

1 **UTAH INLAND PORT AUTHORITY AMENDMENTS**

2 2018 SECOND SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Francis D. Gibson**

5 Senate Sponsor: Jerry W. Stevenson

7 **LONG TITLE**

8 **Authority Jurisdictional Land Boundary Information:**

9 The boundary information for the authority jurisdictional land of the Utah Inland Port
10 Authority:

11 ▶ is delineated in a shapefile that:

- 12 • is enacted as part of this bill in electronic form;
- 13 • may be found at: https://le.utah.gov/~2018S2/documents/HB2001_shapefile.zip;

14 and

- 15 • has the following electronic file security code:

16 9324ca0a28652ad3a1b3797c4f924f35; and

17 ▶ is also depicted in a format that:

18 • is intended to be more accessible to the general public and is provided for
19 informational purposes only;

20 • shows the same boundary as delineated in the shapefile, but is not enacted as
21 part of this bill; and

- 22 • may be found at:

23 [https://www.google.com/maps/d/viewer?mid=1iI1-ZIVBeCAbT6CtRxygAdOE](https://www.google.com/maps/d/viewer?mid=1iI1-ZIVBeCAbT6CtRxygAdOEsJCqvGGw)
24 [sJCqvGGw](https://www.google.com/maps/d/viewer?mid=1iI1-ZIVBeCAbT6CtRxygAdOEsJCqvGGw).

25 **General Description:**

26 This bill, which includes this printed text and the electronic data affiliated with it,
27 modifies provisions relating to the Utah Inland Port Authority.



28 **Highlighted Provisions:**

29 This bill:

- 30 ▶ establishes the Utah Inland Port Authority authority jurisdictional land boundary
- 31 shapefile in the electronic file that is part of this bill in electronic form, as the legal
- 32 boundary of the authority jurisdictional land;
- 33 ▶ modifies and enacts definitions relating to the Utah Inland Port Authority Act;
- 34 ▶ modifies provisions relating to Utah Inland Port Authority powers and duties;
- 35 ▶ modifies a provision relating to the policies and objectives of the Utah Inland Port
- 36 Authority;
- 37 ▶ enacts language relating to municipal services within the authority jurisdictional
- 38 land and the authority's sharing of property tax differential to pay for those services;
- 39 ▶ enacts provisions relating to the sharing of property tax differential with other
- 40 taxing entities;
- 41 ▶ modifies a provision relating to the membership of the board of the Utah Inland Port
- 42 Authority;
- 43 ▶ provides for the board appointment of board officers and authorizes the board to
- 44 appoint advisory committees;
- 45 ▶ modifies provisions relating to limitations on board members and authority
- 46 employees;
- 47 ▶ modifies provisions relating to appeals to the Utah Inland Port Authority appeals
- 48 panel and the process for and standards applicable to an appeal;
- 49 ▶ modifies provisions relating to property tax differential, including the uses of
- 50 property tax differential;
- 51 ▶ modifies the time for the authority to adopt its initial annual budget;
- 52 ▶ modifies authority reporting requirements; and
- 53 ▶ makes technical and conforming changes.

54 **Money Appropriated in this Bill:**

55 None

56 **Other Special Clauses:**

57 This bill provides a special effective date.

58 **Utah Code Sections Affected:**

59 AMENDS:

60 **10-9a-509.5**, as last amended by Laws of Utah 2010, Chapter 378

61 **10-9a-701**, as last amended by Laws of Utah 2017, Chapter 17

62 **10-9a-708**, as last amended by Laws of Utah 2006, Chapter 240

63 **11-58-102**, as enacted by Laws of Utah 2018, Chapter 179

64 **11-58-202**, as enacted by Laws of Utah 2018, Chapter 179

65 **11-58-203**, as enacted by Laws of Utah 2018, Chapter 179

66 **11-58-205**, as enacted by Laws of Utah 2018, Chapter 179

67 **11-58-302**, as enacted by Laws of Utah 2018, Chapter 179

68 **11-58-303**, as enacted by Laws of Utah 2018, Chapter 179

69 **11-58-304**, as enacted by Laws of Utah 2018, Chapter 179

70 **11-58-401**, as enacted by Laws of Utah 2018, Chapter 179

71 **11-58-403**, as enacted by Laws of Utah 2018, Chapter 179

72 **11-58-601**, as enacted by Laws of Utah 2018, Chapter 179

73 **11-58-602**, as enacted by Laws of Utah 2018, Chapter 179

74 **11-58-801**, as enacted by Laws of Utah 2018, Chapter 179

75 **11-58-803**, as enacted by Laws of Utah 2018, Chapter 179

76 **11-58-806**, as enacted by Laws of Utah 2018, Chapter 179

77 ENACTS:

78 **11-58-402.5**, Utah Code Annotated 1953

79 REPEALS:

80 **11-58-204**, as enacted by Laws of Utah 2018, Chapter 179

81 **11-58-404**, as enacted by Laws of Utah 2018, Chapter 179



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

84 Section 1. Section **10-9a-509.5** is amended to read:

85 **10-9a-509.5. Review for application completeness -- Substantive application**
86 **review -- Reasonable diligence required for determination of whether improvements or**
87 **warranty work meets standards -- Money damages claim prohibited.**

88 (1) (a) Each municipality shall, in a timely manner, determine whether an application is
89 complete for the purposes of subsequent, substantive land use authority review.

90 (b) After a reasonable period of time to allow the municipality diligently to evaluate
91 whether all objective ordinance-based application criteria have been met, if application fees
92 have been paid, the applicant may in writing request that the municipality provide a written
93 determination either that the application is:

94 (i) complete for the purposes of allowing subsequent, substantive land use authority
95 review; or

96 (ii) deficient with respect to a specific, objective, ordinance-based application
97 requirement.

98 (c) Within 30 days of receipt of an applicant's request under this section, the
99 municipality shall either:

100 (i) mail a written notice to the applicant advising that the application is deficient with
101 respect to a specified, objective, ordinance-based criterion, and stating that the application shall
102 be supplemented by specific additional information identified in the notice; or

103 (ii) accept the application as complete for the purposes of further substantive
104 processing by the land use authority.

