115 (10) (a) "Project" means:

116 (i) an industrial park, land, interest in land, building, structure, facility, system,  
117 fixture, improvement, appurtenance, machinery, equipment, or any combination  
118 of them, whether or not in existence or under construction:

119 (A) that is suitable for industrial, manufacturing, warehousing, research, business,  
120 and professional office building facilities, commercial, shopping services,  
121 food, lodging, low income rental housing, recreational, or any other business  
122 purposes;

123 (B) that is suitable to provide services to the general public;

124 (C) that is suitable for use by any corporation, person, or entity engaged in health  
125 care services, including hospitals, nursing homes, extended care facilities,  
126 facilities for the care of persons with a physical or mental disability, and  
127 administrative and support facilities; or

128 (D) that is suitable for use by a state university for the purpose of aiding in the  
129 accomplishment of its authorized academic, scientific, engineering, technical,



- 130 and economic development functions;
- 131 (ii) any land, interest in land, building, structure, facility, system, fixture,
- 132 improvement, appurtenance, machinery, equipment, or any combination of them,
- 133 used by any individual, partnership, firm, company, corporation, public utility,
- 134 association, trust, estate, political subdivision, state agency, or any other legal
- 135 entity, or its legal representative, agent, or assigns, for the reduction, abatement, or
- 136 prevention of pollution, including the removal or treatment of any substance in
- 137 process material, if that material would cause pollution if used without the
- 138 removal or treatment;
- 139 (iii) an energy efficiency upgrade;
- 140 (iv) a renewable energy system;
- 141 (v) facilities, machinery, or equipment, the manufacturing and financing of which
- 142 will maintain or enlarge domestic or foreign markets for Utah industrial products;
- 143 or
- 144 (vi) any economic development or new venture investment fund to be raised other
- 145 than from:
- 146 (A) municipal or county general fund money;
- 147 (B) money raised under the taxing power of any county or municipality; or
- 148 (C) money raised against the general credit of any county or municipality.
- 149 (b) "Project" does not include any property, real, personal, or mixed, for the purpose of
- 150 the construction, reconstruction, improvement, or maintenance of a public utility as
- 151 defined in Section 54-2-1.
- 152 (11) "Renewable energy system" means a product, system, device, or interacting group of
- 153 devices that is permanently affixed to real property and that produces energy from
- 154 renewable resources, including:
- 155 (a) a photovoltaic system;
- 156 (b) a solar thermal system;
- 157 (c) a wind system;
- 158 (d) a geothermal system, including:
- 159 (i) a direct-use system; or
- 160 (ii) a ground source heat pump system;
- 161 (e) a micro-hydro system; or
- 162 (f) another renewable energy system approved by the governing body.
- 163 (12) "State university" means an institution of higher education as described in Section

164 53B-2-101 and includes any nonprofit corporation or foundation created by and  
 165 operating under their authority.

166 (13) "User" means the person, whether natural or corporate, who will occupy, operate,  
 167 maintain, and employ the facilities of, or manage and administer a project after the  
 168 financing, acquisition, or construction of it, whether as owner, manager, purchaser,  
 169 lessee, or otherwise.

170 Section 2. Section **11-17-3.5** is amended to read:

171 **11-17-3.5 (Effective 05/01/24). Utah Inland Port Authority and Military**  
 172 **Installation Development Authority governed by chapter.**

173 The Utah Inland Port Authority, created in Section 11-58-201, and the military  
 174 installation development authority, created in Section 63H-1-201, [is] are subject to and  
 175 governed by the provisions of this chapter to the same extent as if the Utah Inland Port  
 176 Authority and military installation development authority, respectively, were a  
 177 municipality.

178 Section 3. Section **11-58-102** is amended to read:

179 **11-58-102 (Effective 05/01/24). Definitions.**

180 As used in this chapter:

- 181 (1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.
- 182 (2) "Authority jurisdictional land" means land within the authority boundary delineated:
- 183 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah Inland  
 184 Port Authority Amendments, 2018 Second Special Session; and
- 185 (b) beginning April 1, 2020, as provided in Subsection 11-58-202(3).
- 186 (3) "Base taxable value" means:
- 187 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of  
 188 the authority jurisdictional land, the taxable value of authority jurisdictional land  
 189 in calendar year 2018; and
- 190 (ii) for an area described in Section 11-58-600.7, the taxable value of that area in  
 191 calendar year 2017; or
- 192 (b) for a project area that consists of land outside the authority jurisdictional land, the  
 193 taxable value of property within any portion of a project area, as designated by board  
 194 resolution, from which the property tax differential will be collected, as shown upon  
 195 the assessment roll last equalized before the year in which the authority adopts a  
 196 project area plan for that area.
- 197 (4) "Board" means the authority's governing body, created in Section 11-58-301.

