

HB0492S06 compared with HB0492

~~{Omitted text}~~ shows text that was in HB0492 but was omitted in HB0492S06

inserted text shows text that was not in HB0492 but was inserted into HB0492S06

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Transportation, Infrastructure, and Housing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin Roberts

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill modifies transportation, infrastructure, and housing provisions.

Highlighted Provisions:

This bill:

- defines terms;
- creates the State Housing Infrastructure Partnership Fund (fund) and provides for ~~{purposes of funding local infrastructure projects}~~ the use of fund money;
- ~~{requires the State Tax Commission to deposit a certain amount of sales and use tax revenue into the fund for one fiscal year;}~~
- creates the State Housing Infrastructure Partnership Board ~~{(board)}~~ (infrastructure loan board) and describes the infrastructure loan board's membership and duties;
- ~~{describes the duties and membership of the board;}~~
- ~~{authorizes the board to:}~~
 - ~~{make loans from the fund for public infrastructure projects that facilitate new housing;}~~

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- 17 • ~~{make a loan from the fund to the Point of the Mountain State Land Authority for~~
prison infrastructure projects; and}
- 19 • ~~{makes rules to administer the fund;}~~
- 20 ▸ ~~{repeals the Affordable Housing Infrastructure Grant Board and transfers duties for~~
awarding affordable housing infrastructure grants to the board;}
- 22 ▸ requires the Governor's Office of Economic Opportunity to provide staff support to the
infrastructure loan board;
- 15 ▸ authorizes the infrastructure loan board to make loans from the fund to qualifying political
subdivisions to finance system improvements that will facilitate the construction of housing;
- 24 ▸ ~~{provides}~~ establishes terms and requirements for ~~{annual reporting from}~~ infrastructure loans
awarded by the infrastructure loan board ~~{to the Legislature}~~ ;
- 20 ▸ directs the state treasurer to complete a study that analyzes the economic effect of the
infrastructure loan program;
- 22 ▸ exempts conduct arising from the provision of affordable housing, if the housing benefits
are provided to all qualified residents, from certain ethics requirements for public officers;
- 25 ▸ modifies the membership of the Affordable Housing Infrastructure Grant Board (grant
board) for the provision of affordable housing infrastructure grants;
- 27 ▸ limits to owner-occupied the affordable housing for which public entities in certain counties
may qualify for an affordable housing infrastructure grant;
- 29 ▸ allows the grant board, in relation to awarding affordable housing infrastructure grants,
to:
- 30 • determine whether an owner-occupied dwelling qualifies as an affordable housing unit;
and
- 32 • waive certain preliminary cost estimate requirements;
- 25 ▸ increases the maximum amount of bonds ~~{authorized}~~ the Utah Department of Transportation
(department) may authorize for ~~{certain}~~ affordable ~~{housing-related transportation projects}~~ housing
infrastructure grants;
- 35 ▸ allows the department to use certain local option sales tax revenue to pay for affordable
housing infrastructure grants, subject to repayment from bond proceeds;
- 37 ▸ diverts a certain portion of revenue from the County of the First Class Highway Projects
Fund for revitalization of a convention center;

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39 ▸ establishes expenditure requirements for revenue in the County of the First Class Highway
40 Projects Fund;

41 ▸ establishes requirements in relation to a public transit hub project for the Cottonwood
42 Canyons;

43 ▸ reduces the amount of revenue the department may allocate from the Transportation
44 Investment Fund to pay for a certain roadway project;

45 ▸ establishes the Convention Center Reserves Restricted Account (account);

46 ▸ requires the Division of Finance to transfer a certain amount of revenue from the
47 Transportation Investment Fund to the account;

48 ▸ limits the use of money deposited into the account for revitalization of a convention center;

49 ▸ establishes requirements for the department to coordinate and assist on certain projects,
50 subject to availability of funding;

51 ▸ {~~provides for a~~} allows state {~~agency's sale of~~} agencies to sell surplus real property {~~to~~}
52 at pre-entitlement appraised value to certain qualifying entities {~~at a pre-appraised value~~} and {~~with~~
53 ~~deferred~~} defer paymentfor the purchase of such property; {~~and~~}

54 ▸ addresses the sale or disposal of real property by the department and other state agencies;
55 and

56 ▸ makes technical and conforming changes.

57 Money Appropriated in this Bill:

- 58 ▸ **This bill appropriates \$100,000,000 in restricted fund and account transfers for fiscal**
59 **year**
60 **2027, all of which is from the various sources as detailed in this bill.**

61 Other Special Clauses:

62 None

63 Utah Code Sections Affected:

64 AMENDS:

65 ~~{59-12-103 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 285}~~

66 59-12-2214 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 29

67 63B-34-101 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 502

68 63L-12-102 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special
69 Session, Chapter 17

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67-16-4 (Effective 05/06/26), as last amended by Laws of Utah 2018, Chapter 415

72-2-121 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 17

72-2-124 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 15

72-2-124 (Effective 07/01/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 15

72-2-501 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 502

72-2-502 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 502

72-2-503 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 502

72-5-111 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapter 101

72-5-117 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 15

78B-6-521 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapter 101

ENACTS:

63A-2-412 (Effective 05/06/26), Utah Code Annotated 1953

63N-3-1801 (Effective 05/06/26), Utah Code Annotated 1953

63N-3-1802 (Effective 05/06/26), Utah Code Annotated 1953

63N-3-1803 (Effective 05/06/26), Utah Code Annotated 1953

63N-3-1804 (Effective 05/06/26), Utah Code Annotated 1953

63N-3-1805 (Effective 05/06/26), Utah Code Annotated 1953

~~**{63N-3-1806 (Effective 05/06/26), Utah Code Annotated 1953}**~~

72-2-136 (Effective 05/06/26), Utah Code Annotated 1953

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

~~**{Section 1. Section 59-12-103 is amended to read: }**~~

59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax revenue.

(1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales price for amounts paid or charged for the following transactions:

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- 57 (a) retail sales of tangible personal property made within the state;
- 58 (b) amounts paid for:
- 59 (i) telecommunications service, other than mobile telecommunications service, that originates and
terminates within the boundaries of this state;
- 61 (ii) mobile telecommunications service that originates and terminates within the boundaries of one state
only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et
seq.; or
- 64 (iii) an ancillary service associated with a:
- 65 (A) telecommunications service described in Subsection (1)(b)(i); or
- 66 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 67 (c) sales of the following for commercial use:
- 68 (i) gas;
- 69 (ii) electricity;
- 70 (iii) heat;
- 71 (iv) coal;
- 72 (v) fuel oil; or
- 73 (vi) other fuels;
- 74 (d) sales of the following for residential use:
- 75 (i) gas;
- 76 (ii) electricity;
- 77 (iii) heat;
- 78 (iv) coal;
- 79 (v) fuel oil; or
- 80 (vi) other fuels;
- 81 (e) sales of prepared food;
- 82 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for
theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts,
carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting
events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard
parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating
rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,

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river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;

(g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

(i) the tangible personal property; and

(ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1)(g)(i), regardless of whether:

(A) any parts are actually used in the repairs or renovations of that tangible personal property; or

(B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;

(h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or washing of tangible personal property;

(i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services;

(j) amounts paid or charged for laundry or dry cleaning services;

(k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:

(i) stored;

(ii) used; or

(iii) otherwise consumed;

(l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:

(i) stored;

(ii) used; or

(iii) consumed;

(m) amounts paid or charged for a sale:

(i)

(A) of a product transferred electronically; or

(B) of a repair or renovation of a product transferred electronically; and

(ii) regardless of whether the sale provides:

(A) a right of permanent use of the product; or

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- 122 (B) a right to use the product that is less than a permanent use, including a right:
123 (I) for a definite or specified length of time; and
124 (II) that terminates upon the occurrence of a condition; and
125 (n) sales of leased tangible personal property from the lessor to the lessee made in the state.
127 (2)
(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are imposed on a
transaction described in Subsection (1) equal to the sum of:
129 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
130 (A) 4.70%;
131 (B) the rate specified in Subsection (6)(a); and
132 (C) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax
Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is
in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part
20, Supplemental State Sales and Use Tax Act; and
137 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction
under this chapter other than this part.
139 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state tax and a local
tax are imposed on a transaction described in Subsection (1)(d) equal to the sum of:
142 (i) a state tax imposed on the transaction at a tax rate of 2%; and
143 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under
this chapter other than this part.
145 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed on amounts
paid or charged for food and food ingredients equal to the sum of:
147 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of
1.75%; and
149 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the amounts paid or
charged for food and food ingredients under this chapter other than this part.
152 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid or charged for
fuel to a common carrier that is a railroad for use in a locomotive engine at a rate equal to the sum of
the rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B).
156 (e)

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(i)

(A) The rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B) do not apply to car sharing, a car sharing program, a shared vehicle driver, or a shared vehicle owner, for a car sharing or shared vehicle transaction if a shared vehicle owner certifies to the commission, on a form prescribed by the commission, that the shared vehicle is an individual-owned shared vehicle.

(B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is required once during the time that the shared vehicle owner owns the shared vehicle.

(C) The commission shall verify that a shared vehicle is an individual-owned shared vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the purchase of the shared vehicle.

(D) The exception under Subsection (2)(e)(i)(A) applies to a certified individual-owned shared vehicle shared through a car-sharing program even if non-certified shared vehicles are also available to be shared through the same car-sharing program.

(ii) A tax imposed under Subsection (2)(a)(i)(C) or (2)(a)(ii) applies to car sharing.

(iii)

(A) A car-sharing program may rely in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i).

(B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

(iv) If all shared vehicles shared through a car-sharing program are certified as described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation to collect and remit the tax under Subsections (2)(a)(i)(A) and (2)(a)(i)(B) for that tax period.

(v) A car-sharing program is not required to list or otherwise identify an individual-owned shared vehicle on a return or an attachment to a return.

(vi) A car-sharing program shall:

(A) retain tax information for each car-sharing program transaction; and

(B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the commission's request.

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- 190 (f)
- (i) For a bundled transaction that is attributable to food and food ingredients and tangible personal property other than food and food ingredients, a state tax and a local tax is imposed on the entire bundled transaction equal to the sum of:
- 193 (A) the tax rates described in Subsection (2)(a)(i); and
- 194 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).
- 196 (ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.
- 201 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):
- 203 (A) if the sales price of the bundled transaction is attributable to tangible personal property, a product, or a service that is subject to taxation under this chapter and tangible personal property, a product, or service that is not subject to taxation under this chapter, the entire bundled transaction is subject to taxation under this chapter unless:
- 208 (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is not subject to taxation under this chapter from the books and records the seller keeps in the seller's regular course of business; or
- 212 (II) state or federal law provides otherwise; or
- 213 (B) if the sales price of a bundled transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire bundled transaction is subject to taxation under this chapter at the higher tax rate unless:
- 217 (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business; or
- 221 (II) state or federal law provides otherwise.
- 222 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

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- 225 (g)
- (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:
- 232 (A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or
- 235 (B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 238 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 239 (A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and
- 243 (B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 246 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 249 (h)
- (i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:
- 253 (A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or
- 256

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(B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business.

(ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

(i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:

(i) Subsection (2)(a)(i)(A);

(ii) Subsection (2)(a)(i)(B);

(iii) Subsection (2)(b)(i);

(iv) Subsection (2)(c)(i); or

(v) Subsection (2)(f)(i)(A).

(j)

(i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(a)(i)(B);

(C) Subsection (2)(b)(i);

(D) Subsection (2)(c)(i); or

(E) Subsection (2)(f)(i)(A).

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(a)(i)(B);

(C) Subsection (2)(b)(i);

(D) Subsection (2)(c)(i); or

(E) Subsection (2)(f)(i)(A).