105 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
106 shall be considered complete, for purposes of further substantive land use authority review.

107 (e) (i) The applicant may raise and resolve in a single appeal any determination made
108 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
109 period of time has elapsed under Subsection (1)(a).

110 (ii) The appeal authority shall issue a written decision for any appeal requested under
111 this Subsection (1)(e).

112 (f) (i) The applicant may appeal to district court the decision of the appeal authority
113 made under Subsection (1)(e).

114 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
115 the written decision.

116 (2) (a) Each land use authority shall substantively review a complete application and an
117 application considered complete under Subsection (1)(d), and shall approve or deny each
118 application with reasonable diligence, subject to the time limit under Subsection
119 [11-58-402.5\(2\)](#) for an inland port use application, as defined in Section [11-58-401](#).

120 (b) After a reasonable period of time to allow the land use authority to consider an

121 application, the applicant may in writing request that the land use authority take final action
122 within 45 days from date of service of the written request.

123 (c) The land use authority shall take final action, approving or denying the application
124 within 45 days of the written request.

125 (d) If the land use authority denies an application processed under the mandates of
126 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
127 land use authority shall include its reasons for denial in writing, on the record, which may
128 include the official minutes of the meeting in which the decision was rendered.

129 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
130 appeal this failure to district court within 30 days of the date on which the land use authority is
131 required to take final action under Subsection (2)(c).

132 (3) (a) With reasonable diligence, each land use authority shall determine whether the
133 installation of required subdivision improvements or the performance of warranty work meets
134 the municipality's adopted standards.

135 (b) (i) An applicant may in writing request the land use authority to accept or reject the
136 applicant's installation of required subdivision improvements or performance of warranty work.

137 (ii) The land use authority shall accept or reject subdivision improvements within 15
138 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
139 practicable after that 15-day period if inspection of the subdivision improvements is impeded
140 by winter weather conditions.

141 (iii) The land use authority shall accept or reject the performance of warranty work
142 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
143 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
144 winter weather conditions.

145 (c) If a land use authority determines that the installation of required subdivision
146 improvements or the performance of warranty work does not meet the municipality's adopted
147 standards, the land use authority shall comprehensively and with specificity list the reasons for
148 its determination.

149 (4) Subject to Section [10-9a-509](#), nothing in this section and no action or inaction of
150 the land use authority relieves an applicant's duty to comply with all applicable substantive
151 ordinances and regulations.

152 (5) There shall be no money damages remedy arising from a claim under this section.

153 Section 2. Section **10-9a-701** is amended to read:

154 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**

155 **Appeal authority duties.**

156 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one
157 or more appeal authorities to hear and decide:

158 (a) requests for variances from the terms of the land use ordinances;

159 (b) appeals from decisions applying the land use ordinances; and

160 (c) appeals from a fee charged in accordance with Section [10-9a-510](#).

161 (2) As a condition precedent to judicial review, each adversely affected person shall
162 timely and specifically challenge a land use authority's decision, in accordance with local
163 ordinance.

164 (3) An appeal authority:

165 (a) shall:

166 (i) act in a quasi-judicial manner; and

167 (ii) serve as the final arbiter of issues involving the interpretation or application of land
168 use ordinances, except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel,
169 for an appeal of an inland port use appeal decision, as defined in Section [11-58-401](#); and

170 (b) may not entertain an appeal of a matter in which the appeal authority, or any
171 participating member, had first acted as the land use authority.

172 (4) By ordinance, a municipality may:

173 (a) designate a separate appeal authority to hear requests for variances than the appeal
174 authority it designates to hear appeals;

175 (b) designate one or more separate appeal authorities to hear distinct types of appeals
176 of land use authority decisions;

177 (c) require an adversely affected party to present to an appeal authority every theory of
178 relief that it can raise in district court;

179 (d) not require an adversely affected party to pursue duplicate or successive appeals
180 before the same or separate appeal authorities as a condition of the adversely affected party's
181 duty to exhaust administrative remedies; and

182 (e) provide that specified types of land use decisions may be appealed directly to the

183 district court.

184 (5) If the municipality establishes or, prior to the effective date of this chapter, has
185 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
186 board, body, or panel shall:

187 (a) notify each of its members of any meeting or hearing of the board, body, or panel;

188 (b) provide each of its members with the same information and access to municipal
189 resources as any other member;

190 (c) convene only if a quorum of its members is present; and

191 (d) act only upon the vote of a majority of its convened members.

192 (6) (a) Each municipality that designates a historic preservation district or area shall, by
193 ordinance, establish or designate a historic preservation appeal authority.

194 (b) A historic preservation appeal authority shall:

195 (i) be comprised of the members of the governing body;

196 (ii) exercise only administrative authority and act in a quasi-judicial manner; and

197 (iii) hear and decide appeals from administrative decisions of the historic preservation
198 authority.

199 (c) An applicant appealing an administrative decision of the historic preservation
200 authority may appeal to either:

201 (i) the historic preservation appeal authority; or

202 (ii) the land use appeal authority established under Subsection (1).

203 Section 3. Section **10-9a-708** is amended to read:

204 **10-9a-708. Final decision.**

205 (1) A decision of an appeal authority takes effect on the date when the appeal authority
206 issues a written decision, or as otherwise provided by ordinance.

207 (2) A written decision, or other event as provided by ordinance, constitutes a final
208 decision under Subsection [10-9a-801\(2\)\(a\)](#) or a final action under Subsection [10-9a-801\(4\)](#),
209 except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel, for an appeal of
210 an inland port use appeal decision, as defined in Section [11-58-401](#).

211 Section 4. Section **11-58-102** is amended to read:

212 **11-58-102. Definitions.**

213 As used in this chapter:

214 (1) "Authority" means the Utah Inland Port Authority, created in Section 11-58-201.

215 (2) "Authority jurisdictional land"[:] means land within the authority boundary

216 delineated in the electronic shapefile that:

217 (a) is the electronic component of H.B. 2001, Utah Inland Port Authority Amendments,

218 2018 Second Special Session; and

219 (b) may be accessed via the Utah Legislature's website.

