

Utah Inland Port Authority Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W Stevenson

House Sponsor: Tyler Clancy

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- defines terms and modifies definitions;
- clarifies the process by which the Utah Inland Port Authority (authority) maintains an official boundary of the authority jurisdictional land;
- provides that the description of a boundary of a project area created by the authority may include a legal description, parcel number, property identification number, or other method of description that accurately depicts the project area;
- provides a process for the authority to make an adjustment to a project area boundary;
- modifies the process by which a transition date and a trigger date are established for a parcel;
- modifies a prohibition on the use of property tax differential as a business recruitment incentive for certain development within authority jurisdictional land that is in the capital city; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

11-58-102, as last amended by Laws of Utah 2024, Chapters 53, 438 and 535

11-58-202, as last amended by Laws of Utah 2025, Chapter 24

11-58-501, as last amended by Laws of Utah 2023, Chapter 259

11-58-503, as last amended by Laws of Utah 2024, Chapter 535

31 **11-58-601**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

32 **11-58-602**, as last amended by Laws of Utah 2025, Chapter 459

33
34 *Be it enacted by the Legislature of the state of Utah:*

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

36 **11-58-102 . Definitions.**

37 As used in this chapter:

- 38 (1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.
- 39 (2) "Authority jurisdictional land" means land within the authority boundary delineated:
- 40 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah Inland
- 41 Port Authority Amendments, 2018 Second Special Session; and
- 42 (b) beginning April 1, 2020, as provided in Subsection 11-58-202(3).
- 43 (3) "Base taxable value" means:
- 44 (a)(i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the
- 45 authority jurisdictional land, the taxable value of authority jurisdictional land in
- 46 calendar year 2018; and
- 47 (ii) for an area described in Section 11-58-600.7, the taxable value of that area in
- 48 calendar year 2017; or
- 49 (b) for a project area that consists of land outside the authority jurisdictional land, the
- 50 taxable value of property within any portion of a project area, as designated by board
- 51 resolution, from which the property tax differential will be collected, as shown upon
- 52 the assessment roll last equalized before the year in which the authority adopts a
- 53 project area plan for that area.
- 54 (4) "Board" means the authority's governing body, created in Section 11-58-301.
- 55 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about
- 56 development of the authority jurisdictional land to achieve the goals and objectives
- 57 described in Subsection 11-58-203(1), including the development and establishment of
- 58 an inland port.
- 59 (6) "Contaminated land" means land:
- 60 (a) within a project area; and
- 61 (b) that contains hazardous materials, as defined in Section 19-6-302, hazardous
- 62 substances, as defined in Section 19-6-302, or landfill material on, in, or under the
- 63 land.
- 64 (7) "Development" means:

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

(b) the planning of, arranging for, or participation in any of the activities listed in Subsection (7)(a).

(8) "Development project" means a project for the development of land within a project area.

(9) "Distribution center" means a building that is:

(a) used for the storage, sorting, and distribution of goods intended for sale; and

(b) not associated with or operated in conjunction with an adjacent manufacturing facility, rail facility, intermodal facility, customs clearance facility, or foreign trade zone facility.

(10) "GIS boundary file" means a digital storage format generated by geographic information systems used to store the geometric location and associated attribute information of geographic features.

(11) "Inland port" means one or more sites that:

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

(i) are related but may be separately owned and managed; and

(ii) together are intended to:

(A) allow global trade to be processed and altered by value-added services as goods move through the supply chain;

(B) provide a regional merging point for transportation modes for the distribution of goods to and from ports and other locations in other regions;

(C) provide cargo-handling services to allow freight consolidation and distribution, temporary storage, customs clearance, and connection between transport modes; and

(D) provide international logistics and distribution services, including freight forwarding, customs brokerage, integrated logistics, and information systems; and

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

~~[(11)]~~ (12) "Inland port use" means a use of land:

(a) for an inland port;

(b) that directly implements or furthers the purposes of an inland port, as stated in Subsection ~~[(10)]~~ (11);

(c) that complements or supports the purposes of an inland port, as stated in Subsection ~~[(10)]~~ (11); or

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

~~[(12)]~~ (13) "Intermodal facility" means a facility for transferring containerized cargo between rail, truck, air, or other transportation modes.