(k)

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(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

(ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(a)(i)(B);

(C) Subsection (2)(b)(i);

(D) Subsection (2)(c)(i); or

(E) Subsection (2)(f)(i)(A).

(iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(l)

(i) For a location described in Subsection (2)(l)(ii), the commission shall determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

(ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil, or other fuel is furnished through a single meter for two or more of the following uses:

(A) a commercial use;

(B) an industrial use; or

(C) a residential use.

(3)

(a) The commission shall deposit the following state taxes into the General Fund:

(i) the tax imposed by Subsection (2)(a)(i)(A);

(ii) the tax imposed by Subsection (2)(b)(i);

(iii) the tax imposed by Subsection (2)(c)(i);

(iv) the tax imposed by Subsection (2)(d); and

(v) the tax imposed by Subsection (2)(f)(i)(A).

(b) The commission shall distribute the following local taxes to a county, city, or town as provided in this chapter:

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- 319 (i) the tax imposed by Subsection (2)(a)(ii);
320 (ii) the tax imposed by Subsection (2)(b)(ii);
321 (iii) the tax imposed by Subsection (2)(c)(ii); and
322 (iv) the tax imposed by Subsection (2)(f)(i)(B).
323 (4)
(a) Notwithstanding Subsection (3)(a), for each fiscal year the commission shall make the deposits described in Subsections (4)(b) through (4)(h) from the revenue from the taxes imposed by:
326 (i) Subsection (2)(a)(i)(A);
327 (ii) Subsection (2)(b)(i);
328 (iii) Subsection (2)(c)(i); and
329 (iv) Subsection (2)(f)(i)(A).
330 (b) The commission shall deposit 15% of the difference between 1.4543% of the revenue described in Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Rights Restricted Account created in Section 73-2-1.6.
333 (c) The commission shall deposit 85% of the difference between 1.4543% of the revenue described in Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources for:
337 (i) preconstruction costs:
338 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River Development Act; and
340 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
342 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;
344 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
347 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (5)(b)(iv) (B) after funding the uses specified in Subsections (4)(c)(i) through (iii).
350 (d) The commission shall deposit 1.4543% of the revenue described in Subsection (4)(a) into the Water Infrastructure Restricted Account created in Section 73-10g-103.

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- 352 (e)
- (i) Subject to [~~Subsection (4)(e)(ii)] Subsections (4)(e)(ii) through (iv)~~, the commission shall deposit 26.24% of the revenue described in Subsection (4)(a) into the Transportation Investment Fund of 2005 created in Section 72-2-124.
- 355 (ii) The commission shall annually reduce the deposit described in Subsection (4)(e)(i) by the sum of:
- 357 (A) \$1,813,400;
- 358 (B) the earmark described in Subsection (5)(c); and
- 359 (C) an amount equal to 35% of the revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received in the state that exceeds 29.4 cents per gallon.
- 362 (iii) The amount described in Subsection (4)(e)(ii)(C) shall be annually deposited into the Transit Transportation Investment Fund created in Section 72-2-124.
- 364 (iv) For the fiscal year beginning on July 1, 2026, the commission shall:
- 365 (A) reduce the deposit described in Subsection (4)(e)(i) by 2.13%; and
- 366 (B) deposit the amount described in Subsection (4)(e)(iv)(A) into the State Housing Infrastructure Partnership Fund created in Section 63N-3-1802.
- 368 (f) The commission shall deposit .44% of the revenue described in Subsection (4)(a) into the Cottonwood Canyons Transportation Investment Fund created in Section 72-2-124.
- 371 (g) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Commuter Rail Subaccount created in Section 72-2-124.
- 373 (h) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902 as follows:
- 376 (i) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902, an amount equal to the amount that was deposited into the Outdoor Adventure Infrastructure Restricted Account in fiscal year 2025; and
- 379 (ii) for any amount exceeding the amount described in Subsection (4)(h)(i), 50% into the Outdoor Adventure Infrastructure Restricted Account and 50% to the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.
- 382 (5)
- (a) Notwithstanding Subsection (3)(a), each fiscal year the commission shall make the deposits described in this Subsection (5).

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- 384 (b)
- (i)
- (A) The commission shall deposit \$500,000 to the Department of Natural Resources to be used for watershed rehabilitation or restoration.
- 386 (B) At the end of each fiscal year, 100% of any unexpended amount described in Subsection (5) (b)(i)(A) shall lapse into the Water Resources Conservation and Development Fund created in Section 73-10-24.
- 389 (ii) The commission shall deposit \$150,000 to the Division of Water Resources for cloud-seeding projects authorized by Title 73, Chapter 15, Modification of Weather.
- 392 (iii) The commission shall deposit \$525,000 into the Division of Conservation created in Section 4-46-401 to implement water related programs.
- 394 (iv) The commission shall deposit \$7,175,000 into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources:
- 397 (A) for the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24;
- 399 (B) to conduct hydrologic and geotechnical investigations by the Division of Water Resources in a cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface and ground water resources and describing the hydrologic systems of an area in sufficient detail so as to enable local and state resource managers to plan for and accommodate growth in water use without jeopardizing the resource;
- 405 (C) to fund state required dam safety improvements; and
- 406 (D) to protect the state's interest in interstate water compact allocations, including the hiring of technical and legal staff.
- 408 (v) The commission shall deposit \$3,587,500 into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.
- 411 (vi) The commission shall deposit \$3,587,500 into the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 414 (A) provide for the installation and repair of collection, treatment, storage, and distribution facilities for any public water system, as defined in Section 19-4-102;
- 417 (B) develop underground sources of water, including springs and wells; and
- 418 (C) develop surface water sources.

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- 419 (vii) The commission shall deposit \$2,450,000 to the Division of Wildlife Resources to:
- 421 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect sensitive
plant and animal species; or
- 423 (B) award grants, up to the amount authorized by the Legislature in an appropriations act, to political
subdivisions of the state to implement the measures described in Subsections 23A-3-214(3)(a)
through (d) to protect sensitive plant and animal species.
- 427 (viii) Funds transferred to the Division of Wildlife Resources under Subsection (5)(b)(vii)(A) may not
be used to assist the United States Fish and Wildlife Service or any other person to list or attempt
to have listed a species as threatened or endangered under the Endangered Species Act of 1973, 16
U.S.C. Sec. 1531, et seq.
- 432 (ix) At the end of each fiscal year, any unexpended amounts described in Subsections (5)(b)(vii)(A) and
(B) shall lapse:
- 434 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;
- 436 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 438 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 440 (x) The commission shall allocate \$175,000 to the Division of Water Rights to cover the costs incurred
in hiring legal and technical staff for the adjudication of water rights.
- 443 (xi) At the end of each fiscal year, any unexpended amounts described in Subsection (5)(b)(x) shall
lapse:
- 445 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;
- 447 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 449 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 451 (c) The commission shall deposit \$45,000,000 into the Active Transportation Investment Fund created
in Section 72-2-124.
- 453 (d) The commission shall deposit \$533,750 into the Qualified Emergency Food Agencies Fund created
by and expended in accordance with Section 35A-8-1009.
- 455 (e) The commission shall deposit \$200,000 into the General Fund as a dedicated credit for the sole
use of the Search and Rescue Financial Assistance Program created by and to be expended in
accordance with Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 459 (6)
- (a) The rate specified in this Subsection (6) is 0.15%.

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- 460 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning on or after July
1, 2019, annually transfer the amount of revenue collected from the rate described in Subsection (6)
(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(B) into the
Medicaid ACA Fund created in Section 26B-1-315.
- 465 (7)
- (a) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), and as
described in Section 63N-3-610, beginning the first day of a calendar quarter one year after the sales
and use tax boundary for a housing and transit reinvestment zone is established under Title 63N,
Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually,
shall transfer an amount equal to 15% of the sales and use tax increment from the sales and use tax
imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within an established
sales and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation
Investment Fund created in Section 72-2-124.
- 474 (b) Beginning no sooner than January 1, 2026, notwithstanding Subsection (3)(a), and except as
provided in Subsections (11), (12), and (13), and as described in Section 63N-3-610.1, beginning
the first day of a calendar quarter after the year set in the proposal and after the sales and use tax
boundary for a convention center reinvestment zone is established in a capital city under Title
63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least
annually, shall transfer an amount equal to 50% of the sales and use tax increment as defined in
Section 63N-3-602 from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate,
on transactions occurring within an established sales and use tax boundary, as defined in Section
63N-3-602, to a convention center public infrastructure district created in accordance with Section
17D-4-202.1 and specified in the convention center reinvestment zone proposal submitted [~~pursuant~~
~~to~~] in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 487 (8) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13),
beginning October 1, 2024 the commission shall transfer to the Utah Fairpark Area Investment and
Restoration District, created in Section 11-70-201, the revenue from the sales and use tax imposed
by Subsection (2)(a)(i)(A), on transactions occurring within the district sales tax area, as defined in
Section 11-70-101.
- 492 (9)
- (a) As used in this Subsection (9):

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- 493 (i) "Additional land" means point of the mountain state land described in Subsection 11-59-102(6)
496 (b) that the point of the mountain authority acquires after the point of the mountain authority
provides the commission a map under Subsection (9)(c).
- 498 (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority,
created in Section 11-59-201.
- 500 (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.
- 504 (b) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), the
commission shall distribute to the point of the mountain authority 50% of the revenue from the
sales and use tax imposed by Subsection (2)(a)(i)(A), on transactions occurring on the point of the
mountain state land.
- 507 (c) The distribution under Subsection (9)(b) shall begin the next calendar quarter that begins at least 90
days after the point of the mountain authority provides the commission a map that:
- 508 (i) accurately describes the point of the mountain state land; and
- 509 (ii) the point of the mountain authority certifies as accurate.
- 512 (d) A distribution under Subsection (9)(b) with respect to additional land shall begin the next
calendar quarter that begins at least 90 days after the point of the mountain authority provides the
commission a map of point of the mountain state land that:
- 514 (i) accurately describes the point of the mountain state land, including the additional land; and
- 515 (ii) the point of the mountain authority certifies as accurate.
- (e)
- (i) Upon the payment in full of bonds secured by the sales and use tax revenue distributed to the
point of the mountain authority under Subsection (9)(b), the point of the mountain authority shall
immediately notify the commission in writing that the bonds are paid in full.
- 519 (ii) The commission shall discontinue distributions of sales and use tax revenue under Subsection
(9)(b) at the beginning of the calendar quarter that begins at least 90 days after the date that the
commission receives the written notice under Subsection (9)(e)(i).
- 523 (10) Notwithstanding Subsection (3)(a), the amount of state sales tax revenues described in Section
63N-2-503.5 is deposited into the Convention Incentive Fund created in Section 63N-2-503.5.
- 526 (11)
- (a) As used in this Subsection (11):
- 527 (i) "Applicable percentage" means:

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- 528 (A) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing
and Transit Reinvestment Zone Act, 15% of the revenue from the sales and use tax imposed by
Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone
described in Subsection (11)(a)(ii)(A);
- 533 (B) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the
revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales
occurring within the qualified development zone described in Subsection (11)(a)(ii)(B); and
- 537 (C) for the Point of the Mountain State Land Authority created in Section 11-59-201, 50% of the
revenue from sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring
within the qualified development zone described in Subsection (11)(a)(ii)(C).
- 541 (ii) "Qualified development zone" means:
- 542 (A) the sales and use tax boundary of a housing and transit reinvestment zone created under Title 63N,
Chapter 3, Part 6, Housing and Transit Reinvestment Act;
- 545 (B) the district sales tax boundary as defined in Section 11-70-101 for the Utah Fairpark Area
Investment and Restoration District, created in Section 11-70-201; or
- 548 (C) the sales and use tax boundary of point of the mountain state land, as defined in Section 11-59-102,
under the Point of the Mountain State Land Authority created in Section 11-59-201.
- 551 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J
or a substantially similar form as designated by the commission.
- 554 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified
development zone shall be deposited into the General Fund.
- 556 (12)
- (a) As used in Subsections (12) and (13):
- 557 (i) "Applicable percentage" means, for a convention center reinvestment zone created in a capital
city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount
equal to 50% of the sales and use tax increment, as that term is defined in Section 63N-3-602,
from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring
within the qualified development zone described in Subsection (12)(a)(ii).
- 563 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center
reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and
Transit Reinvestment Zone Act.