220 [~~(a) means:~~]

221 [~~(i) land north of I-80 in Salt Lake City that has:~~]

222 [~~(A) a northern boundary defined by the northern boundary of Salt Lake City;~~]

223 [~~(B) an eastern boundary defined by I-215;~~]

224 [~~(C) a southern boundary defined by I-80; and~~]

225 [~~(D) a western boundary defined by the western boundary of Salt Lake City's~~

226 ~~Northwest Quadrant Master Plan Area as of January 1, 2018; and]~~

227 [~~(ii) land south of I-80 that has:~~]

228 [~~(A) a northern boundary defined by I-80;~~]

229 [~~(B) an eastern boundary that begins at the intersection of I-80 and Bangerter Highway~~

230 ~~and follows Bangerter Highway south to SR 201 and turns west to follow SR 201 to 5600 West~~

231 ~~and turns south to follow 5600 West to the Riter Canal;]~~

232 [~~(C) a southern boundary that begins at the intersection of 5600 West and the Riter~~

233 ~~Canal and follows the Riter Canal west to 7600 West and turns south along 7600 West to the~~

234 ~~northern boundary of developed property and turns west to run along the northern edge of~~

235 ~~developed property, jutting north to follow the northern boundary of developed properties~~

236 ~~straddling 8000 West, and continuing west along the northern boundary of developed~~

237 ~~properties to the western edge of developed property and turns north to SR 201 and turns east~~

238 ~~along SR 201 to the eastern edge of the tailings property; and]~~

239 [~~(D) a western boundary defined by the eastern edge of the tailings property; and]~~

240 [~~(b) excludes:~~]

241 [~~(i) the Salt Lake City airport; and]~~

242 [~~(ii) an area north of I-80 in Salt Lake City and west of the Salt Lake City airport;~~

243 ~~commonly known as the International Center, that has:]~~

244 [~~(A) a northern boundary defined by the north boundary of properties on the north side~~

245 of and fronting Harold Gatty Drive;]

246 [~~(B) an eastern boundary defined by the eastern boundary of Salt Lake City's Northwest~~
247 ~~Quadrant Master Plan Area as of January 1, 2018;~~]

248 [~~(C) a southern boundary defined by I-80; and]~~

249 [~~(D) a western boundary defined by a north-south line that aligns with John Glenn~~
250 ~~Road.~~]

251 (3) "Base taxable value" means the taxable value of property within any portion of a
252 project area, as designated by board resolution, from which the property tax differential will be
253 collected, as shown upon the assessment roll last equalized before the year in which the
254 authority adopts a project area plan for that area.

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

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

259 (6) "Development" means:

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

264 (b) the planning of, arranging for, or participation in any of the activities listed in
265 Subsection (6)(a).

266 (7) "Development project" means a project for the development of land within a
267 project area.

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

269 (a) contain multimodal transportation assets [~~and the ability to allow~~] and other
270 facilities that:

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

272 (ii) together are intended to:

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

275 (B) provide a regional merging point for transportation modes for the distribution of

276 goods to and from ports and other locations in other regions;

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

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

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

284 (9) "Inland port use" means a use of land:

285 (a) for an inland port;

286 (b) that directly implements or furthers the purposes of an inland port, as stated in
287 Subsection (8);

288 (c) that complements or supports the purposes of an inland port, as stated in Subsection
289 (8); or

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

291 (10) "Nonvoting member" means an individual appointed as a member of the board
292 under Subsection [11-58-302](#)(6) who does not have the power to vote on matters of authority
293 business.

294 [~~9~~] (11) "Project area" means the authority jurisdictional land, whether consisting of a
295 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft
296 project area plan, where the development project set forth in the project area plan or draft
297 project area plan takes place or is proposed to take place.

298 [~~10~~] (12) "Project area budget" means a multiyear projection of annual or cumulative
299 revenues and expenses and other fiscal matters pertaining to a project area.

300 [~~11~~] (13) "Project area plan" means a written plan that, after its effective date, guides
301 and controls the development within a project area.

302 [~~12~~] (14) "Property tax" includes a privilege tax and each levy on an ad valorem basis
303 on tangible or intangible personal or real property.

304 [~~13~~] (15) "Property tax differential" means the difference between:

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

307 (b) the amount of property tax revenues that would be generated from that same area
308 using the base taxable value of the property.

309 [~~14~~] (16) "Public entity" means:

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

311 (b) a county, city, town, metro township, school district, local district, special service
312 district, interlocal cooperation entity, community reinvestment agency, or other political
313 subdivision of the state.

314 [~~15~~] (17) "Publicly owned infrastructure and improvements":

315 (a) means infrastructure, improvements, facilities, or buildings that:

316 (i) benefit the public; and

317 (ii) (A) are owned by a public entity or a utility; or

318 (B) are publicly maintained or operated by a public entity;

319 (b) includes:

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

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

322 (B) sewer, storm drainage, natural gas, electricity, or telecommunications service; and

323 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
324 facilities, and public transportation facilities.

325 (18) "Shapefile" means the digital vector storage format for storing geometric location
326 and associated attribute information.

327 [~~16~~] (19) "Taxable value" means the value of property as shown on the last equalized
328 assessment roll as certified by the county assessor.

329 [~~17~~] (20) "Taxing entity" means a public entity that levies a tax on property within a
330 project area.

331 (21) "Voting member" means an individual appointed or designated as a member of the
332 board under Subsection [11-58-302\(2\)](#).

333 Section 5. Section **11-58-202** is amended to read:

334 **11-58-202. Port authority powers and duties.**

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

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

342 (i) emissions monitoring and reporting; and
343 (ii) strategies that use the best available technology to mitigate environmental impacts
344 from development and uses on the authority jurisdictional land;

345 (b) plan and facilitate the development of inland port uses on authority jurisdictional
346 land;

347 (c) manage any inland port located on land owned or leased by the authority; and

348 (d) establish a foreign trade zone, as provided under federal law, covering some or all
349 of the authority jurisdictional land.

