

**Effective 5/8/2018**

**Chapter 59**  
**Point of the Mountain State Land Authority Act**

**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

## **Part 2**

### **Point of the Mountain State Land Authority**

**11-59-201 Creation of Point of the Mountain State Land Authority -- Status and duties of authority.**

- (1) There is created the Point of the Mountain State Land Authority.
- (2) The authority is:
  - (a) an independent, nonprofit, separate body corporate and politic, with perpetual succession, whose purpose is to facilitate the development of state land;
  - (b) a political subdivision of the state; and
  - (c) a public corporation, as defined in Section 63E-1-102.
- (3) Subject to Subsection 11-59-103(3), the authority shall manage the point of the mountain state land and shall plan, manage, and implement the development of the point of the mountain state land:
  - (a) beginning May 8, 2018;
  - (b) during the transition period as prison operations on the point of the mountain state land continue and eventually wind down in anticipation of the relocation of prison operations to the new correctional facility; and
  - (c) upon and after the transfer of prison operations to the new correctional facility.

Enacted by Chapter 388, 2018 General Session

**11-59-202 Authority powers.**

The authority may:

- (1) as provided in this chapter, plan, manage, and implement the development of the point of the mountain state land, including the ongoing operation of facilities on the point of the mountain state land;
- (2) undertake, or engage a consultant to undertake, any study, effort, or activity the board considers appropriate to assist or inform the board about any aspect of the proposed development of the point of the mountain state land, including the best development model and financial projections relevant to the authority's efforts to fulfill its duties and responsibilities under this section and Section 11-59-203;
- (3) sue and be sued;
- (4) enter into contracts generally, including a contract for the sharing of records under Section 63G-2-206;
- (5) buy, obtain an option upon, or otherwise acquire any interest in real or personal property, as necessary to accomplish the duties and responsibilities of the authority, including an interest in real property, apart from point of the mountain state land, or personal property, outside point of the mountain state land, for publicly owned infrastructure and improvements, if the board considers the purchase, option, or other interest acquisition to be necessary for fulfilling the authority's development objectives;
- (6) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or personal property;
- (7) enter into a lease agreement on real or personal property, either as lessee or lessor;
- (8) provide for the development of the point of the mountain state land under one or more contracts, including the development of publicly owned infrastructure and improvements and other infrastructure and improvements on or related to the point of the mountain state land;
- (9) exercise powers and perform functions under a contract, as authorized in the contract;
- (10) 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;

- (11) 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;
- (12) subject to Part 6, Authority Bonds, issue bonds to finance the undertaking of any development objectives of the authority;
- (13) issue bonds under Title 11, Chapter 17, Utah Industrial Facilities and Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;
- (14) hire employees, including contract employees, in addition to or in place of staff provided under Section 11-59-304;
- (15) transact other business and exercise all other powers provided for in this chapter;
- (16) enter into a development agreement with a developer of some or all of the point of the mountain state land;
- (17) provide for or finance an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102, in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act;
- (18) exercise powers and perform functions that the authority is authorized by statute to exercise or perform;
- (19) enter into one or more interlocal agreements under Title 11, Chapter 13, Interlocal Cooperation Act, with one or more local government entities for the delivery of services to the point of the mountain state land;
- (20) enter into an agreement with the federal government or an agency of the federal government, as the board considers necessary or advisable, to enable or assist the authority to exercise its powers or fulfill its duties and responsibilities under this chapter;
- (21) provide funding for the development of publicly owned infrastructure and improvements or other infrastructure and improvements on or related to the point of the mountain state land; and
- (22) impose impact fees under Title 11, Chapter 36a, Impact Fees Act, and other fees related to development activities.

