

Senator Jerry W. Stevenson proposes the following substitute bill:

UTAH INLAND PORT AUTHORITY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Mike Schultz

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies definitions applicable to the Utah Inland Port Authority;
- ▶ eliminates language relating to the forgiveness of a loan from the inland port infrastructure loan fund;
- ▶ enacts a provision relating to services to be provided the Authority by specified state agencies;
- ▶ requires the Authority board to adopt a procurement policy;
- ▶ modifies board quorum provisions;
- ▶ modifies provisions relating to the loan committee for loans from the inland port infrastructure revolving loan fund and requires the approval of the Authority board and the Executive Appropriations Committee for a loan from the fund;
- ▶ repeals a provision relating to projects benefitting authority jurisdictional land;
- ▶ modifies the allowable uses of authority funds, including the use of funds for a conservation easement;
- ▶ eliminates the requirement for property owner approval for inclusion of the owner's



26 property in a project area but requires the Authority to exclude property from a proposed
27 project area if the owner requests to have the property excluded from a proposed project area;
28 ▶ modifies the allowable uses of property tax differential;
29 ▶ authorizes the Authority to create a remediation project area for the remediation of
30 contaminated land and provides for property tax differential to be used to repay
31 remediation costs;
32 ▶ provides immunity for a government owner of contaminated land under certain
33 circumstances;
34 ▶ modifies provisions relating to property tax differential to be paid to the Authority
35 from authority jurisdictional land and from areas outside authority jurisdictional
36 land;
37 ▶ modifies provisions relating to a business recruitment incentive;
38 ▶ repeals obsolete language and makes other technical and conforming changes;
39 ▶ modifies public infrastructure district provisions relating to the Authority;
40 ▶ includes the Authority as a qualifying jurisdiction under provisions relating to the
41 nondisclosure of certain tax information; and
42 ▶ provides for the transfer of funds from the State Infrastructure Bank Fund to the
43 inland port infrastructure revolving loan fund.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 This bill provides a special effective date.

48 **Utah Code Sections Affected:**

49 AMENDS:

- 50 **11-58-102**, as last amended by Laws of Utah 2022, Chapter 82
51 **11-58-106**, as last amended by Laws of Utah 2022, Chapters 82 and 207
52 **11-58-205**, as last amended by Laws of Utah 2022, Chapter 82
53 **11-58-206**, as last amended by Laws of Utah 2019, Chapter 399
54 **11-58-302**, as last amended by Laws of Utah 2022, Chapter 82
55 **11-58-303**, as last amended by Laws of Utah 2022, Chapter 82
56 **11-58-501**, as last amended by Laws of Utah 2019, Chapter 399

- 57 [11-58-505](#), as last amended by Laws of Utah 2020, Chapter 126
- 58 [11-58-601](#), as last amended by Laws of Utah 2022, Chapter 82
- 59 [11-58-602](#), as last amended by Laws of Utah 2022, Chapter 82
- 60 [11-58-603](#), as enacted by Laws of Utah 2022, Chapter 82
- 61 [11-58-604](#), as enacted by Laws of Utah 2022, Chapter 82
- 62 [17D-4-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 314
- 63 [17D-4-203](#), as last amended by Laws of Utah 2022, Chapter 82
- 64 [59-1-403](#), as last amended by Laws of Utah 2022, Chapter 447
- 65 [63A-3-401.5](#), as last amended by Laws of Utah 2022, Chapters 82 and 237
- 66 [63A-3-402](#), as last amended by Laws of Utah 2022, Chapter 237
- 67 [63B-27-101](#), as last amended by Laws of Utah 2022, Chapter 463
- 68 [63G-7-201](#), as last amended by Laws of Utah 2021, Chapter 352
- 69 [72-2-202](#), as last amended by Laws of Utah 2022, Chapter 463

70 ENACTS:

- 71 [11-58-600.5](#), Utah Code Annotated 1953
- 72 [11-58-600.7](#), Utah Code Annotated 1953
- 73 [11-58-605](#), Utah Code Annotated 1953
- 74 [11-58-606](#), Utah Code Annotated 1953
- 75 [78B-6-2401](#), Utah Code Annotated 1953
- 76 [78B-6-2402](#), Utah Code Annotated 1953

77 REPEALS:

- 78 [11-58-207](#), as enacted by Laws of Utah 2018, Chapter 179



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

81 Section 1. Section **11-58-102** is amended to read:

82 **11-58-102. Definitions.**

83 As used in this chapter:

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

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

86 delineated:

87 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah

88 Inland Port Authority Amendments, 2018 Second Special Session; and

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

90 (3) "Base taxable value" means:

91 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the
92 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year
93 2018; and

94 (ii) for an area described in [~~Subsection 11-58-601(5)~~] [Section 11-58-600.7](#), the
95 taxable value of that area in calendar year 2017; or

96 (b) for a project area that consists of land outside the authority jurisdictional land, the
97 taxable value of property within any portion of a project area, as designated by board
98 resolution, from which the property tax differential will be collected, as shown upon the
99 assessment roll last equalized before the year in which the authority adopts a project area plan
100 for that area.

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

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

105 (6) "Contaminated land" means land:

106 (a) within a project area; and

107 (b) that contains hazardous materials, as defined in Section [19-6-302](#), hazardous
108 substances, as defined in Section [19-6-302](#), or landfill material on, in, or under the land.

109 [~~(6)~~] (7) "Development" means:

110 (a) the demolition, construction, reconstruction, modification, expansion, or
111 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,
112 recreational amenity, or other facility, including public infrastructure and improvements; and

113 (b) the planning of, arranging for, or participation in any of the activities listed in
114 Subsection [~~(6)~~] (7)(a).

115 [~~(7)~~] (8) "Development project" means a project for the development of land within a
116 project area.

117 [~~(8)~~] (9) "Inland port" means one or more sites that:

118 (a) contain multimodal facilities, intermodal facilities, or other facilities that:

- 119 (i) are related but may be separately owned and managed; and
120 (ii) together are intended to:
- 121 (A) allow global trade to be processed and altered by value-added services as goods
122 move through the supply chain;
- 123 (B) provide a regional merging point for transportation modes for the distribution of
124 goods to and from ports and other locations in other regions;
- 125 (C) provide cargo-handling services to allow freight consolidation and distribution,
126 temporary storage, customs clearance, and connection between transport modes; and
- 127 (D) provide international logistics and distribution services, including freight
128 forwarding, customs brokerage, integrated logistics, and information systems; and
- 129 (b) may include a satellite customs clearance terminal, an intermodal facility, a
130 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and
131 enhance regional, national, and international trade.
- 132 ~~[(9)]~~ (10) "Inland port use" means a use of land:
- 133 (a) for an inland port;
- 134 (b) that directly implements or furthers the purposes of an inland port, as stated in
135 Subsection ~~[(8)]~~ (9);
- 136 (c) that complements or supports the purposes of an inland port, as stated in Subsection
137 ~~[(8)]~~ (9); or
- 138 (d) that depends upon the presence of the inland port for the viability of the use.
- 139 ~~[(10)]~~ (11) "Intermodal facility" means a facility for transferring containerized cargo
140 between rail, truck, air, or other transportation modes.
- 141 (12) "Landfill material" means garbage, waste, debris, or other materials disposed of or
142 placed in a landfill.
- 143 ~~[(11)]~~ (13) "Multimodal facility" means a hub or other facility for trade combining any
144 combination of rail, trucking, air cargo, and other transportation services.
- 145 ~~[(12)]~~ (14) "Nonvoting member" means an individual appointed as a member of the
146 board under Subsection 11-58-302(3) who does not have the power to vote on matters of
147 authority business.
- 148 ~~[(13)]~~ (15) "Project area" means:
- 149 (a) the authority jurisdictional land, subject to Section 11-58-605; or

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

154 ~~[(14)]~~ (16) "Project area budget" means a multiyear projection of annual or cumulative
155 revenues and expenses and other fiscal matters pertaining to the project area.

156 ~~[(15)]~~ (17) "Project area plan" means a written plan that, after its effective date, guides
157 and controls the development within a project area.

158 ~~[(16)]~~ (18) "Property tax" includes a privilege tax and each levy on an ad valorem basis
159 on tangible or intangible personal or real property.

160 ~~[(17)]~~ (19) "Property tax differential":

161 (a) means the difference between:

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

164 (ii) the amount of property tax revenues that would be generated from that same area
165 using the base taxable value of the property; and

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

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

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

170 or

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

173 ~~[(18)]~~ (20) "Public entity" means:

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

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

178 ~~[(19)]~~ (21) (a) "Public infrastructure and improvements" ~~[(a)]~~ means infrastructure,
179 improvements, facilities, or buildings that:

180 (i) (A) benefit the public ~~[(a)]~~ ~~and~~ ~~(ii)~~ ~~(A)~~ and are owned by a public entity or a utility; or

181 (B) benefit the public and are publicly maintained or operated by a public entity; or
 182 (ii) (A) are privately owned;
 183 (B) benefit the public;
 184 (C) as determined by the board, provide a substantial benefit to the development and
 185 operation of a project area; and
 186 (D) are built according to applicable county or municipal design and safety standards.

187 (b) "Public infrastructure and improvements" includes:

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

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

190 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
 191 microgrids, or telecommunications service;

192 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
 193 facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation
 194 facilities;

195 (iii) an inland port; and

196 (iv) infrastructure, improvements, facilities, or buildings that~~[(A) are privately~~
 197 ~~owned; (B) benefit the public; (C) as determined by the board, provide a substantial benefit to~~
 198 ~~the development and operation of a project area; and (D) are built according to the applicable~~
 199 ~~county or municipal design and safety standards for public infrastructure.]~~ are developed as
 200 part of a remediation project.

201 (22) "Remediation" includes:

202 (a) activities for the cleanup, rehabilitation, and development of contaminated land;

203 and

204 (b) acquiring an interest in land within a remediation project area.

205 (23) "Remediation differential" means property tax differential generated from a
 206 remediation project area.

207 (24) "Remediation project" means a project for the remediation of contaminated land

208 that:

209 (a) is owned by:

210 (i) the state or a department, division, or other instrumentality of the state;

211 (ii) an independent entity, as defined in Section [63E-1-102](#); or

212 (iii) a political subdivision of the state; and

213 (b) became contaminated land before the owner described in Subsection (23)(a)

214 obtained ownership of the land.

215 (25) "Remediation project area" means a project area consisting of contaminated land

216 that is or is expected to become the subject of a remediation project.

217 ~~[(20)]~~ (26) "Shapefile" means the digital vector storage format for storing geometric

218 location and associated attribute information.

219 ~~[(21)]~~ (27) "Taxable value" means the value of property as shown on the last equalized

220 assessment roll.

221 ~~[(22)]~~ (28) "Taxing entity":

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

223 (b) does not include a public infrastructure district that the authority creates under Title

224 17D, Chapter 4, Public Infrastructure District Act.

225 ~~[(23)]~~ (29) "Voting member" means an individual appointed or designated as a member

226 of the board under Subsection 11-58-302(2).

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

228 **11-58-106. Loan approval committee -- Approval of infrastructure loans.**

229 (1) As used in this section:

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

231 (b) "Infrastructure loan" means the same as that term is defined in Section

232 63A-3-401.5.

233 (c) "Infrastructure project" means the same as that term is defined in Section

234 63A-3-401.5.

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

236 ~~[(d)]~~ (e) "Loan approval committee" means a committee ~~[consisting of the individuals~~

237 ~~who are the voting members of the board]~~ established under Subsection (2).