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566 (iii) "Qualifying construction materials" means construction materials that are:
567 (A) delivered to a delivery outlet within a qualified development zone; and
568 (B) intended to be permanently attached to real property within the qualified development zone.
570 (b) For a sale of qualifying construction materials, the commission shall distribute the product
calculated in Subsection (12)(c) to a qualified development zone if the seller of the construction
materials:
573 (i) establishes a delivery outlet with the commission within the qualified development zone;
575 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (12)(b)
(i); and
577 (iii) does not report the sales of the construction materials on a simplified electronic return.
579 (c) For the purposes of Subsection (12)(b), the product is equal to:
580 (i) the sales price or purchase price of the qualifying construction materials; and
581 (ii) the applicable percentage.
582 (13)
(a) As used in this Subsection (13), "Schedule J sale" means a sale reported on State Tax Commission
Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.
585 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified
development zone shall be distributed into the General Fund.

92 Section 1. Section 59-12-2214 is amended to read:

93 **59-12-2214. County, city, or town option sales and use tax to fund a system for public transit,
an airport facility, a water conservation project, or to be deposited into the County of the First
Class Highway Projects Fund -- Base -- Rate.**

96 (1) Subject to the other provisions of this part, a county, city, or town may impose a sales and use tax
of .25% on the transactions described in Subsection 59-12-103(1) located within the county, city, or
town.
99 (2) Notwithstanding Section 59-12-2212.2, and subject to Subsections (3) and (4), a county, city, or
town that imposes a sales and use tax under this section shall expend the revenues collected from the
sales and use tax:
102 (a) to fund a system for public transit;
103 (b) to fund a project or service related to an airport facility for the portion of the project or service that
is performed within the county, city, or town within which the sales and use tax is imposed:

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- 106 (i) for a county that imposes the sales and use tax, if the airport facility is part of the regional
transportation plan of the area metropolitan planning organization if a metropolitan planning
organization exists for the area; or
- 109 (ii) for a city or town that imposes the sales and use tax, if:
- 110 (A) that city or town is located within a county of the second class;
- 111 (B) that city or town owns or operates the airport facility; and
- 112 (C) an airline is headquartered in that city or town; or
- 113 (c) for a combination of Subsections (2)(a) and (b).
- 114 (3) After application of Subsection 59-12-2206(5), a county of the first class that imposes a sales and
use tax under this section shall expend the revenues collected from the sales and use tax as follows:
- 117 (a) 80% of the revenues collected from the sales and use tax shall be expended to fund a system for
public transit; and
- 119 (b) except as provided in Subsection (5), 20% of the revenues collected from the sales and use tax shall
be deposited into the County of the First Class Highway Projects Fund created by Section 72-2-121.
- 122 (4)
- (a) A county of the third class that has a portion of the county annexed into a large public transit district
and that has imposed a sales and use tax under this section as of January 1, 2020, may change the
list of purposes for which the sales and use tax revenue may be expended if:
- 126 (i) the proposed uses of the sales and use tax revenue are allowed uses described in this section; and
- 128 (ii) in coordination with a relevant large public transit district, the county legislative body passes an
ordinance describing the allowed uses of the sales and use tax revenue.
- 131 (b) Notwithstanding Section 59-12-2208, and regardless of whether the imposition of the sales and
use tax imposed under this section was submitted to the voters as described in Section 59-12-2208,
the county legislative body is not required to submit an opinion question to the county's registered
voters to change the allowed uses as described in Subsection (4)(a).
- 136 (5)
- (a) For a fiscal year beginning on or after July 1, 2030, but beginning on or before July 1, 2060,
\$5,000,000 of the revenue described in Subsection (3)(b) shall be distributed to a county of the first
class.
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(b) A county of the first class may expend the revenue described in Subsection (5)(a) for revitalization of a convention center owned by the county within a city of the first class and surrounding revitalization projects related to the convention center.

Section 2. Section 2 is enacted to read:

63A-2-412. Sale of surplus real property by state agency to qualifying entity for pre-entitlement appraised value -- {~~Deferral of~~} Deferred payment.

(1) As used in this section, "qualifying entity" means a state agency or an independent entity, as defined in Section 63E-1-102, that administers public interests in housing.

~~{(2) {In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a state agency may make rules to provide for:} }~~

(a) ~~{(2)}~~ A state agency may provide for the sale of the ~~{state agency's}~~ state's surplus real property to a qualifying entity for a pre-entitlement appraised value~~{:}~~, payment of which may be deferred, as determined by the state agency and subject to state and federal law.

~~{(b) {deferred payment for a qualifying entity's purchase of surplus real property under Subsection (2) (a) until after the development of owner-occupied housing on the real property.} }~~

Section 3. Section **63B-34-101** is amended to read:

63B-34-101. Transportation bonds -- Maximum amount -- Use for transportation projects related to affordable housing initiatives.

(1)

(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued under this section may not exceed [\$70,000,000] ~~{\$140,000,000}~~ \$150,00,000.

(b) When the Department of Transportation certifies to the commission the amount of bond proceeds that the commission needs to provide funding for the projects described in Subsection (2), the commission may issue and sell general obligation bonds in an amount equal to the certified amount plus costs of issuance.

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

(2)

(a) Proceeds from the bonds issued under this section shall be provided to the Department of Transportation through the Transportation Investment Fund of 2005 created in Section 72-2-124

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to pay for or to provide funds to public entities for costs related to affordable housing initiatives as described in Subsection (2)(b).

(b) Bond proceeds described under Subsection (2)(a) shall be used to pay for infrastructure to assist in affordable housing related grants and allocated as described in Title 72, Chapter 2, Part 5, Affordable Housing Infrastructure Grants.

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

(3) The executive director of the Department of Transportation may allocate bond proceeds under this section as provided in Title 72, Chapter 2, Part 5, Affordable Housing Infrastructure Grants.

Section 4. Section 63L-12-102 is amended to read:

63L-12-102. Grant or lease of real property for moderate income housing.

(1) Subject to the requirements of this section, a governmental entity may grant or lease real property owned by the governmental entity to an entity for the development of moderate income housing on the real property.

(2) A governmental entity shall ensure that real property granted or leased under Subsection (1) is deed restricted for moderate income housing for at least 30 years after the day on which each moderate income housing unit is completed and occupied.

(3) If applicable, a governmental entity granting real property under this section shall comply with:

(a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain;

(b) Subsection 10-8-2(4), if a municipality is granting real property under this section;

(c) Subsection 17-78-103(4), if a county is granting real property under this section; and

(d) except as provided in Subsection (4), any other applicable provisions of law that govern the granting of real property by the governmental entity.

(4) A municipality granting real property under this section is not subject to the provisions of Subsection 10-8-2(3).

Section 5. Section 5 is enacted to read:

63N-3-1801. Definitions.

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18. State Housing Infrastructure Partnership

As used in this part:

- 634 {~~(1)~~ {"Agency" means the same as that term is defined in Section 17C-1-102.}}
- 635 (2){(1)} "Board" means the State Housing Infrastructure Partnership Board created in Section
63N-3-1803.
- 637 (3){(2)} "Development agreement" means the same as that term is defined in Section 10-20-102.
- 638 (4){(3)} "Fund" means the State Housing Infrastructure Partnership Fund created in Section
63N-3-1802.
- 640 (5){(4)} "Housing {project} development" means a land development proposal to construct new
housing that a municipality or a county approves with a land use application, development
agreement, or zone change.
- 643 (6){(5)} "Infrastructure facility" meansa facility used in connection with system-level infrastructure,
including:
- 644 (a) a drinking water facility;
- 645 (b) a wastewater facility;
- 646 (c) a sewer lift station;
- 647 (d) a stormwater system; {or}
- 648 (e) a water drainage system{:};
- 218 (f) a secondary water system;
- 219 (g) power transmission and distribution lines, including burying of the lines; or
- 220 (h) a regional transportation facility.
- 649 (7){(6)} "Infrastructure loan" means a loan of fund money to finance {an infrastructure project} a
system improvement.
- 222 (7) "Land use application" means the same as that term is defined in Section 10-20-102.
- 223 (8) "Qualifying political subdivision" means:
- 224 (a) a municipality;
- 225 (b) a county;
- 226 (c) a special district;
- 227 (d) a special service district;
- 228 (e) an agency as defined in Section 17C-1-102; or
- 229 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.

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- 230 (9) "Special district" means the same as that term is defined in Section 17B-1-102.
- 231 (10) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 650 (8){(11)}
- (a) {"Infrastructure project"} "System improvement" means a project to construct or {expand} improve
a publicly owned:
- 651 (i) {road} highway, public transit facility, or paved pedestrian or non-motorized trail that is a part
of:
- 652 (A) the statewide long-range transportation plan;
- 653 (B) a regional transportation plan of a metropolitan planning organization; or
- 654 (C) a municipal or county general plan, transportation master plan, or economic development initiative;
or
- 656 (ii) infrastructure facility that is part of:
- 657 (A) a municipal or county general plan, infrastructure plan, or economic development initiative; or
- 659 (B) a special district infrastructure plan or strategic plan.
- 660 (b) {"Infrastructure project"} "System improvement" may include the costs of:
- 661 (i) designing a project described in Subsection {(8)(a)} (11)(a); {or}
- 662 (ii) acquiring property for a project described in Subsection {(8)(a).} (11)(a); or
- 663 {(9) {"Land use application" means the same as that term is defined in Section 10-20-102.} }
- 664 {(10) {"Special district" means the same as that term is defined in Section 17B-1-102.} }
- 247 (iii) environmental remediation for a project described in Subsection (11)(a).
- 248 Section 6. Section 6 is enacted to read:
- 249 **63N-3-1802. State Housing Infrastructure Partnership Fund.**
- 667 (1) There is created a revolving loan fund known as the "State Housing Infrastructure Partnership
Fund."
- 669 (2) The fund consists of money generated from the following revenue sources:
- 670 (a) appropriations made to the fund by the Legislature;
- 671 {(b) {the sales and use tax revenue deposited into the fund in accordance with Section 59-12-103;} }
- 673 (c){(b)} amounts received for the repayment of infrastructure loans made by the board under this part;
- 675 (d){(c)} grants, gifts, loans, or other funding from:
- 676 (i) the federal government; or
- 677 (ii) other public or private sources; and

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678 (e){(d)} interest or other earnings deposited under Subsection (3).
679 (3) The state treasurer shall:
680 (a) invest the money in the fund by following the procedures and requirements of Title 51, Chapter 7,
State Money Management Act; and
682 (b) deposit all interest or other earnings derived from those investments into the fund.
683 (4) ~~{The board shall use the money}~~ Money in the fund may only ~~{to}~~ be used for:
684 (a) ~~{provide}~~ infrastructure loans ~~{in accordance with Section 63N-3-1804}~~ made by the board under
this part; and
685 ~~{(b) {subject to Subsection 63N-3-1806(5), pay the Governor's Office of Economic Opportunity the~~
~~costs of administering the fund, providing infrastructure loans, monitoring related infrastructure~~
~~projects, and obtaining repayments of infrastructure loans.}-}~~
266 (b) the administrative costs incurred by the office, in an amount that does not exceed 1% of the
revenues of the fund, including any appropriation to the fund, from:
268 (i) implementing this part; and
269 (ii) facilitating the implementation of Section 63A-2-412 and Subsection 72-5-117(2)(f).
271 Section 7. Section 7 is enacted to read:
272 **63N-3-1803. State Housing Infrastructure Partnership Board.**
692 (1) There is created within the office the State Housing Infrastructure Partnership Board composed of
{five members as follows} :
276 (a) five voting members as follows:
694 (a){(i)} the executive director of the office or the executive director's designee;
695 (b){(ii)} the executive director of the Department of Transportation or the executive director's designee;
697 ~~{(c) {the legislative fiscal analyst or the legislative fiscal analyst's designee;}-}~~
280 (iii) one member appointed by the governor;
698 (d){(iv)} one member appointed by the president of the Senate; and
699 (e){(v)} one member appointed by the speaker of the House of Representatives~~{.}~~ ; and
283 (b) any number of nonvoting members appointed by the chair and vice chair of the board.
700 (2)
(a) The members described in Subsections ~~{(1)(d)}~~ (1)(a)(iv) and ~~{(e)}~~ (v) shall serve a four-year
term.