~~[(13)]~~ (14) "Landfill material" means garbage, waste, debris, or other materials disposed of or placed in a landfill.

~~[(14)]~~ (15) "Multimodal facility" means a hub or other facility for trade combining any combination of rail, trucking, air cargo, and other transportation services.

~~[(15)]~~ (16) "Nonvoting member" means an individual appointed as a member of the board under Subsection 11-58-302(3) who does not have the power to vote on matters of authority business.

~~[(16)]~~ (17) "Project area" means:

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

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

~~[(17)]~~ (18) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to the project area.

~~[(18)]~~ (19) "Project area plan" means a written plan that, after its effective date, guides and controls the development within a project area.

~~[(19)]~~ (20) "Property tax" includes a privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.

~~[(20)]~~ (21) "Property tax differential":

(a) means the difference between:

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

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

(b) does not include property tax revenue from:

- (i) a county additional property tax or multicounty assessing and collecting levy imposed in accordance with Section 59-2-1602;
- (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330; or
- (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general obligation bond.

~~[(21)]~~ (22) "Public entity" means:

- (a) the state, including each department, division, or other agency of the state; or
- (b) a county, city, town, school district, special district, special service district, interlocal cooperation entity, community reinvestment agency, or other political subdivision of the state, including the authority.

~~[(22)]~~ (23)(a) "Public infrastructure and improvements" means infrastructure, improvements, facilities, or buildings that:

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

(b) "Public infrastructure and improvements" includes:

- (i) facilities, lines, or systems that provide:
 - (A) water, chilled water, or steam; or
 - (B) sewer, storm drainage, natural gas, electricity, energy storage, clean energy, microgrids, or telecommunications service;
- (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation facilities;
- (iii) an inland port; and
- (iv) infrastructure, improvements, facilities, or buildings that are developed as part of a remediation project.

~~[(23)]~~ (24) "Remediation" includes:

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

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

~~[(24)]~~ (25) "Remediation differential" means property tax differential generated from a remediation project area.

~~[(25)]~~ (26) "Remediation project" means a project for the remediation of contaminated land that:

(a) is owned by:

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

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

(iii) a political subdivision of the state; and

(b) became contaminated land before the owner described in Subsection ~~[(24)(a)]~~ (26)(a) obtained ownership of the land.

~~[(26)]~~ (27) "Remediation project area" means a project area consisting of contaminated land that is or is expected to become the subject of a remediation project.

~~[(27)]~~ (28) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

~~[(28)]~~ (29) "Taxable value" means the value of property as shown on the last equalized assessment roll.

~~[(29)]~~ (30) "Taxing entity":

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

(b) does not include a public infrastructure district that the authority creates under Title 17D, Chapter 4, Public Infrastructure District Act.

~~[(30)]~~ (31) "Voting member" means an individual appointed or designated as a member of the board under Subsection 11-58-302(2).

Section 2. Section **11-58-202** is amended to read:

11-58-202 . Authority powers and duties.

(1) The authority has exclusive jurisdiction, responsibility, and power to coordinate the efforts of all applicable state and local government entities, property owners and other private parties, and other stakeholders to:

(a) develop and implement a business plan for the authority jurisdictional land, to include an environmental sustainability component, developed in conjunction with the Department of Environmental Quality, incorporating policies and best practices to meet or exceed applicable federal and state standards, including:

(i) emissions monitoring and reporting; and

(ii) strategies that use best available practices to mitigate environmental impacts