238 (2) (a) The authority shall establish a loan committee consisting of:

239 (i) two individuals with expertise in public finance or infrastructure development,

240 appointed by the governor;

241 (ii) one individual with expertise in public finance or infrastructure development,

242 appointed by the president of the Senate;

243 (iii) one individual with expertise in public finance or infrastructure development,
244 appointed by the speaker of the House of Representatives; and

245 (iv) one individual with expertise in public finance or infrastructure development,
246 appointed jointly by the president of the Senate and the speaker of the House of
247 Representatives.

248 (b) A board member may not be appointed to or serve as a member of the loan
249 committee.

250 ~~[(2)]~~ (3) (a) The loan ~~[approval]~~ committee may ~~[approve]~~ recommend for board
251 approval an infrastructure loan from the inland port fund~~[, as defined in Section 63A-3-401.5;]~~
252 to a borrower for an infrastructure project undertaken by the borrower.

253 (b) An infrastructure loan from the inland port fund may not be made unless:

254 (i) the infrastructure loan is recommended by the loan committee; and

255 (ii) the board approves the infrastructure loan.

256 ~~[(3)]~~ (4) (a) ~~[The]~~ If the loan [approval] committee recommends an infrastructure loan,
257 the loan committee shall [establish] recommend the terms of an infrastructure loan in
258 accordance with Section 63A-3-404.

259 (b) The ~~[loan approval committee]~~ board shall require the terms of an infrastructure
260 loan secured by property tax differential to include a requirement that money from the
261 infrastructure loan be used only for an infrastructure project within the project area that
262 generates the property tax differential.

263 ~~[(c) The terms of an infrastructure loan that the loan approval committee approves may~~
264 ~~include provisions allowing for the infrastructure loan to be forgiven if:]~~

265 ~~[(i) the infrastructure loan is to a public university in the state;]~~

266 ~~[(ii) the infrastructure loan is to fund a vehicle electrification pilot project;]~~

267 ~~[(iii) the amount of the infrastructure loan does not exceed \$15,000,000; and]~~

268 ~~[(iv) the public university receives matching funds for the vehicle electrification pilot~~
269 ~~project from another source.]~~

270 ~~[(4)]~~ (5) (a) The ~~[loan approval committee shall]~~ board may establish policies and
271 guidelines with respect to prioritizing requests for infrastructure loans and approving
272 infrastructure loans.

273 (b) With respect to infrastructure loan requests for an infrastructure project on authority

274 jurisdictional land, the policies and guidelines established under Subsection ~~[(4)(a)]~~ (5)(a) shall
275 give priority to an infrastructure loan request that furthers the policies and best practices
276 incorporated into the environmental sustainability component of the authority's business plan
277 under Subsection 11-58-202(1)(a).

278 ~~[(5)]~~ (6) Within 60 days after the execution of an infrastructure loan, the ~~[loan approval~~
279 ~~committee]~~ board shall report the infrastructure loan, including the loan amount, terms, interest
280 rate, and security, to:

281 (a) the Executive Appropriations Committee; and

282 (b) the State Finance Review Commission created in Section 63C-25-201.

283 ~~[(6)]~~ (7) (a) Salaries and expenses of committee members who are legislators shall be
284 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
285 Legislator Compensation.

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

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

291 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
292 63A-3-107.

293 Section 3. Section 11-58-205 is amended to read:

294 **11-58-205. Applicability of other law -- Cooperation of state and local**
295 **governments -- Municipality to consider board input -- Prohibition relating to natural**
296 **resources -- Inland port as permitted or conditional use -- Municipal services --**
297 **Disclosure by nonauthority governing body member -- Services from state agencies --**
298 **Procurement policy.**

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

302 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,
303 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed
304 by Title 63E, Independent Entities Code.

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

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

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

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

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

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

322 (7) (a) A municipality whose boundary includes authority jurisdictional land shall
323 provide the same municipal services to the area of the municipality that is within the authority
324 jurisdictional land as the municipality provides to other areas of the municipality with similar
325 zoning and a similar development level.

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

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

- 331 (i) "Direct financial benefit" means the same as that term is defined in Section
332 11-58-304.
- 333 (ii) "Nonauthority governing body member" means a member of the board or other
334 body that has authority to make decisions for a nonauthority government owner.
- 335 (iii) "Nonauthority government owner" mean a state agency or nonauthority local

336 government entity that owns land that is part of the authority jurisdictional land.

337 (iv) "Nonauthority local government entity":

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

340 (B) excludes the authority.

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

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

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

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

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

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

354 (i) the nonauthority governing body member:

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

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

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

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

362 ~~[(9) No later than December 31, 2022, a primary municipality, as defined in Section~~
363 ~~11-58-601, shall enter into an agreement with the authority under which the primary~~
364 ~~municipality agrees to facilitate the efficient processing of land use applications, as defined in~~
365 ~~Section 10-9a-103, relating to authority jurisdictional land within the primary municipality,~~
366 ~~including providing for at least one full-time employee as a single point of contact for the~~

367 ~~processing of those land use applications.]~~

368 (9) (a) The authority may request and, upon request, shall receive:

369 (i) fuel dispensing and motor pool services provided by the Division of Fleet

370 Operations;

371 (ii) surplus property services provided by the Division of Purchasing and General

372 Services;

373 (iii) information technology services provided by the Division of Technology Services;

374 (iv) archive services provided by the Division of Archives and Records Service;

375 (v) financial services provided by the Division of Finance;

376 (vi) human resources services provided by the Division of Human Resource

377 Management;

378 (vii) legal services provided by the Office of the Attorney General; and

379 (viii) banking services provided by the Office of the State Treasurer.

380 (b) Nothing in Subsection (9)(a) may be construed to relieve the authority of the

381 obligation to pay the applicable fee for the service provided.

382 (10) (a) To govern authority procurements, the board shall adopt a procurement policy

383 that the board determines to be substantially consistent with applicable provisions of Title 63G,

384 Chapter 6a, Utah Procurement Code.

385 (b) The board may delegate to the executive director the responsibility to adopt a

386 procurement policy.

387 (c) The board's determination under Subsection (10)(a) of substantial consistency is

388 final and conclusive.

389 Section 4. Section **11-58-206** is amended to read:

390 **11-58-206. Port authority funds.**

391 The authority may use authority funds for any purpose authorized under this chapter,

392 including:

393 (1) promoting, facilitating, and advancing inland port uses;

394 (2) owning and operating an intermodal facility; [~~and~~]

395 (3) the remediation of contaminated land within a project area; and

396 [~~(3)~~] (4) paying any consulting fees and staff salaries and other administrative,

397 overhead, legal, and operating expenses of the authority.

398 Section 5. Section **11-58-302** is amended to read:

399 **11-58-302. Number of board members -- Appointment -- Vacancies.**

400 (1) The authority's board shall consist of five voting members, as provided in
401 Subsection (2).

402 (2) (a) The governor shall appoint as board members two individuals who are not
403 elected government officials:

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

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

408 (b) The president of the Senate shall appoint as a board member one individual with
409 relevant business expertise.

410 (c) The speaker of the House of Representatives shall appoint as a board member one
411 individual with relevant business expertise.

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

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

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

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

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

422 (4) An individual required under Subsection (2) to appoint a board member shall
423 appoint each initial board member the individual is required to appoint no later than June 1,
424 2022.

425 (5) (a) A vacancy in the board shall be filled in the same manner under this section as
426 the appointment of the member whose vacancy is being filled.

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

429 (6) A member of the board appointed under Subsection (2) serves at the pleasure of
430 and may be removed and replaced at any time, with or without cause, by the individual or
431 individuals who appointed the member.

432 (7) Upon a vote of a majority of all [board] voting members, the board may appoint a
433 board chair and any other officer of the board.

434 (8) The board may appoint one or more advisory committees that may include
435 individuals from impacted public entities, community organizations, environmental
436 organizations, business organizations, or other organizations or associations.

437 Section 6. Section **11-58-303** is amended to read:

438 **11-58-303. Term of board members -- Quorum -- Compensation.**

439 (1) The term of a board member appointed under Subsection **11-58-302**(2) is four
440 years, except that the initial term of one of the two members appointed under Subsection
441 **11-58-302**(2)(a) and of the member appointed under Subsection **11-58-302**(2)(d) is two years.

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

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

445 (4) A majority of [board] voting members constitutes a quorum, and the action of a
446 majority of [~~a quorum~~] voting members constitutes action of the board.

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

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

451 (ii) rules made by the Division of Finance according to Sections **63A-3-106** and
452 **63A-3-107**.

453 (b) Compensation and expenses of a board member who is a legislator are governed by
454 Section **36-2-2** and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

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

456 **11-58-501. Preparation of project area plan -- Required contents of project area**
457 **plan.**

458 (1) (a) [~~The~~] Subject to Section **11-58-605**, the authority jurisdictional land constitutes
459 a single project area.

460 (b) The authority is not required to adopt a project area plan for a project area
461 consisting of the authority jurisdictional land.

462 (2) (a) The board may adopt a project area plan for land that is outside the authority
463 jurisdictional land, as provided in this part, if the board receives written consent to include the
464 land in the project area described in the project area plan from~~[-(†)]~~, as applicable:

465 ~~[(A)]~~ (i) the legislative body of the county in whose unincorporated area the land is
466 located; or

467 ~~[(B)]~~ (ii) the legislative body of the municipality in which the land is located~~[-and]~~

468 ~~[(ii) the owner of the land.]~~

469 (b) (i) An owner of land proposed to be included within a project area may request that
470 the owner's land be excluded from the project area.

471 (ii) A request under Subsection (2)(b)(i) shall be submitted to the board:

472 (A) in writing; and

473 (B) no more than 45 days after the public meeting under Subsection 11-58-502(1).

474 ~~[(b)]~~ (c) Land included or to be included within a project area need not be contiguous
475 or in close proximity to the authority jurisdictional land.

476 ~~[(e)]~~ (d) In order to adopt a project area plan, the board shall:

477 (i) prepare a draft project area plan;

478 (ii) give notice as required under Subsection 11-58-502(2);

479 (iii) hold at least one public meeting, as required under Subsection 11-58-502(1); and

480 (iv) after holding at least one public meeting and subject to ~~[Subsection (2)(d)]~~

481 Subsections (2)(b) and (e), adopt the draft project area plan as the project area plan.

482 ~~[(d)]~~ (e) Before adopting a draft project area plan as the project area plan, the board:

483 (i) shall eliminate from the proposed project area the land of any owner who requests
484 the owner's land to be excluded from the project area under Subsection (2)(b); and

485 (ii) may make other modifications to the draft project area plan that the board considers
486 necessary or appropriate.

487 (3) Each project area plan and draft project area plan shall contain:

488 (a) a legal description of the boundary of the project area;

489 (b) the authority's purposes and intent with respect to the project area; and

490 (c) the board's findings and determination that:

- 491 (i) there is a need to effectuate a public purpose;
- 492 (ii) there is a public benefit to the proposed development project;
- 493 (iii) it is economically sound and feasible to adopt and carry out the project area plan;
- 494 and
- 495 (iv) carrying out the project area plan will promote the goals and objectives stated in
- 496 Subsection 11-58-203(1).

497 Section 8. Section **11-58-505** is amended to read:

498 **11-58-505. Project area budget.**

499 (1) Before the authority may use the property tax differential from a project area, the

500 board shall prepare and adopt a project area budget.

