

Effective 5/8/2018

**Part 1
General Provisions**

11-59-102 Definitions.

As used in this chapter:

- (1) "Authority" means the Point of the Mountain State Land Authority, created in Section 11-59-201.
- (2) "Board" means the authority's board, created in Section 11-59-301.
- (3) "Development":
 - (a) means the construction, reconstruction, modification, expansion, or improvement of a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or other facility, including:
 - (i) the demolition or preservation or repurposing of a building, infrastructure, or other facility;
 - (ii) surveying, testing, locating existing utilities and other infrastructure, and other preliminary site work; and
 - (iii) any associated planning, design, engineering, and related activities; and
 - (b) includes all activities associated with:
 - (i) marketing and business recruiting activities and efforts;
 - (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the mountain state land; and
 - (iii) planning and funding for mass transit infrastructure to service the point of the mountain state land.
- (4) "Facilities division" means the Division of Facilities Construction and Management, created in Section 63A-5b-301.
- (5) "New correctional facility" means the state correctional facility being developed in Salt Lake City to replace the state correctional facility in Draper.
- (6) "Point of the mountain state land" means:
 - (a) the approximately 700 acres of state-owned land in Draper, including land used for the operation of a state correctional facility until completion of the new correctional facility and state-owned land in the vicinity of the current state correctional facility; and
 - (b) any land, in addition to the land described in Subsection (6)(a), that:
 - (i) the state acquires; and
 - (ii) is contiguous to the land described in Subsection (6)(a).
- (7) "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.
- (8) "Publicly owned infrastructure and improvements":
 - (a) means infrastructure, improvements, facilities, or buildings that:
 - (i) benefit the public; and
 - (ii)
 - (A) are owned by a public entity or a utility; or
 - (B) are publicly maintained or operated by a public entity; and
 - (b) 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, and public transportation facilities; and
 - (iii) greenspace, parks, trails, recreational amenities, or other similar facilities.
- (9) "Taxing entity" means the same as that term is defined in Section 59-2-102.

Amended by Chapter 53, 2024 General Session
Amended by Chapter 207, 2024 General Session
Amended by Chapter 438, 2024 General Session

11-59-103 Scope of chapter -- Limit on selling or leasing point of the mountain state land -- Authority control over point of the mountain state land -- Role of Division of Facilities Construction and Management -- Local government zoning not applicable.

- (1) This chapter governs the management of the point of the mountain state land, and the process of planning, managing, and implementing the development of the point of the mountain state land.
- (2)
- (a) No part of the point of the mountain state land may be sold or otherwise disposed of or leased without the approval of the board.
 - (b) The authority has complete and exclusive control over the management, development, and disposition of the point of the mountain state land.
- (3)
- (a) The facilities division serves the role of compliance agency under Title 15A, State Construction and Fire Codes Act, with respect to the point of the mountain state land.
 - (b) The facilities division is the permitting agency responsible for the issuance of a building permit or certificate of occupancy related to construction on the point of the mountain state land, in accordance with applicable building codes and standards.
- (4) The zoning authority of a local government under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, or Title 17, Chapter 27a, County Land Use, Development, and Management Act, does not apply to the use of the point of the mountain state land or to any improvements constructed on the point of the mountain state land, including improvements constructed by an entity other than the authority.

Amended by Chapter 263, 2023 General Session

11-59-104 Loan committee -- Approval of infrastructure loans.

- (1) As used in this section:
- (a) "Borrower" means the same as that term is defined in Section 63A-3-401.5.
 - (b) "Infrastructure loan" means the same as that term is defined in Section 63A-3-401.5.
 - (c) "Infrastructure project" means the same as that term is defined in Section 63A-3-401.5.
 - (d) "Point of the mountain fund" means the same as that term is defined in Section 63A-3-401.5.
 - (e) "Loan committee" means a committee established under Subsection (2).
- (2) The authority shall establish a five-member loan committee consisting of:
- (a) the individual who is the board member appointed by the governor under Subsection 11-59-302(2)(c)(ii);

- (b) the individual who is a board member under Subsection 11-59-302(2)(e) because the individual is the mayor of Draper or a member of the Draper city council;
 - (c) the executive director of the Department of Transportation, or the executive director's designee;
 - (d) an individual, appointed by the governor, who:
 - (i) is not an elected official; and
 - (ii) has expertise in public finance or infrastructure development; and
 - (e) an individual, appointed jointly by the president of the Senate and speaker of the House of Representatives, who:
 - (i) is not an elected official; and
 - (ii) has expertise in public finance or infrastructure development.
- (3)
- (a) The loan committee may recommend for board approval an infrastructure loan from the point of the mountain fund to a borrower for an infrastructure project undertaken by the borrower.
 - (b) An infrastructure loan from the point of the mountain fund may not be made unless:
 - (i) the infrastructure loan is recommended by the loan committee; and
 - (ii) the board approves the infrastructure loan.
 - (4) If the loan committee recommends an infrastructure loan, the loan committee shall recommend the terms of the infrastructure loan in accordance with Section 63A-3-404.
 - (5) The board may establish policies and guidelines with respect to prioritizing requests for infrastructure loans and approving infrastructure loans.
 - (6) Within 60 days after the execution of an infrastructure loan, the board shall report the infrastructure loan, including the loan amount, terms, interest rate, and security, to:
 - (a) the Executive Appropriations Committee; and
 - (b) the State Finance Review Commission created in Section 63C-25-201.
- (7)
- (a) Salaries and expenses of committee members who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A committee member who is not a legislator may not receive compensation or benefits for the member's service on the committee, but may receive per diem and reimbursement for travel expenses incurred as a committee member at the rates established by the Division of Finance under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 207, 2022 General Session
Amended by Chapter 237, 2022 General Session