- 201 resulting from development and uses on the authority jurisdictional land;
- 202 (b) plan and facilitate the development of inland port uses on authority jurisdictional
- 203 land and on land in other authority project areas;
- 204 (c) manage any inland port located on land owned or leased by the authority; and
- 205 (d) establish a foreign trade zone, as provided under federal law, covering some or all of
- 206 the authority jurisdictional land or land in other authority project areas.
- 207 (2) The authority may:
- 208 (a) facilitate and bring about the development of inland port uses on land that is part of
- 209 the authority jurisdictional land or that is in other authority project areas, including
- 210 engaging in marketing and business recruitment activities and efforts to encourage
- 211 and facilitate:
- 212 (i) the development of an inland port on the authority jurisdictional land; and
- 213 (ii) other development of the authority jurisdictional land consistent with the policies
- 214 and objectives described in Subsection 11-58-203(1);
- 215 (b) facilitate and provide funding for the development of land in a project area, land
- 216 related to land in a project area, and land adjacent to a project area, including:
- 217 (i) the development of public infrastructure and improvements in a project area and
- 218 directly adjacent to a project area; and
- 219 (ii) other infrastructure and improvements, including environmental sustainability
- 220 projects, on or related to land in a project area;
- 221 (c) engage in marketing and business recruitment activities and efforts to encourage and
- 222 facilitate development of the authority jurisdictional land;
- 223 (d) apply for and take all other necessary actions for the establishment of a foreign trade
- 224 zone, as provided under federal law, covering some or all of the authority
- 225 jurisdictional land;
- 226 (e) as the authority considers necessary or advisable to carry out any of the authority's
- 227 duties or responsibilities under this chapter:
- 228 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal
- 229 property;
- 230 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real
- 231 or personal property;
- 232 (iii) provide funding, through a grant or agreement, to another governmental entity
- 233 for the governmental entity to help fulfill the authority's duties and
- 234 responsibilities; or

- (iv) enter into a lease agreement on real or personal property, either as lessee or lessor;
- (f) sue and be sued;
- (g) enter into contracts generally;
- (h) provide funding for the development of public infrastructure and improvements or other infrastructure and improvements on or related to the authority jurisdictional land or other authority project areas;
- (i) exercise powers and perform functions under a contract, as authorized in the contract;
- (j) receive the property tax differential, as provided in this chapter;
- (k) accept financial or other assistance from any public or private source for the authority's activities, powers, and duties, and expend any funds so received for any of the purposes of this chapter;
- (l) borrow money, contract with, or accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of this chapter and comply with any conditions of the loan, contract, or assistance;
- (m) issue bonds to finance the undertaking of any development objectives of the authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act, bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial Property Assessed Clean Energy Act;
- (n) hire employees, including contract employees;
- (o) transact other business and exercise all other powers provided for in this chapter;
- (p) engage one or more consultants to advise or assist the authority in the performance of the authority's duties and responsibilities;
- (q) work with other political subdivisions and neighboring property owners and communities to mitigate potential negative impacts from the development of authority jurisdictional land;
- (r) own, lease, operate, or otherwise control public infrastructure and improvements in a project area;
- (s) exercise powers and perform functions that the authority is authorized by statute to exercise or perform;
- (t) develop and implement world-class, state-of-the-art, zero-emissions logistics to:
 - (i) support continued growth of the state's economy;
 - (ii) promote the state as the global center of efficient and sustainable supply chain logistics;

- 269 (iii) facilitate the efficient movement of goods on roads and rails and through the air;
270 and
- 271 (iv) benefit the commercial viability of tenants and users; and
- 272 (u) attract capital and expertise in pursuit of the next generation of logistics solutions.
- 273 (3)(a) Beginning April 1, 2020, the authority shall:
- 274 (i) be the repository of the official delineation of the boundary of the authority
275 jurisdictional land, identical to the boundary as delineated in the shapefile that is
276 the electronic component of H.B. 2001, Utah Inland Port Authority Amendments,
277 2018 Second Special Session, subject to:
- 278 (A) boundary adjustments made and recorded in accordance with Subsection (3)(b);
279 and
- 280 (B) any [later-]changes to the boundary enacted by the Legislature; and
- 281 (ii) maintain an accurate digital file of the boundary that is easily accessible by the
282 public.
- 283 (b)(i) As used in this Subsection (3)(b), "split property" means a piece of land:
- 284 (A) with a single tax identification number; and
- 285 (B) that is partly included within and partly excluded from the authority
286 jurisdictional land by the boundary delineated in the shapefile described in
287 Subsection [~~11-58-102(2)~~] 11-58-102(2)(a).
- 288 (ii) With the consent of the mayor of the municipality in which the split property is
289 located, the executive director may adjust the boundary of the authority
290 jurisdictional land to include an excluded portion of a split property or exclude an
291 included portion of a split property.
- 292 (iii) In adjusting the boundary under Subsection (3)(b)(ii), the executive director shall
293 consult with the county assessor, the county surveyor, the owner of the split
294 property, and the municipality in which the split property is located.
- 295 (iv) A boundary adjustment under this Subsection (3)(b) affecting the northwest
296 boundary of the authority jurisdictional land shall maintain the buffer area
297 between authority jurisdictional land intended for development and land outside
298 the boundary of the authority jurisdictional land to be preserved from
299 development.
- 300 (v) Upon completing boundary adjustments under this Subsection (3)(b), the
301 executive director shall cause to be recorded in the county recorder's office a map
302 or other description, sufficient for purposes of the county recorder, of the adjusted