Amended by Chapter 53, 2024 General Session

Amended by Chapter 207, 2024 General Session

**11-59-203 Authority duties and responsibilities.**

- (1) As the authority plans, manages, and implements the development of the point of the mountain state land, the authority shall pursue development strategies and objectives designed to:
  - (a) maximize the creation of high-quality jobs and encourage and facilitate a highly trained workforce;
  - (b) ensure strategic residential and commercial growth;
  - (c) promote a high quality of life for residents on and surrounding the point of the mountain state land, including strategic planning to facilitate:
    - (i) jobs close to where people live;
    - (ii) vibrant urban centers;
    - (iii) housing types that incorporate affordability factors and match workforce needs;
    - (iv) parks, connected trails, and open space, including the preservation of natural lands to the extent practicable and consistent with the overall development plan; and
    - (v) preserving and enhancing recreational opportunities;
  - (d) complement the development on land in the vicinity of the point of the mountain state land;
  - (e) improve air quality and minimize resource use;

- (f) accommodate and incorporate the planning, funding, and development of an enhanced and expanded future transit and transportation infrastructure and other investments, including:
  - (i) the acquisition of rights-of-way and property necessary to ensure transit access to the point of the mountain state land; and
  - (ii) a world class mass transit infrastructure, to service the point of the mountain state land and to enhance mobility and protect the environment; and
- (g) if appropriate, exercise its land use authority to increase the supply of housing in the state.
- (2) In planning the development of the point of the mountain state land, the authority shall:
  - (a) consult with applicable governmental planning agencies, including:
    - (i) relevant metropolitan planning organizations;
    - (ii) Draper City and Salt Lake County planning and governing bodies; and
    - (iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified Economic Opportunity Commission created in Section 63N-1a-201;
  - (b) research and explore the feasibility of attracting a nationally recognized research center; and
  - (c) research and explore the appropriateness of including labor training centers and a higher education presence on the point of the mountain state land.

Amended by Chapter 413, 2024 General Session

**11-59-204 Applicability of other law -- Coordination with municipality.**

- (1) The authority and the point of the mountain state land are not subject to:
  - (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
  - (b) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, except to the extent that:
    - (i) some or all of the point of the mountain state land is, on May 8, 2018, included within the boundary of a special district or special service district; and
    - (ii) the authority elects to receive service from the special district or special service district for the point of the mountain state land that is included within the boundary of the special district or special service district, respectively.
- (2) In formulating and implementing a development plan for the point of the mountain state land, the authority shall consult with officials of the municipality within which the point of the mountain state land is located on planning and zoning matters.
- (3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.
- (4) Nothing in this chapter may be construed to remove the point of the mountain state land from the service area of the municipality in which the point of the mountain state land is located, for purposes of water, sewer, and other similar municipal services currently being provided.
- (5) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act, except that for an electronic meeting of the authority board that otherwise complies with Section 52-4-207, the authority board:
  - (a) is not required to establish an anchor location; and
  - (b) may convene and conduct the meeting without the determination otherwise required under Subsection 52-4-207(5)(a)(i).

Amended by Chapter 16, 2023 General Session

Amended by Chapter 100, 2023 General Session

**11-59-205 Authority funds.**

- (1) Authority funds consist of all money that the authority receives from any source, including:
  - (a) money appropriated by the Legislature;
  - (b) money from lease revenue;
  - (c) revenue from fees or other charges imposed by the authority; and
  - (d) other money paid to or acquired by the authority, as provided in this chapter or other applicable law.
- (2) The authority may use authority funds to carry out any of the powers of the authority under this chapter or for any purpose authorized under this chapter, including:
  - (a) providing long-term benefits to the state from the development or use of point of the mountain state land;
  - (b) investment in authority projects;
  - (c) repayment of point of the mountain infrastructure loans;
  - (d) repayment of or collateral for authority bonds;
  - (e) the sharing of money with other governmental entities under an interlocal agreement; and
  - (f) paying any consulting fees, staff salaries, and other administrative, overhead, legal, and operating expenses of the authority.