350 (2) The authority may:

351 (a) facilitate and bring about the development of inland port uses on land that is part of
352 the authority jurisdictional land, including engaging in marketing and business recruitment
353 activities and efforts to encourage and facilitate:

354 (i) the development of an inland port on the authority jurisdictional land; and

355 (ii) other development of the authority jurisdictional land consistent with the
356 [~~strategies,~~] policies[;] and objectives described in Subsection 11-58-203(1);

357 (b) facilitate and provide funding for the development of the authority jurisdictional
358 land, including the development of publicly owned infrastructure and improvements and other
359 infrastructure and improvements on or related to the authority jurisdictional land;

360 (c) engage in marketing and business recruitment activities and efforts to encourage
361 and facilitate development of the authority jurisdictional land;

362 (d) apply for and take all other necessary actions for the establishment of a foreign
363 trade zone, as provided under federal law, covering some or all of the authority jurisdictional
364 land;

365 (e) as the authority considers necessary or advisable to carry out any of its duties or
366 responsibilities under this chapter:

367 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal
368 property;

- 369 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
370 personal property; or
- 371 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 372 (f) sue and be sued;
- 373 (g) enter into contracts generally;
- 374 (h) provide funding for the development of publicly owned infrastructure and
375 improvements or other infrastructure and improvements on or related to the authority
376 jurisdictional land;
- 377 (i) exercise powers and perform functions under a contract, as authorized in the
378 contract;
- 379 (j) receive the property tax differential, as provided in this chapter;
- 380 (k) accept financial or other assistance from any public or private source for the
381 authority's activities, powers, and duties, and expend any funds so received for any of the
382 purposes of this chapter;
- 383 (l) borrow money, contract with, or accept financial or other assistance from the federal
384 government, a public entity, or any other source for any of the purposes of this chapter and
385 comply with any conditions of the loan, contract, or assistance;
- 386 (m) issue bonds to finance the undertaking of any development objectives of the
387 authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and
388 Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;
- 389 (n) hire employees, including contract employees;
- 390 (o) transact other business and exercise all other powers provided for in this chapter;
- 391 (p) engage one or more consultants to advise or assist the authority in the performance
392 of the authority's duties and responsibilities; [~~and~~]
- 393 (q) enter into an agreement with a taxing entity to share property tax differential for
394 services that the taxing entity provides within the authority jurisdictional land;
- 395 (r) work with other political subdivisions and neighboring property owners and
396 communities to mitigate potential negative impacts from the development of authority
397 jurisdictional land; and
- 398 [~~(s)~~] (s) exercise powers and perform functions that the authority is authorized by
399 statute to exercise or perform.

400 (3) Beginning January 1, 2020, the authority shall:

401 (a) be the repository of the official delineation of the boundary of the authority
402 jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic
403 component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special
404 Session, subject to any later changes to the boundary enacted by the Legislature; and

405 (b) maintain an accurate digital file of the boundary that is easily accessible by the
406 public.

407 Section 6. Section **11-58-203** is amended to read:

408 **11-58-203. Policies and objectives of the port authority -- Additional duties of the**
409 **port authority.**

410 ~~[In fulfilling its duties and responsibilities relating to the development of the authority~~
411 ~~jurisdictional land, the authority shall:]~~

412 ~~[(1) pursue development strategies, policies, and objectives designed to:]~~

413 (1) The policies and objectives of the authority are to:

414 (a) maximize long-term economic benefits to the area, the region, and the state;

415 (b) maximize the creation of high-quality jobs;

416 (c) respect and maintain sensitivity to the unique natural environment of areas in
417 proximity to the authority jurisdictional land;

418 (d) improve air quality and minimize resource use;

419 (e) respect existing land use and other agreements and arrangements between property
420 owners within the authority jurisdictional land and applicable governmental authorities;

421 (f) promote and encourage development and uses that are compatible with or
422 complement uses in areas in proximity to the authority jurisdictional land; ~~[and]~~

423 (g) take advantage of the authority jurisdictional land's strategic location and other
424 features, including the proximity to transportation and other infrastructure and facilities, that
425 make the authority jurisdictional land attractive to:

426 (i) businesses that engage in regional, national, or international trade; and

427 (ii) businesses that complement businesses engaged in regional, national, or
428 international trade;

429 (h) facilitate the transportation of goods;

430 (i) coordinate trade-related opportunities to export Utah products nationally and

431 internationally;

432 (j) support and promote land uses on the authority jurisdictional land that generate
 433 economic development, including rural economic development;

434 (k) establish a project of regional significance;

435 (l) facilitate a hub for trade combining rail, trucking, air cargo, and other transportation
 436 services;

437 (m) support uses of the authority jurisdictional land for inland port uses, including
 438 warehousing, light manufacturing, and distribution facilities;

439 (n) facilitate an increase in trade in the region and in global commerce; and

440 (o) promote the development of facilities that help connect local businesses to potential
 441 foreign markets for exporting or that increase foreign direct investment.

442 (2) In fulfilling its duties and responsibilities relating to the development of the
 443 authority jurisdictional land and to achieve and implement the development policies and
 444 objectives under Subsection (1), the authority shall:

445 ~~[(2)]~~ (a) work to identify funding sources, including federal, state, and local
 446 government funding and private funding, for capital improvement projects in and around the
 447 authority jurisdictional land and for an inland port;

448 ~~[(3)]~~ (b) review and identify land use and zoning policies and practices to recommend
 449 to municipal land use policymakers and administrators that are consistent with and will help to
 450 achieve:

451 ~~[(a)]~~ (i) the ~~[strategies,]~~ policies~~;~~ and objectives stated in Subsection (1); and

452 ~~[(b)]~~ (ii) the mutual goals of the state and local governments that have authority
 453 jurisdictional land with their boundaries with respect to the authority jurisdictional land; and

454 ~~[(4)]~~ (c) consult and coordinate with other applicable governmental entities to improve
 455 and enhance transportation and other infrastructure and facilities in order to maximize the
 456 potential of the authority jurisdictional land to attract, retain, and service users who will help
 457 maximize the long-term economic benefit to the state.

458 Section 7. Section **11-58-205** is amended to read:

459 **11-58-205. Applicability of other law -- Cooperation of state and local**
 460 **governments -- Municipality to consider board input -- Prohibition relating to natural**
 461 **resources.**

462 (1) Except as provided in Part 4, Appeals to Appeals Panel, the authority does not have
463 and may not exercise any powers relating to the regulation of land uses on the authority
464 jurisdictional land.