501 (2) A project area budget shall include:

- 502 (a) the base taxable value of property in the project area;
- 503 (b) the projected property tax differential expected to be generated within the project
- 504 area;

505 (c) the amount of the property tax differential expected to be used to implement the

506 project area plan, including the estimated amount of the property tax differential to be used for:

- 507 (i) land acquisition[-];
- 508 (ii) public [~~improvements,~~] infrastructure and improvements[-];
- 509 (iii) a remediation project, if applicable; and
- 510 (iv) loans, grants, or other incentives to private and public entities;
- 511 (d) the property tax differential expected to be used to cover the cost of administering
- 512 the project area plan; [~~and~~]
- 513 (e) the amount of property tax differential expected to be shared with other taxing
- 514 entities; and

515 [~~(f)~~] (f) for property that the authority owns or leases and expects to sell or sublease,

516 the expected total cost of the property to the authority and the expected selling price or lease

517 payments.

518 (3) The board may amend an adopted project area budget as and when the board

519 considers it appropriate.

520 (4) For a project area that consists of the authority jurisdictional land, the budget

521 requirements of this part are met by the authority complying with the budget requirements of

522 Part 8, Port Authority Budget, Reporting, and Audits.

523 Section 9. Section **11-58-600.5** is enacted to read:

524 **11-58-600.5. Definitions.**

525 As used in this part:

526 (1) "General differential" means property tax differential generated by a property tax
527 levied:

528 (a) on property that is not part of the authority jurisdictional land or within a
529 remediation project area; and

530 (b) by all taxing entities.

531 (2) "Nonmunicipal differential" means property tax differential generated from a
532 property tax imposed:

533 (a) on property that is part of the authority jurisdictional land; and

534 (b) by all taxing entities other than the primary municipality.

535 (3) "Primary municipality" means the municipality that has more authority
536 jurisdictional land within the municipality's boundary than is included within the boundary of
537 any other municipality.

538 (4) "Primary municipality differential" means property tax differential generated by a
539 property tax levied:

540 (a) on property in the reduced area; and

541 (b) by the primary municipality.

542 (5) "Primary municipality's agency" means the community development and renewal
543 agency created by a primary municipality.

544 (6) "Reduced area" means the authority jurisdictional land that is within a primary
545 municipality, excluding:

546 (a) an area described in Subsection [11-58-600.7\(1\)](#);

547 (b) a parcel of land described in Subsection [11-56-600.7\(2\)](#); and

548 (c) a remediation project area, if a remediation project area is created under Section
549 [11-58-605](#).

550 Section 10. Section **11-58-600.7** is enacted to read:

551 **11-58-600.7. Limit on tax differential the authority may receive from authority**
552 **jurisdictional land.**

553 The authority may not receive:

554 (1) a taxing entity's portion of property tax differential generated from an area that is
555 part of the authority jurisdictional land and included within a community reinvestment project
556 area under a community reinvestment project area plan, as defined in Section 17C-1-102,
557 adopted before October 1, 2018, if the taxing entity has, before October 1, 2018, entered into a
558 fully executed, legally binding agreement under which the taxing entity agrees to the use of the
559 taxing entity's tax increment, as defined in Section 17C-1-102, under the community
560 reinvestment project area plan; or

561 (2) property tax differential from a parcel of land:

562 (a) that is part of the authority jurisdictional land;

563 (b) that was substantially developed before December 1, 2018;

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

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

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

568 **11-58-601. General differential and nonmunicipal differential.**

569 (1) As used in this section:

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

572 ~~[(b) "Exempt area" means the authority jurisdictional land that is within a primary~~
573 ~~municipality, excluding areas described in Subsection (5)(a) and parcels of land described in~~
574 ~~Subsection (5)(b).]~~

575 ~~[(c) "Exempt area property tax" means the same as that term is defined in Section~~
576 ~~11-58-604.]~~

577 ~~[(d) "Post-designation differential" means 75% of property tax differential generated~~
578 ~~from a post-designation parcel.]~~

579 ~~[(e)]~~ (b) "Post-designation parcel" means a parcel within a project area after the
580 transition date for that parcel.

581 ~~[(f) "Pre-designation differential" means 75% of property tax differential generated~~
582 ~~from all pre-designation parcels within a project area.]~~

583 ~~[(g)]~~ (c) "Pre-designation parcel" means a parcel within a project area before the

584 transition date for that parcel.

585 ~~[(h) "Primary municipality" means the municipality that has more authority~~
586 ~~jurisdictional land within the municipality's boundary than is included within the boundary of~~
587 ~~any other municipality.]~~

588 ~~[(i) (d) "Transition date" means the date indicated in a designation resolution after~~
589 ~~which the [authority is to be paid post-designation differential for the parcel that is the subject~~
590 ~~of a designation resolution.] parcel that is the subject of the designation resolution is a~~
591 ~~post-designation parcel.~~

592 ~~(2) This section applies to nonmunicipal differential and general differential to be paid~~
593 ~~to the authority.~~

594 ~~[(2)(a) (3) The authority shall be paid [pre-designation] 75% of nonmunicipal~~
595 ~~differential generated [within the authority jurisdictional land] from a pre-designation parcel~~
596 ~~that is part of the authority jurisdictional land:~~

597 ~~[(i) (a) for the period beginning November 2019 and ending the earlier of:~~

598 ~~(i) the transition date for that parcel; and~~

599 ~~(ii) November 30, 2044; and~~

600 ~~[(ii) (b) for a period of 15 years following [the period described in Subsection~~
601 ~~(2)(a)(i) November 2044 if, before the end of [the period described in Subsection (2)(a)(i);]~~
602 ~~November 2044:~~

603 ~~(i) the parcel has not become a post-designation parcel; and~~

604 ~~(ii) the board adopts a resolution [extending the period described in Subsection~~
605 ~~(2)(a)(i) for 15 years] approving the 15-year extension.~~

606 ~~[(b) The authority shall be paid pre-designation differential generated within a project~~
607 ~~area, other than the authority jurisdictional land:]~~

608 ~~[(i) for a period of 25 years beginning the date the board adopts a project area plan~~
609 ~~under Section 11-58-502 establishing the project area; and]~~

610 ~~[(ii) for a period of 15 years following the period described in Subsection (2)(b)(i) if,~~
611 ~~before the end of the period described in Subsection (2)(b)(i), the board adopts a resolution~~
612 ~~extending the period described in Subsection (2)(b)(i) for 15 years:]~~

613 ~~[(3) The] (4) (a) As provided in Subsection (4)(b), the authority shall be paid~~
614 ~~[post-designation]:~~

615 (i) 75% of nonmunicipal differential generated from a post-designation parcel that is
616 part of the authority jurisdictional land; and

617 (ii) 75% of general differential generated from a post-designation parcel[+] that is not
618 part of the authority jurisdictional land.

619 (b) The property tax differential paid under Subsection (4)(a) from a post-designation
620 parcel shall be paid:

621 ~~[(a)]~~ (i) for a period of 25 years beginning on the transition date for that parcel; and

622 ~~[(b)]~~ (ii) for a period of an additional 15 years beyond the period stated in Subsection
623 ~~[(3)(a)]~~ (4)(b)(i) if the board determines by resolution that the additional years of
624 ~~[post-designation]~~ nonmunicipal differential or general differential, as the case may be, from
625 that parcel will produce a significant benefit.

626 ~~[(4)]~~ (5) (a) For purposes of this section, the authority may designate an improved
627 portion of a parcel in a project area as a separate parcel.

628 (b) An authority designation of an improved portion of a parcel as a separate parcel
629 under Subsection ~~[(4)]~~ (5)(a) does not constitute a subdivision, as defined in Section 10-9a-103
630 or Section 17-27a-103.

631 (c) A county recorder shall assign a separate tax identification number to the improved
632 portion of a parcel designated by the authority as a separate parcel under Subsection ~~[(4)]~~
633 (5)(a).

634 ~~[(5) The authority may not receive:]~~

635 ~~[(a) a taxing entity's portion of property tax differential generated from an area~~
636 ~~included within a community reinvestment project area under a community reinvestment~~
637 ~~project area plan, as defined in Section 17C-1-102, adopted before October 1, 2018, if the~~
638 ~~taxing entity has, before October 1, 2018, entered into a fully executed, legally binding~~
639 ~~agreement under which the taxing entity agrees to the use of its tax increment, as defined in~~
640 ~~Section 17C-1-102, under the community reinvestment project area plan; or]~~

641 ~~[(b) property tax differential from a parcel of land:]~~

642 ~~[(i) that was substantially developed before December 1, 2018;]~~

643 ~~[(ii) for which a certificate of occupancy was issued before December 1, 2018; and]~~

644 ~~[(iii) that is identified in a list that the municipality in which the land is located~~
645 ~~provides to the authority and the county assessor by April 1, 2020.]~~

646 ~~[(6) (a) Subsection (6)(b) applies if:]~~
647 ~~[(i) the primary municipality, the primary municipality's agency, as defined in Section~~
648 ~~11-58-604, and the authority have entered into the agreement described in Section 11-58-604;~~
649 ~~and]~~
650 ~~[(ii) the primary municipality and the authority have entered into the agreement~~
651 ~~described in Subsection 11-58-205(9).]~~
652 ~~[(b) If the conditions under Subsection (6)(a) have been met, beginning with the first~~
653 ~~tax year that begins on or after January 1, 2023:]~~
654 ~~[(i) the distribution of exempt area property tax to the authority:]~~
655 ~~[(A) is not governed by Subsections (2) and (3); and]~~
656 ~~[(B) is governed by Section 11-58-604; and]~~
657 ~~[(ii) the primary municipality shall be paid, for the primary municipality's use for~~
658 ~~municipal operations, all exempt area property tax remaining after the payment of exempt area~~
659 ~~property tax as required under Section 11-58-604.]~~
660 ~~[(7) (a) As used in this Subsection (7):]~~
661 ~~[(i) "Agency land" means authority jurisdictional land that is within the boundary of an~~
662 ~~eligible community reinvestment agency and from which the authority is paid property tax~~
663 ~~differential.]~~
664 ~~[(ii) "Applicable differential" means the amount of property tax differential paid to the~~
665 ~~authority that is generated from agency land.]~~
666 ~~[(iii) "Eligible community reinvestment agency" means the community reinvestment~~
667 ~~agency in which agency land is located.]~~
668 ~~[(b) The authority shall pay 10% of applicable differential to the eligible community~~
669 ~~reinvestment agency, to be used for affordable housing as provided in Section 17C-1-412.]~~
670 ~~[(8) (a) Subject to Subsection (8)(b), a county that collects property tax on property~~
671 ~~within a project area shall, in the manner and at the time provided in Section 59-2-1365:]~~
672 ~~[(i) pay and distribute to the authority the property tax differential that the authority is~~
673 ~~entitled to collect under this chapter, including exempt area property tax the authority is~~
674 ~~entitled to collect under Section 11-58-604;]~~
675 ~~[(ii) pay and distribute to a primary municipality's agency, as defined in Section~~
676 ~~11-58-604, the exempt area property tax that the primary municipality's agency is required to~~

677 use for affordable housing, as provided in Subsection ~~11-58-604~~(4)(c); and]

678 [~~(iii) pay and distribute to a primary municipality the exempt area property tax~~
679 ~~described in Subsection (6)(b)(ii).~~]

680 [~~(b) For property tax differential that a county collects for tax year 2019, a county shall~~
681 ~~pay and distribute to the authority, on or before June 30, 2020, the property tax differential that~~
682 ~~the authority is entitled to collect.~~]

683 [~~(i) according to the provisions of this section; and]~~

684 [~~(ii) based on the boundary of the authority jurisdictional land as of May 31, 2020.~~]

685 [~~(9) Notwithstanding any other provision of this chapter, beginning with the first tax~~
686 ~~year that begins on or after January 1, 2023, the authority may not use the portion of property~~
687 ~~tax differential generated by a property tax levied by a primary municipality on the exempt area~~
688 ~~unless the primary municipality, the primary municipality's agency, as defined in Section~~
689 ~~11-58-604, and the authority have entered into an agreement as provided in Section~~
690 ~~11-58-604.~~]

691 Section 12. Section **11-58-602** is amended to read:

692 **11-58-602. Allowable uses of property tax differential and other funds.**

693 (1) (a) The authority may use money from property tax differential, money the
694 authority receives from the state, money the authority receives under Subsection
695 ~~59-12-205~~(2)(a)(ii)(C), and other money available to the authority:

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

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

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

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

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

708 (vi) to pay to a community reinvestment agency for affordable housing, as provided in
709 Subsection [~~11-58-601(7)~~] [11-58-606\(2\)](#);

710 (vii) to pay the principal and interest on bonds issued by the authority; [~~and~~]

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

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

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

716 [~~(viii)~~] (ix) subject to Subsection (1)(b), to encourage, incentivize, or require
717 development that:

718 (A) mitigates noise, air pollution, light pollution, surface and groundwater pollution,
719 and other negative environmental impacts;

720 (B) mitigates traffic congestion; or

721 (C) uses high efficiency building construction and operation.