- 198 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about  
199 development of the authority jurisdictional land to achieve the goals and objectives  
200 described in Subsection 11-58-203(1), including the development and establishment of  
201 an inland port.
- 202 (6) "Contaminated land" means land:  
203 (a) within a project area; and  
204 (b) that contains hazardous materials, as defined in Section 19-6-302, hazardous  
205 substances, as defined in Section 19-6-302, or landfill material on, in, or under the  
206 land.
- 207 (7) "Development" means:  
208 (a) the demolition, construction, reconstruction, modification, expansion, or  
209 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
210 recreational amenity, or other facility, including public infrastructure and  
211 improvements; and  
212 (b) the planning of, arranging for, or participation in any of the activities listed in  
213 Subsection (7)(a).
- 214 (8) "Development project" means a project for the development of land within a project  
215 area.
- 216 (9) "Distribution center" means a building that is:  
217 (a) used for the storage, sorting, and distribution of goods intended for sale; and  
218 (b) not associated with or operated in conjunction with an adjacent manufacturing  
219 facility.
- 220 [~~9~~] (10) "Inland port" means one or more sites that:  
221 (a) contain multimodal facilities, intermodal facilities, or other facilities that:  
222 (i) are related but may be separately owned and managed; and  
223 (ii) together are intended to:  
224 (A) allow global trade to be processed and altered by value-added services as  
225 goods move through the supply chain;  
226 (B) provide a regional merging point for transportation modes for the distribution  
227 of goods to and from ports and other locations in other regions;  
228 (C) provide cargo-handling services to allow freight consolidation and  
229 distribution, temporary storage, customs clearance, and connection between  
230 transport modes; and  
231 (D) provide international logistics and distribution services, including freight

232 forwarding, customs brokerage, integrated logistics, and information systems;  
233 and

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

237 ~~[(10)]~~ (11) "Inland port use" means a use of land:

238 (a) for an inland port;

239 (b) that directly implements or furthers the purposes of an inland port, as stated in  
240 Subsection (9);

241 (c) that complements or supports the purposes of an inland port, as stated in Subsection  
242 (9); or

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

244 ~~[(11)]~~ (12) "Intermodal facility" means a facility for transferring containerized cargo  
245 between rail, truck, air, or other transportation modes.

246 ~~[(12)]~~ (13) "Landfill material" means garbage, waste, debris, or other materials disposed of  
247 or placed in a landfill.

248 ~~[(13)]~~ (14) "Multimodal facility" means a hub or other facility for trade combining any  
249 combination of rail, trucking, air cargo, and other transportation services.

250 ~~[(14)]~~ (15) "Nonvoting member" means an individual appointed as a member of the board  
251 under Subsection 11-58-302(3) who does not have the power to vote on matters of  
252 authority business.

253 ~~[(15)]~~ (16) "Project area" means:

254 (a) the authority jurisdictional land, subject to Section 11-58-605; or

255 (b) land outside the authority jurisdictional land, whether consisting of a single  
256 contiguous area or multiple noncontiguous areas, described in a project area plan or  
257 draft project area plan, where the development project set forth in the project area  
258 plan or draft project area plan takes place or is proposed to take place.

259 ~~[(16)]~~ (17) "Project area budget" means a multiyear projection of annual or cumulative  
260 revenues and expenses and other fiscal matters pertaining to the project area.

261 ~~[(17)]~~ (18) "Project area plan" means a written plan that, after its effective date, guides and  
262 controls the development within a project area.

263 ~~[(18)]~~ (19) "Property tax" includes a privilege tax and each levy on an ad valorem basis on  
264 tangible or intangible personal or real property.

265 ~~[(19)]~~ (20) "Property tax differential":

- 266 (a) means the difference between:
- 267 (i) the amount of property tax revenues generated each tax year by all taxing entities
- 268 from a project area, using the current assessed value of the property; and
- 269 (ii) the amount of property tax revenues that would be generated from that same area
- 270 using the base taxable value of the property; and
- 271 (b) does not include property tax revenue from:
- 272 (i) a county additional property tax or multicounty assessing and collecting levy
- 273 imposed in accordance with Section 59-2-1602;
- 274 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;
- 275 or
- 276 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general
- 277 obligation bond.
- 278 [~~(20)~~] (21) "Public entity" means:
- 279 (a) the state, including each department, division, or other agency of the state; or
- 280 (b) a county, city, town, metro township, school district, special district, special service
- 281 district, interlocal cooperation entity, community reinvestment agency, or other
- 282 political subdivision of the state, including the authority.
- 283 [~~(21)~~] (22) (a) "Public infrastructure and improvements" means infrastructure,
- 284 improvements, facilities, or buildings that:
- 285 (i) (A) benefit the public and are owned by a public entity or a utility; or
- 286 (B) benefit the public and are publicly maintained or operated by a public entity; or
- 287 (ii) (A) are privately owned;
- 288 (B) benefit the public;
- 289 (C) as determined by the board, provide a substantial benefit to the development
- 290 and operation of a project area; and
- 291 (D) are built according to applicable county or municipal design and safety
- 292 standards.
- 293 (b) "Public infrastructure and improvements" includes:
- 294 (i) facilities, lines, or systems that provide:
- 295 (A) water, chilled water, or steam; or
- 296 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable
- 297 energy, microgrids, or telecommunications service;
- 298 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
- 299 facilities, rail lines, intermodal facilities, multimodal facilities, and public

300 transportation facilities;  
 301 (iii) an inland port; and  
 302 (iv) infrastructure, improvements, facilities, or buildings that are developed as part of  
 303 a remediation project.

304 [(22)] (23) "Remediation" includes:

305 (a) activities for the cleanup, rehabilitation, and development of contaminated land; and  
 306 (b) acquiring an interest in land within a remediation project area.

307 [(23)] (24) "Remediation differential" means property tax differential generated from a  
 308 remediation project area.