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(b) When a vacancy occurs in a position described in Subsections ~~{(1)(d)}~~ {(1)(a)(iv)} and ~~{(e)}~~ {(v)}, the person that appointed the member shall appoint a new member for the unexpired term.

(c) If a member described in Subsections ~~{(1)(d)}~~ {(1)(a)(iv)} and ~~{(e)}~~ {(v)} leaves elected office, the appointing entity shall appoint a new member for the unexpired term.

(3)

(a) The voting members of the board shall elect a chair and vice chair from the ~~{board membership}~~ board's voting members.

(b) The chair and vice chair of the board shall serve a term of one year.

(c) The chair of the board is responsible for the call and conduct of board meetings.

(4)

(a) A majority of the voting members of the board constitutes a quorum.

(b) Action by a majority vote of a quorum of the board constitutes action by the board

(5)

(a) A voting member of the board who is a legislator shall be paid salary and expenses in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(4){(b)} A voting member of the board who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a){(i)} Section 63A-3-106;

(b){(ii)} Section 63A-3-107; and

(c){(iii)} rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(5){(6)} A voting member of the board shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

~~{(6)}~~

~~{(a) {A majority of the members of the board constitutes a quorum.}}~~

~~{(b) {Action by a majority vote of a quorum of the board constitutes action by the board.}}~~

(7) The office shall provide staff support to the board.

Section 8. Section 8 is enacted to read:

63N-3-1804. Board duties -- ~~{Infrastructure loans -- Affordable housing infrastructure grants --}~~ Annual report -- Rulemaking -- Study of economic effect by state auditor.

(1) The board shall:

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- 724 (a) ~~make infrastructure loans {from the fund to municipalities, counties, and agencies-}~~ to qualifying
725 political subdivisions for ~~{infrastructure projects required to-}~~ system improvements that will
726 facilitate the construction of housing ~~{that the municipality or county approves}~~ in accordance with
727 Section 63N-3-1805;
- 727 (b) for the infrastructure loans described in Subsection (1)(a):
- 728 (i) establish criteria for determining infrastructure loan eligibility {under this part} ;
- 729 (ii) establish criteria by which an infrastructure loan will be made and repaid; and
- 730 (iii) determine the order in which {infrastructure projects-} system improvements will be funded; and
- 731 ~~{(c) {award affordable housing infrastructure grants to public entities within a county of the first class~~
~~from the funding sources specified in Section 72-2-502, in accordance with Title 72, Chapter 2, Part~~
~~5, Affordable Housing Infrastructure Grants, and any rules made by the office under Subsection~~
~~72-2-503(3);-}~~
- 735 ~~{(d) {in accordance with Subsection 63N-3-1806(6), make a loan from the fund to the Point of the~~
~~Mountain State Land Authority, created in Section 11-59-201, for prison infrastructure projects;~~
~~and}-}~~
- 738 (e) ~~{(c)}~~ administer the fund in a manner that will keep a portion of the fund revolving.
- 739 ~~{(2) {The board may;-}}~~
- 740 ~~{(a) {sue and be sued in accordance with applicable law; and;-}}~~
- 741 ~~{(b) {qualify for, accept, and administer grants, gifts, loans, or other funding from;-}}~~
- 742 ~~{(i) {the federal government; and;-}}~~
- 743 ~~{(ii) {other public or private sources;-}}~~
- 744 (3) ~~{(2)}~~ On or before September 1 of each year, the board shall submit a written report to the Economic
Development and Workforce Services Interim Committee and the Political Subdivisions Interim
Committee that includes:
- 747 (a) information regarding the activities of the board, including any rules made under Subsection (3);
- 748 (b) the number and types of infrastructure loans made;
- 749 (c) a list of ~~{municipalities, counties, and agencies-}~~ qualifying political subdivisions that received an
infrastructure loan;
- 750 (d) the number of constructed housing units that each infrastructure loan facilitated; and
- 751 (e) any ~~{recommendation-}~~ recommendations for legislation.
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(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to any recommendations provided by the Economic Development and Workforce Services Interim Committee and the Political Subdivisions Interim Committee, the board may make rules governing:

(a) management of the fund; and

(b) infrastructure loan application requirements and eligibility review criteria.

(4)

(a) Beginning after June 30, 2028, the state treasurer shall conduct a study that analyzes whether the lending activity under this part resulted in measurable local economic benefits.

(b) On or before October 1, 2028, the state treasurer shall submit a report summarizing the results of the study to the Legislative Management Committee and the governor.

(c) The state treasurer may contract with a third party to complete the study and report described in this Subsection (4).

Section 9. Section 9 is enacted to read:

63N-3-1805. {Board rulemaking authority} Infrastructure loans to qualifying political subdivisions -- Application -- Loan requirements.

(1) A qualifying political subdivision may receive an infrastructure loan under this part to finance a system improvement that will facilitate the construction of a housing development.

(2) To receive an infrastructure loan, a qualifying political subdivision shall submit an application to the board that:

(a) demonstrates:

(i) the qualifying political subdivision has approved or will approve a housing development;

(ii) the infrastructure loan will accelerate the completion of the housing development;

(iii) the builder or developer of the housing development has agreed to, or will agree to, a specific timeline to complete the housing development if the board approves the infrastructure loan;

(iv) the qualifying political subdivision will provide matching funds for the system improvement in an amount determined by the board;

(v) the qualifying political subdivision has a primary revenue source for repaying the infrastructure loan; and

(vi) if the qualifying political subdivision is a municipality or county, the qualifying political subdivision has adopted a moderate income housing plan that complies with Section 10-21-202 or 17-80-202;

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- 365 (b) identifies the qualifying political subdivision's current bonding capacity; and
366 (c) includes any other information the board requires.
367 (3) In considering an application for an infrastructure loan, the board shall:
368 (a) give preference to a housing development that includes, as a substantial component, the construction
of detached single-family owner-occupied starter homes; and
370 (b) consider criteria including:
371 (i) the number of housing units that may be built compared to the requested infrastructure loan amount;
373 (ii) geographic diversity, including whether the applicant is urban or rural;
374 (iii) the inclusion of affordable housing in the housing development;
375 (iv) the inclusion of for-sale owner-occupied housing units in the housing development;
377 (v) the likelihood that the housing development will be completed in accordance with the timeline
described in Subsection (2)(a)(iii);
379 (vi) the amount of matching funds the qualifying political subdivision will provide for the system
improvement;
381 (vii) other available sources of funding that may be used to construct the system improvement; and
383 (viii) existing public facilities and services nearby the housing development.
384 (4) The board shall ensure that each infrastructure loan:
385 (a) is secured by any combination of revenue sources for the loan recipient, whether the revenue is
actualized or anticipated, and which may include revenue the loan recipient receives from:
388 (i) the imposition of property taxes;
389 (ii) the collection of impact fees;
390 (iii) the issuance of bonds; or
391 (iv) any other revenue source the board determines to be sufficient for securing the infrastructure loan;
393 (b) has a term that does not exceed 20 years, except as provided in Subsection (5)(b)(ii);
394 (c) charges interest:
395 (i) to a presumed repayment date established by the board, regardless of the actual repayment date; and
397 (ii) at a rate that is within 1.5% of the federal funds rate target:
398 (A) established by the Federal Open Market Committee; and
399 (B) in effect on January 1 of the year in which the loan is made; and
400 (d) specifies the terms and revenue sources for the loan recipient's repayment of the loan.
401 (5)

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The board may make {~~rules in accordance with Title 63G, Chapter 3, Utah~~} one infrastructure loan to the Point of the Mountain State Land Authority created in Section 11-59-201.

{~~Administrative Rulemaking Act, governing:~~}

(b) The infrastructure loan described in Subsection (5)(a) may not exceed:

(1){(i)} {~~management~~} an amount of {~~the fund~~} \$18,000,000; and

(ii) a term of three years.

(2){(6)} In making infrastructure {~~loan application requirements and eligibility review criteria.~~} loans,
the board may:

(a) restructure all or part of a loan recipient's liability to repay an infrastructure loan for extenuating circumstances, subject to the requirements of Subsections (4) and (5); and

(b) condition approval of an infrastructure loan on whatever assurances the board considers necessary to ensure that loan proceeds are used in accordance with this part.

Section 9. Section 9 is enacted to read:

63N-3-1806. Infrastructure loan eligibility -- Review by board -- Loan requirements -- Loan to Point of the Mountain State Land Authority for prison infrastructure -- Administration costs.

(1) To receive an infrastructure loan under this part, a municipality, county, or agency shall submit an application to the board:

(a) demonstrating that:

(i) the municipality or county approved a housing project;

(ii) the infrastructure loan is necessary to accelerate the completion of the housing project;

(iii) a qualified builder or developer has agreed or will agree to a specific timeline to build the housing project if the board approves the infrastructure loan;

(iv) the applicant will provide funding to build the infrastructure project that is equal to a portion of the infrastructure loan amount, as specified by the board;

(v) the applicant has a primary revenue source that the applicant will use for repayment; and

(vi) the municipality or county has a moderate income housing plan that complies with Section 10-21-202 or 17-80-202; and

(b) that includes any other information the board requires by rule.

(2) In determining eligibility for an infrastructure loan under this part, the board shall consider:

(a) the number of housing units that may be built compared to the amount of the infrastructure loan the applicant requests;

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- 781 (b) the inclusion of affordable housing in the housing project;
782 (c) the inclusion of for-sale housing units in the housing project;
783 (d) the likelihood that the builder or developer will build the housing project in accordance with the
timeline described in Subsection (1)(a)(iii);
785 (e) the amount of funding the applicant will provide to build the infrastructure project;
786 (f) other available sources of funding that may be used to build the infrastructure project; and
788 (g) existing public facilities and services nearby the housing project.
789 (3) The board may restructure all or part of an infrastructure loan recipient's liability to repay an
infrastructure loan for extenuating circumstances.
791 (4) Subject to Subsection (5), the board shall:
792 (a) review an infrastructure loan application and may condition approval of the infrastructure loan on
whatever assurances the board considers necessary to ensure that proceeds of the infrastructure loan
will be used in accordance with this part; and
795 (b) ensure that each infrastructure loan specifies:
796 (i) the terms for repayment; and
797 (ii) the funding sources the loan recipient will use to repay the infrastructure loan.
798 (5) The board shall ensure an infrastructure loan under this part:
799 (a) is secured by any combination of funding sources for the infrastructure loan recipient, whether the
funding is actualized or anticipated, and which may include funding the loan recipient obtains from:
802 (i) the imposition of property taxes;
803 (ii) the collection of impact fees;
804 (iii) the issuance of bonds; or
805 (iv) any other funding source the board determines to be sufficient for securing the infrastructure loan;
807 (b) has a term that does not exceed 20 years; and
808 (c) charges interest at a rate that is within 0.5% of the federal funds rate target:
809 (i) established by the Federal Open Markets Committee; and
810 (ii) in effect on January 1 of the year in which the loan is made.
811 (6)
(a) In addition to making infrastructure loans under this part, the board shall make a loan from the fund
to the Point of the Mountain State Land Authority for prison infrastructure projects.
814 (b) The board shall ensure that the loan described in Subsection (6)(a):

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- (i) does not exceed:
(A) an amount of \$18,000,000; and
(B) a term of three years; and
(ii) specifies the terms and funding sources for repayment of the loan.
(7) The board shall allocate from the fund to the office funding necessary for the administration of the fund, in an amount that does not exceed 2% of the annual receipts to the fund.