722 (b) (i) (A) The authority shall establish minimum mitigation and environmental
723 standards that a landowner is required to meet to qualify for the use of property tax differential
724 under Subsection (1)(a)[~~(viii)~~](ix) in the landowner's development.

725 (B) Minimum mitigation and environmental standards established under Subsection
726 (1)(b)(i)(A) shall include a standard prohibiting the use of property tax differential as a
727 business recruitment incentive, as defined in Section [11-58-603](#), for new commercial or
728 industrial development or an expansion of existing commercial or industrial development
729 within the authority jurisdictional land if the new or expanded development will consume on an
730 annual basis more than 200,000 gallons of potable water per day.

731 (ii) In establishing minimum mitigation and environmental standards, the authority
732 shall consult with:

733 (A) the municipality in which the development is expected to occur, for development
734 expected to occur within a municipality; or

735 (B) the county in whose unincorporated area the development is expected to occur, for
736 development expected to occur within the unincorporated area of a county.

737 (iii) The authority may not use property tax differential under Subsection (1)(a)(viii)
738 for a landowner's development in a project area unless the minimum mitigation and

739 environmental standards are followed with respect to that landowner's development.

740 (2) The authority may use revenue generated from the operation of public infrastructure
741 operated by the authority or improvements, including an intermodal facility, operated by the
742 authority to:

743 (a) operate and maintain the infrastructure or improvements; and

744 (b) pay for authority operating expenses, including administrative, overhead, and legal
745 expenses.

746 (3) The determination of the board under Subsection (1)(a)(v) regarding benefit to the
747 project area is final.

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

750 ~~[(5) Until the authority adopts a business plan under Subsection 11-58-202(1)(a), the~~
751 ~~authority may not spend property tax differential revenue collected from authority jurisdictional~~
752 ~~land.]~~

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

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

757 (7) The authority may use nonmunicipal differential funds or primary municipality
758 differential funds to pay the cost of acquiring water shares or water rights to provide water to
759 the Great Salt Lake.

760 ~~[(6)]~~ (8) (a) As used in this Subsection ~~[(6)]~~ (8):

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

763 (ii) "Eligible county" means a county that would be entitled to receive sales and use tax
764 revenue under Subsection 59-12-205(2)(a)(ii)(A) in the absence of Subsection
765 59-12-205(2)(a)(ii)(C).

766 (iii) "Eligible municipality" means a municipality that would be entitled to receive
767 sales and use tax revenue under Subsection 59-12-205(2)(a)(ii)(A) in the absence of Subsection
768 59-12-205(2)(a)(ii)(C).

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

770 (A) for an eligible county, the amount of sales and use tax revenue the eligible county
771 would have received under Subsection 59-12-205(2)(a)(ii)(A) in the absence of Subsection
772 59-12-205(2)(a)(ii)(C), excluding the retail sales portion; and

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

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

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

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

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

785 Section 13. Section 11-58-603 is amended to read:

786 **11-58-603. Use of authority money for business recruitment incentive.**

787 (1) As used in this section:

788 (a) "Business recruitment incentive" means the post-performance payment of property
789 tax differential as an incentive for ~~[a capital expenditure or for the creation of high-paying jobs]~~
790 development within a project area, as provided in this section.

791 ~~[(b) "Capital expenditure" means an expenditure of money, other than property tax~~
792 ~~differential:]~~

793 ~~[(i) by an applicant under an incentive application; and]~~

794 ~~[(ii) for the development of capital facilities that are:]~~

795 ~~[(A) constructed within a project area; and]~~

796 ~~[(B) focused on value-added manufacturing that optimizes the use of rail facilities:]~~

797 ~~[(c) "High-paying job" means a job:]~~

798 ~~[(i) created because of development activity within a project area; and]~~

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

801 ~~[(d)]~~ (b) "Incentive application" means an application for a business recruitment
802 incentive.

803 ~~[(e)]~~ (c) "Tax differential parcel" means a parcel of land~~[(i) on which capital facilities~~
804 ~~are constructed from a capital expenditure; or (ii)]~~ where development activity occurs ~~[that~~
805 ~~results in the creation of high-paying jobs]~~.

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

808 (3) The board shall establish:

809 (a) the requirements for a person to qualify for a business recruitment incentive;

810 (b) the application timeline, documentation requirements, and approval criteria
811 applicable to an incentive application; and

812 (c) the standards and criteria for approval of an incentive application~~[consistent with~~
813 ~~this section]~~.

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

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

818 (ii) the person meets the requirements ~~[under Subsection (5) or (6)]~~ established by the
819 board for a business recruitment incentive; and

820 (iii) the board approves the incentive application.

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

823 (5) The authority may pay a person, on a post-performance basis~~[:]~~ and as determined
824 by the board, a percentage of property tax differential:

825 (a) generated from a tax differential parcel and paid to the authority; and

826 (b) for a specified period of time.

827 ~~[(a) up to 20% of the property tax differential generated from a tax differential parcel~~
828 ~~for a period of 20 years, if the person demonstrates that at least \$1,000,000,000 of capital~~
829 ~~expenditure will occur on the tax differential parcel due to the person's development project;]~~

830 ~~[(b) up to 15% of the property tax differential generated from a tax differential parcel~~
831 ~~for a period of 15 years, if the person demonstrates that at least \$500,000,000 of capital~~

832 expenditure will occur on the tax differential parcel due to the person's development project;
833 or]

834 [~~(c) up to 10% of the property tax differential generated from a tax differential parcel
835 for a period of 10 years, if the person demonstrates that at least \$100,000,000 of capital
836 expenditure will occur on the tax differential parcel due to the person's development project.]~~

837 [~~(6) The authority may pay a person, on a post-performance basis:]~~

838 [~~(a) up to 10% of the property tax differential generated from a tax differential parcel
839 for a period of 20 years, if the person demonstrates that the person's development activity on
840 the tax differential parcel will result in the creation of at least 1,000 high-paying jobs;]~~

841 [~~(b) up to 8% of the property tax differential generated from a tax differential parcel for
842 a period of 15 years, if the person demonstrates that the person's development activity on the
843 tax differential parcel will result in the creation of at least 500 high-paying jobs; or]~~

844 [~~(c) up to 5% of the property tax differential generated from a tax differential parcel for
845 a period of 10 years, if the person demonstrates that the person's development activity on the
846 tax differential parcel will result in the creation of at least 250 high-paying jobs.]~~

847 [~~(7) Subject to the limits stated in Subsections (5) and (6), the amount of property tax
848 differential to be paid under this section and the timing of any payment are at the discretion of
849 the board.]~~

850 [~~(8) A person may not receive a business recruitment incentive under both Subsection
851 (5) and Subsection (6).]~~

852 Section 14. Section **11-58-604** is amended to read:

853 **11-58-604. Distribution and use of primary municipality differential.**

854 [~~(1) As used in this section:]~~

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

856 [~~(b) "Exempt area property tax" means the portion of property tax differential
857 generated by a property tax levied by a primary municipality on property in the exempt area.]~~

858 [~~(c) "Mitigation money" means the exempt area property tax required to be used as
859 provided in Subsections (6)(a) and (b).]~~

860 [~~(d) "Participating entities" means a primary municipality, the primary municipality's
861 agency, and the authority.]~~

862 [~~(e) "Primary municipality" means the same as that term is defined in Section~~

863 ~~11-58-601:]~~

864 ~~[(f) "Primary municipality's agency" means the community development and renewal~~
865 ~~agency created by a primary municipality.]~~

866 ~~[(2) (a) No later than December 31, 2022, participating entities shall enter into an~~
867 ~~agreement as provided in this section.]~~

868 ~~[(b) An agreement under Subsection (2)(a) shall:]~~

869 ~~[(i) provide:]~~

870 ~~[(A) how the authority is to spend mitigation money; or]~~

871 ~~[(B) a process for determining how the authority is to spend mitigation money;]~~

872 ~~[(ii) include a requirement that the authority consult with the primary municipality in~~
873 ~~determining how to spend mitigation money; and]~~

874 ~~[(iii) require the primary municipality's agency to spend money the primary~~
875 ~~municipality's agency receives under Subsection (4)(c) for affordable housing, as provided in~~
876 ~~Section ~~17C-1-412.~~]~~

877 ~~[(3) If participating entities enter into an agreement under this section, beginning~~
878 ~~January 1, 2023:]~~

879 ~~[(a) Subsections ~~11-58-601~~(2) and (3) do not apply to exempt area property tax; and]~~

880 ~~[(b) exempt area property tax shall be paid and distributed as provided in Subsection~~
881 ~~~~11-58-601~~(8) and in accordance with Subsections (4) and (5).]~~

882 ~~[(4) If participating entities enter into an agreement under this section, beginning]~~

883 (1) This section applies to the payment and use of primary municipality differential.

884 (2) Beginning the first tax year that begins on or after January 1, 2023:

885 (a) the authority shall be paid 25% of ~~[the exempt area property tax]~~ primary
886 municipality differential:

887 (i) for the authority's use as provided in Subsection ~~[(6)]~~ (4); and

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

889 (B) for a period of time not exceeding an additional 15 years beyond the period stated
890 in Subsection ~~[(4)]~~ (2)(a)(ii)(A) if the board determines by resolution, adopted before the
891 expiration of the 25-year period under Subsection ~~[(4)]~~ (2)(a)(ii)(A), that the additional years
892 will produce a significant benefit to the uses described in Subsection ~~[(6)]~~ (4) and if the
893 primary municipality and the authority agree to the additional period of time;

894 (b) the authority shall be paid, in addition to the amounts under Subsection ~~[(4)]~~ (2)(a),
895 a percentage, as defined in Subsection ~~[(5)]~~ (3), of ~~[the exempt area property tax]~~ primary
896 municipality differential for the authority's use as provided in Subsection ~~[(6)]~~ (4); and

897 ~~[(c) the primary municipality's agency shall be paid, for the same period of time that~~
898 ~~the authority is paid exempt area property tax under Subsection (4)(a), 10% of exempt area~~
899 ~~property tax, to be used for affordable housing as provided in Section 17C-1-412.]~~

900 (c) the primary municipality shall be paid, for the primary municipality's use for
901 municipal operations, all primary municipality differential remaining after the payment of
902 primary municipality differential to the authority as required under Subsections (2)(a) and (b).