309 [(24)] (25) "Remediation project" means a project for the remediation of contaminated land  
 310 that:

311 (a) is owned by:

312 (i) the state or a department, division, or other instrumentality of the state;  
 313 (ii) an independent entity, as defined in Section 63E-1-102; or  
 314 (iii) a political subdivision of the state; and

315 (b) became contaminated land before the owner described in Subsection (24)(a) obtained  
 316 ownership of the land.

317 [(25)] (26) "Remediation project area" means a project area consisting of contaminated land  
 318 that is or is expected to become the subject of a remediation project.

319 [(26)] (27) "Shapefile" means the digital vector storage format for storing geometric  
 320 location and associated attribute information.

321 [(27)] (28) "Taxable value" means the value of property as shown on the last equalized  
 322 assessment roll.

323 [(28)] (29) "Taxing entity":

324 (a) means a public entity that levies a tax on property within a project area; and  
 325 (b) does not include a public infrastructure district that the authority creates under Title  
 326 17D, Chapter 4, Public Infrastructure District Act.

327 [(29)] (30) "Voting member" means an individual appointed or designated as a member of  
 328 the board under Subsection 11-58-302(2).

329 Section 4. Section 11-58-205 is amended to read:

330 **11-58-205 (Effective 05/01/24). Applicability of other law -- Cooperation of state**  
 331 **and local governments -- Municipality to consider board input -- Prohibition**  
 332 **relating to natural resources -- Inland port as permitted or conditional use --**  
 333 **Municipal services -- Disclosure by nonauthority governing body member --**

334 **Services from state agencies -- Procurement policy.**

- 335 (1) Except as otherwise provided in this chapter, the authority does not have and may not  
336 exercise any powers relating to the regulation of land uses on the authority jurisdictional  
337 land.
- 338 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108,  
339 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by  
340 Title 63E, Independent Entities Code.
- 341 (3) A department, division, or other agency of the state and a political subdivision of the  
342 state shall cooperate with the authority to the fullest extent possible to provide whatever  
343 support, information, or other assistance the board requests that is reasonably necessary  
344 to help the authority fulfill its duties and responsibilities under this chapter.
- 345 (4) In making decisions affecting the authority jurisdictional land, the legislative body of a  
346 municipality in which the authority jurisdictional land is located shall consider input  
347 from the authority board.
- 348 (5) (a) No later than December 31, 2018, the ordinances of a municipality with authority  
349 jurisdictional land within its boundary shall allow an inland port as a permitted or  
350 conditional use, subject to standards that are:
- 351 (i) determined by the municipality; and  
352 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).
- 353 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the  
354 time prescribed in that subsection shall allow an inland port as a permitted use  
355 without regard to any contrary provision in the municipality's land use ordinances.
- 356 (6) (a) The transporting, unloading, loading, transfer, or temporary storage of natural  
357 resources may not be prohibited on the authority jurisdictional land.
- 358 (b) Notwithstanding a permitted or conditional use allowed under applicable municipal  
359 ordinances, contaminated land may not be used for a distribution center.
- 360 (7) (a) A municipality whose boundary includes authority jurisdictional land shall  
361 provide the same municipal services to the area of the municipality that is within the  
362 authority jurisdictional land as the municipality provides to other areas of the  
363 municipality with similar zoning and a similar development level.
- 364 (b) The level and quality of municipal services that a municipality provides within  
365 authority jurisdictional land shall be fairly and reasonably consistent with the level  
366 and quality of municipal services that the municipality provides to other areas of the  
367 municipality with similar zoning and a similar development level.

- 368 (8) (a) As used in this Subsection (8):
- 369 (i) "Direct financial benefit" means the same as that term is defined in Section
- 370 11-58-304.
- 371 (ii) "Nonauthority governing body member" means a member of the board or other
- 372 body that has authority to make decisions for a nonauthority government owner.
- 373 (iii) "Nonauthority government owner" mean a state agency or nonauthority local
- 374 government entity that owns land that is part of the authority jurisdictional land.
- 375 (iv) "Nonauthority local government entity":
- 376 (A) means a county, city, town, metro township, special district, special service
- 377 district, community reinvestment agency, or other political subdivision of the
- 378 state; and
- 379 (B) excludes the authority.
- 380 (v) "State agency" means a department, division, or other agency or instrumentality
- 381 of the state, including an independent state agency.
- 382 (b) A nonauthority governing body member who owns or has a financial interest in land
- 383 that is part of the authority jurisdictional land or who reasonably expects to receive a
- 384 direct financial benefit from development of authority jurisdictional land shall submit
- 385 a written disclosure to the authority board and the nonauthority government owner.
- 386 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:
- 387 (i) the nonauthority governing body member's ownership or financial interest in
- 388 property that is part of the authority jurisdictional land; and
- 389 (ii) the direct financial benefit the nonauthority governing body member expects to
- 390 receive from development of authority jurisdictional land.
- 391 (d) A nonauthority governing body member required under Subsection (8)(b) to submit a
- 392 written disclosure shall submit the disclosure no later than 30 days after:
- 393 (i) the nonauthority governing body member:
- 394 (A) acquires an ownership or financial interest in property that is part of the
- 395 authority jurisdictional land; or
- 396 (B) first knows that the nonauthority governing body member expects to receive a
- 397 direct financial benefit from the development of authority jurisdictional land; or
- 398 (ii) the effective date of this Subsection (8), if that date is later than the period
- 399 described in Subsection (8)(d)(i).
- 400 (e) A written disclosure submitted under this Subsection (8) is a public record.
- 401 (9) (a) The authority may request and, upon request, shall receive:



- 402 (i) fuel dispensing and motor pool services provided by the Division of Fleet  
 403 Operations;
- 404 (ii) surplus property services provided by the Division of Purchasing and General  
 405 Services;
- 406 (iii) information technology services provided by the Division of Technology  
 407 Services;
- 408 (iv) archive services provided by the Division of Archives and Records Service;
- 409 (v) financial services provided by the Division of Finance;
- 410 (vi) human resources services provided by the Division of Human Resource  
 411 Management;
- 412 (vii) legal services provided by the Office of the Attorney General; and
- 413 (viii) banking services provided by the Office of the State Treasurer.
- 414 (b) Nothing in Subsection (9)(a) may be construed to relieve the authority of the  
 415 obligation to pay the applicable fee for the service provided.
- 416 (10) (a) To govern authority procurements, the board shall adopt a procurement policy  
 417 that the board determines to be substantially consistent with applicable provisions of  
 418 Title 63G, Chapter 6a, Utah Procurement Code.
- 419 (b) The board may delegate to the executive director the responsibility to adopt a  
 420 procurement policy.
- 421 (c) The board's determination under Subsection (10)(a) of substantial consistency is final  
 422 and conclusive.

423 Section 5. Section **11-58-206** is amended to read:

424 **11-58-206 (Effective 05/01/24). Port authority funds.**

- 425 (1) ~~[The]~~ Subject to Subsection (2), the authority may use authority funds for any purpose  
 426 authorized under this chapter, including:
- 427 ~~[(1)]~~ (a) promoting, facilitating, and advancing inland port uses;
- 428 ~~[(2)]~~ (b) owning and operating an intermodal facility;
- 429 ~~[(3)]~~ (c) the remediation of contaminated land within a project area; and
- 430 ~~[(4)]~~ (d) paying any consulting fees and staff salaries and other administrative, overhead,  
 431 legal, and operating expenses of the authority.
- 432 (2) (a) As used in this Subsection (2):
- 433 (i) "Affected project area" means the project area where public infrastructure and  
 434 improvements are constructed or are to be constructed.
- 435 (ii) "Local legislative body" means:

436 (A) the legislative body of the county in which the affected project area is located;  
 437 or  
 438 (B) the legislative body of the municipality in which the affected project area is  
 439 located.

440 (b) The authority may not use authority funds to pay developer costs, as defined by the  
 441 local legislative body, associated with the development and construction of public  
 442 infrastructure and improvements in an affected project area.

443 Section 6. Section **11-58-304** is amended to read:

444 **11-58-304 (Effective 05/01/24). Limitations on board members and executive**  
 445 **director.**

446 (1) As used in this section:

447 (a) "Direct financial benefit":

448 (i) means any form of financial benefit that accrues to an individual directly,  
 449 including:

450 (A) compensation, commission, or any other form of a payment or increase of  
 451 money; and

452 (B) an increase in the value of a business or property; and

453 (ii) does not include a financial benefit that accrues to the public generally.

454 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.

455 (2) (a) An individual [may not serve as a voting member of the board or as executive  
 456 director] is subject to Subsection (2)(b) if:

457 [(a)] (i) the individual owns real property, other than a personal residence in which the  
 458 individual resides, within a project area, whether or not the ownership interest is a  
 459 recorded interest;

460 [(b)] (ii) a family member of the individual owns an interest in real property, other  
 461 than a personal residence in which the family member resides, located within a  
 462 project area; or

463 [(c)] (iii) the individual or a family member of the individual owns an interest in, is  
 464 directly affiliated with, or is an employee or officer of a private firm, private  
 465 company, or other private entity that the individual reasonably believes is likely to:

466 [(i)] (A) participate in or receive a direct financial benefit from the development of  
 467 the authority jurisdictional land; or

468 [(ii)] (B) acquire an interest in or locate a facility within a project area.

469 (b) An individual described in Subsection (2)(a):

- 470 (i) may not serve as executive director; or  
471 (ii) may not, if the individual is a board member, participate in the consideration or  
472 vote on any matter affecting the individual or family member's interest or  
473 affiliation described in Subsection (2)(a).
- 474 (3) Before taking office as a voting member of the board or accepting employment as  
475 executive director, an individual shall submit to the authority a statement verifying that  
476 the individual's service as a board member or employment as executive director does not  
477 violate Subsection (2).
- 478 (4) (a) An individual may not, at any time during the individual's service as a voting  
479 member or employment with the authority, acquire, or take any action to initiate,  
480 negotiate, or otherwise arrange for the acquisition of, an interest in real property  
481 located within a project area, if:
- 482 (i) the acquisition is in the individual's personal capacity or in the individual's  
483 capacity as an employee or officer of a private firm, private company, or other  
484 private entity; and
- 485 (ii) the acquisition will enable the individual to receive a direct financial benefit as a  
486 result of the development of the project area.
- 487 (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to initiate,  
488 negotiate, or otherwise arrange for the acquisition of, an interest in real property that  
489 is a personal residence in which the individual will reside upon acquisition of the real  
490 property.
- 491 (5) (a) A voting member or nonvoting member of the board or an employee of the  
492 authority may not receive a direct financial benefit from the development of a project  
493 area.
- 494 (b) For purposes of Subsection (5)(a), a direct financial benefit does not include:
- 495 (i) expense reimbursements;  
496 (ii) per diem pay for board member service, if applicable; or  
497 (iii) an employee's compensation or benefits from employment with the authority.
- 498 (6) Nothing in this section may be construed to affect the application or effect of any other  
499 code provision applicable to a board member or employee relating to ethics or conflicts  
500 of interest.