465 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,
466 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed
467 by Title 63E, Independent Entities Code.

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

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

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

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

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

483 [~~5~~] (6) The transporting, unloading, loading, transfer, or temporary storage of natural
484 resources may not be prohibited on the authority jurisdictional land.

485 (7) (a) (i) A municipality whose boundary includes authority jurisdictional land shall
486 provide the same municipal services to the area of the municipality that is within the authority
487 jurisdictional land as the municipality provides to other areas of the municipality with similar
488 zoning and a similar development level.

489 (ii) The level and quality of municipal services that a municipality provides within
490 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality
491 of municipal services that the municipality provides to other areas of the municipality with
492 similar zoning and a similar development level.

493 (b) (i) The board shall negotiate and enter into an agreement with a municipality
494 providing municipal services, as described in Subsection (7)(a), with respect to the appropriate
495 amount of property tax differential the authority should share with the municipality to cover the
496 cost of providing those municipal services.

497 (ii) Under an agreement described in Subsection (7)(b)(i), the board and municipality
498 shall establish a method of determining the amount of property tax differential the authority
499 shares over time with a municipality to cover the cost of providing municipal services, taking
500 into account:

501 (A) the cost of those services as documented in the audited financial statements under
502 Subsection (7)(c); and

503 (B) the variable level of need for those services within the authority jurisdictional land
504 depending on the level, amount, and location of development and other relevant factors.

505 (c) A municipality providing municipal services, as described in Subsection (7)(a),
506 shall, as requested by the board, provide the board audited financial statements documenting
507 the cost of the municipal services the municipality provides within the authority jurisdictional
508 land.

509 (8) The board may consult with or convene other taxing entities, in addition to a
510 municipality under Subsection (7), for the purpose of receiving input from those taxing entities
511 on the appropriate allocation of property tax differential, considering the needs of the authority
512 and the needs of the other taxing entities.

513 (9) The board shall periodically, at intervals determined by the board, review and
514 reassess the amount of property tax differential the authority retains and the amount the
515 authority shares with other taxing entities so that the authority retains property tax differential it
516 reasonably needs to meet its responsibilities and purposes and adjusts the amount the authority
517 shares with other taxing entities accordingly.

518 Section 8. Section **11-58-302** is amended to read:

519 **11-58-302. Number of board members -- Appointment -- Vacancies.**

520 (1) The authority's board shall consist of 11 members, as provided in Subsection (2).

521 (2) (a) The governor shall appoint two board members, one of whom shall be an
522 employee or officer of the Governor's Office of Economic Development, created in Section
523 [63N-1-201](#).

- 524 (b) The president of the Senate shall appoint one board member.
- 525 (c) The speaker of the House of Representatives shall appoint one board member.
- 526 (d) The Salt Lake County mayor shall appoint one board member.
- 527 (e) The chair of the Permanent Community Impact Fund Board, created in Section
- 528 [35A-8-304](#), shall appoint one board member from among the members of the Permanent
- 529 Community Impact Fund Board.
- 530 (f) The chair of the Salt Lake Airport Advisory Board, or the chair's designee, shall
- 531 serve as a board member.
- 532 (g) The member of the Salt Lake City council who is elected by district and whose
- 533 district includes ~~[authority jurisdictional land]~~ the Salt Lake City Airport shall serve as a board
- 534 member.
- 535 (h) The city manager of West Valley City, with the consent of the city council of West
- 536 Valley City, shall appoint one board member.
- 537 (i) The executive director of the Department of Transportation, appointed under
- 538 Section [72-1-202](#), shall serve as a board member.
- 539 (j) The director of the Salt Lake County office of Regional Economic Development
- 540 shall serve as a board member.
- 541 (3) An individual required under Subsection (2) to appoint a board member shall
- 542 appoint each initial board member the individual is required to appoint no later than June 1,
- 543 2018.
- 544 (4) (a) A vacancy in the board shall be filled in the same manner under this section as
- 545 the appointment of the member whose vacancy is being filled.
- 546 (b) A person appointed to fill a vacancy shall serve the remaining unexpired term of
- 547 the member whose vacancy the person is filling.
- 548 (5) A member of the board appointed by the governor, president of the Senate, or
- 549 speaker of the House of Representatives serves at the pleasure of and may be removed and
- 550 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker
- 551 of the House of Representatives, respectively.
- 552 (6) The authority may~~[-(a)]~~ appoint nonvoting members of the board~~[-]~~ and ~~[(b)]~~ set
- 553 terms for those nonvoting members ~~[appointed under Subsection (6)(a)]~~.
- 554 (7) Upon a vote of a majority of all board members, the board may appoint a board

555 chair and any other officer of the board.

556 (8) (a) An individual designated as a board member under Subsection (2)(g), (i), or (j)
557 who would be precluded from serving as a board member because of Subsection 11-58-304(2):

558 (i) may serve as a board member notwithstanding Subsection 11-58-304(2); and

559 (ii) shall disclose in writing to the board the circumstances that would otherwise have
560 precluded the individual from serving as a board member under Subsection 11-58-304(2).

561 (b) A written disclosure under Subsection (8)(a)(ii) is a public record under Title 63G,
562 Chapter 2, Government Records Access and Management Act.

563 (9) The board may appoint one or more advisory committees that may include
564 individuals from impacted public entities, community organizations, environmental
565 organizations, business organizations, or other organizations or associations.

566 Section 9. Section **11-58-303** is amended to read:

567 **11-58-303. Term of board members -- Quorum -- Compensation.**

568 (1) The term of a board member appointed under Subsection 11-58-302(2)(a), (b), (c),
569 (d), or (h) is four years, except that the initial term of one of the two members appointed under
570 Subsection 11-58-302(2)(a) and of the members appointed under Subsections 11-58-302(2)(d)
571 and (h) is two years.

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

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

575 (4) A majority of board members constitutes a quorum, and the action of a majority of
576 a quorum constitutes action of the board.

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

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

581 (ii) rules made by the Division of Finance according to Sections 63A-3-106 and
582 63A-3-107.