903 ~~[(5)]~~ (3) The percentage of ~~[the exempt area property tax]~~ primary municipality
904 differential paid to the authority as provided in Subsection ~~[(4)]~~ (2)(b):

- 905 (a) shall be 40% for the first tax year that begins on or after January 1, 2023,
906 decreasing 2% each year after the 2023 tax year, so that in 2029 the percentage is 28;
907 (b) beginning January 1, 2030, and for a period of seven years, shall be 10%;
908 (c) beginning January 1, 2037, and for a period of 11 years, shall be 8%; and
909 (d) after 2047, shall be 0%.

910 ~~[(6)]~~ (4) Of the ~~[exempt area property tax]~~ primary municipality differential the
911 authority receives, the authority shall use:

- 912 (a) 40% for environmental mitigation projects within the authority jurisdictional land;
913 (b) 40% for mitigation projects, which may include a regional traffic study and an
914 environmental impact mitigation analysis, for communities that are:
915 (i) within the primary municipality;
916 (ii) adjacent to the authority jurisdictional land; and
917 (iii) west of the east boundary of the right of way of a fixed guideway used, as of
918 January 1, 2022, for commuter rail within the primary municipality; and
919 (c) 20% for economic development activities on the authority jurisdictional land.

920 Section 15. Section **11-58-605** is enacted to read:

921 **11-58-605. Creation of remediation project area and payment of remediation**
922 **differential.**

923 (1) As used in this section:

924 (a) "Remedial action plan" means a plan for the cleanup of contaminated land under a

925 voluntary cleanup agreement under Title 19, Chapter 8, Voluntary Cleanup Program.

926 (b) "Subsidiary district" means a public infrastructure district that is a subsidiary of the
927 authority.

928 (2) This section applies to a remediation project area and to remediation differential.

929 (3) The authority may adopt a resolution creating a remediation project area if the
930 authority and the owner of contaminated land to be included in the remediation project area
931 enter an agreement governing a remediation project within the remediation project area.

932 (4) If the authority adopts a resolution creating a remediation project area, the authority
933 shall reconfigure the boundary of the project area that consists of the authority jurisdictional
934 land to exclude the remediation project area.

935 (5) The authority may pay the costs of a remediation project from funds available to the
936 authority, including funds of a subsidiary district.

937 (6) (a) If the authority pays some or all the costs of a remediation project, the authority
938 shall be paid 100% of the remediation differential, subject to Subsection (6)(b), until the
939 authority is fully reimbursed for the costs the authority paid for the remediation project.

940 (b) (i) Subject to Subsection (6)(b)(iii), the authority's use of remediation differential
941 paid to the authority under Subsection (6)(a) is subject to any bonds of a subsidiary district
942 issued before May 3, 2023 pledging property tax differential funds generated from the
943 contaminated land.

944 (ii) Before using remediation differential to pay subsidiary district bonds described in
945 Subsection (6)(b)(i), the authority shall use other funds available to the authority to pay the
946 bonds.

947 (iii) A pledge of property tax differential under subsidiary district bonds issued before
948 May 3, 2023 may be satisfied if:

949 (A) the authority or the subsidiary district pledges additional property tax differential,
950 other than remediation differential, or other authority or subsidiary district funds to offset any
951 decrease in property tax differential resulting from the payment under Subsection (6)(a) of
952 remediation differential funds that would otherwise have been available to pay the subsidiary
953 district bonds; and

954 (B) the pledge described in Subsection (6)(b)(iii)(A) is senior in right to any pledge of
955 remediation differential for a commitment the authority makes in connection with a

956 remediation project.

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

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

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

964 (8) (a) Upon the authority receiving full reimbursement for the authority's payment of
965 costs for a remediation project, the remediation project area is automatically and immediately
966 dissolved and the land within the remediation project area automatically and immediately
967 becomes part of the project area consisting of the authority jurisdictional land.

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

972 Section 16. Section **11-58-606** is enacted to read:

973 **11-58-606. Distribution of property tax differential.**

974 (1) A county that collects property tax on property within a project area shall, in the
975 manner and at the time provided in Section 59-2-1365:

976 (a) pay and distribute to the authority the property tax differential that the authority is
977 entitled to be paid under this chapter; and

978 (b) pay and distribute to the primary municipality the primary municipality differential
979 described in Subsection 11-58-604(2)(c).

980 (2) The authority shall pay to the primary municipality's agency, to be used for
981 affordable housing as provided in Section 17C-1-412, 10% of all property tax differential that
982 is:

983 (a) paid to the authority; and

984 (b) generated within the reduced area.

985 Section 17. Section **17D-4-201** is amended to read:

986 **17D-4-201. Creation -- Annexation or withdrawal of property.**

987 (1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the
988 provisions regarding creation of a local district in Title 17B, Chapter 1, Provisions Applicable
989 to All Local Districts, a public infrastructure district may not be created unless:

990 (i) if there are any registered voters within the applicable area, a petition is filed with
991 the creating entity that contains the signatures of 100% of registered voters within the
992 applicable area approving the creation of the public infrastructure district; and

993 (ii) a petition is filed with the creating entity that contains the signatures of 100% of
994 surface property owners within the applicable area consenting to the creation of the public
995 infrastructure district.

996 (b) (i) Notwithstanding Title 17B, Chapter 1, Part 2, Creation of a Local District, and
997 any other provision of this chapter, ~~the~~ a development authority may adopt a resolution
998 creating a public infrastructure district ~~[as a subsidiary of the development authority]~~ if all
999 owners of surface property proposed to be included within the public infrastructure district
1000 consent in writing to the creation of the public infrastructure district.

1001 (ii) A public infrastructure district created under Subsection (1)(b)(i) may be created as
1002 a subsidiary of the development authority that adopts the resolution creating the public
1003 infrastructure district.

1004 (2) (a) The following do not apply to the creation of a public infrastructure district:

1005 (i) Section 17B-1-203;

1006 (ii) Section 17B-1-204;

1007 (iii) Subsection 17B-1-208(2);

1008 (iv) Section 17B-1-212; or

1009 (v) Section 17B-1-214.

1010 (b) The protest period described in Section 17B-1-213 may be waived in whole or in
1011 part with the consent of:

1012 (i) 100% of registered voters within the applicable area approving the creation of the
1013 public infrastructure district; and

1014 (ii) 100% of the surface property owners within the applicable area approving the
1015 creation of the public infrastructure district.

1016 (c) If the protest period is waived under Subsection (2)(b), a resolution approving the
1017 creation of the public infrastructure district may be adopted in accordance with Subsection

1018 17B-1-213(5).

1019 (d) A petition meeting the requirements of Subsection (1):

1020 (i) may be certified under Section 17B-1-209; and

1021 (ii) shall be filed with the lieutenant governor in accordance with Subsection

1022 17B-1-215(1)(b)(iii).

1023 (3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the
1024 boundaries of a public infrastructure district may be annexed into the public infrastructure
1025 district if the following requirements are met:

1026 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
1027 the annexation; or

1028 (B) adoption of a resolution of the board to annex the area, provided that the governing
1029 document or creation resolution for the public infrastructure district authorizes the board to
1030 annex an area outside of the boundaries of the public infrastructure district without future
1031 consent of the creating entity;

1032 (ii) if there are any registered voters within the area proposed to be annexed, a petition
1033 is filed with the creating entity that contains the signatures of 100% of registered voters within
1034 the area, demonstrating that the registered voters approve of the annexation into the public
1035 infrastructure district; and

1036 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
1037 surface property owners within the area proposed to be annexed, demonstrating the surface
1038 property owners' consent to the annexation into the public infrastructure district.

1039 (b) Within 30 days of meeting the requirements of Subsection (3)(a), the board shall file
1040 with the lieutenant governor:

1041 (i) a copy of a notice of impending boundary action, as defined in Section 67-1a-6.5,
1042 that meets the requirements of Subsection 67-1a-6.5(3); and

1043 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

1044 (4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be
1045 withdrawn from a public infrastructure district if the following requirements are met:

1046 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
1047 the withdrawal; or

1048 (B) adoption of a resolution of the board to withdraw the property, provided that the

1049 governing document or creation resolution for the public infrastructure district authorizes the
1050 board to withdraw property from the public infrastructure district without further consent from
1051 the creating entity;

1052 (ii) if there are any registered voters within the area proposed to be withdrawn, a
1053 petition is filed with the creating entity that contains the signatures of 100% of registered voters
1054 within the area, demonstrating that the registered voters approve of the withdrawal from the
1055 public infrastructure district; and

1056 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
1057 surface property owners within the area proposed to be withdrawn, demonstrating that the
1058 surface property owners consent to the withdrawal from the public infrastructure district.

1059 (b) If any bonds that the public infrastructure district issues are allocable to the area to
1060 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains
1061 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the
1062 bonds or any associated refunding bonds are paid.

1063 (c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall
1064 comply with the requirements of Section [17B-1-512](#).

1065 (5) A creating entity may impose limitations on the powers of a public infrastructure
1066 district through the governing document.

1067 (6) (a) A public infrastructure district is separate and distinct from the creating entity.

1068 (b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public
1069 infrastructure district:

1070 (A) is borne solely by the public infrastructure district; and

1071 (B) is not borne by the creating entity, by the state, or by any municipality, county, or
1072 other political subdivision.

1073 (ii) Notwithstanding Subsection (6)(b)(i) and Section [17B-1-216](#), the governing
1074 document may require:

1075 (A) the district applicant to bear the initial costs of the public infrastructure district;
1076 and

1077 (B) the public infrastructure district to reimburse the district applicant for the initial
1078 costs the creating entity bears.

1079 (c) Any liability, judgment, or claim against a public infrastructure district:

1080 (i) is the sole responsibility of the public infrastructure district; and
1081 (ii) does not constitute a liability, judgment, or claim against the creating entity, the
1082 state, or any municipality, county, or other political subdivision.

1083 (d) (i) (A) The public infrastructure district solely bears the responsibility of any
1084 collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment
1085 the public infrastructure district imposes.

1086 (B) The creating entity does not bear the responsibility described in Subsection
1087 (6)(d)(i)(A).

1088 (ii) A public infrastructure district, and not the creating entity, shall undertake the
1089 enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with
1090 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

1091 (7) A creating entity may establish criteria in determining whether to approve or
1092 disapprove of the creation of a public infrastructure district, including:

- 1093 (a) historical performance of the district applicant;
- 1094 (b) compliance with the creating entity's master plan;
- 1095 (c) credit worthiness of the district applicant;
- 1096 (d) plan of finance of the public infrastructure district; and
- 1097 (e) proposed development within the public infrastructure district.

1098 (8) (a) The creation of a public infrastructure district is subject to the sole discretion of
1099 the creating entity responsible for approving or rejecting the creation of the public
1100 infrastructure district.

1101 (b) The proposed creating entity bears no liability for rejecting the proposed creation of
1102 a public infrastructure district.