501 Section 7. Section **11-58-503** is amended to read:

502 **11-58-503 (Effective 05/01/24). Notice of project area plan adoption -- Effective**  
503 **date of plan -- Time for challenging a project area plan or project area.**

- 504 (1) Upon the board's adoption of a project area plan, the board shall provide notice as  
 505 provided in Subsection (2) by publishing or causing to be published legal notice[;]  
 506 [~~(a)~~] for the project area, as a class A notice under Section 63G-30-102, for at least 30  
 507 days[; and] .  
 508 [~~(b)~~ as required by Section 45-1-101.]
- 509 (2) (a) Each notice under Subsection (1) shall include:  
 510 (i) the board resolution adopting the project area plan or a summary of the resolution;  
 511 and  
 512 (ii) a statement that the project area plan is available for general public inspection and  
 513 the hours for inspection.
- 514 (b) The statement required under Subsection (2)(a)(ii) may be included within the board  
 515 resolution adopting the project area plan or within the summary of the resolution.
- 516 (3) The project area plan shall become effective on the date designated in the board  
 517 resolution.
- 518 (4) The authority shall make the adopted project area plan available to the general public at  
 519 the authority's offices during normal business hours.
- 520 (5) Within 10 days after the day on which a project area plan is adopted that establishes a  
 521 project area, or after an amendment to a project area plan is adopted under which the  
 522 boundary of a project area is modified, the authority shall send notice of the  
 523 establishment or modification of the project area and an accurate map or plat of the  
 524 project area to:  
 525 (a) the State Tax Commission;  
 526 (b) the Utah Geospatial Resource Center created in Section 63A-16-505; and  
 527 (c) the assessor and recorder of each county where the project area is located.
- 528 (6) (a) A legal action or other challenge to a project area plan or a project area described  
 529 in a project area plan is barred unless brought within 30 days after the effective date  
 530 of the project area plan.  
 531 (b) A legal action or other challenge to a project area that consists of authority  
 532 jurisdictional land is barred unless brought within 30 days after the board adopts a  
 533 business plan under Subsection 11-58-202(1)(a) for the authority jurisdictional land.
- 534 Section 8. Section **11-58-504** is amended to read:  
 535 **11-58-504 (Effective 05/01/24). Amendment to a project area plan.**
- 536 (1) The authority may amend a project area plan by following the same procedure under  
 537 this part as applies to the adoption of a project area plan.

538 (2) The provisions of this part apply to the authority's adoption of an amendment to a  
 539 project area plan to the same extent as they apply to the adoption of a project area plan.

540 (3) If an amendment to a project area plan results in land being included in the project area  
 541 that was not included in the project area before the amendment, the base taxable value  
 542 applicable to the project area before the amendment applies to the land added to the  
 543 project area by amendment.

544 Section 9. Section **11-58-602** is amended to read:

545 **11-58-602 (Effective 07/01/24). Allowable uses of property tax differential and**  
 546 **other funds.**

547 (1) (a) The authority may use money from property tax differential, money the authority  
 548 receives from the state, money the authority receives under Subsection 59-12-205

549 (2)(a)(ii)(C), and other money available to the authority:

550 (i) for any purpose authorized under this chapter;

551 (ii) for administrative, overhead, legal, consulting, and other operating expenses of  
 552 the authority;

553 (iii) to pay for, including financing or refinancing, all or part of the development of  
 554 land within a project area, including assisting the ongoing operation of a  
 555 development or facility within the project area;

556 (iv) to pay the cost of the installation and construction of public infrastructure and  
 557 improvements within the project area from which the property tax differential  
 558 funds were collected;

559 (v) to pay the cost of the installation of public infrastructure and improvements  
 560 outside a project area if the board determines by resolution that the infrastructure  
 561 and improvements are of benefit to the project area;

562 (vi) to pay to a community reinvestment agency for affordable housing, as provided  
 563 in Subsection 11-58-606(2);

564 (vii) to pay the principal and interest on bonds issued by the authority;

565 (viii) to pay the cost of acquiring a conservation easement on land that is part of or  
 566 adjacent to authority jurisdictional land:

567 (A) for the perpetual preservation of the land from development; and

568 (B) to provide a buffer area between authority jurisdictional land intended for  
 569 development and land outside the boundary of the authority jurisdictional land;

570 and

571 (ix) subject to Subsection (1)(b), to encourage, incentivize, or require development