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

585 Section 10. Section **11-58-304** is amended to read:

586 **11-58-304. Limitations on board members and executive director.**

587 (1) As used in this section:

588 (a) "Direct financial benefit":

589 (i) means any form of financial benefit that accrues to an individual directly [~~as a result~~
590 ~~of the development of the authority jurisdictional land~~], including:

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

592 and

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

594 (ii) does not include a financial benefit that accrues to the public generally [~~as a result~~
595 ~~of the development of the authority jurisdictional state land~~].

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

597 (2) An individual may not serve as a voting member of the board or as executive
598 director if:599 (a) the individual owns real property, other than a personal residence in which the
600 individual resides, on or within five miles of the authority jurisdictional land, whether or not
601 the ownership interest is a recorded interest;602 (b) a family member of the individual owns an interest in real property, other than a
603 personal residence in which the family member resides, located on or within one-half mile of
604 the authority jurisdictional land; or605 (c) the individual or a family member of the individual owns an interest in, is directly
606 affiliated with, or is an employee or officer of a private firm, private company, or other private
607 entity that the individual reasonably believes is likely to:608 (i) participate in or receive [~~compensation or other~~] a direct financial benefit from the
609 development of the authority jurisdictional land; or

610 (ii) acquire an interest in or locate a facility on the authority jurisdictional land.

611 (3) Before taking office as a [~~board~~] voting member of the board or accepting
612 employment as executive director, an individual shall submit to the authority:613 (a) a statement verifying that the individual's service as a board member or
614 employment as executive director does not violate Subsection (2)~~[-];~~ or615 (b) for an individual to whom Subsection 11-58-302(8) applies, the disclosure required
616 under that subsection.

617 (4) (a) An individual may not, at any time during the individual's service as a [board]
 618 voting member or employment [as executive director,] with the authority, acquire, or take any
 619 action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real
 620 property located on or within five miles of the authority jurisdictional [state] land[-], if:

621 (i) the acquisition is in the individual's personal capacity or in the individual's capacity
 622 as an employee or officer of a private firm, private company, or other private entity; and

623 (ii) the acquisition will enable the individual to receive a direct financial benefit as a
 624 result of the development of the authority jurisdictional land.

625 (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to
 626 initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is
 627 a personal residence in which the individual will reside upon acquisition of the real property.

628 (5) (a) A voting member or nonvoting member of the board or an employee of the
 629 authority may not receive a direct financial benefit from the development of authority
 630 jurisdictional land.

631 (b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

632 (i) expense reimbursements;

633 (ii) per diem pay for board member service, if applicable; or

634 (iii) an employee's compensation or benefits from employment with the authority.

635 (6) Nothing in this section may be construed to affect the application or effect of any
 636 other code provision applicable to a board member or employee relating to ethics or conflicts
 637 of interest.

638 Section 11. Section **11-58-401** is amended to read:

639 **11-58-401. Definitions.**

640 As used in this part:

641 ~~[(1) "Adversely affected person" means an owner of land within the authority~~
 642 ~~jurisdictional land who has been adversely affected by a land use decision.]~~

643 ~~[(2)]~~ (1) "Appeals panel" means the panel established under Section 11-58-402 to hear
 644 and decide appeals under this part.

645 ~~[(3) "Land use decision" means the same as that term is defined in Section 10-9a-103.]~~

646 (2) "Complete," with respect to an inland port use application, means that:

647 (a) the inland port use application is submitted in a form that complies with the

648 requirements of applicable municipal ordinances; and

649 (b) all applicable fees are paid.

650 (3) "Inland port use appeal" means an appeal under Title 10, Chapter 9a, Part 7, Appeal
651 Authority and Variances, of a land use decision, as defined in Section 10-9a-103, on an inland
652 port use application, including a land use decision that is a denial of the inland port use
653 application under Subsection 11-58-402.5(2)(b).

654 (4) "Inland port use appeal decision" means a decision by a municipal appeal authority
655 on an inland port use appeal, including a decision that is a denial of the appeal under
656 Subsection 11-58-402.5(3)(b).

657 (5) "Inland port use application" means a land use application, as defined in Section
658 10-9a-103, relating to a use of land within authority jurisdictional land that is an inland port
659 use.

660 (6) "Land use applicant" means the same as that term is defined in Section 10-9a-103.

661 (7) "Municipal appeal authority" means the appeal authority, as defined in Section
662 10-9a-103, of the municipality with which an inland port use appeal is filed.

663 (8) "Municipal land use authority" means the land use authority, as defined in Section
664 10-9a-103, of the municipality with which an inland port use application is filed.

665 Section 12. Section **11-58-402.5** is enacted to read:

666 **11-58-402.5. Municipal processing of an inland port use application and appeal.**

667 (1) Except as provided in Subsections (2) and (3), the provisions of Title 10, Chapter
668 9a, Municipal Land Use, Development, and Management Act, apply to:

669 (a) a municipality's processing of and decision on an inland port use application; and

670 (b) a municipality's processing of and decision on an inland port use appeal.

671 (2) (a) A municipal land use authority shall approve or deny an inland port use
672 application no later than:

673 (i) 180 days after the filing of the complete inland port use application; or

674 (ii) a later date that the land use applicant and municipality agree to.

675 (b) (i) A municipal land use authority's failure to approve an inland port use application
676 within the period specified in Subsection (2)(a) constitutes a denial of the inland port use
677 application.

678 (ii) A denial under Subsection (2)(b)(i) is considered made on the last day of the period

679 specified in Subsection (2)(a).

680 (3) (a) A municipal appeal authority shall issue a written decision on an inland port use
681 appeal no later than:

682 (i) 60 days after the appeal is filed; or

683 (ii) a later date that all the parties to the appeal agree to.

684 (b) (i) An appeal authority's failure to issue a written decision on an inland port use
685 appeal within the time stated in Subsection (3)(a)(i) constitutes a denial of the appeal on the
686 merits.

687 (ii) A denial under Subsection (3)(b)(i) is considered made on the last day of the period
688 specified in Subsection (3)(a).

689 Section 13. Section **11-58-403** is amended to read:

690 **11-58-403. Appeals process and standards.**

691 (1) (a) ~~[An]~~ A person adversely affected ~~[person]~~ by an inland port use appeal decision
692 may appeal [a land use] the inland port use appeal decision to the appeals panel.