Amended by Chapter 263, 2023 General Session

**11-59-206 Energy sales and use tax.**

- (1) As provided in Subsection 10-1-304(1)(c), the authority may by resolution levy an energy sales and use tax, under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, on an energy supplier, as defined in Section 10-1-303, that supplies energy to a facility on the point of the mountain state land.
- (2) An energy sales and use tax under this section is subject to the maximum rate under Subsection 10-1-304(1)(a)(ii), except that delivered value does not include the amount of a tax paid under this section.
- (3)
  - (a) An energy supplier may recover from the energy supplier's customers an amount equal to the energy sales and use tax, if the energy supplier includes the amount as a separate billing line item.
  - (b) An energy sales and use tax levied under this section is in addition to the rate approved by the Public Service Commission and charged to the customer.
- (4)
  - (a) An energy sales and use tax under this section is payable by the energy supplier to the authority on a monthly basis as described by the resolution levying the tax.
  - (b) A resolution levying an energy sales and use tax shall allow the energy supplier to retain 1% of the tax remittance each month to offset the energy supplier's costs of collecting and remitting the tax.
- (5) Beginning July 1, 2022, a municipality may not levy an energy sales and use tax on an energy supplier for energy that the energy supplier supplies to a facility located on the point of the mountain state land.

Enacted by Chapter 237, 2022 General Session

**11-59-207 Annual assessment on leased property.**

- (1) As used in this section:
  - (a) "Annual assessment" means an assessment:
    - (i) that is levied and collected each year, as provided in this section; and
    - (ii) in an amount that is the equivalent of the cumulative real property tax that would be levied and collected on leased property by all taxing entities if the leased property were not exempt property.
  - (b) "Exempt property" means real property that is exempt from ad valorem property tax because the real property is owned by the state.
  - (c) "Lease agreement" means an agreement by which a private person leases from the state real property that is part of the point of the mountain state land.
  - (d)
    - (i) "Leased property" means real property that:
      - (A) is part of the point of the mountain state land;
      - (B) is leased by a private person; and
      - (C) would be subject to ad valorem property tax if the real property were owned by the private person.
    - (ii) "Leased property" includes attachments and other improvements to the real property that would be included in an assessment of the value of the real property if the real property were not exempt property.
  - (e) "Leased property value" means the value that leased property would have if the leased property were subject to ad valorem property tax.
  - (f) "Lessee" means a private person that leases property that is part of the point of the mountain state land under a lease agreement.
- (2) Beginning January 1 of the year immediately following the execution of a lease agreement, a lessee under the lease agreement shall pay an annual assessment with respect to the leased property that is the subject of the lease agreement.
- (3) In a county in which the point of the mountain state land is located:
  - (a) the county assessor shall determine the leased property value of leased property that is subject to an annual assessment as though the leased property were subject to ad valorem property tax;
  - (b) the county treasurer shall collect an annual assessment in the same way and at the same time that the treasurer would collect ad valorem property tax on the leased property if the leased property were subject to ad valorem property tax;
  - (c) the county may retain an administrative fee for collecting and distributing the annual assessment in the same amount that would apply if the leased property were not exempt property; and
  - (d) the county treasurer shall distribute to the authority all revenue from an annual assessment on leased property in the same way and at the same time as the treasurer distributes ad valorem property tax revenue to taxing entities in accordance with Section 59-2-1365.
- (4) Leased property is not subject to a privilege tax under Title 59, Chapter 4, Privilege Tax.

Amended by Chapter 207, 2024 General Session

**11-59-208 Portion of property tax augmentation to be paid to authority.**

- (1) As used in this section:
  - (a) "Base taxable value" means the taxable value in the year before the transfer date.
  - (b) "Property tax augmentation":
    - (i) means the amount of property tax that is the difference between:



- (A) the amount of property tax revenues generated each tax year by all taxing entities from a transferred parcel, using the current assessed value of the property; and
- (B) the amount of property tax revenues that would be generated from that same transferred parcel using the base taxable value of the property; and
- (ii) does not include property tax revenue from:
  - (A) a county additional property tax or multicounty assessing and collecting levy imposed in accordance with Section 59-2-1602;
  - (B) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330; or
  - (C) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general obligation bond.
- (c) "Transfer date" means the date that fee title to land that is part of the point of the mountain state land is transferred to a private person.
- (d) "Transferred parcel" means a parcel of land:
  - (i) that is part of the point of the mountain state land; and
  - (ii) the fee title to which has been transferred to a private person.
- (2) Beginning January 1, 2023, the authority shall be paid 75% of property tax augmentation from a transferred parcel:
  - (a) for a period of 25 years beginning January 1 of the year immediately following the transfer date for the transferred parcel; and
  - (b) for a period of an additional 15 years beyond the period stated in Subsection (2)(a) if:
    - (i) the board determines by resolution that the additional years will produce a significant benefit to the authority; and
    - (ii) the resolution is adopted before the end of the 25-year period under Subsection (2)(a).
- (3) A county that collects property tax on property within the county in which the point of the mountain state land is located shall pay and distribute to the authority the amount of property tax augmentation that the authority is entitled to collect under Subsection (2), in the manner and at the time provided in Section 59-2-1365.

