

# SB0129S01 compared with SB0129

{Omitted text} shows text that was in SB0129 but was omitted in SB0129S01

inserted text shows text that was not in SB0129 but was inserted into SB0129S01

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## Higher Education Development Areas

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Chris H. Wilson**

House Sponsor:

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### LONG TITLE

#### General Description:

This bill enacts provisions relating to the development of property owned by certain higher education institutions.

#### Highlighted Provisions:

This bill:

- ▶ authorizes certain higher education institutions to designate a development area consisting of property owned by the institution;
- ▶ provides a process for an institution to adopt a resolution designating a development area;
- ▶ requires an institution to establish a fund for revenue from the development area and provides for uses of money in the fund;
- ▶ provides for property an eligible university leases to a private person to be exempt from a privilege tax;
- ▶ requires approval from the Transportation and Infrastructure Appropriations Subcommittee and the institution's board of trustees before the institution may adopt a development agreement relating to property within a development area;

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- 19       ▶ provides limitations on a member of the board { member's } of trustees regarding participation  
in development actions and requires a { board member } member of a board of trustees to disclose a  
conflict before the board of trustees approves a development agreement; and
- 22       ▶ requires the board of trustees to provide an annual report to the Higher Education Appropriations  
Subcommittee for each development area.

### 24 **Money Appropriated in this Bill:**

25       None

26       None

29 ENACTS:

30       **53B-20-108** , Utah Code Annotated 1953 , Utah Code Annotated 1953

31

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

33       Section 1. Section **1** is enacted to read:

34       **53B-20-108. Development of university property.**

35       (1) As used in this section:

36       (a) "Board of trustees" means the board of trustees of an eligible university.

37       (b) "Conflict" means a situation in which a board of trustees member or a family member of a board of  
trustees member will or is likely to receive a direct financial benefit because of the development of  
eligible university property within a development area.

40       (c) "Designation resolution" means a board of trustees' resolution designating eligible university  
property as a development area.

42       (d) "Development action" means:

43       (i) { board } a board of trustees' deliberations on whether to adopt a designation resolution;

44       (ii) { the board's } a board of trustees' adoption of a designation resolution;

45       (iii) { board } a board of trustees' deliberations on whether to approve a development agreement; or

46       (iv) { the board's } a board of trustees' approval of a development agreement.

47       (e) "Development agreement" means an agreement governing the development of eligible university  
property within a development area.

49       (f) "Development area" means a single, contiguous area:

50       (i) of only eligible university property; { and }

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- (ii) that the {eligible university} board of trustees designates for development in a designation resolution {, as provided in} under this section{:}; and
- 55 (iii) that has not been meaningfully developed at the time the board of trustees designates the area for development.
- 53 (g) "Development fund" means the fund described in and established under Subsection (4).
- 55 (h) "Direct financial benefit":
- 56 (i) means any form of financial benefit that accrues to an individual directly, including:
- 58 (A) compensation, commission, or any other form of a payment or increase of money; and
- 60 (B) an increase in the value of a business or property; and
- 61 (ii) does not include a financial benefit that accrues to the public generally.
- 62 (i) "Eligible university" means an institution of higher education listed in Subsection 53B-1-102(1)(a).
- 64 (j) "Eligible university property" means real property owned by an eligible university.
- 65 (k) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 66 (l) "Leased property" means eligible university property that:
- 67 (i) is within a development area; and
- 68 (ii) an eligible university leases to a private person.
- 69 (2)
- . (a) An eligible university may, by resolution of the {board} eligible university's board of trustees, designate eligible university property as a development area.
- 71 (b) Before adopting a designation resolution, a board of trustees shall:
- 76 (i) obtain approval from the Utah Board of Higher Education of the geographic area proposed to be designated as a development area; and
- 78 (ii) after obtaining approval from the Utah Board of Higher Education under Subsection (2)(b)(i):
- 72 {(i)} (A) provide notice of the public hearing required under Subsection {(2)(b)(ii)} (2)(b)(ii)(B), as required for a class A notice under Section 63G-30-102, for at least seven days before the day of the public hearing; and
- 75 {(i)} (B) hold a public hearing on the proposed adoption of a designation resolution.
- 76 (c) A notice under Subsection {(2)(b)(i)} (2)(b)(ii)(A) shall include a copy of the proposed designation resolution.
- 78 (d) A designation resolution, including a proposed designation resolution that accompanies a notice under Subsection {(2)(b)(i)} (2)(b)(ii)(A), shall:

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- 80 (i) accurately describe the boundary of the proposed development area;  
81 (ii) describe the development that is proposed to occur in the proposed development area; and  
83 (iii) estimate the amount and sources of revenue the eligible university expects to receive from the  
development area.
- 85 (e) Before adopting a designation resolution, a board of trustees may modify the proposed designation  
resolution to:
- 87 (i) address concerns raised in a public hearing held under Subsection {~~(2)(b)(ii)~~ (2)(b)(ii)(B); or  
88 (ii) clarify or adjust provisions of the proposed designation resolution, as the board of trustees considers  
appropriate.
- 90 (f) ~~{The}~~ A board of trustees may not adopt a designation resolution if the board of trustees has  
previously adopted a designation resolution.
- 92 (3) Within 30 days after {~~the board's~~ a board of trustees' adoption of a designation resolution, the  
board of trustees or the {~~board's~~ board of trustees' delegee shall deliver a copy of the designation  
resolution to:
- 94 (a) the clerk of the municipality in which the development area that is the subject of the designation  
resolution is located; and
- 96 (b) the assessor and treasurer of the county in which the development area that is the subject of the  
designation resolution is located.
- 98 (4)
- . (a) Upon adoption of a designation resolution, a board of trustees shall establish a separate fund related  
to the development area that is the subject of the designation resolution.
- 100 (b) An eligible university shall deposit into a development fund all money the eligible university  
receives from the development and lease of eligible university property within a development area.
- 103 (c) Money in a development fund shall be accounted for separately from any other fund of the eligible  
university.
- 105 (d) An eligible university may use money in a development fund for:
- 106 (i) expenses associated with the development of the development area;  
107 (ii) capital facility projects of the eligible university;  
108 (iii) operation and maintenance costs associated with capital facilities of the eligible university; or  
110 (iv) any other eligible university-related purpose.  
111 (5)

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- . (a) Subject to Subsection (5)(b), an eligible university may enter into a development agreement.
- 113 (b) Before an eligible university may enter into a development agreement, the board of trustees shall:
- 114 (i) ~~{the board shall}~~ receive the approval of the Transportation and Infrastructure Appropriations  
Subcommittee of the Legislature for the development agreement; and
- 117 (ii) ~~{the board shall}~~ approve the development agreement by resolution, adopted in a public meeting.
- 119 (6)
- . (a) A board of trustees member may not participate in a development action if the board of trustees  
member or a family member of the board of trustees member owns an interest in, is directly  
affiliated with, or is an employee or officer of a private firm, private company, or other private  
entity that the board of trustees member reasonably believes is likely to participate in or receive a  
direct financial benefit from the development of land that is the subject of a development agreement.
- 125 (b) Before the board of trustees approves a development agreement, the board of trustees shall require  
any member with a conflict to disclose the conflict in writing to the board of trustees.
- 127 (c) Nothing in this Subsection (6) affects the application or effect of any other code provision applicable  
to a board of trustees member relating to ethics or conflicts of interest.
- 129 (7) Leased property is not subject to a privilege tax under Title 59, Chapter 4, Privilege Tax.
- 130 (8)
- . (a) A board of trustees shall present a written report to the Higher Education Appropriations  
Subcommittee no later than September 30 of each year after the ~~{board's}~~ board of trustees'  
adoption of a designation resolution.
- 133 (b) A report under Subsection (8)(a) shall:
- 134 (i) describe the development taking place or expected to take place within the development area; and
- 136 (ii) provide a summary of money deposited into and expended from the development fund for that  
development area.

149 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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