693 ~~[(2)(a) Notwithstanding the provisions of Title 10, Chapter 9a, Municipal Land Use,~~
694 ~~Development, and Management Act, an appeal under Subsection (1) is the exclusive appeal of~~
695 ~~a land use decision available to an adversely affected person.]~~

696 (b) An appeals panel may not consider an appeal of an inland port use appeal decision
697 to the extent that the appeal involves municipal requirements concerning:

698 (i) the construction of public utilities;

699 (ii) the administration of construction codes defined in Section [15A-1-202](#);

700 (iii) the permitting and building plan review for a development project, unless the
701 appeal involves a denial of an inland port use application;

702 (iv) the municipality's enforcement of a violation of a municipal code provision, unless
703 the provision is inconsistent with the purposes of this chapter; or

704 (v) fees or fines.

705 (2) (a) The board may adopt policies and procedures, consistent with the provisions of
706 this part, to govern an appeal before the appeals panel.

707 (b) The policies and procedures adopted under Subsection (2)(a) may:

708 (i) require the record relating to the municipality's denial of the inland port use
709 application and relating to the inland port use appeal decision to be provided to the appeals

710 panel for its review and consideration; and
711 (ii) provide for de novo review by the appeals panel.
712 ~~[(b)] (3) [An appeal of a land use]~~ An appeals panel may not consider an inland port
713 use appeal decision under this section [may not be considered unless it] unless the appeal of the
714 inland port use appeal decision is submitted to the appeals panel in writing within [10] 20
715 calendar days after the date of the [land use] inland port use appeal decision being appealed.
716 ~~[(3)] (4)~~ In deciding an appeal of [a land use] an inland port use appeal decision, an
717 appeals panel [may hold an informat] shall:
718 (a) hold a public hearing to receive information and hear arguments from the parties[-];
719 (b) provide prior notice of a hearing under Subsection (4)(a) to the parties to the appeal
720 and the public;
721 (c) respect the due process rights of the parties to the appeal;
722 (d) require the land use applicant, if the land use applicant is the person who submits
723 the appeal, to provide to the appeals panel a brief explanation in writing containing any
724 applicable information concerning:
725 (i) whether the proposed development that is the subject of the inland port use
726 application under consideration on appeal will meet or exceed applicable state and federal
727 regulations;
728 (ii) (A) any potential environmental impact the proposed development will have,
729 including on air quality and ground water; and
730 (B) how the land use applicant proposes to mitigate any impacts, including the extent
731 to which the proposed development will apply the best available technology or systems to
732 mitigate any environmental impacts of the development;
733 (iii) the potential impact of the proposed development on abutting property owners and
734 how the land use applicant proposes to mitigate those impacts;
735 (iv) the municipal requirements that the proposed development will be unable to
736 comply with and whether alternative means or an alternative method will produce a
737 comparable result; and
738 (v) how the proposed development implements or furthers the policies and objectives
739 stated in Subsection 11-58-203(1); and
740 (e) consider the information provided under Subsection (4)(d).

- 741 (5) An appeals panel may:
- 742 (a) affirm the inland port use appeal decision;
- 743 (b) decide in favor of the person adversely affected by the inland port use appeal
- 744 decision if the appeals panel determines that the inland port use appeal decision:
- 745 (i) is clearly contrary to the policies and objectives under Subsection [11-58-203\(1\)](#);
- 746 (ii) imposes restrictions or conditions on the proposed development that unreasonably
- 747 impair or essentially prohibit an inland port use; or
- 748 (iii) is arbitrary and capricious, or illegal; or
- 749 (c) (i) stay the appeal for a reasonable period of time to allow the parties to the appeal
- 750 to resolve the issues on appeal by agreement; and
- 751 (ii) encourage, facilitate, and mediate an agreement between the parties to resolve the
- 752 appeal.
- 753 ~~[(4)]~~ (6) (a) An appeals panel shall decide and publicly issue a written decision on an
- 754 appeal of a land use decision within [2+]:
- 755 (i) 30 days after the appeal is filed[-], subject to the period of any stay under Subsection
- 756 (5)(c); or
- 757 (ii) a later date that the appeals panel and the parties to the appeal agree to.
- 758 (b) An appeals panel decision shall include findings and conclusions explaining the
- 759 appeals panel's decision.
- 760 ~~[(5)]~~ (7) (a) A person [aggrieved] who is adversely affected by an appeals panel
- 761 decision may seek judicial review of the decision in district court by filing a petition with the
- 762 court within 30 days after the appeals panel decision.
- 763 (b) The court shall uphold the appeals panel decision unless the court determines that
- 764 the decision is:
- 765 (i) arbitrary and capricious; or
- 766 (ii) illegal.
- 767 Section 14. Section **11-58-601** is amended to read:
- 768 **11-58-601. Port authority receipt and use of property tax differential --**
- 769 **Distribution of property tax differential.**
- 770 (1) (a) The authority may:
- 771 (i) subject to Subsections (1)(b) ~~[and (c)]~~, (c), and (d), receive up to 100% of the

772 property tax differential for a period ending up to 25 years after a certificate of occupancy is
773 issued with respect to improvements on a parcel, as determined by the board and as provided in
774 this part; and

775 (ii) use the property tax differential during and after the period described in Subsection
776 (1)(a)(i).

777 (b) With respect to a parcel located within a project area, the 25-year period described
778 in Subsection (1)(a)(i) begins on the day on which the authority receives the first property tax
779 differential from that parcel.

780 (c) The authority may not receive property tax differential from an area included within
781 a community reinvestment project area, as defined in Section 17C-1-102, under a community
782 reinvestment project area plan, as defined in Section 17C-1-102, adopted before March 1,
783 2018, from a taxing entity that has, before March 1, 2018, entered into a fully executed, legally
784 binding agreement under which the taxing entity agrees to the use of its tax increment, as
785 defined in Section 17C-1-102, under the community reinvestment project area plan.

786 (d) The authority shall pay to a community reinvestment agency 10% of the property
787 tax differential generated from land located within that community reinvestment agency, to be
788 used for affordable housing as provided in Section 17C-1-412.