Enacted by Chapter 237, 2022 General Session

### **Part 3 Authority Board**

#### **11-59-301 Authority board -- Delegation of power.**

- (1) The authority shall be governed by a board, which shall manage and conduct the business and affairs of the authority and shall determine all questions of authority policy.
- (2) All powers of the authority are exercised through the board.
- (3) The board may by resolution:
  - (a) delegate powers to authority staff; and
  - (b) designate an authority officer or employee to execute on behalf of the authority a document by which the authority acts to lease, transfer, or otherwise dispose of land that is part of the point of the mountain state land.

Amended by Chapter 263, 2023 General Session

#### **11-59-302 Number of board members -- Appointment -- Vacancies -- Chairs.**

- (1) The board shall consist of 12 members as provided in Subsection (2).
- (2)
  - (a) The president of the Senate shall appoint two members of the Senate to serve as members of the board.
  - (b) The speaker of the House of Representatives shall appoint two members of the House of Representatives to serve as members of the board.
  - (c) The governor shall appoint five individuals to serve as members of the board:
    - (i) one of whom shall be a member of the board of or employed by the Governor's Office of Economic Opportunity, created in Section 63N-1a-301;
    - (ii) one of whom shall be an employee of the facilities division; and
    - (iii) one of whom shall be an elected official from a municipality in close proximity to the municipality in which the point of the mountain state land is located.
  - (d) The Salt Lake County mayor shall appoint one board member, who shall be an elected Salt Lake County government official.
  - (e) The mayor of Draper, or a member of the Draper city council that the mayor designates, shall serve as a board member.
  - (f) The commissioner of higher education, appointed under Section 53B-1-408, or the commissioner's designee, shall serve as a board member.
- (3)
  - (a)
    - (i) Subject to Subsection (3)(a)(ii), a vacancy on the board shall be filled in the same manner under this section as the appointment of the member whose vacancy is being filled.
    - (ii) If the mayor of Draper or commissioner of higher education is removed as a board member under Subsection (5), the mayor of Draper or commissioner of higher education, as the case may be, shall designate an individual to serve as a member of the board, as provided in Subsection (2)(e) or (f), respectively.
  - (b) Each person appointed or designated to fill a vacancy shall serve the remaining unexpired term of the member whose vacancy the person is filling.
- (4) A member of the board appointed by the governor, president of the Senate, or speaker of the House of Representatives serves at the pleasure of and may be removed and replaced at any time, with or without cause, by the governor, president of the Senate, or speaker of the House of Representatives, respectively.
- (5) A member of the board may be removed by a vote of two-thirds of all members of the board.
- (6)
  - (a) The governor shall appoint one board member to serve as cochair of the board.
  - (b) The president of the Senate and speaker of the House of Representatives shall jointly appoint one legislative member of the board to serve as cochair of the board.

Amended by Chapter 263, 2023 General Session

**11-59-303 Term of board members -- Quorum requirements -- Compensation.**

- (1) The term of each board member appointed under Subsection 11-59-302(2)(a), (b), (c), or (d) is four years, except that the initial term of half of the members appointed under Subsections 11-59-302(2)(a), (b), and (c) is two years.
- (2) Each board member shall serve until a successor is duly appointed and qualified.
- (3) A majority of board members constitutes a quorum, and, except as provided in Subsection 11-59-302(5), the action of a majority of a quorum constitutes the action of the board.
- (4)