Section 10. Section 67-16-4 is amended to read:

67-16-4. Improperly disclosing or using private, controlled, or protected information -- Using position to secure privileges or exemptions -- Accepting employment that would impair independence of judgment or ethical performance -- Exception.

- (1) Except as provided in [Subsection (3)] Subsections (3) and (4), it is an offense for a public officer, public employee, or legislator to:
- (a) accept employment or engage in any business or professional activity that he might reasonably expect would require or induce him to improperly disclose controlled information that he has gained by reason of his official position;
- (b) disclose or improperly use controlled, private, or protected information acquired by reason of his official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for himself or others;
- (c) use or attempt to use his official position to:
- (i) further substantially the officer's or employee's personal economic interest; ~~or~~
- (ii) secure special privileges or exemptions for himself or others; or
- (iii) coerce another person to secure special privileges or exemptions for himself or others;
- (d) accept other employment that he might expect would impair his independence of judgment in the performance of his public duties; or
- (e) accept other employment that he might expect would interfere with the ethical performance of his public duties.
- (2)
- (a) Subsection (1) does not apply to the provision of education-related services to public school students by public education employees acting outside their regular employment.
- (b) The conduct referred to in Subsection (2)(a) is subject to Section 53E-3-512.

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- 438 (3) This section does not apply to a public officer, public employee, or legislator who engages in
conduct that constitutes a violation of this section to the extent that the public officer, public
employee, or legislator is chargeable, for the same conduct, under Section 63G-6a-2404 or Section
76-8-105.
- 442 (4) Subsections (1)(c)(i) and (ii) do not apply to conduct relating to the construction or operation of
affordable housing, as authorized by Title 10, Chapter 9a, Municipal Land Use, Development, and
Management Act, or Title 17, Chapter 27a, County Land Use, Development, and Management Act,
if the benefits are provided to all qualified residents.
- 447 Section 11. Section **72-2-121** is amended to read:
- 448 **72-2-121. County of the First Class Highway Projects Fund.**
- 824 (1) There is created a special revenue fund within the Transportation Fund known as the "County of the
First Class Highway Projects Fund."
- 826 (2) The fund consists of money generated from the following revenue sources:
- 827 (a) any voluntary contributions received for new construction, major renovations, and improvements to
highways within a county of the first class;
- 829 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b) deposited into or
transferred to the fund;
- 831 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or transferred to
the fund;
- 833 (d) a portion of the local option highway construction and transportation corridor preservation fee
imposed in a county of the first class under Section 41-1a-1222 deposited into or transferred to the
fund; and
- 836 (e) the portion of the sales and use tax transferred into the fund as described in Subsections
59-12-2220(4)(a) and 59-12-2220(11)(b)]; and
- 463 (f) revenue from bond proceeds described in Section 63B-34-101 for repayment of grants paid from
fund money in accordance with Subsection (4)(m).
- 838 (3)
- (a) The fund shall earn interest.
- 839 (b) All interest earned on fund money shall be deposited into the fund.
- 840 (4) Subject to Subsection (11), the executive director shall use the fund money only:
- 841

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- (a) to pay debt service and bond issuance costs for bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102;
- 843 (b) for right-of-way acquisition, new construction, major renovations, and improvements to highways within a county of the first class and to pay any debt service and bond issuance costs related to those projects, including improvements to a highway located within a municipality in a county of the first class where the municipality is located within the boundaries of more than a single county;
- 848 (c) for the construction, acquisition, use, maintenance, or operation of:
- 849 (i) an active transportation facility for nonmotorized vehicles;
- 850 (ii) multimodal transportation that connects an origin with a destination; or
- 851 (iii) a facility that may include a:
- 852 (A) pedestrian or nonmotorized vehicle trail;
- 853 (B) nonmotorized vehicle storage facility;
- 854 (C) pedestrian or vehicle bridge; or
- 855 (D) vehicle parking lot or parking structure;
- 856 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts transferred in accordance with Subsection 72-2-124(4)(a)(v);
- 859 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects described in Subsection 63B-18-401(4)(a);
- 862 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to transfer an amount equal to 50% of the revenue generated by the local option highway construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in a county of the first class:
- 867 (i) to the legislative body of a county of the first class; and
- 868 (ii) to be used by a county of the first class for:
- 869 (A) highway construction, reconstruction, or maintenance projects; or
- 870 (B) the enforcement of state motor vehicle and traffic laws;
- 871 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection (4)(e) has been made, to annually transfer an amount of the sales and use tax revenue

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imposed in a county of the first class and deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an amount needed to cover the debt to:

- 877 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under Section 63B-27-102; and
- 879 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued under Sections 63B-31-102 and 63B-31-103;
- 881 (h) after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, to annually transfer \$2,000,000 to a public transit district in a county of the first class to fund a system for public transit;
- 886 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, through fiscal year 2027, to annually transfer 20%, and beginning with fiscal year 2028, and each year thereafter for 20 years, to annually transfer 33% of the amount deposited into the fund under Subsection (2)(b) to the legislative body of a county of the first class for the following purposes:
 - 894 (i) to fund parking facilities in a county of the first class that facilitate significant economic development and recreation and tourism within the state; and
 - 896 (ii) to be used for purposes allowed in Section 17-78-702;
 - 897 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for 15 years thereafter, to annually transfer the following amounts to the following cities and the county of the first class for priority projects to mitigate congestion and improve transportation safety:
 - 901 (i) \$2,000,000 to Sandy;
 - 902 (ii) \$2,300,000 to Taylorsville;
 - 903 (iii) \$1,100,000 to Salt Lake City;
 - 904 (iv) \$1,100,000 to West Jordan;
 - 905 (v) \$1,100,000 to West Valley City;
 - 906 (vi) \$800,000 to Herriman;
 - 907 (vii) \$700,000 to Draper;
 - 908 (viii) \$700,000 to Riverton;

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- 909 (ix) \$700,000 to South Jordan;
- 910 (x) \$500,000 to Bluffdale;
- 911 (xi) \$500,000 to Midvale;
- 912 (xii) \$500,000 to Millcreek;
- 913 (xiii) \$500,000 to Murray;
- 914 (xiv) \$400,000 to Cottonwood Heights; and
- 915 (xv) \$300,000 to Holladay;
- 916 (k) for the 2024-25, 2025-26, and 2026-27 fiscal years, and subject to revenue balances after the
distributions under Subsection (4)(j), to reimburse the following municipalities for the amounts and
projects indicated, as each project progresses and as revenue balances allow:
- 920 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from Grandville Avenue to
Mountain View Corridor;
- 922 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street and 700 West;
- 924 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements throughout Salt
Lake City;
- 926 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard and 2300 East;
- 928 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800 South and I-15;
- 930 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;
- 931 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
- 932 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal Trail between 11800 South
and 13800 South;
- 934 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700 South;
- 936 (x) \$470,000 to the department for construction of a sound wall on Bangerter Highway at
approximately 11200 South;
- 938 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800 South and 5300
South;
- 940 (xii) \$1,840,000 to Magna for construction and improvements to 8400 West and 4100 South;
- 942 (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting U-111 and Old Bingham
Highway;
- 944 (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000 East between 3300 South
and Atkin Avenue;

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- 946 (xv) \$1,230,000 to Holladay for improvements to Highland Drive between Van Winkle Expressway and
Arbor Lane;
- 948 (xvi) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215 interchange;
- 950 (xvii) \$3,750,000 to West Valley City for improvements to 4000 West between 4100 South and 4700
South and improvements to 4700 South from 4000 West to Bangerter Highway;
- 953 (xviii) \$1,700,000 to South Jordan for improvements to Prosperity Road between Crimson View Drive
and Copper Hawk Drive;
- 955 (xix) \$2,300,000 to West Valley City for a road connecting U-111 at approximately 6200 South, then
east and turning north and connecting to 5400 South;
- 957 (xx) \$1,400,000 to Magna for improvements to 8000 West between 3500 South to 4100 South;
- 959 (xxi) \$1,300,000 to Taylorsville for improvements on 4700 South between Redwood Road and 2700
West; and
- 961 (xxii) \$3,000,000 to West Jordan for improvements to 1300 West between 6600 South and 7800 South;
and
- 963 (l) for a fiscal year beginning on or after July 1, 2026, and for 15 years thereafter, to pay debt service
and bond issuance costs for [\$70,000,000] {\$140,000,000} \$150,000,000 of the bonds issued
under Section ~~63B-34-201~~ 63B-34-101 for the grants awarded under Part 5, Affordable Housing
Infrastructure Grants~~[-]~~ ; and
- 594 (m) for a fiscal year beginning on or after July 1, 2026, and only until June 30, 2028, to pay for grants
awarded under Part 5, Affordable Housing Infrastructure Grants, subject to repayment to the fund
from bond proceeds described in Section 63B-34-101, if the executive director finds that providing
the grant money will not delay a project prioritized by the commission.
- 967 (5)
- (a) If revenue in the fund is insufficient to satisfy all of the transfers described in Subsection (4)(j), the
executive director shall proportionately reduce the amounts transferred as described in Subsection
(4)(j).
- 970 (b) A local government may not use revenue described in Subsection (4)(j) to supplant existing class B
or class C road funds that a local government has budgeted for transportation projects.
- 973 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the fund and
bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102 are
considered a local matching contribution for the purposes described under Section 72-2-123.

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- 977 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as described
in Subsection 59-12-2220(11)(b) for public transit innovation grants, as provided in Part 4, Public
Transit Innovation Grants.
- 980 (8) The additional administrative costs of the department to administer this fund shall be paid from
money in the fund.
- 982 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on the use or
expenditure of the revenue sources deposited into this fund, the Department of Transportation may
use the money in this fund for any of the purposes detailed in Subsection (4).
- 986 (10) Subject to Subsection (11), any revenue deposited into the fund as described in Subsection (2)
(e) shall be used to provide funding or loans for public transit projects, operations, and supporting
infrastructure in the county of the first class.
- 989 (11) For the first three years after a county of the first class imposes a sales and use tax authorized
in Section 59-12-2220, revenue deposited into the fund as described in Subsection (2)(e) shall be
allocated as follows:
- 992 (a) 10% to the department to construct an express bus facility on 5600 West; and
- 993 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section 72-2-302.
- 627 Section 12. Section 72-2-124 is amended to read:
- 628 **72-2-124. Transportation Investment Fund of 2005.**
- 630 (1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.
- 632 (2) The fund consists of money generated from the following sources:
- 633 (a) any voluntary contributions received for the maintenance, construction, reconstruction, or
renovation of state and federal highways;
- 635 (b) appropriations made to the fund by the Legislature;
- 636 (c) registration fees designated under Section 41-1a-1201;
- 637 (d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103;
- 639 (e) revenues transferred to the fund in accordance with Section 72-2-106;
- 640 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and
- 641 (g) revenue from bond proceeds described in Section 63B-34-101.
- 642 (3)
- (a) The fund shall earn interest.
- 643 (b) All interest earned on fund money shall be deposited into the fund.