boundary of the authority jurisdictional land.

(vi) ~~[The-]~~ After a boundary adjustment is recorded in accordance with Subsection (3)(b)(v), the authority shall modify the official delineation of the boundary of the authority jurisdictional land ~~[under]~~ described in Subsection (3)(a) to reflect a boundary adjustment under this Subsection (3)(b).

(4)(a) The authority may establish a community enhancement program designed to address the impacts that development or inland port uses within project areas have on adjacent communities.

(b)(i) The authority may use authority money to support the community enhancement program and to pay for efforts to address the impacts described in Subsection (4)(a).

(ii) Authority money designated for use under Subsection (4)(b)(i) is exempt from execution or any other process in the collection of a judgment against or debt or other obligation of the authority arising out of the authority's activities with respect to the community enhancement program.

Section 3. Section **11-58-501** is amended to read:

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

(1)(a) Subject to Section 11-58-605, the authority jurisdictional land constitutes a single project area.

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

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

(i) the legislative body of the county in whose unincorporated area the land is located; or

(ii) the legislative body of the municipality in which the land is located.

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

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

(A) in writing; and

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

- (c) Land included or to be included within a project area need not be contiguous or in close proximity to the authority jurisdictional land.
- (d) In order to adopt a project area plan, the board shall:
 - (i) prepare a draft project area plan;
 - (ii) give notice as required under Subsection 11-58-502(2);
 - (iii) hold at least one public meeting, as required under Subsection 11-58-502(1); and
 - (iv) after holding at least one public meeting and subject to Subsections (2)(b) and (e), adopt the draft project area plan as the project area plan.
- (e) Before adopting a draft project area plan as the project area plan, the board:
 - (i) shall eliminate from the proposed project area the land of any owner who requests the owner's land to be excluded from the project area under Subsection (2)(b); and
 - (ii) may make other modifications to the draft project area plan that the board considers necessary or appropriate.

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

- ~~[(a)]~~ (i) a ~~[legal]~~ description of the boundary of the project area;
- ~~[(b)]~~ (ii) the authority's purposes and intent with respect to the project area; and
- ~~[(c)]~~ (iii) the board's findings and determination that:
 - ~~[(i)]~~ (A) there is a need to effectuate a public purpose;
 - ~~[(ii)]~~ (B) there is a public benefit to the proposed development project;
 - ~~[(iii)]~~ (C) it is economically sound and feasible to adopt and carry out the project area plan; and
 - ~~[(iv)]~~ (D) carrying out the project area plan will promote the goals and objectives stated in Subsection 11-58-203(1).

(b) A description of a boundary of a project area, as described in Subsection (3)(a)(i), may include a legal description, parcel number, property identification number, metes and bounds narrative description, GIS boundary file, or other method of description that accurately depicts the project area.

Section 4. Section **11-58-503** is amended to read:

11-58-503 . Notice of project area plan adoption -- Effective date of plan -- Time for challenging a project area plan or project area.