- (a) A board member who is not a legislator may not receive compensation or benefits for the member's service on the board, but may receive per diem and expense reimbursement for travel expenses incurred as a board member as allowed in:
  - (i) Sections 63A-3-106 and 63A-3-107; and
  - (ii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (b) Compensation and expenses of a board member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

Enacted by Chapter 388, 2018 General Session

**11-59-304 Staff and other support services -- Cooperation from state and local government entities -- Services from state agencies.**

- (1) As used in this section, "office" means the Governor's Office of Economic Opportunity, created in Section 63N-1a-301.
- (2) If and as requested by the board:
  - (a) the facilities division shall:
    - (i) provide staff support to the board; and
    - (ii) make available to the board existing division resources and expertise to assist the board in the development, marketing, and disposition of the point of the mountain state land; and
  - (b) the office shall cooperate with and provide assistance to the board in the board's:
    - (i) formulation of a development plan for the point of the mountain state land; and
    - (ii) management and implementation of a development plan, including the marketing of property and recruitment of businesses and others to locate on the point of the mountain state land.
- (3) A department, division, or other agency of the state and a political subdivision of the state shall cooperate with the authority and the board to the fullest extent possible to provide whatever support, information, or other assistance the board requests that is reasonably necessary to help the authority fulfill its duties and responsibilities under this chapter.
- (4)
  - (a) The authority may request and, upon request, shall receive services that include:
    - (i) fuel dispensing and motor pool services provided by the Division of Fleet Operations;
    - (ii) surplus property services provided by the Division of Purchasing and General Service;
    - (iii) information technology services provided by the Division of Technology Services;
    - (iv) archive services provided by the Division of Archives and Records Service;
    - (v) financial services provided by the Division of Finance;
    - (vi) human resource management services provided by the Division of Human Resource Management;
    - (vii) legal services provided by the Office of the Attorney General; and
    - (viii) banking services provided by the Office of the State Treasurer.
  - (b) Nothing in Subsection (4)(a) may be construed to relieve the authority of the obligation to pay the applicable fee for the service provided.

Amended by Chapter 263, 2023 General Session

**11-59-305 Considering recommendations of the Point of the Mountain Development Commission -- Board recommendations on financing.**

- (1) In fulfilling its responsibilities under this chapter and in accomplishing the purposes of the authority under this chapter, the board shall:

- (a) consider the recommendations of the Point of the Mountain Development Commission, created in Section 63C-17-103; and
  - (b) to the extent the board determines practicable, plan, manage, and implement the development of the point of the mountain state land consistent with those recommendations.
- (2) Before November 30, 2018, the board shall make recommendations to the Legislative Management Committee of the Legislature concerning potential revenue sources for the development of the point of the mountain state land.

Enacted by Chapter 388, 2018 General Session

**11-59-306 Limitations on board members -- Annual conflict of interest disclosure statement -- Exception -- Penalties.**

(1) As used in this section:

(a) "Designated individual" means an individual:

(i)

(A) who is a member of the Senate or House of Representatives;

(B) who has been appointed as a member of the board under Subsection 11-59-302(2)(a) or (b); and

(C) whose legislative district includes some or all of the point of the mountain state land;

(ii) who is designated to serve as a board member under Subsection 11-59-302(2)(e) or (f).

(b) "Direct financial benefit":

(i) means any form of financial benefit that accrues to an individual directly as a result of the development of the point of the mountain state land, including:

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

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

(ii) does not include a financial benefit that accrues to the public generally as a result of the development of the point of the mountain state land.

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

(d)

(i) "Interest in real property" means every type of real property interest, whether recorded or unrecorded, including:

(A) a legal or equitable interest;

(B) an option on real property;

(C) an interest under a contract;

(D) fee simple ownership;

(E) ownership as a tenant in common or in joint tenancy or another joint ownership arrangement;

(F) ownership through a partnership, limited liability company, or corporation that holds title to a real property interest in the name of the partnership, limited liability company, or corporation;

(G) leasehold interest; and

(H) any other real property interest that is capable of being owned.

(ii) "Interest in real property" does not include:

(A) an interest in a personal residence in which the individual resides or, in the case of an intended future acquisition, intends to reside; or

(B) an interest as a tenant paying market-rate rent in a building that is located on point of the mountain state land.