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- 644 (4)
- (a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:
- 646 (i) the costs of maintenance, construction, reconstruction, or renovation to state and federal
highways prioritized by the Transportation Commission through the prioritization process for
new transportation capacity projects adopted under Section 72-1-304;
- 650 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects
described in Subsections 63B-18-401(2), (3), and (4);
- 652 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section
72-5-401;
- 654 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus
the costs paid from the County of the First Class Highway Projects Fund in accordance with
Subsection 72-2-121(4)(e);
- 657 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County
Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake
County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on
\$30,000,000 of the revenue bonds issued by Salt Lake County;
- 662 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects
prioritized in accordance with Section 72-2-125;
- 664 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First Class Highway
Projects Fund created in Section 72-2-121 to be used for the purposes described in Section
72-2-121;
- 667 (viii) if a political subdivision provides a contribution equal to or greater than 40% of the
costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
nonmotorized transportation for projects that:
- 670 (A) mitigate traffic congestion on the state highway system;
- 671 (B) are part of an active transportation plan approved by the department; and
- 672 (C) are prioritized by the commission through the prioritization process for new transportation capacity
projects adopted under Section 72-1-304;
- 674 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or
renovation of or improvement to the following projects:
- 676 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

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- 678 (B) Geneva Road from University Parkway to 1800 South;
679 (C) the SR-97 interchange at 5600 South on I-15;
680 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to South Jordan Parkway;
682 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
683 (F) improvements to 1600 North in Orem from 1200 West to State Street;
684 (G) widening I-15 between mileposts 6 and 8;
685 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
686 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork
Canyon;
688 (J) I-15 northbound between mileposts 43 and 56;
689 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;
691 (L) east Zion SR-9 improvements;
692 (M) Toquerville Parkway;
693 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
694 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an
interchange on Bangerter Highway at 13400 South; and
696 (P) an environmental impact study for Kimball Junction in Summit County;
697 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based
upon a statement of cash flow that the local jurisdiction where the project is located provides to
the department demonstrating the need for money for the project, for the following projects in
the following amounts:
701 (A) \$5,000,000 for Payson Main Street repair and replacement;
702 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
703 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
704 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile
markers 7 and 10;
706 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way acquisition,
construction, reconstruction, or renovation to connect Fingerhut Road over the railroad and to
U.S. Highway 6;
709 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited
into the fund in accordance with Section 59-12-103, for the following projects:

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- 712 (A) \$3,000,000 for the department to perform an environmental study for the I-15 Salem and Benjamin
project; and
- 714 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand Dunes Road project;
[and]
- 716 (xiii) for a fiscal year beginning on July 1, 2025, up to [~~\$300,000,000~~] \$250,000,000 for the costs
of right-of-way acquisition and construction for improvements on and connections to SR-89 and
surrounding transportation facilities in a county of the first class[-] ; and
- 720 (xiv) for grants awarded under Part 5, Affordable Housing Infrastructure Grants, subject to
repayment to the fund from bond proceeds described in Section 63B-34-101, if the executive
director finds that providing the grant money will not delay a project prioritized by the
commission.
- 724 (b) The executive director may use fund money to exchange for an equal or greater amount of federal
transportation funds to be used as provided in Subsection (4)(a).
- 726 (c)
- (i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until
a right-of-way not owned by a federal agency that is required for the realignment and extension of
U-111, as described in the department's 2023 environmental study related to the project, is dedicated
to the department.
- 730 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described
in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project,
except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800
South.
- 734 (d) For a fiscal year beginning on July 1, 2026, the Division of Finance shall transfer \$50,000,000 of the
revenue deposited into the fund to the Convention Center Reserves Restricted Account created in
Section 72-2-136.
- 737 (5)
- (a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a
municipality as described in Subsection 10-21-202(8), the executive director may not program fund
money to a project prioritized by the commission under Section 72-1-304, including fund money
from the Transit Transportation Investment Fund, within the boundaries of the municipality until the
department receives notification from the Housing and Community Development Division within

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the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.

(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6)

(a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-80-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.

(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

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(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(7)

(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9) The executive director may only use money in the fund for corridor preservation as described in Subsection (4)(a)(iii):

(a) if the project has been prioritized by the commission, including the use of fund money for corridor preservation; or

(b) for a project that has not been prioritized by the commission, if the commission:

(i) approves the use of fund money for the corridor preservation; and

(ii) finds that the use of fund money for corridor preservation will not result in any delay to a project that has been prioritized by the commission.

(10)

(a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.

(b) The fund shall be funded by:

(i) contributions deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

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- (iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;
- 809 (iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or
- (c);
- 811 (v) private contributions; and
- 812 (vi) donations or grants from public or private entities.
- 813 (c)
- (i) The fund shall earn interest.
- 814 (ii) All interest earned on fund money shall be deposited into the fund.
- 815 (d) Subject to Subsection (10)(e), the commission may prioritize money from the fund:
- 816 (i) for public transit capital development of new capacity projects and fixed guideway capital
- development projects to be used as prioritized by the commission through the prioritization process
- adopted under Section 72-1-304;
- 819 (ii) to the department for oversight of a fixed guideway capital development project for which the
- department has responsibility; or
- 821 (iii) up to \$500,000 per year, to be used for a public transit study.
- 822 (e)
- (i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize money from the
- fund for a public transit capital development project or pedestrian or nonmotorized transportation
- project that provides connection to the public transit system if the public transit district or political
- subdivision provides funds of equal to or greater than 30% of the costs needed for the project.
- 827 (ii) A public transit district or political subdivision may use money derived from a loan granted
- in accordance with Part 2, State Infrastructure Bank Fund, to provide all or part of the 30%
- requirement described in Subsection (10)(e)(i) if:
- 830 (A) the loan is approved by the commission as required in Part 2, State Infrastructure Bank Fund; and
- 832 (B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.
- 834 (f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement
- for a large public transit district to pay the department \$5,000,000 per year for 15 years to be used
- to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional
- public transit rail systems.
- 838 (g) For any revenue transferred into the fund in accordance with Subsection 59-12-2220(11)(b):

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- 840 (i) the commission may prioritize money from the fund for public transit projects, operations, or
maintenance within the county of the first class; and
- 842 (ii) Subsection (10)(e) does not apply.
- 843 (h) For any revenue transferred into the fund in accordance with Subsection 59-12-2220(11)(c):
- 845 (i) the commission may prioritize public transit projects, operations, or maintenance in the county from
which the revenue was generated; and
- 847 (ii) Subsection (10)(e) does not apply.
- 848 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project
described in Subsection (10)(e) does not apply to a public transit capital development project or
pedestrian or nonmotorized transportation project that the department proposes.
- 852 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may prioritize money
from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit
capital development projects requested by a political subdivision within a public transit district.
- 856 (11)
- (a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons
Transportation Investment Fund.
- 858 (b) The fund shall be funded by:
- 859 (i) money deposited into the fund in accordance with Section 59-12-103;
- 860 (ii) appropriations into the account by the Legislature;
- 861 (iii) private contributions; and
- 862 (iv) donations or grants from public or private entities.
- 863 (c)
- (i) The fund shall earn interest.
- 864 (ii) All interest earned on fund money shall be deposited into the fund.
- 865 (d) The Legislature may appropriate money from the fund for public transit or transportation projects in
the Cottonwood Canyons of Salt Lake County.
- 867 (e) The department may use up to 2% of the revenue deposited into the account under Subsection
59-12-103(7)(b) to contract with local governments as necessary for public safety enforcement
related to the Cottonwood Canyons of Salt Lake County.
- 870 (f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any sales and use
tax growth over sales and use tax collections during the 2025 fiscal year to fund projects to provide

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ingress and egress for a public transit hub, including construction of the public transit hub, in the Big Cottonwood Canyon area.

874 (12)

(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

876 (b) The fund shall be funded by:

877 (i) money deposited into the fund in accordance with Section 59-12-103;

878 (ii) appropriations into the account by the Legislature; and

879 (iii) donations or grants from public or private entities.

880 (c)

(i) The fund shall earn interest.

881 (ii) All interest earned on fund money shall be deposited into the fund.

882 (d) The executive director may only use fund money to pay the costs needed for:

883 (i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

885 (A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

887 (B) serve a regional purpose; and

888 (C) are part of an active transportation plan approved by the department or the plan described in Subsection (12)(d)(ii);

890 (ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and

892 (iii) the administration of the fund, including staff and overhead costs.

893 (13)

(a) As used in this Subsection (13), "commuter rail" means the same as that term is defined in Section 63N-3-602.

895 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.

897 (c) The subaccount shall be funded by:

898 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;

899 (ii) appropriations into the subaccount by the Legislature;

900 (iii) private contributions; and

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(iv) donations or grants from public or private entities.

(d)

(i) The subaccount shall earn interest.

(ii) All interest earned on money in the subaccount shall be deposited into the subaccount.

(e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.

(f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.

Section 13. Section 72-2-124 is amended to read:

72-2-124. Transportation Investment Fund of 2005.

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

(b) appropriations made to the fund by the Legislature;

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103;

(e) revenues transferred to the fund in accordance with Section 72-2-106;

(f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and

(g) revenue from bond proceeds described in Section [63B-34-201] 63B-34-101.

(3)

(a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(4)

(a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

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- (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);
- 936 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;
- 938 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);
- 941 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 946 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
- 948 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;
- 951 (viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:
 - 954 (A) mitigate traffic congestion on the state highway system;
 - 955 (B) are part of an active transportation plan approved by the department; and
 - 956 (C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
- 958 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:
 - 960 (A) the connector road between Main Street and 1600 North in the city of Vineyard;
 - 962 (B) Geneva Road from University Parkway to 1800 South;
 - 963 (C) the SR-97 interchange at 5600 South on I-15;
 - 964 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to South Jordan Parkway;
 - 966 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
 - 967 (F) improvements to 1600 North in Orem from 1200 West to State Street;

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- 968 (G) widening I-15 between mileposts 6 and 8;
969 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
970 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork
Canyon;
972 (J) I-15 northbound between mileposts 43 and 56;
973 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;
975 (L) east Zion SR-9 improvements;
976 (M) Toquerville Parkway;
977 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
978 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an
interchange on Bangerter Highway at 13400 South; and
980 (P) an environmental impact study for Kimball Junction in Summit County;
981 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based
upon a statement of cash flow that the local jurisdiction where the project is located provides to
the department demonstrating the need for money for the project, for the following projects in
the following amounts:
985 (A) \$5,000,000 for Payson Main Street repair and replacement;
986 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
987 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
988 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile
markers 7 and 10;
990 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way acquisition,
construction, reconstruction, or renovation to connect Fingerhut Road over the railroad and to
U.S. Highway 6;
993 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited
into the fund in accordance with Section 59-12-103, for the following projects:
996 (A) \$3,000,000 for the department to perform an environmental study for the I-15 Salem and Benjamin
project; and
998 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand Dunes Road project;
[and]

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- (xiii) for a fiscal year beginning on July 1, 2025, up to [~~\$300,000,000~~] \$250,000,000 for the costs of right-of-way acquisition and construction for improvements on and connections to SR-89 and surrounding transportation facilities in a county of the first class[-] ; and
- 1004 (xiv) for grants awarded under Part 5, Affordable Housing Infrastructure Grants, subject to repayment to the fund from bond proceeds described in Section 63B-34-101, if the executive director finds that providing the grant money will not delay a project prioritized by the commission.
- 1008 (b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 1010 (c)
- (i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.
- 1014 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.
- 1018 (d) For a fiscal year beginning on July 1, 2026, the Division of Finance shall transfer \$50,000,000 of the revenue deposited into the fund to the Convention Center Reserves Restricted Account created in Section 72-2-136.
- 1021 (5)
- (a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-21-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.
- 1029 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:
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- (i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;
- 1033 (ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
- 1035 (iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
- 1037 (iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.
- 1040 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.
- 1043 (6)
- (a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-80-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.
- 1051 (b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:
- 1053 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;
- 1056 (ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
- 1058 (iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
- 1060 (iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

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(c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(7)

(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9) The executive director may only use money in the fund for corridor preservation as described in Subsection (4)(a)(iii):

(a) if the project has been prioritized by the commission, including the use of fund money for corridor preservation; or

(b) for a project that has not been prioritized by the commission, if the commission:

(i) approves the use of fund money for the corridor preservation; and

(ii) finds that the use of fund money for corridor preservation will not result in any delay to a project that has been prioritized by the commission.