- 572 that:
- 573 (A) mitigates noise, air pollution, light pollution, surface and groundwater  
574 pollution, and other negative environmental impacts;
- 575 (B) mitigates traffic congestion; or
- 576 (C) uses high efficiency building construction and operation.
- 577 (b) (i) (A) The authority shall establish minimum mitigation and environmental  
578 standards that a landowner is required to meet to qualify for the use of property  
579 tax differential under Subsection (1)(a)(ix) in the landowner's development.
- 580 (B) Minimum mitigation and environmental standards established under  
581 Subsection (1)(b)(i)(A) shall include a standard prohibiting the use of property  
582 tax differential as a business recruitment incentive, as defined in Section  
583 11-58-603, for new commercial or industrial development or an expansion of  
584 existing commercial or industrial development within the authority  
585 jurisdictional land if the new or expanded development will consume on an  
586 annual basis more than 200,000 gallons of potable water per day.
- 587 (ii) In establishing minimum mitigation and environmental standards, the authority  
588 shall consult with:
- 589 (A) the municipality in which the development is expected to occur, for  
590 development expected to occur within a municipality; or
- 591 (B) the county in whose unincorporated area the development is expected to  
592 occur, for development expected to occur within the unincorporated area of a  
593 county.
- 594 (iii) The authority may not use property tax differential under Subsection (1)(a)(viii)  
595 for a landowner's development in a project area unless the minimum mitigation  
596 and environmental standards are followed with respect to that landowner's  
597 development.
- 598 (2) The authority may use revenue generated from the operation of public infrastructure  
599 operated by the authority or improvements, including an intermodal facility, operated by  
600 the authority to:
- 601 (a) operate and maintain the infrastructure or improvements; and
- 602 (b) pay for authority operating expenses, including administrative, overhead, and legal  
603 expenses.
- 604 (3) The determination of the board under Subsection (1)(a)(v) regarding benefit to the  
605 project area is final.

606 (4) The authority may not use property tax differential revenue collected from one project  
607 area for a development project within another project area.

608 (5) The authority may use up to 10% of the general differential revenue generated from a  
609 project area to pay for affordable housing within or near the project area.

610 (6) The authority may share general differential funds with a taxing entity that levies a  
611 property tax on land within the project area from which the general differential is  
612 generated.

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

614 [~~(i) "Authority sales and use tax revenue" means money distributed to the authority under  
615 Subsection 59-12-205(2)(a)(ii)(C):~~]

616 [~~(ii) "Eligible county" means a county that would be entitled to receive sales and use tax  
617 revenue under Subsection 59-12-205(2)(a)(ii)(A) in the absence of Subsection 59-12-205  
618 (2)(a)(ii)(C):~~]

619 [~~(iii) "Eligible municipality" means a municipality that would be entitled to receive sales  
620 and use tax revenue under Subsection 59-12-205(2)(a)(ii)(A) in the absence of  
621 Subsection 59-12-205(2)(a)(ii)(C):~~]

622 [~~(iv) "Point of sale portion" means:~~]

623 [~~(A) for an eligible county, the amount of sales and use tax revenue the eligible county  
624 would have received under Subsection 59-12-205(2)(a)(ii)(A) in the absence of  
625 Subsection 59-12-205(2)(a)(ii)(C), excluding the retail sales portion; and]~~

626 [~~(B) for an eligible municipality, the amount of sales and use tax revenue the eligible  
627 municipality would have received under Subsection 59-12-205(2)(a)(ii)(A) in the  
628 absence of Subsection 59-12-205(2)(a)(ii)(C), excluding the retail sales portion:]~~

629 [~~(v) "Retail sales portion" means the amount of sales and use tax revenue collected under  
630 Subsection 59-12-205(2)(a)(ii)(A) from retail sales transactions that occur on authority  
631 jurisdictional land:]~~

632 [~~(b) Within 45 days after receiving authority sales and use tax revenue, the authority shall:~~]

633 [~~(i) distribute half of the point of sale portion to each eligible county and eligible  
634 municipality; and]~~

635 [~~(ii) distribute all of the retail sales portion to each eligible county and eligible  
636 municipality:]~~

637 Section 10. Section **11-58-603** is amended to read:

638 **11-58-603 (Effective 05/01/24). Use of authority money for business recruitment**  
639 **incentive.**

- 640 (1) As used in this section:
- 641 (a) "Business recruitment incentive" means the post-performance payment of property  
642 tax differential as an incentive for development within a project area, as provided in  
643 this section.
- 644 (b) "Incentive application" means an application for a business recruitment incentive.
- 645 (c) "Tax differential parcel" means a parcel of land where development activity occurs.
- 646 (2) The authority may use property tax differential as a business recruitment incentive as  
647 provided in this section.
- 648 (3) The board shall establish:
- 649 (a) the requirements for a person to qualify for a business recruitment incentive;
- 650 (b) the application timeline, documentation requirements, and approval criteria  
651 applicable to an incentive application; and
- 652 (c) the standards and criteria for approval of an incentive application.
- 653 (4) (a) Subject to Subsection (4)(b), a person may qualify for a business recruitment  
654 incentive if:
- 655 (i) the person submits an incentive application according to requirements established  
656 by the board;
- 657 (ii) the person meets the requirements established by the board for a business  
658 recruitment incentive; and
- 659 (iii) the board approves the incentive application.
- 660 (b) A person may not qualify for a business recruitment incentive if the person's  
661 development project is:
- 662 (i) is on authority jurisdictional land; and
- 663 (ii) relates primarily to retail operations or the distribution of goods.
- 664 (5) The authority may pay a person, on a post-performance basis and as determined by the  
665 board, a percentage of property tax differential:
- 666 (a) generated from a tax differential parcel and paid to the authority; and
- 667 (b) for a specified period of time.
- 668 Section 11. Section **11-58-605** is amended to read:
- 669 **11-58-605 (Effective 05/01/24). Creation of remediation project area and**  
670 **payment of remediation differential.**
- 671 (1) As used in this section:
- 672 (a) "Remedial action plan" means a plan for the cleanup of contaminated land under a  
673 voluntary cleanup agreement under Title 19, Chapter 8, Voluntary Cleanup Program.