(2) An individual may not serve as a member of the board if:

- (a) subject to Subsection (5) for a designated individual, the individual owns an interest in real property on or within five miles of the point of the mountain state land;
  - (b) a family member of the individual owns an interest in real property located on or within one-half mile of the point of the mountain state land;
  - (c) the individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a firm, company, or other entity that the individual reasonably believes is likely to participate in or receive compensation or other direct financial benefit from the development of the point of the mountain state land; or
  - (d) the individual or a family member of the individual receives or is expected to receive a direct financial benefit.
- (3)
- (a) Before taking office as a board member, an individual shall submit to the authority a statement:
    - (i) verifying that the individual's service as a board member does not violate Subsection (2); and
    - (ii) for a designated individual, identifying any interest in real property located on or within five miles of the point of the mountain state land.
  - (b) If a designated individual takes action, during the individual's service as a board member, to initiate, negotiate, or otherwise arrange for the acquisition of an interest in real property located on or within five miles of the point of the mountain state land, the designated individual shall submit a written statement to the board chair describing the action, the interest in real property that the designated individual intends to acquire, and the location of the real property.
- (4) Except for a board member who is a designated individual, a board member is disqualified from further service as a board member if the board member, at any time during the board member's service on the board, takes any action to initiate, negotiate, or otherwise arrange for the acquisition of an interest in real property located on or within five miles of the point of the mountain state land.
- (5) A designated individual who submits a written statement under Subsection (3)(a)(ii) or (b) may not serve or continue to serve as a board member unless at least two-thirds of all other board members conclude that the designated individual's service as a board member does not and will not create a material conflict of interest impairing the ability of the designated individual to exercise fair and impartial judgment as a board member and to act in the best interests of the authority.
- (6)
- (a) The board may not allow a firm, company, or other entity to participate in planning, managing, or implementing the development of the point of the mountain state land if a board member or a family member of a board member owns an interest in, is directly affiliated with, or is an employee or officer of the firm, company, or other entity.
  - (b) Before allowing a firm, company, or other entity to participate in planning, managing, or implementing the development of the point of the mountain state land, the board may require the firm, company, or other entity to certify that no board member or family member of a board member owns an interest in, is directly affiliated with, or is an employee or officer of the firm, company, or other entity.
- (7) Except as provided in Subsection (13), a board member shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the authority's board:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and

- (b) submit the written disclosure statement to the administrator or clerk of the authority's board.
- (8)
- (a) No later than 10 business days after the date on which the board member submits the written disclosure statement described in Subsection (7) to the administrator or clerk of the authority's board, the administrator or clerk shall:
    - (i) post an electronic copy of the written disclosure statement on the authority's website; and
    - (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (8)(a)(i).
  - (b) The administrator or clerk shall ensure that the board member's written disclosure statement remains posted on the authority's website until the board member leaves office.
- (9) The administrator or clerk of the authority's board shall take the action described in Subsection (10) if:
- (a) a board member fails to timely submit the written disclosure statement described in Subsection (7); or
  - (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (10) If a circumstance described in Subsection (9) occurs, the administrator or clerk of the authority's board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.
- (11)
- (a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (10).
  - (b) A board member who violates Subsection (11)(a) is guilty of a class B misdemeanor.
  - (c) The administrator or clerk of the authority's board shall report a violation of Subsection (11)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (11)(b), the administrator or clerk of the authority's board shall impose a civil fine of \$100 against a board member who violates Subsection (11)(a).
- (12) The administrator or clerk of the authority's board shall deposit a fine collected under this section into the authority's account to pay for the costs of administering this section.
- (13) For an individual who is appointed as a board member under Subsection 11-59-302(2)(a), (b), (c)(iii), (d), or (e):
- (a) Subsection (7) does not apply; and
  - (b) the administrator or clerk of the authority's board shall, instead:
    - (i) post an electronic link on the authority's website to the written disclosure statement the board member made in the board member's capacity as:
      - (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures; or
      - (B) an elected officer of a municipality, under Section 10-3-1313; and
    - (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (13)(b)(i).