(10)

(a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.

(b) The fund shall be funded by:

(i) contributions deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;

(iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);

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- 1095 (v) private contributions; and
- 1096 (vi) donations or grants from public or private entities.
- 1097 (c)
- 1098 (i) The fund shall earn interest.
- 1099 (ii) All interest earned on fund money shall be deposited into the fund.
- 1099 (d) Subject to Subsection (10)(e), the commission may prioritize money from the fund:
- 1100 (i) for public transit capital development of new capacity projects and fixed guideway capital
development projects to be used as prioritized by the commission through the prioritization process
adopted under Section 72-1-304;
- 1103 (ii) to the department for oversight of a fixed guideway capital development project for which the
department has responsibility; or
- 1105 (iii) up to \$500,000 per year, to be used for a public transit study.
- 1106 (e)
- 1106 (i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize money from the
fund for a public transit capital development project or pedestrian or nonmotorized transportation
project that provides connection to the public transit system if the public transit district or political
subdivision provides funds of equal to or greater than 30% of the costs needed for the project.
- 1111 (ii) A public transit district or political subdivision may use money derived from a loan granted
in accordance with Part 2, State Infrastructure Bank Fund, to provide all or part of the 30%
requirement described in Subsection (10)(e)(i) if:
- 1114 (A) the loan is approved by the commission as required in Part 2, State Infrastructure Bank Fund; and
- 1116 (B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.
- 1118 (f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement
for a large public transit district to pay the department \$5,000,000 per year for 15 years to be used
to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional
public transit rail systems.
- 1122 (g) For any revenue transferred into the fund in accordance with Subsection 59-12-2220(11)(b):
- 1124 (i) the commission may prioritize money from the fund for public transit projects, operations, or
maintenance within the county of the first class; and
- 1126 (ii) Subsection (10)(e) does not apply.
- 1127 (h) For any revenue transferred into the fund in accordance with Subsection 59-12-2220(11)(c):

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- 1129 (i) the commission may prioritize public transit projects, operations, or maintenance in the county from
which the revenue was generated; and
- 1131 (ii) Subsection (10)(e) does not apply.
- 1132 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project
described in Subsection (10)(e) does not apply to a public transit capital development project or
pedestrian or nonmotorized transportation project that the department proposes.
- 1136 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may prioritize money
from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit
capital development projects requested by a political subdivision within a public transit district.
- 1140 (11)
- (a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons
Transportation Investment Fund.
- 1142 (b) The fund shall be funded by:
- 1143 (i) money deposited into the fund in accordance with Section 59-12-103;
- 1144 (ii) appropriations into the account by the Legislature;
- 1145 (iii) private contributions; and
- 1146 (iv) donations or grants from public or private entities.
- 1147 (c)
- (i) The fund shall earn interest.
- 1148 (ii) All interest earned on fund money shall be deposited into the fund.
- 1149 (d) The Legislature may appropriate money from the fund for public transit or transportation projects in
the Cottonwood Canyons of Salt Lake County.
- 1151 (e) The department may use up to 2% of the revenue deposited into the account under Subsection
59-12-103(4)(f) to contract with local governments as necessary for public safety enforcement
related to the Cottonwood Canyons of Salt Lake County.
- 1154 (f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any sales and use
tax growth over sales and use tax collections during the 2025 fiscal year to fund projects to provide
ingress and egress for a public transit hub, including construction of the public transit hub, in the
Big Cottonwood Canyon area.
- 1158 (12)

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(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

1160 (b) The fund shall be funded by:

1161 (i) money deposited into the fund in accordance with Section 59-12-103;

1162 (ii) appropriations into the account by the Legislature; and

1163 (iii) donations or grants from public or private entities.

1164 (c)

(i) The fund shall earn interest.

1165 (ii) All interest earned on fund money shall be deposited into the fund.

1166 (d) The executive director may only use fund money to pay the costs needed for:

1167 (i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

1169 (A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

1171 (B) serve a regional purpose; and

1172 (C) are part of an active transportation plan approved by the department or the plan described in Subsection (12)(d)(ii);

1174 (ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and

1176 (iii) the administration of the fund, including staff and overhead costs.

1177 (13)

(a) As used in this Subsection (13), "commuter rail" means the same as that term is defined in Section 63N-3-602.

1179 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.

1181 (c) The subaccount shall be funded by:

1182 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;

1183 (ii) appropriations into the subaccount by the Legislature;

1184 (iii) private contributions; and

1185 (iv) donations or grants from public or private entities.

1186 (d)

(i) The subaccount shall earn interest.

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- 1187 (ii) All interest earned on money in the subaccount shall be deposited into the subaccount.
- 1189 (e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.
- 1194 (f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.

1196 Section 14. Section 14 is enacted to read:

1197 **72-2-136. Convention Center Reserves Restricted Account.**

- 1198 (1) As used in this section, "convention center" means a convention center owned by a county of the first class within a city of the first class.
- 1200 (2) There is created within the Transportation Fund a restricted account known as the "Convention Center Reserves Restricted Account."
- 1202 (3) The account consists of:
- 1203 (a) revenue transferred to the account in accordance with Subsection 72-2-124(4)(d); and
- 1204 (b) amounts appropriated by the Legislature.
- 1205 (4) Subject to appropriation, money in the account may be used:
- 1206 (a) for revitalization of a convention center and surrounding revitalization projects related to the convention center; or
- 1208 (b) for securing the issuance of the debt of a county of the first class for a convention center in an amount that does not exceed \$1,600,000,000.

1210 Section 15. Section 72-2-501 is amended to read:

1211 **72-2-501. Definitions.**

As used in this part:

- 998 (1) "Affordable housing unit" means a dwelling that ~~is~~
- 999 ~~is offered for rent at a rental price affordable to a household with a gross income of no more than 80% of the area median income for the county in which the residential unit is offered for rent; or~~
- 1002 ~~is offered for sale to an owner-occupier at a purchase price~~ that the board determines is affordable ~~to a household with a gross income of no more than 120% of the area median income~~ for the county in which the residential unit is offered for sale and is deed restricted for ~~no fewer than~~ up to five years.

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- 1006 (2) "Board" means the [~~affordable housing infrastructure grant board~~] {~~State~~} Affordable Housing
Infrastructure {Partnership} Grant Board created in Section {{72-2-503}} {63N-3-1803}.
- 1008 (3) "Grant" means a grant issued to a public entity in a county of the first class, as classified in Section
17-60-104, as provided in this part.
- 1225 Section 16. Section 72-2-502 is amended to read:
- 1226 **72-2-502. Affordable housing infrastructure grant funding sources.**
- 1228 (1) In accordance with Section 72-2-503, the board may rank, prioritize, and award affordable housing
infrastructure grants to public entities within a county of the first class with money derived from the
following sources:
- 1231 (a) bond proceeds deposited into the Transportation Investment Fund of 2005 created in Section
72-2-124 in accordance with a bond issued under Section [~~63B-34-201~~] 63B-34-101;
- 1234 (b) for a fiscal year beginning on or after July 1, 2026, and only until June 30, 2028, revenue deposited
into the County of the First Class Highway Projects Fund created in Section 72-2-121;
- 1237 [(b)] (c) appropriations by the Legislature; and
- 1238 [(e)] (d) any other transfers or contributions.
- 1239 (2) Administrative costs of the department to administer affordable housing infrastructure grants under
this part shall be paid from the funds described in Subsection (1).
- 1241 Section 17. Section **72-2-503** is amended to read:
- 1242 **72-2-503. {~~Affordable housing infrastructure grant~~} Board creation -- Duties -- Grant**
administration.
- 1013 {(1)}
- (a) {There is created the }[affordable housing infrastructure grant board] Affordable Housing
Infrastructure Grant Board{ consisting of }:{ }
- 1245 (i) {the following } five voting {members:}
- 1015 [(a) the executive director of the department, or the executive director's designee;]
- 1016 [(b)] (A) {the executive director of the Governor's Office of Economic Opportunity appointed under
Section 63N-1a-302, or the executive director's designee; }[and]
- 1249 (B) two individuals from a county of the first class, as classified in Section 17-60-104, appointed by the
speaker of the House of Representatives; and
- 1251 (C) two individuals from a county of the first class, as classified in Section 17-60-104, appointed by the
president of the Senate; and

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- 1018 [(c) an employee of the governor's office that is an expert or advisor on housing strategy, appointed by
the governor.]
- 1255 (ii) the following two nonvoting members:
- 1256 (A) the executive director of the department, or the executive director's designee; and
- 1258 (B) the legislative fiscal analyst, or the legislative fiscal analyst's designee.
- 1259 (b) In accordance with this section, the board shall award grants to public entities in a county of the first
class, as classified in Section 17-60-104, for infrastructure that will facilitate the development of
affordable housing units.
- 1020 {{(2){}} {(1){}}}
- (a) The Governor's Office of Economic Opportunity shall provide staff support for the board and the grant program.
- 1022 (b) The Governor's Office of Economic Opportunity may use and the department shall transfer grant funds for the costs of the Governor's Office of Economic Opportunity to administer the grant program under this part.
- 1025 (c) The Governor's Office of Economic Opportunity and the department shall enter into a memorandum of understanding to facilitate the calculation and transfer of funds for the administrative costs described in Subsection {{(2)(b){}} {(1)(b){}}}.
- 1028 {{(3){}} {(2){}}} The Governor's Office of Economic Opportunity department, in consultation with the board, shall develop a process for the prioritization of grant proposals that includes:
- 1030 (a) instructions on making and submitting a grant proposal;
- 1031 (b) methodology for selecting grants; and
- 1032 (c) methodology for awarding grants.
- 1033 {{(4){}} {(3){}}} In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Governor's Office of Economic Opportunity department shall make rules to establish the process described in Subsection {{(3){}} {(2){}}} and as otherwise necessary to implement this part.
- 1036 {{(5){}} {(4){}}} The board shall:
- 1037 (a) accept grant applications;
- 1038 (b) rank grant proposals; and
- 1039 (c) award grants in accordance with this part.
- 1040 {{(6){}} {(5){}}} A grant applicant shall ensure that each grant proposal includes:
- 1041

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(a) information about the proposed project, including the projected number of affordable housing units, which may not be less than 50 units of affordable housing;

(b) the projected time line of the proposed project;

(c) data and information regarding the proposed types of affordable housing; and

(d) information about the public infrastructure and other improvements needed.

~~{{(7){}} {(6){}}~~

(a) In considering a grant proposal, the board shall:

(i) give priority to a project that includes, as a substantial component, the construction of detached single-family owner-occupied starter homes; and

(ii) consider criteria including:

~~[(i)]~~ (A) the value and number of housing units the project will produce;

~~[(ii)]~~ (B) the value of any matching contribution from the grant applicant, including information about how the public entity determined the value of the matching assets; and

~~[(iii)]~~ (C) any other criteria the board determines relevant.

(b) For a grant proposal including highway infrastructure, the board may not award a grant unless the grant applicant provides a minimum matching contribution of the right-of-way needed for the highway improvements.

(c) If a grant proposal includes highway infrastructure, the board shall give priority to the construction of public highways that are highways of regional significance that connect to other highways or points of regional significance.

~~{{(8){}} {(7){}}~~

(a) Subject to available funding, and subject to Subsection ~~{{(8)(b){}} {(7)(b){}}~~, the board may award a grant to a recipient that the board determines advisable.