- (1) Upon the board's adoption of a project area plan, the board shall provide notice as provided in Subsection (2) by publishing or causing to be published legal notice for the project area, as a class A notice under Section 63G-30-102, for at least 30 days.
- (2)(a) Each notice under Subsection (1) shall include:

(i) the board resolution adopting the project area plan or a summary of the resolution;
and

(ii) a statement that the project area plan is available for general public inspection and
the hours for inspection.

(b) The statement required under Subsection (2)(a)(ii) may be included within the board
resolution adopting the project area plan or within the summary of the resolution.

(3) The project area plan shall become effective on the date designated in the board
resolution.

(4) The authority shall make the adopted project area plan available to the general public at
the authority's offices during normal business hours.

(5)(a) The authority may make adjustments to the boundaries of a project area:

(i) with the consent of the board; or

(ii) administratively, if the adjustment is a minor adjustment.

(b) If a boundary adjustment is necessary only to conform with county recording
standards, the boundary adjustment is a minor adjustment.

(c) The executive director shall, with the approval of the board, establish policies to
determine whether a boundary adjustment not described in Subsection (5)(b) is a
minor adjustment.

~~[(5)]~~ (6)(a) Within 10 days after the day on which a project area plan is adopted that
establishes a project area, or after an amendment to a project area plan is adopted
under which the boundary of a project area is modified, the authority shall send
notice of the establishment or modification of the project area and an accurate map or
plat of the project area to:

~~[(a)]~~ (i) the State Tax Commission;

~~[(b)]~~ (ii) the Utah Geospatial Resource Center created in Section 63A-16-505; and

~~[(c)]~~ (iii) the assessor and recorder of each county where the project area is located.

(b) For purposes of Subsection (6)(a), an accurate map or plat is any map or plat
developed by a qualified cartographer or licensed surveyor.

~~[(6)]~~ (7)(a) A legal action or other challenge to a project area plan or a project area
described in a project area plan is barred unless brought within 30 days after the
effective date of the project area plan.

(b) A legal action or other challenge to a project area that consists of authority
jurisdictional land is barred unless brought within 30 days after the board adopts a
business plan under Subsection 11-58-202(1)(a) for the authority jurisdictional land.

Section 5. Section **11-58-601** is amended to read:

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

(1) As used in this section:

- (a) "Designation [~~resolution~~] order" means a [~~resolution adopted by the board~~] written determination, issued by the executive director, that designates a transition date and a trigger date, which may be the same date, for the parcel specified in the [~~resolution~~] written determination.
- (b) "Post-designation parcel" means a parcel within a project area after the transition date for that parcel.
- (c) "Pre-designation parcel" means a parcel within a project area before the transition date for that parcel.
- (d) "Transition date" means the date indicated in a designation [~~resolution~~] order after which the parcel that is the subject of the designation [~~resolution~~] order is a post-designation parcel.
- (e) "Trigger date" means the date indicated in a designation [~~resolution~~] order upon which tax differential payments due to the authority commence.

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

(3) The authority shall be paid 75% of nonmunicipal differential generated from a pre-designation parcel that is part of the authority jurisdictional land:

(a) for the period beginning November 2019 and ending the earlier of:

- (i) the transition date for that parcel; and
- (ii) November 30, 2044; and

(b) for a period of up to 15 years following November 2044 if, before the end of November 2044:

- (i) the parcel has not become a post-designation parcel; and
- (ii) the board adopts a resolution approving the extension.

(4)(a) As provided in Subsection (4)(b), the authority shall be paid:

- (i) 75% of nonmunicipal differential generated from a post-designation parcel that is part of the authority jurisdictional land; and
- (ii) up to 75% of general differential, as determined by the board and included in a project area plan adopted or amended under Part 5, Project Area Plan and Budget, generated from a post-designation parcel that is not part of the authority jurisdictional land.

- (b) The property tax differential paid under Subsection (4)(a) from a post-designation parcel shall be paid:
- (i) for a period of 25 years beginning on the trigger date for that parcel; and
 - (ii) for a period of up to an additional 15 years beyond the period stated in Subsection (4)(b)(i) if the board determines by resolution that the additional years of nonmunicipal differential or general differential, as the case may be, from that parcel will produce a significant benefit.