- 674 (b) "Subsidiary district" means a public infrastructure district that is a subsidiary of the  
675 authority.
- 676 (2) This section applies to a remediation project area and to remediation differential.
- 677 (3) (a) ~~The authority may adopt a resolution creating a remediation project area [if the~~  
678 ~~authority and the owner of contaminated land to be included in the remediation~~  
679 ~~project area enter an agreement governing a remediation project within the~~  
680 ~~remediation project area].~~
- 681 (b) Land within a remediation project area may not be used for a distribution center.
- 682 (4) If the authority adopts a resolution creating a remediation project area, the authority  
683 shall reconfigure the boundary of the project area that consists of the authority  
684 jurisdictional land to exclude the remediation project area.
- 685 (5) The authority may pay the costs of a remediation project from funds available to the  
686 authority, including funds of a subsidiary district.
- 687 (6) (a) If the authority pays some or all the costs of a remediation project, the authority  
688 shall be paid 100% of the remediation differential, subject to Subsection (6)(b), until  
689 the authority is fully reimbursed for the costs the authority paid for the remediation  
690 project.
- 691 (b) (i) Subject to Subsection (6)(b)(iii), the authority's use of remediation differential  
692 paid to the authority under Subsection (6)(a) is subject to any bonds of a  
693 subsidiary district issued before May 3, 2023 pledging property tax differential  
694 funds generated from the contaminated land.
- 695 (ii) Before using remediation differential to pay subsidiary district bonds described in  
696 Subsection (6)(b)(i), the authority shall use other funds available to the authority  
697 to pay the bonds.
- 698 (iii) A pledge of property tax differential under subsidiary district bonds issued  
699 before May 3, 2023 may be satisfied if:
- 700 (A) the authority or the subsidiary district pledges additional property tax  
701 differential, other than remediation differential, or other authority or subsidiary  
702 district funds to offset any decrease in property tax differential resulting from  
703 the payment under Subsection (6)(a) of remediation differential funds that  
704 would otherwise have been available to pay the subsidiary district bonds; and
- 705 (B) the pledge described in Subsection (6)(b)(iii)(A) is senior in right to any  
706 pledge of remediation differential for a commitment the authority makes in  
707 connection with a remediation project.

708 (7) If a remediation project is conducted pursuant to a remedial action plan, the use of the  
 709 land that is the subject of the remediation project shall be consistent with the remedial  
 710 action plan unless the change of use:

711 (a) occurs after the government owner, as defined in Subsection 63G-7-201(3)(b), is  
 712 environmentally compliant, as defined in Subsection 63G-7-201(3)(b), with respect  
 713 to the land that is the subject of the remediation project; and

714 (b) is approved by the board following a public hearing on the proposed change of use.

715 (8) (a) Upon the authority receiving full reimbursement for the authority's payment of  
 716 costs for a remediation project, the remediation project area is automatically and  
 717 immediately dissolved and the land within the remediation project area automatically  
 718 and immediately becomes part of the project area consisting of the authority  
 719 jurisdictional land.

720 (b) The board shall take any action necessary to effectuate and reflect in authority  
 721 project area records and any other applicable records the reincorporation of the  
 722 remediation project area under Subsection (8)(a) into the project area consisting of  
 723 the authority jurisdictional land.

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

725 **59-12-205 (Effective 07/01/24). Ordinances to conform with statutory**  
 726 **amendments -- Distribution of tax revenue -- Determination of population.**

727 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
 728 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or  
 729 town's sales and use tax ordinances:

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

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

733 (2) (a) Except as provided in Subsections (3) and (4) and subject to Subsection (5):

734 (i) 50% of each dollar collected from the sales and use tax authorized by this part  
 735 shall be distributed to each county, city, and town on the basis of the percentage  
 736 that the population of the county, city, or town bears to the total population of all  
 737 counties, cities, and towns in the state; and

738 (ii) (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 50% of each  
 739 dollar collected from the sales and use tax authorized by this part shall be  
 740 distributed to each county, city, and town on the basis of the location of the  
 741 transaction as determined under Sections 59-12-211 through 59-12-215;

- 742 (B) 50% of each dollar collected from the sales and use tax authorized by this part  
743 within a project area described in a project area plan adopted by the military  
744 installation development authority under Title 63H, Chapter 1, Military  
745 Installation Development Authority Act, shall be distributed to the military  
746 installation development authority created in Section 63H-1-201;
- 747 (C) beginning July 1, [~~2022~~] 2024, [~~50%~~] 20% of each dollar collected from the  
748 sales and use tax authorized by this part within a project area under Title 11,  
749 Chapter 58, Utah Inland Port Authority Act, shall be distributed to the Utah  
750 Inland Port Authority, created in Section 11-58-201; and
- 751 (D) 50% of each dollar collected from the sales and use tax authorized by this part  
752 within the lake authority boundary, as defined in Section 11-65-101, shall be  
753 distributed to the Utah Lake Authority, created in Section 11-65-201,  
754 beginning the next full calendar quarter following the creation of the Utah  
755 Lake Authority.
- 756 (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before  
757 July 1, 2022.
- 758 (3) (a) As used in this Subsection (3):
- 759 (i) "Eligible county, city, or town" means a county, city, or town that:
- 760 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection  
761 (3)(b) equal to the amount described in Subsection (3)(b)(ii); and
- 762 (B) does not impose a sales and use tax under Section 59-12-2103 on or before  
763 July 1, 2016.
- 764 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue  
765 distributions an eligible county, city, or town received from a tax imposed in  
766 accordance with this part for fiscal year 2004-05.
- 767 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax  
768 imposed in accordance with this part equal to the greater of:
- 769 (i) the payment required by Subsection (2); or
- 770 (ii) the minimum tax revenue distribution.
- 771 (4) (a) For purposes of this Subsection (4):
- 772 (i) "Annual local contribution" means the lesser of \$275,000 or an amount equal to  
773 2.55% of the participating local government's tax revenue distribution amount  
774 under Subsection (2)(a)(i) for the previous fiscal year.
- 775 (ii) "Participating local government" means a county or municipality, as defined in