(b) For every \$20,000 of grant funding awarded to a recipient, the infrastructure shall support at least one unit of affordable housing.

(c) The board may not award a grant to a recipient if the board determines that the recipient will not be able to satisfy the requirement under Subsection ~~{{(8)(b){}} {(7)(b){}}~~.

~~{{(9){}} {(8){}}~~ If the board approves the award of a grant as provided in this part, the department shall transfer the money to the grant recipient in accordance with Subsection ~~{{(10){}} {(9){}}~~.

~~{{(10){}} {(9){}}~~

(a)

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~~[(a)] (i) [Before] Except as provided in Subsection (10)(b), before~~ the department may provide grant money to a public entity for a project related to a grant awarded by the board, the public entity shall provide a detailed cost estimate of costs to complete the planning and design of the project.

1069 ~~[(b)] (ii)~~ If the executive director approves the cost estimate described in Subsection ~~[(10)(a)]~~ {(9)(a)} (10)(a)(i), the department may provide to the public entity grant money reasonably necessary to complete the planning and design of the project.

1072 ~~[(c)] (iii)~~ After completion of the planning and design of a project related to a grant awarded by the board, the public entity shall provide to the department a detailed estimate of the costs to construct and complete the project described in Subsection ~~[(10)(b)]~~ {(9)(b)} (10)(a)(ii).

1075 ~~[(d)] (iv)~~ If the executive director approves the cost estimates described in Subsection ~~[(10)(c)]~~ {(9)(c)} (10)(a)(iii), the department may provide grant money to a public entity to construct and complete the project described in Subsection ~~[(10)(b)]~~ {(9)(b)} (10)(a)(ii).

1325 (b) The board may, in relation to a grant awarded by the board:

1326 (i) waive the requirements of Subsection (10)(a); and

1327 (ii) direct the department to transfer grant money to the grant recipient.

1328 Section 18. Section 72-5-111 is amended to read:

1329 **72-5-111. Disposal of real property.**

1330 (1)

(a) If the department determines that any real property or interest in real property, acquired for a state transportation purpose, is no longer necessary for the purpose, the department may lease, sell, exchange, or otherwise dispose of the real property or interest in the real property.

1334 (b)

(i) Real property or an interest in real property may be sold at private or public sale.

1336 (ii) Except as provided in Subsection (1)(c) related to exchanges and Subsection (1)(d) related to the proceeds of any sale of real property from a maintenance facility, proceeds of any sale shall be deposited with the state treasurer and credited to the Transportation Fund.

1340 (c)

(i) Except as provided in Subsection (1)(c)(ii), if approved by the commission, real property or an interest in real property may be exchanged by the department for other real property or interest in real property, including improvements, for a state transportation purpose.

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- (ii) The department may exchange an interest in real property for another interest in real property for a project that is part of a statewide transportation improvement program approved by the commission.
- 1347 (d) Proceeds from the sale of real property or an interest in real property from a maintenance facility may be used by the department for the purchase or improvement of another maintenance facility, including real property.
- 1350 (2)
- (a) In disposing of real property or an interest in real property described in Subsection (1), the department shall give the right of first refusal for the highest offer, as defined in Section 78B-6-521, to:
- 1353 (i) for real property, the original grantor if, since the date of the original transfer to the department, the original grantor has owned real property adjacent to the transferred real property; or
- 1356 (ii) for an interest in real property that is an easement:
- 1357 (A) if the original grantor owns the servient estate subject to the easement, the original grantor; or
- 1359 (B) if a subsequent bona fide purchaser owns the servient estate subject to the easement, the subsequent bona fide purchaser.
- 1361 (b) Notwithstanding Subsection (2)(a) and Section 78B-6-521, if the department acquires real property or an easement and does not use any portion of the real property or easement for a state transportation purpose, the department shall give the original grantor the opportunity to purchase the real property or easement at the original purchase price if, since the date of the original transfer to the department, the original grantor has owned real property adjacent to the transferred real property or the servient estate subject to the easement.
- 1368 (c) In accordance with Section 72-5-404, this Subsection (2) does not apply to property rights acquired in proposed transportation corridors using funds from the Marda Dillree Corridor Preservation Fund created in Section 72-2-117.
- 1371 (d)
- [~~(i) The right of first refusal described in this Subsection (2) is subject to the same terms and may be assigned by the original grantor or subsequent bona fide purchaser in the manner described in Subsection 78B-6-521(3).]~~
- 1374 [~~(ii) The original grantor or subsequent bona fide purchaser, or the original grantor's or subsequent bona fide purchaser's assignee, shall notify the department of an assignment by certified mail to the current office address of the executive director of the department.]~~

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- 1378 (i) If an original grantor or subsequent bona fide purchaser fails to purchase real property or an
easement described in this Subsection (2), the department may reject all bids and dispose of the real
property or easement in accordance with Subsection 78B-6-521(3).
- 1382 [(iii)] (ii) An exchange of real property [~~as provided in~~] under Subsection (1)(c) or Section 72-5-113
does not entitle the original grantor or subsequent bona fide purchaser to exercise the right of first
refusal described in this Subsection (2).
- 1385 [(iv)] (iii) The right of first refusal described in this Subsection (2) terminates upon an exchange of the
acquired real property [~~as provided in~~] under Subsection (1)(c) or Section 72-5-113.
- 1388 (3)
- (a) Any sale, exchange, or disposal of real property or interest in real property made by the department
under this section, is exempt from the mineral reservation provisions of Title 65A, Chapter 6,
Mineral Leases.
- 1391 (b) Any deed made and delivered by the department under this section without specific reservations in
the deed is a conveyance of all the state's right, title, and interest in the real property or interest in
the real property.
- 1394 Section 19. Section 72-5-117 is amended to read:
- 1395 **72-5-117. Rulemaking for sale of real property -- Licensed or certified appraisers --**
Exceptions.
- 1397 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if the department
buys, sells, or exchanges real property, the department shall make rules to ensure that the value
of the real property is congruent with the proposed price and other terms of the purchase, sale, or
exchange.
- 1401 (2) The rules:
- 1402 (a) shall establish procedures for determining the value of the real property;
- 1403 (b) may provide that an appraisal, as defined under Section 61-2g-102, demonstrates the real property's
value;
- 1405 (c) may require that the appraisal be completed by a state-certified general appraiser, as defined under
Section 61-2g-102;
- 1407 (d) may provide for the sale or exchange of real property, with or without charge, to a large public
transit district if the executive director enters into an agreement with the large public transit district
and determines that the real property:

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- 1410 (i) is within the boundaries of a station area that has a station area plan certified by a metropolitan
planning organization in accordance with Section 10-21-203;
- 1412 (ii) is part of a transit-oriented development or transit-supportive development as defined in Section
17B-2a-802;
- 1414 (iii) is adjacent to a completed fixed guideway capital development that was overseen by the
department; or
- 1416 (iv) will only be used by the large public transit district in a manner that the executive director
determines will provide a benefit to the state transportation system; [and]
- 1418 (e) may provide for the disposal of surplus real property for a purpose described in Section 63L-12-102;
and
- 1420 [~~(e)~~] (f) may provide for a sale of surplus real property to a state agency or an independent entity, as
defined in Section 63E-1-102, that administers public interests in housing for a pre-entitlement
appraised value, the payment of which may be deferred[~~until after the development of owner-~~
~~occupied housing~~] , as determined by the department and subject to state and federal law.
- 1425 (3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or to an interest in
real property:
- 1427 (a) that is under a contract or other written agreement before May 5, 2008; or
- 1428 (b) with a value of less than \$100,000, as estimated by the state agency.
- 1429 Section 20. Section 78B-6-521 is amended to read:
- 1430 **78B-6-521. Sale of property acquired by eminent domain.**
- 1431 (1) As used in this section:
- 1432 (a) "Condemnation" or "threat of condemnation" means:
- 1433 (i) acquisition through an eminent domain proceeding; or
- 1434 (ii) an official body of the state or a subdivision of the state, having the power of eminent domain, has
specifically authorized the use of eminent domain to acquire the real property.
- 1437 (b)
- (i) "Highest offer" means all material terms of the best bona fide offer received by the state or one of the
state's subdivisions, including:
- 1439 (A) purchase price;
- 1440 (B) conditions; and
- 1441 (C) terms of performance.

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- 1442 (ii) "Highest offer" does not mean the terms and conditions of an agreement to exchange real property
or an interest in real property for other real property or an interest in real property.
- 1445 (2) If the state or one of the state's subdivisions, at the state's or the state subdivision's sole discretion,
declares real property or an easement the state or state subdivision acquires through condemnation
or threat of condemnation to be surplus real property, the state or state subdivision may not sell the
real property or easement at a private or public sale unless:
- 1450 (a)
- (i) for real property, the state or state subdivision gives the right of first refusal to the original grantor
for the highest offer if, since the date of the original transfer to the state or state subdivision, the
original grantor has owned real property adjacent to the transferred real property; or
- 1454 (ii) for an easement, the state or state subdivision gives the right of first refusal to:
- 1455 (A) if the original grantor owns the servient estate subject to the easement, the original grantor for the
highest offer; or
- 1457 (B) if a subsequent bona fide purchaser owns the servient estate subject to the easement, the subsequent
bona fide purchaser for the highest offer;
- 1459 (b) the original grantor or subsequent bona fide purchaser described in Subsection (2)(a):
- 1460 (i) expressly waives in writing the right of first refusal on the offer; or
- 1461 (ii) fails to accept the offer within 90 days after the day on which the original grantor or subsequent
bona fide purchaser receives notification by registered mail to the original grantor's or subsequent
bona fide purchaser's last-known address; and
- 1464 (c) neither the state nor the state subdivision selling the property is involved in the rezoning of the
property or the acquisition of additional property to enhance the value of the real property to be sold.
- 1467 (3) If an original grantor or subsequent bona fide purchaser fails to purchase surplus real property or an
easement described in Subsection (2), the state or the state subdivision that owns the real property
or easement may reject all bids and sell the real property or easement in accordance with applicable
provisions of law that govern the granting of real property or an interest in real property by the state
or the state subdivision.
- 1472 [(3)
- (a) ~~If the original grantor or subsequent bona fide purchaser has not waived the right of first refusal as
described in Subsection (2)(b), an original grantor or subsequent bona fide purchaser may assign the
right of first refusal.]~~

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1475 [(b) The assignment of a right of first refusal in accordance with Subsection (3)(a) does not extend the
time for acceptance of an offer as described in Subsection (2)(b).]

1477 (4)

(a) Real property acquired through condemnation or the threat of condemnation is not considered surplus if the real property is approved for use in an exchange for other real property.

1480 (b) An exchange of real property for other real property is not a private or public sale.

1481 (c) The right of first refusal described in Subsection (2)(a) shall terminate upon an exchange of the acquired real property.

1483 (5) This section shall only apply to property acquired after July 1, 1983.

1484 Section . **FY 2027 Appropriations.**

1485 The following sums of money are appropriated for the fiscal year beginning July 1,
1486 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for
1487 fiscal year 2027.

1488 Subsection 21(a). **Restricted Fund and Account Transfers**

1489 The Legislature authorizes the State Division of Finance to transfer the following
1490 amounts between the following funds or accounts as indicated. Expenditures and outlays from
1491 the funds to which the money is transferred must be authorized by an appropriation.

1492 To State Housing Infrastructure Partnership Fund

1493 100,000,000

1495 Schedule of Programs:

1496 100,000,000

1497 Section 22. **Effective date.**

Effective Date.

1079 (1) {~~Except as provided in Subsection (2), this~~} This bill takes effect on May 6, 2026.

1080 {(2) {~~The actions affecting Section 59-12-103 (Effective 07/01/26) take effect on July 1, 2026.~~} }

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