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

(b) An authority designation of an improved portion of a parcel as a separate parcel under Subsection (5)(a) does not constitute a subdivision, as defined in Section 10-20-102 or Section 17-79-102.

(c) A county recorder shall assign a separate tax identification number to the improved portion of a parcel designated by the authority as a separate parcel under Subsection (5)(a).

Section 6. Section **11-58-602** is amended to read:

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

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

- (i) for any purpose authorized under this chapter;
- (ii) for administrative, overhead, legal, consulting, and other operating expenses of the authority;
- (iii) to pay for, including financing or refinancing, all or part of the development of land within or adjacent to a project area, including assisting the ongoing operation of a development or facility within or adjacent to the project area;
- (iv) to pay the cost of the installation and construction of public infrastructure and improvements within the project area from which the property tax differential funds were collected;
- (v) to pay the cost of the installation of public infrastructure and improvements outside a project area if the board determines by resolution that the infrastructure and improvements are of benefit to the project area;
- (vi) to pay to a community reinvestment agency for affordable housing, as provided in Subsection 11-58-606(2);

- (vii) to pay the principal and interest on bonds issued by the authority;
- (viii) to pay the cost of acquiring land or an easement on land that is part of or adjacent to authority jurisdictional land:
- (A) for the perpetual preservation of the land from development; and
- (B) to provide a buffer area between authority jurisdictional land intended for development and land outside the boundary of the authority jurisdictional land; and
- (ix) subject to Subsection (1)(b), to encourage, incentivize, or require development that:
- (A) mitigates noise, air pollution, light pollution, surface and groundwater pollution, and other negative environmental impacts;
- (B) mitigates traffic congestion; or
- (C) uses high efficiency building construction and operation.
- (b)(i)(A) The authority shall establish minimum mitigation and environmental standards that a landowner is required to meet to qualify for the use of property tax differential under Subsection (1)(a)(ix) in the landowner's development.
- (B) Minimum mitigation and environmental standards established under Subsection (1)(b)(i)(A) shall include a standard prohibiting the use of property tax differential as a business recruitment incentive, as defined in Section 11-58-603, for new commercial or industrial development or an expansion of existing commercial or industrial development within [the] authority jurisdictional land that is in the capital city if the new or expanded development will consume on an annual basis more than 200,000 gallons of potable water per day.
- (ii) In establishing minimum mitigation and environmental standards, the authority shall consult with:
- (A) the municipality in which the development is expected to occur, for development expected to occur within a municipality; or
- (B) the county in whose unincorporated area the development is expected to occur, for development expected to occur within the unincorporated area of a county.
- (iii) The authority may not use property tax differential under Subsection (1)(a)(viii) for a landowner's development in a project area unless the minimum mitigation and environmental standards are followed with respect to that landowner's

- development.
- (2) The authority may use revenue generated from the operation of public infrastructure operated by the authority or improvements, including an intermodal facility, operated by the authority to:
- (a) operate and maintain the infrastructure or improvements; and
 - (b) pay for authority operating expenses, including administrative, overhead, and legal expenses.
- (3) The determination of the board under Subsection (1)(a)(v) regarding benefit to the project area is final.
- (4) The authority may not use property tax differential revenue collected from one project area for a development project within another project area.
- (5)(a) The authority may use up to 10% of the general differential revenue generated from a project area to pay for affordable housing within or near the project area.
- (b) In using general differential revenue described in Subsection (5)(a), the authority may provide general differential revenue generated from a project area to a non-profit housing fund, as defined in Section 17C-1-102:
- (i) for that non-profit housing fund to assist low-income individuals and families who would qualify for income targeted housing to achieve homeownership, or retain homeownership, within a 15 mile radius of the project area that generated the general differential revenue, in accordance with the mission of the non-profit housing fund; and
 - (ii) pursuant to an agreement between the non-profit housing fund and the authority governing appropriate uses of general differential revenue.
- (6) The authority may share general differential funds with a taxing entity that levies a property tax on land within the project area from which the general differential is generated.

Section 7. Effective Date.

This bill takes effect on May 6, 2026.