- 776 Section 10-1-104, that is not an eligible municipality certified in accordance with  
777 Section 35A-16-404.
- 778 (b) For revenue collected from the tax authorized by this part that is distributed on or  
779 after January 1, 2019, the commission, before making a tax revenue distribution  
780 under Subsection (2)(a)(i) to a participating local government, shall:
- 781 (i) adjust a participating local government's tax revenue distribution under Subsection  
782 (2)(a)(i) by:
- 783 (A) subtracting an amount equal to one-twelfth of the annual local contribution for  
784 each participating local government from the participating local government's  
785 tax revenue distribution; and
- 786 (B) if applicable, reducing the amount described in Subsection (4)(b)(i)(A) by  
787 \$250 for each bed that is available at all homeless shelters located within the  
788 boundaries of the participating local government, as reported to the  
789 commission by the Office of Homeless Services in accordance with Section  
790 35A-16-405; and
- 791 (ii) deposit the resulting amount described in Subsection (4)(b)(i) into the Homeless  
792 Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.
- 793 (c) For a participating local government that qualifies to receive a distribution described  
794 in Subsection (3), the commission shall apply the provisions of this Subsection (4)  
795 after the commission applies the provisions of Subsection (3).
- 796 (5) (a) As used in this Subsection (5):
- 797 (i) "Annual dedicated sand and gravel sales tax revenue" means an amount equal to  
798 the total revenue an establishment described in NAICS Code 327320, Ready-Mix  
799 Concrete Manufacturing, of the 2022 North American Industry Classification  
800 System of the federal Executive Office of the President, Office of Management  
801 and Budget, collects and remits under this part for a calendar year.
- 802 (ii) "Sand and gravel" means sand, gravel, or a combination of sand and gravel.
- 803 (iii) "Sand and gravel extraction site" means a pit, quarry, or deposit that:
- 804 (A) contains sand and gravel; and
- 805 (B) is assessed by the commission in accordance with Section 59-2-201.
- 806 (iv) "Ton" means a short ton of 2,000 pounds.
- 807 (v) "Tonnage ratio" means the ratio of:
- 808 (A) the total amount of sand and gravel, measured in tons, sold during a calendar  
809 year from all sand and gravel extraction sites located within a county, city, or

- 810 town; to
- 811 (B) the total amount of sand and gravel, measured in tons, sold during the same
- 812 calendar year from sand and gravel extraction sites statewide.
- 813 (b) For purposes of calculating the ratio described in Subsection (5)(a)(v), the
- 814 commission shall:
- 815 (i) use the gross sales data provided to the commission as part of the commission's
- 816 property tax valuation process; and
- 817 (ii) if a sand and gravel extraction site operates as a unit across municipal or county
- 818 lines, apportion the reported tonnage among the counties, cities, or towns based on
- 819 the percentage of the sand and gravel extraction site located in each county, city,
- 820 or town, as approximated by the commission.
- 821 (c) (i) Beginning July 2023, and each July thereafter, the commission shall distribute
- 822 from total collections under this part an amount equal to the annual dedicated sand
- 823 and gravel sales tax revenue for the preceding calendar year to each county, city,
- 824 or town in the same proportion as the county's, city's, or town's tonnage ratio for
- 825 the preceding calendar year.
- 826 (ii) The commission shall ensure that the revenue distributed under this Subsection
- 827 (5)(c) is drawn from each jurisdiction's collections in proportion to the
- 828 jurisdiction's share of total collections for the preceding 12-month period.
- 829 (d) A county, city, or town shall use revenue described in Subsection (5)(c) for class B
- 830 or class C roads.
- 831 (6) (a) Population figures for purposes of this section shall be based on the most recent
- 832 official census or census estimate of the United States Bureau of the Census.
- 833 (b) If a needed population estimate is not available from the United States Bureau of the
- 834 Census, population figures shall be derived from the estimate from the Utah
- 835 Population Committee.
- 836 (c) The population of a county for purposes of this section shall be determined only from
- 837 the unincorporated area of the county.

838 **Section 13. Effective date.**

- 839 (1) (a) Except as provided in Subsection (1)(b), this bill takes effect on May 1, 2024.
- 840 (b) If approved by two-thirds of all the members elected to each house, this bill takes
- 841 effect upon approval by the governor, or the day following the constitutional time
- 842 limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or
- 843 in the case of a veto, the date of veto override.

844 (2) Notwithstanding Subsection (1), the actions affecting Sections 11-58-602 and 59-12-205  
845 take effect on July 1, 2024.