1103 Section 18. Section **17D-4-203** is amended to read:

1104 **17D-4-203. Public infrastructure district powers.**

1105 A public infrastructure district [~~shall have~~]:

1106 (1) has all of the authority conferred upon a local district under Section 17B-1-103[;
1107 ~~and in addition a public infrastructure district may:]; and~~

1108 (2) may:

1109 ~~[(1)]~~ (a) issue negotiable bonds to pay:

1110 ~~[(a)]~~ (i) all or part of the costs of acquiring, acquiring an interest in, improving, or

1111 extending any of the improvements, facilities, or property allowed under Section [11-14-103](#);
1112 ~~(b)~~ (ii) capital costs of improvements in an energy assessment area, as defined in
1113 Section [11-42a-102](#), and other related costs, against the funds that the public infrastructure
1114 district will receive because of an assessment in an energy assessment area, as defined in
1115 Section [11-42a-102](#);

1116 ~~(c)~~ (iii) public improvements related to the provision of housing;
1117 ~~(d)~~ (iv) capital costs related to public transportation; ~~and~~
1118 ~~(e)~~ (v) for a public infrastructure district created by a development authority, the cost
1119 of acquiring or financing public infrastructure and improvements; and
1120 (vi) for a public infrastructure district that is a subsidiary of the Utah Inland Port
1121 Authority, the costs associated with a remediation project, as defined in Section [11-58-102](#);

1122 ~~(2)~~ (b) enter into an interlocal agreement in accordance with Title 11, Chapter 13,
1123 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers
1124 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal
1125 Cooperation Act, without the consent of the creating entity;

1126 ~~(3)~~ (c) acquire completed or partially completed improvements for fair market value
1127 as reasonably determined by:

1128 ~~(a)~~ (i) the board;
1129 ~~(b)~~ (ii) the creating entity, if required in the governing document; or
1130 ~~(c)~~ (iii) a surveyor or engineer that a public infrastructure district employs or engages
1131 to perform the necessary engineering services for and to supervise the construction or
1132 installation of the improvements;

1133 ~~(4)~~ (d) contract with the creating entity for the creating entity to provide
1134 administrative services on behalf of the public infrastructure district, when agreed to by both
1135 parties, in order to achieve cost savings and economic efficiencies, at the discretion of the
1136 creating entity; and

1137 ~~(5)~~ (e) for a public infrastructure district created by a development authority:
1138 ~~(a)~~ (i) (A) operate and maintain public infrastructure and improvements the district
1139 acquires or finances; and
1140 ~~(ii)~~ (B) use fees, assessments, or taxes to pay for the operation and maintenance of
1141 those public infrastructure and improvements; and

1142 ~~(b)~~ (ii) issue bonds under Title 11, Chapter 42, Assessment Area Act[-]; and
1143 (f) for a public infrastructure district that is a subsidiary of the Utah Inland Port
1144 Authority, pay for costs associated with a remediation project, as defined in Section [11-58-102](#),
1145 of the Utah Inland Port Authority.

1146 Section 19. Section **59-1-403** is amended to read:

1147 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1148 (1) As used in this section:

1149 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

1150 (i) the commission administers under:

1151 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

1152 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1153 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

1154 (D) Section [19-6-805](#);

1155 (E) Section [63H-1-205](#); or

1156 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

1157 and

1158 (ii) with respect to which the commission distributes the revenue collected from the
1159 tax, fee, or charge to a qualifying jurisdiction.

1160 (b) "Qualifying jurisdiction" means:

1161 (i) a county, city, town, or metro township; ~~or~~

1162 (ii) the military installation development authority created in Section [63H-1-201](#)[-]; or

1163 (iii) the Utah Inland Port Authority created in Section [11-58-201](#).

1164 (2) (a) Any of the following may not divulge or make known in any manner any
1165 information gained by that person from any return filed with the commission:

1166 (i) a tax commissioner;

1167 (ii) an agent, clerk, or other officer or employee of the commission; or

1168 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
1169 town.

1170 (b) An official charged with the custody of a return filed with the commission is not
1171 required to produce the return or evidence of anything contained in the return in any action or
1172 proceeding in any court, except:

- 1173 (i) in accordance with judicial order;
- 1174 (ii) on behalf of the commission in any action or proceeding under:
- 1175 (A) this title; or
- 1176 (B) other law under which persons are required to file returns with the commission;
- 1177 (iii) on behalf of the commission in any action or proceeding to which the commission
- 1178 is a party; or
- 1179 (iv) on behalf of any party to any action or proceeding under this title if the report or
- 1180 facts shown by the return are directly involved in the action or proceeding.
- 1181 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may
- 1182 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
- 1183 pertinent to the action or proceeding.
- 1184 (3) This section does not prohibit:
- 1185 (a) a person or that person's duly authorized representative from receiving a copy of
- 1186 any return or report filed in connection with that person's own tax;
- 1187 (b) the publication of statistics as long as the statistics are classified to prevent the
- 1188 identification of particular reports or returns; and
- 1189 (c) the inspection by the attorney general or other legal representative of the state of the
- 1190 report or return of any taxpayer:
- 1191 (i) who brings action to set aside or review a tax based on the report or return;
- 1192 (ii) against whom an action or proceeding is contemplated or has been instituted under
- 1193 this title; or
- 1194 (iii) against whom the state has an unsatisfied money judgment.
- 1195 (4) (a) Notwithstanding Subsection (2) and for purposes of administration, the
- 1196 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
- 1197 Rulemaking Act, provide for a reciprocal exchange of information with:
- 1198 (i) the United States Internal Revenue Service; or
- 1199 (ii) the revenue service of any other state.
- 1200 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and
- 1201 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
- 1202 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
- 1203 other written statements with the federal government, any other state, any of the political

1204 subdivisions of another state, or any political subdivision of this state, except as limited by
1205 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
1206 government grant substantially similar privileges to this state.

1207 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
1208 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
1209 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
1210 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
1211 due.

1212 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the
1213 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as
1214 requested by the director of the Division of Environmental Response and Remediation, any
1215 records, returns, or other information filed with the commission under Chapter 13, Motor and
1216 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program
1217 participation fee.

1218 (e) Notwithstanding Subsection (2), at the request of any person the commission shall
1219 provide that person sales and purchase volume data reported to the commission on a report,
1220 return, or other information filed with the commission under:

1221 (i) Chapter 13, Part 2, Motor Fuel; or

1222 (ii) Chapter 13, Part 4, Aviation Fuel.

1223 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,
1224 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1225 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1226 manufacturer and reported to the commission for the previous calendar year under Section
1227 59-14-407; and

1228 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1229 manufacturer for which a tax refund was granted during the previous calendar year under
1230 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1231 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
1232 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
1233 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1234 (h) Notwithstanding Subsection (2), the commission may:

- 1235 (i) provide to the Division of Consumer Protection within the Department of
1236 Commerce and the attorney general data:
- 1237 (A) reported to the commission under Section 59-14-212; or
1238 (B) related to a violation under Section 59-14-211; and
- 1239 (ii) upon request, provide to any person data reported to the commission under
1240 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 1241 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee
1242 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
1243 Planning and Budget, provide to the committee or office the total amount of revenues collected
1244 by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period
1245 specified by the committee or office.
- 1246 (j) Notwithstanding Subsection (2), the commission shall make the directory required
1247 by Section 59-14-603 available for public inspection.
- 1248 (k) Notwithstanding Subsection (2), the commission may share information with
1249 federal, state, or local agencies as provided in Subsection 59-14-606(3).
- 1250 (l) (i) Notwithstanding Subsection (2), the commission shall provide the Office of
1251 Recovery Services within the Department of Health and Human Services any relevant
1252 information obtained from a return filed under Chapter 10, Individual Income Tax Act,
1253 regarding a taxpayer who has become obligated to the Office of Recovery Services.
- 1254 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of
1255 Recovery Services to any other state's child support collection agency involved in enforcing
1256 that support obligation.
- 1257 (m) (i) Notwithstanding Subsection (2), upon request from the state court
1258 administrator, the commission shall provide to the state court administrator, the name, address,
1259 telephone number, county of residence, and social security number on resident returns filed
1260 under Chapter 10, Individual Income Tax Act.
- 1261 (ii) The state court administrator may use the information described in Subsection
1262 (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.
- 1263 (n) (i) As used in this Subsection (4)(n):
- 1264 (A) "GO Utah office" means the Governor's Office of Economic Opportunity created in
1265 Section 63N-1a-301.

1266 (B) "Income tax information" means information gained by the commission that is
1267 required to be attached to or included in a return filed with the commission under Chapter 7,
1268 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1269 (C) "Other tax information" means information gained by the commission that is
1270 required to be attached to or included in a return filed with the commission except for a return
1271 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
1272 Income Tax Act.

1273 (D) "Tax information" means income tax information or other tax information.

1274 (ii) (A) Notwithstanding Subsection (2) and except as provided in Subsection
1275 (4)(n)(ii)(B) or (C), the commission shall at the request of the GO Utah office provide to the
1276 GO Utah office all income tax information.

1277 (B) For purposes of a request for income tax information made under Subsection
1278 (4)(n)(ii)(A), the GO Utah office may not request and the commission may not provide to the
1279 GO Utah office a person's address, name, social security number, or taxpayer identification
1280 number.

1281 (C) In providing income tax information to the GO Utah office, the commission shall
1282 in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

1283 (iii) (A) Notwithstanding Subsection (2) and except as provided in Subsection
1284 (4)(n)(iii)(B), the commission shall at the request of the GO Utah office provide to the GO
1285 Utah office other tax information.

1286 (B) Before providing other tax information to the GO Utah office, the commission
1287 shall redact or remove any name, address, social security number, or taxpayer identification
1288 number.

1289 (iv) The GO Utah office may provide tax information received from the commission in
1290 accordance with this Subsection (4)(n) only:

1291 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1292 (B) if the tax information is classified to prevent the identification of a particular
1293 return.

1294 (v) (A) A person may not request tax information from the GO Utah office under Title
1295 63G, Chapter 2, Government Records Access and Management Act, or this section, if the GO
1296 Utah office received the tax information from the commission in accordance with this

1297 Subsection (4)(n).

1298 (B) The GO Utah office may not provide to a person that requests tax information in
1299 accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information the
1300 GO Utah office provides in accordance with Subsection (4)(n)(iv).

1301 (o) Notwithstanding Subsection (2), the commission may provide to the governing
1302 board of the agreement or a taxing official of another state, the District of Columbia, the United
1303 States, or a territory of the United States:

1304 (i) the following relating to an agreement sales and use tax:

1305 (A) information contained in a return filed with the commission;

1306 (B) information contained in a report filed with the commission;

1307 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

1308 (D) a document filed with the commission; or

1309 (ii) a report of an audit or investigation made with respect to an agreement sales and
1310 use tax.

1311 (p) Notwithstanding Subsection (2), the commission may provide information
1312 concerning a taxpayer's state income tax return or state income tax withholding information to
1313 the Driver License Division if the Driver License Division:

1314 (i) requests the information; and

1315 (ii) provides the commission with a signed release form from the taxpayer allowing the
1316 Driver License Division access to the information.

1317 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah
1318 Communications Authority, or a division of the Utah Communications Authority, the
1319 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and
1320 [63H-7a-502](#).

1321 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah
1322 Educational Savings Plan information related to a resident or nonresident individual's
1323 contribution to a Utah Educational Savings Plan account as designated on the resident or
1324 nonresident's individual income tax return as provided under Section [59-10-1313](#).