Amended by Chapter 207, 2024 General Session

Amended by Chapter 443, 2024 General Session

## **Part 4**

### **Authority Budget and Reporting Requirements**

#### **11-59-401 Annual authority budget -- Fiscal year -- Public hearing and notice required -- Auditor forms.**

- (1) The authority shall prepare and its board adopt an annual budget of revenues and expenditures for the authority for each fiscal year.
- (2) Each annual authority budget shall be adopted before June 22.
- (3) The authority's fiscal year shall be the period from July 1 to the following June 30.
- (4)
  - (a) Before adopting an annual budget, the authority board shall hold a public hearing on the annual budget.
  - (b) The authority shall provide notice of the public hearing on the annual budget by publishing notice:
    - (i) at least once in a newspaper of general circulation within the state, one week before the public hearing; and
    - (ii) on the Utah Public Notice Website created in Section 63A-16-601, for at least one week immediately before the public hearing.
  - (c) The authority shall make the annual budget available for public inspection at least three days before the date of the public hearing.
- (5) The state auditor shall prescribe the budget forms and the categories to be contained in each authority budget, including:
  - (a) revenues and expenditures for the budget year;
  - (b) legal fees; and
  - (c) administrative costs, including rent, supplies, and other materials, and salaries of authority personnel.

Amended by Chapter 84, 2021 General Session  
Amended by Chapter 345, 2021 General Session

#### **11-59-402 Amending the authority annual budget.**

- (1) The authority board may by resolution amend an annual authority budget.
- (2) An amendment of the annual authority budget that would increase the total expenditures may be made only after public hearing by notice published as required for initial adoption of the annual budget.
- (3) The authority may not make expenditures in excess of the total expenditures established in the annual budget as it is adopted or amended.

Enacted by Chapter 388, 2018 General Session

#### **11-59-403 Audit requirements.**

The authority shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Enacted by Chapter 388, 2018 General Session

**11-59-404 Authority chief financial officer is a public treasurer -- Certain authority funds are public funds.**

- (1) The authority's chief financial officer:
  - (a) is a public treasurer, as defined in Section 51-7-3; and
  - (b) shall invest the authority funds specified in Subsection (2) as provided in that subsection.
- (2) Notwithstanding Subsection 63E-2-110(2)(a), appropriations that the authority receives from the state:
  - (a) are public funds; and
  - (b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.

Enacted by Chapter 388, 2018 General Session

**Part 5  
Authority Dissolution**

**11-59-501 Dissolution of authority -- Restrictions -- Publishing notice of dissolution -- Authority records -- Dissolution expenses.**

- (1) The authority may not be dissolved unless:
  - (a) the authority board first receives approval from the Legislative Management Committee of the Legislature to dissolve the authority; and
  - (b) the authority has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with persons or entities other than the state.
- (2) To dissolve the authority, the board shall:
  - (a) obtain the approval of the Legislative Management Committee of the Legislature; and
  - (b) adopt a resolution dissolving the authority, to become effective as provided in the resolution.
- (3) Upon the dissolution of the authority:
  - (a) the Governor's Office of Economic Opportunity shall publish a notice of dissolution:
    - (i) for the county in which the dissolved authority is located, as a class A notice under Section 63G-30-102, for at least seven days; and
    - (ii) as required in Section 45-1-101; and
  - (b) all title to property owned by the authority vests in the facilities division for the benefit of the state.
- (4) The board shall deposit all books, documents, records, papers, and seal of the dissolved authority with the state auditor for safekeeping and reference.
- (5) The authority shall pay all expenses of the deactivation and dissolution.