789 [~~(2) Improvements on a parcel within a project area become subject to property tax on~~
790 ~~January 1 immediately following the day on which the authority or an entity designated by the~~
791 ~~authority issues a certificate of occupancy with respect to those improvements.]~~

792 [(3)] (2) A county that collects property tax on property within a project area shall pay
793 and distribute to the authority the property tax differential that the authority is entitled to collect
794 under this title, in the manner and at the time provided in Section 59-2-1365.

795 [(4)] (3) (a) The board shall determine by resolution when the entire project area or an
796 individual parcel within a project area is subject to property tax differential.

797 (b) The board shall amend the project area budget to reflect whether a parcel within a
798 project area is subject to property tax differential.

799 Section 15. Section 11-58-602 is amended to read:

800 **11-58-602. Allowable uses of property tax differential and other funds.**

801 (1) The authority may use the property tax differential, money the authority receives
802 from the state, [~~authority services revenue,~~] and other funds available to the authority:

- 803 (a) for any purpose authorized under this chapter;
- 804 (b) subject to Subsection (4), for administrative, overhead, legal, consulting, and other
805 operating expenses of the authority;
- 806 (c) to pay for, including financing or refinancing, all or part of the development of land
807 within the project area from which the property tax differential or other funds were collected,
808 including assisting the ongoing operation of a development or facility within the project area;
- 809 (d) to pay the cost of the installation and construction of publicly owned infrastructure
810 and improvements within the project area from which the property tax differential funds were
811 collected;
- 812 (e) to pay the cost of the installation of publicly owned infrastructure and
813 improvements outside the project area if the board determines by resolution that the
814 infrastructure and improvements are of benefit to the project area; [~~and~~]
- 815 (f) to pay for municipal services that a municipality provides within the authority
816 jurisdictional land;
- 817 (g) to pay for other services that a taxing entity provides within the authority
818 jurisdictional land; and
- 819 [~~(f)~~] (h) to pay the principal and interest on bonds issued by the authority.
- 820 (2) The authority may use revenue generated from the operation of publicly owned
821 infrastructure operated by the authority or improvements operated by the authority to:
- 822 (a) operate and maintain the infrastructure or improvements; and
- 823 (b) pay for authority operating expenses, including administrative, overhead, and legal
824 expenses.
- 825 (3) The determination of the board under Subsection (1)(e) regarding benefit to the
826 project area is final.
- 827 (4) The authority may not use more than 2% of property tax differential revenue to pay
828 for authority operating expenses, including:
- 829 (a) administrative and overhead expenses; and
- 830 (b) legal expenses, except legal fees and expenses with respect to potential or pending
831 litigation involving the authority.
- 832 Section 16. Section **11-58-801** is amended to read:
- 833 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**

834 -- Auditor forms -- Requirement to file annual budget.

835 (1) The authority shall prepare and its board adopt an annual budget of revenues and
836 expenditures for the authority for each fiscal year.

837 (2) Each annual authority budget shall be adopted before June 22, except that the
838 authority's initial budget shall be adopted as soon as reasonably practicable after the
839 organization of the board and the beginning of authority operations.

840 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

841 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the
842 annual budget.

843 (b) The authority shall provide notice of the public hearing on the annual budget by
844 publishing notice:

845 (i) at least once in a newspaper of general circulation within the state, one week before
846 the public hearing; and

847 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for at least one
848 week immediately before the public hearing.

849 (c) The authority shall make the annual budget available for public inspection at least
850 three days before the date of the public hearing.

851 (5) The state auditor shall prescribe the budget forms and the categories to be contained
852 in each authority budget, including:

853 (a) revenues and expenditures for the budget year;

854 (b) legal fees; and

855 (c) administrative costs, including rent, supplies, and other materials, and salaries of
856 authority personnel.

857 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of
858 the annual budget with the auditor of each county in which the authority jurisdictional land is
859 located, the State Tax Commission, the state auditor, the State Board of Education, and each
860 taxing entity that levies a tax on property from which the authority collects property tax
861 differential.

862 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
863 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
864 the state auditor.

865 Section 17. Section **11-58-803** is amended to read:

866 **11-58-803. Port authority report.**

867 (1) (a) On or before November 1 of each year, the authority shall prepare and file a
868 report with the county auditor of each county in which the authority jurisdictional land is
869 located, the State Tax Commission, the State Board of Education, and each taxing entity that
870 levies a tax on property from which the authority collects property tax differential.

871 (b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a
872 taxing entity is met if the authority files a copy with the State Tax Commission and the state
873 auditor.

874 (2) Each report under Subsection (1) shall contain:

875 (a) an estimate of the property tax differential to be paid to the authority for the
876 calendar year ending December 31; and

877 (b) an estimate of the property tax differential to be paid to the authority for the
878 calendar year beginning the next January 1.

879 (3) Before November 30 of each year, the board shall present a report to the Executive
880 Appropriations Committee of the Legislature, as the Executive Appropriations Committee
881 directs, that includes:

882 (a) an accounting of how authority funds have been spent~~[-and]~~, including funds spent
883 on the environmental sustainability component of the authority business plan under Subsection
884 11-58-202(1)(a);

885 (b) an update about the progress of the development and implementation of the
886 authority business plan under Subsection 11-58-202(1)(a), including the development and
887 implementation of the environmental sustainability component of the plan; and

888 ~~[(b)]~~ (c) an explanation of the authority's progress in achieving the policies and
889 objectives described in Subsection 11-58-203(1).

890 Section 18. Section **11-58-806** is amended to read:

891 **11-58-806. Port authority chief financial officer is a public treasurer -- Certain**
892 **port authority funds are public funds.**

893 (1) The authority's chief financial officer:

894 (a) is a public treasurer, as defined in Section 51-7-3; and

895 (b) shall invest the authority funds specified in Subsection (2) as provided in that

896 subsection.

897 (2) Notwithstanding Subsection 63E-2-110(2)(a), property tax differential funds[;
898 ~~authority services revenue;~~] and appropriations that the authority receives from the state:

899 (a) are public funds; and

900 (b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.

901 Section 19. **Repealer.**

902 This bill repeals:

903 Section 11-58-204, **Existing development line.**

904 Section 11-58-404, **Standards governing appeals.**

905 Section 20. **Effective date.**

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