1325 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under
1326 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the
1327 Department of Health or its designee with the adjusted gross income of an individual if:

1328 (i) an eligibility worker with the Department of Health and Human Services or its
1329 designee requests the information from the commission; and

1330 (ii) the eligibility worker has complied with the identity verification and consent
1331 provisions of Sections 26-18-2.5 and 26-40-105.

1332 (t) Notwithstanding Subsection (2), the commission may provide to a county, as
1333 determined by the commission, information declared on an individual income tax return in
1334 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
1335 authorized under Section 59-2-103.

1336 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding
1337 any access line provider that is over 90 days delinquent in payment to the commission of
1338 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless
1339 Telecommunications Service Charges, to the board of the Utah Communications Authority
1340 created in Section 63H-7a-201.

1341 (v) Notwithstanding Subsection (2), the commission shall provide the Department of
1342 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the
1343 previous calendar year under Section 59-24-103.5.

1344 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the
1345 Department of Workforce Services any information received under Chapter 10, Part 4,
1346 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

1347 (x) Notwithstanding Subsection (2), the commission may provide the Public Service
1348 Commission or the Division of Public Utilities information related to a seller that collects and
1349 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's
1350 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

1351 (y) (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying
1352 jurisdiction the collection data necessary to verify the revenue collected by the commission for
1353 a distributed tax, fee, or charge collected within the qualifying jurisdiction.

1354 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission
1355 shall provide a qualifying jurisdiction with copies of returns and other information relating to a
1356 distributed tax, fee, or charge collected within the qualifying jurisdiction.

1357 (iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief
1358 executive officer or the chief executive officer's designee of the qualifying jurisdiction shall

1359 submit a written request to the commission that states the specific information sought and how
1360 the qualifying jurisdiction intends to use the information.

1361 (B) The information described in Subsection (4)(y)(ii) is available only in official
1362 matters of the qualifying jurisdiction.

1363 (iv) Information that a qualifying jurisdiction receives in response to a request under
1364 this subsection is:

1365 (A) classified as a private record under Title 63G, Chapter 2, Government Records
1366 Access and Management Act; and

1367 (B) subject to the confidentiality requirements of this section.

1368 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic
1369 Beverage Services Commission, upon request, with taxpayer status information related to state
1370 tax obligations necessary to comply with the requirements described in Section 32B-1-203.

1371 (5) (a) Each report and return shall be preserved for at least three years.

1372 (b) After the three-year period provided in Subsection (5)(a) the commission may
1373 destroy a report or return.

1374 (6) (a) Any individual who violates this section is guilty of a class A misdemeanor.

1375 (b) If the individual described in Subsection (6)(a) is an officer or employee of the
1376 state, the individual shall be dismissed from office and be disqualified from holding public
1377 office in this state for a period of five years thereafter.

1378 (c) Notwithstanding Subsection (6)(a) or (b), the GO Utah office, when requesting
1379 information in accordance with Subsection (4)(n)(iii), or an individual who requests
1380 information in accordance with Subsection (4)(n)(v):

1381 (i) is not guilty of a class A misdemeanor; and

1382 (ii) is not subject to:

1383 (A) dismissal from office in accordance with Subsection (6)(b); or

1384 (B) disqualification from holding public office in accordance with Subsection (6)(b).

1385 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.
1386 Section 20. Section 63A-3-401.5 is amended to read:

1387 **63A-3-401.5. Definitions.**

1388 As used in this part:

1389 (1) "Borrower" means a person who borrows money from an infrastructure fund for an

1390 infrastructure project.

1391 (2) "Independent political subdivision" means:

1392 (a) the Utah Inland Port Authority created in Section 11-58-201;

1393 (b) the Point of the Mountain State Land Authority created in Section 11-59-201; or

1394 (c) the Military Installation Development Authority created in Section 63H-1-201.

1395 (3) "Infrastructure fund" means a fund created in Subsection 63A-3-402(1).

1396 (4) "Infrastructure loan" means a loan of infrastructure fund money to finance an
1397 infrastructure project.

1398 (5) "Infrastructure project" means a project to acquire, construct, reconstruct,
1399 rehabilitate, equip, or improve public infrastructure and improvements:

1400 (a) within a project area; or

1401 (b) outside a project area, if the respective loan approval body determines by resolution
1402 that the public infrastructure and improvements are of benefit to the project area.

1403 (6) "Inland port" means the same as that term is defined in Section 11-58-102.

1404 (7) "Inland port fund" means the infrastructure fund created in Subsection
1405 63A-3-402(1)(a).

1406 (8) "Military development fund" means the infrastructure fund created in Subsection
1407 63A-3-402(1)(c).

1408 (9) "Point of the mountain fund" means the infrastructure fund created in Subsection
1409 63A-3-402(1)(b).

1410 (10) "Project area" means:

1411 (a) the same as that term is defined in Section 11-58-102, for purposes of an
1412 infrastructure loan from the inland port fund;

1413 (b) the point of the mountain state land, as defined in Section 11-59-102, for purposes
1414 of an infrastructure loan from the point of the mountain fund; and

1415 (c) the same as that term is defined in Section 63H-1-102, for purposes of an
1416 infrastructure loan from the military development fund.

1417 (11) "Property tax revenue" means:

1418 (a) property tax differential, as defined in Section 11-58-102, for purposes of an
1419 infrastructure loan from the inland port fund; or

1420 (b) property tax allocation, as defined in Section 63H-1-102, for purposes of an

1421 infrastructure loan from the military development fund.

1422 (12) "Public infrastructure and improvements":

1423 (a) means the same as that term is defined in Section 11-58-102, for purposes of an
1424 infrastructure loan from the inland port fund;

1425 (b) means publicly owned infrastructure and improvements, as defined in Section
1426 11-59-102, for purposes of an infrastructure loan from the point of the mountain fund; and

1427 (c) means the same as that term is defined in Section 63H-1-102, for purposes of an
1428 infrastructure loan from the military development fund.

1429 (13) "Respective loan approval body" means:

1430 (a) the ~~[committee]~~ board created in Section [~~11-58-106~~] 11-58-301, for purposes of an
1431 infrastructure loan from the inland port fund;

1432 (b) the board created in Section 11-59-301, for purposes of an infrastructure loan from
1433 the point of the mountain fund; and

1434 (c) the committee created in Section 63H-1-104, for purposes of an infrastructure loan
1435 from the military development fund.

1436 Section 21. Section 63A-3-402 is amended to read:

1437 **63A-3-402. Infrastructure funds established -- Purpose of funds -- Use of money**
1438 **in funds.**

1439 (1) There are created, as enterprise revolving loan funds:

1440 (a) the inland port infrastructure revolving loan fund;

1441 (b) the point of the mountain infrastructure revolving loan fund; and

1442 (c) the military development infrastructure revolving loan fund.

1443 (2) The purpose of each infrastructure fund is to provide funding, through
1444 infrastructure loans, for infrastructure projects undertaken by a borrower.

1445 (3) (a) Money in an infrastructure fund may be used only to provide loans for
1446 infrastructure projects.

1447 (b) The division may not loan money in an infrastructure fund without the approval of:

1448 (i) the respective loan approval body; and

1449 (ii) the Executive Appropriations Committee of the Legislature, for a loan from the
1450 inland port fund or the point of the mountain fund.

1451 Section 22. Section 63B-27-101 is amended to read:

1452 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**
1453 **projects.**

1454 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
1455 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,
1456 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to
1457 fund any existing debt service reserve requirements, with the total amount of the bonds not to
1458 exceed \$1,010,000,000.

1459 (b) When the Department of Transportation certifies to the commission that the
1460 requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond
1461 proceeds that the commission needs to provide funding for the projects described in Subsection
1462 (2) for the current or next fiscal year, the commission may issue and sell general obligation
1463 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay
1464 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve
1465 requirements, not to exceed 1% of the certified amount.

1466 (c) The commission may not issue general obligation bonds authorized under this
1467 section if the issuance of the general obligation bonds would result in the total current
1468 outstanding general obligation debt of the state exceeding 50% of the limitation described in
1469 the Utah Constitution, Article XIV, Section 1.

1470 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
1471 shall be provided to the Department of Transportation to pay all or part of the costs of the
1472 following state highway construction or reconstruction projects:

1473 (a) state and federal highways prioritized by the Transportation Commission through
1474 the prioritization process for new transportation capacity projects adopted under Section
1475 72-1-304, giving priority consideration for projects with a regional significance or that support
1476 economic development within the state, including:

1477 (i) projects that are prioritized but exceed available cash flow beyond the normal
1478 programming horizon; or

1479 (ii) projects prioritized in the state highway construction program; and

1480 (b) \$100,000,000 to be used by the Department of Transportation for transportation
1481 improvements as prioritized by the Transportation Commission for projects that:

1482 (i) have a significant economic development impact associated with recreation and

1483 tourism within the state; and

1484 (ii) address significant needs for congestion mitigation.

1485 (3) (a) Forty-six million dollars of the bond proceeds issued under this section shall be
1486 provided to the State Infrastructure Bank Fund created by Section 72-2-202 to make funds
1487 available for a transportation infrastructure loan or transportation infrastructure assistance
1488 under Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, including the amounts as
1489 follows:

1490 (i) subject to Subsection (3)(b), \$14,000,000 to the military installation development
1491 authority created in Section 63H-1-201;

1492 (ii) \$5,000,000 to the Inland Port Authority created in Section 11-58-201, for highway,
1493 infrastructure, and rail right-of-way acquisition, design, engineering, and construction, to be
1494 repaid through tax differential; and

1495 (iii) \$7,000,000 to Midvale City for a parking structure in proximity to an intermodal
1496 transportation facility that enhances economic development within the city.

1497 (b) When the loan described in Subsection (3)(a)(i) is transferred in accordance with
1498 Section 72-2-202, the bond proceeds for the loan shall be provided to the military development
1499 infrastructure revolving loan fund created in Section 63A-3-402.

1500 (c) When the funds described in Subsection (3)(a)(ii) are transferred in accordance with
1501 Subsection 72-2-2(8), the funds shall be provided to the inland port infrastructure revolving
1502 loan fund created in Section 63A-3-402.

1503 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used
1504 for a public transit fixed guideway rail station associated with or adjacent to an institution of
1505 higher education.

1506 (b) Nineteen million dollars of the bond proceeds issued under this section shall be used
1507 by the Department of Transportation for the design, engineering, construction, or
1508 reconstruction of underpasses under a state highway connecting a state park and a project area
1509 created by a military installation development authority created in Section 63H-1-201.

1510 (c) Nine million dollars of the bond proceeds issued under this section shall be used by
1511 the Department of Transportation for infrastructure improvements related to the Provo Airport.

1512 (d) If project savings are identified by the Department of Transportation from the funds
1513 provided to the Department of Transportation as described in this section, the Department of

1514 Transportation may use available funding to study, design, engineer, and construct rail access
1515 through I-80 in western Salt Lake County.

1516 (5) The bond proceeds issued under this section shall be provided to the Department of
1517 Transportation.

1518 (6) The costs under Subsection (2) may include the costs of studies necessary to make
1519 transportation infrastructure improvements, the costs of acquiring land, interests in land, and
1520 easements and rights-of-way, the costs of improving sites, and making all improvements
1521 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to
1522 accrue on these bonds during the period to be covered by construction of the projects plus a
1523 period of six months after the end of the construction period, interest estimated to accrue on
1524 any bond anticipation notes issued under the authority of this title, and all related engineering,
1525 architectural, and legal fees.

1526 (7) The commission or the state treasurer may make any statement of intent relating to
1527 a reimbursement that is necessary or desirable to comply with federal tax law.

1528 (8) The Department of Transportation may enter into agreements related to the projects
1529 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

1530 Section 23. Section **63G-7-201** is amended to read:

1531 **63G-7-201. Immunity of governmental entities and employees from suit.**

1532 (1) Except as otherwise provided in this chapter, each governmental entity and each
1533 employee of a governmental entity are immune from suit for any injury that results from the
1534 exercise of a governmental function.

1535 (2) Notwithstanding the waiver of immunity provisions of Section **63G-7-301**, a
1536 governmental entity, its officers, and its employees are immune from suit:

1537 (a) as provided in Section **78B-4-517**; and

1538 (b) for any injury or damage resulting from the implementation of or the failure to
1539 implement measures to:

1540 (i) control the causes of epidemic and communicable diseases and other conditions
1541 significantly affecting the public health or necessary to protect the public health as set out in
1542 Title 26A, Chapter 1, Local Health Departments;

1543 (ii) investigate and control suspected bioterrorism and disease as set out in Title 26,
1544 Chapter 23b, Detection of Public Health Emergencies Act;

1545 (iii) respond to a national, state, or local emergency, a public health emergency as
1546 defined in Section [26-23b-102](#), or a declaration by the President of the United States or other
1547 federal official requesting public health related activities, including the use, provision,
1548 operation, and management of:

1549 (A) an emergency shelter;

1550 (B) housing;

1551 (C) a staging place; or

1552 (D) a medical facility; and

1553 (iv) adopt methods or measures, in accordance with Section [26-1-30](#), for health care
1554 providers, public health entities, and health care insurers to coordinate among themselves to
1555 verify the identity of the individuals they serve.

1556 (3) (a) A governmental entity, its officers, and its employees are immune from suit, and
1557 immunity is not waived, for any injury if the injury arises out of or in connection with, or
1558 results from:

1559 ~~[(a)]~~ (i) a latent dangerous or latent defective condition of:

1560 ~~[(i)]~~ (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,
1561 or viaduct; or

1562 ~~[(ii)]~~ (B) another structure located on any of the items listed in Subsection (3)(a)(i); or

1563 ~~[(b)]~~ (ii) a latent dangerous or latent defective condition of any public building,
1564 structure, dam, reservoir, or other public improvement.

1565 (b) (i) As used in this Subsection (3)(b):

1566 (A) "Contaminated land" means the same as that term is defined in Section [11-58-102](#).

1567 (B) "Contamination" means the condition of land that results from the placement,
1568 disposal, or release of hazardous matter on, in, or under the land, including any seeping or
1569 escaping of the hazardous matter from the land.

1570 (C) "Damage" means any property damage, personal injury, or other injury or any loss
1571 of any kind, however denominated.

1572 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of
1573 completion from the Department of Environmental Quality under Section [19-8-111](#) following
1574 participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program,
1575 obtaining an administrative letter from the Department of Environmental Quality for a discrete

1576 phase of a voluntary cleanup that is conducted under a remedial action plan as defined in
1577 Section 11-58-605, or complying with the terms of an environmental covenant, as defined in
1578 Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in
1579 the office of the recorder of the county in which the contaminated land is located.

1580 (E) "Government owner" means a governmental entity, including an independent
1581 entity, as defined in Section 63E-1-102, that acquires an ownership interest in land that was
1582 contaminated land before the governmental entity or independent entity acquired an ownership
1583 interest in the land.

1584 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302,
1585 hazardous substances, as defined in Section 19-6-302, or landfill material, as defined in Section
1586 11-58-102.

1587 (G) "Remediation" means the same as that term is defined in Section 11-58-102.

1588 (ii) (A) A government owner and the government owner's officers and employees are
1589 immune from suit, and immunity is not waived, for any claim for damage that arises out of or
1590 in connection with, or results from, contamination of contaminated land.

1591 (B) A government owner's ownership of contaminated land may not be the basis of a
1592 claim against the government owner for damage that arises out of or in connection with, or
1593 results from, contamination of contaminated land.

1594 (iii) Subsection (3)(b)(ii) does not limit or affect:

1595 (A) the liability of a person that placed, disposed of, or released hazardous matter on,
1596 in, or under the land; or

1597 (B) a worker compensation claim of an employee of an entity that conducts work on or
1598 related to contaminated land.

1599 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's
1600 remediation of contaminated land if the government owner is environmentally compliant.

1601 (4) A governmental entity, its officers, and its employees are immune from suit, and
1602 immunity is not waived, for any injury proximately caused by a negligent act or omission of an
1603 employee committed within the scope of employment, if the injury arises out of or in
1604 connection with, or results from:

1605 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
1606 function, whether or not the discretion is abused;

1607 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
1608 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process,
1609 libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation
1610 of civil rights;

1611 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,
1612 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
1613 authorization;

1614 (d) a failure to make an inspection or making an inadequate or negligent inspection;

1615 (e) the institution or prosecution of any judicial or administrative proceeding, even if
1616 malicious or without probable cause;

1617 (f) a misrepresentation by an employee whether or not the misrepresentation is
1618 negligent or intentional;

1619 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

1620 (h) the collection or assessment of taxes;

1621 (i) an activity of the Utah National Guard;

1622 (j) the incarceration of a person in a state prison, county or city jail, or other place of
1623 legal confinement;

1624 (k) a natural condition on publicly owned or controlled land;

1625 (l) a condition existing in connection with an abandoned mine or mining operation;

1626 (m) an activity authorized by the School and Institutional Trust Lands Administration
1627 or the Division of Forestry, Fire, and State Lands;

1628 (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch,
1629 canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river,
1630 if:

1631 (i) the trail is designated under a general plan adopted by a municipality under Section
1632 10-9a-401 or by a county under Section 17-27a-401;

1633 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public
1634 use as evidenced by a written agreement between:

1635 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail
1636 is located; and

1637 (B) the municipality or county where the trail is located; and

- 1638 (iii) the written agreement:
- 1639 (A) contains a plan for operation and maintenance of the trail; and
- 1640 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way
- 1641 where the trail is located has, at a minimum, the same level of immunity from suit as the
- 1642 governmental entity in connection with or resulting from the use of the trail;
- 1643 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 1644 (p) the management of flood waters, earthquakes, or natural disasters;
- 1645 (q) the construction, repair, or operation of flood or storm systems;
- 1646 (r) the operation of an emergency vehicle, while being driven in accordance with the
- 1647 requirements of Section [41-6a-212](#);
- 1648 (s) the activity of:
- 1649 (i) providing emergency medical assistance;
- 1650 (ii) fighting fire;
- 1651 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 1652 (iv) an emergency evacuation;
- 1653 (v) transporting or removing an injured person to a place where emergency medical
- 1654 assistance can be rendered or where the person can be transported by a licensed ambulance
- 1655 service; or
- 1656 (vi) intervening during a dam emergency;
- 1657 (t) the exercise or performance, or the failure to exercise or perform, any function
- 1658 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
- 1659 (u) an unauthorized access to government records, data, or electronic information
- 1660 systems by any person or entity;
- 1661 (v) an activity of wildlife, as defined in Section [23-13-2](#), that arises during the use of a
- 1662 public or private road; or
- 1663 (w) a communication between employees of one or more law enforcement agencies
- 1664 related to the employment, disciplinary history, character, professional competence, or physical
- 1665 or mental health of a peace officer, or a former, current, or prospective employee of a law
- 1666 enforcement agency, including any communication made in accordance with Section
- 1667 [53-14-101](#).
- 1668 Section 24. Section **72-2-202** is amended to read:

- 1669 **72-2-202. State Infrastructure Bank Fund -- Creation -- Use of money.**
- 1670 (1) There is created a revolving loan fund entitled the State Infrastructure Bank Fund.
- 1671 (2) (a) The fund consists of money generated from the following revenue sources:
- 1672 (i) appropriations made to the fund by the Legislature;
- 1673 (ii) federal money and grants that are deposited in the fund;
- 1674 (iii) money transferred to the fund by the commission from other money available to
- 1675 the department;
- 1676 (iv) state grants that are deposited in the fund;
- 1677 (v) contributions or grants from any other private or public sources for deposit into the
- 1678 fund; and
- 1679 (vi) subject to Subsection (2)(b), all money collected from repayments of fund money
- 1680 used for infrastructure loans or infrastructure assistance.
- 1681 (b) When a loan from the fund is repaid, the department may request and the
- 1682 Legislature may transfer from the fund to the source from which the money originated an
- 1683 amount equal to the repaid loan.
- 1684 (3) (a) The fund shall earn interest.
- 1685 (b) All interest earned on fund money shall be deposited into the fund.
- 1686 (4) Money in the fund shall be used by the department, as prioritized by the
- 1687 commission, only to:
- 1688 (a) provide infrastructure loans or infrastructure assistance; and
- 1689 (b) pay the department for the costs of administering the fund, providing infrastructure
- 1690 loans or infrastructure assistance, monitoring transportation projects and publicly owned
- 1691 infrastructure projects, and obtaining repayments of infrastructure loans or infrastructure
- 1692 assistance.
- 1693 (5) (a) The department may establish separate accounts in the fund for infrastructure
- 1694 loans, infrastructure assistance, administrative and operating expenses, or any other purpose to
- 1695 implement this part.
- 1696 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1697 department may make rules governing how the fund and its accounts may be held by an escrow
- 1698 agent.
- 1699 (6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter

1700 7, State Money Management Act, and the earnings from the investments shall be credited to the
1701 fund.

1702 (7) Before July 1, 2022, the department shall transfer the loan described in Subsection
1703 [63B-27-101\(3\)\(a\)\(i\)](#) from the State Infrastructure Bank Fund to the military development
1704 infrastructure revolving loan fund created in Section [63A-3-402](#).

1705 (8) Before July 1, 2023, the department shall transfer the funds described in Subsection
1706 [63B-27-101\(3\)\(a\)\(ii\)](#) from the State Infrastructure Bank Fund to the inland port infrastructure
1707 revolving loan fund created in Section [63A-3-402](#).

1708 Section 25. Section **78B-6-2401** is enacted to read:

1709 **Part 24. Claims to Which Immunity Applies**

1710 **78B-6-2401. Definitions.**

1711 As used in this part:

1712 (1) "Contamination claim" means a claim for which a government owner and the
1713 government owner's officers and employees have immunity under Subsection [63G-7-201\(3\)\(b\)](#).

1714 (2) "Government owner" means the same as that term is defined in Subsection
1715 [63G-7-201\(3\)](#).

1716 Section 26. Section **78B-6-2402** is enacted to read:

1717 **78B-6-2402. Award of double attorney fees and costs.**

1718 If a person asserts a contamination claim against a government owner or an officer or
1719 employee of the government owner for which the government owner or officer or employee are
1720 found to be immune under Subsection [63G-7-201\(3\)\(b\)](#), the court shall award the government
1721 owner or officer or employee double the attorney fees and costs incurred by the government
1722 owner or officer or employee in defending the claim.

1723 **Section 27. Repealer.**

1724 This bill repeals:

1725 Section **11-58-207, Projects benefitting authority jurisdictional land.**

1726 **Section 28. Effective date.**

1727 If approved by two-thirds of all the members elected to each house, this bill takes effect
1728 upon approval by the governor, or the day following the constitutional time limit of Utah
1729 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1730 the date of veto override.

1731