Amended by Chapter 263, 2023 General Session

Amended by Chapter 435, 2023 General Session

**Part 6  
Authority Bonds**

**11-59-601 Resolution authorizing issuance of authority bonds -- Characteristics of bonds -- Notice.**



- (1) The authority may not issue bonds under this part unless the board first:
  - (a) adopts a parameters resolution, as defined in Section 63C-25-101, for the bonds; and
  - (b) submits the parameters resolution for review and recommendation to the State Finance Review Commission created in Section 63C-25-201.
- (2)
  - (a) As provided in the authority resolution authorizing the issuance of bonds under this part or the trust indenture under which the bonds are issued, bonds issued under this part may be issued in one or more series and may be sold at public or private sale and in the manner provided in the resolution or indenture.
  - (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest at the rate, be in the denomination and in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be subject to the terms of redemption or tender, with or without premium, be payable in the medium of payment and at the place, and have other characteristics as provided in the authority resolution authorizing the issuance of the bonds or the trust indenture under which the bonds are issued.
- (3) Upon the board's adoption of a resolution providing for the issuance of bonds, the board may provide for the publication of the resolution:
  - (a) for the area within the authority's boundaries, as a class A notice under Section 63G-30-102, for at least 30 days; and
  - (b) as required in Section 45-1-101.
- (4) In lieu of publishing the entire resolution, the board may publish notice of bonds that contains the information described in Subsection 11-14-316(2).
- (5) For a period of 30 days after the publication, any person in interest may contest:
  - (a) the legality of the resolution or proceeding;
  - (b) any bonds that may be authorized by the resolution or proceeding; or
  - (c) any provisions made for the security and payment of the bonds.
- (6)
  - (a)
    - (i) A person may contest the matters set forth in Subsection (5) by filing a verified written complaint in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, within 30 days after the publication under Subsection (5).
    - (ii) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person filing a complaint under Subsection (6)(a)(i) shall bring the action in the county in which the person resides if the action is brought in district court.
  - (b) A person may not contest the matters set forth in Subsection (5), or the regularity, formality, or legality of the resolution or proceeding, for any reason, after the 30-day period for contesting provided in Subsection (6)(a).
- (7) No later than 60 days after the closing day of any bonds, the authority shall report the bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:
  - (a) the Executive Appropriations Committee; and
  - (b) the State Finance Review Commission created in Section 63C-25-201.

Enacted by Chapter 207, 2024 General Session

**11-59-602 Sources from which bonds may be payable -- Authority powers regarding bonds.**

- (1) The principal and interest on bonds issued by the authority may be made payable from:
  - (a) the income and revenues of the projects financed with the proceeds of the bonds;

- (b) the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of the bonds;
  - (c) the income, proceeds, revenues, property, and funds the authority derives from or holds in connection with its undertaking and carrying out development of point of the mountain state land;
  - (d) revenue from an annual assessment under Section 11-59-207;
  - (e) authority revenues generally;
  - (f) a contribution, loan, grant, or other financial assistance from the federal government or a public entity in aid of the authority; or
  - (g) funds derived from any combination of the methods listed in Subsections (1)(a) through (f).
- (2) In connection with the issuance of authority bonds, the authority may:
- (a) pledge all or any part of its gross or net rents, fees, or revenues to which authority right then exists or may thereafter come into existence;
  - (b) encumber by mortgage, deed of trust, or otherwise all or any part of authority real or personal property, then owned or thereafter acquired; and
  - (c) make the covenants and take the action that may be necessary, convenient, or desirable to secure authority bonds, or, except as otherwise provided in this chapter, that will tend to make the bonds more marketable, even though the covenants or actions are not specifically enumerated in this chapter.

Enacted by Chapter 207, 2024 General Session

**11-59-603 Purchase of authority bonds.**

- (1) Any individual, firm, corporation, association, political subdivision of the state, or other entity or public or private officer may purchase bonds issued by an authority under this part with funds owned or controlled by the purchaser.
- (2) Nothing in this section may be construed to relieve a purchaser of authority bonds of any duty to exercise reasonable care in selecting and purchasing securities.

Enacted by Chapter 207, 2024 General Session

**11-59-604 Those executing bonds not personally liable -- Limitation of obligations under bond -- Negotiability.**

- (1) A member of the board or other person executing an authority bond is not liable personally on the bond.
- (2)
  - (a) A bond issued by the authority is not a general obligation or liability of the state or any political subdivision of the state and does not constitute a charge against the general credit or taxing powers of the state or any political subdivision of the state.
  - (b) A bond issued by the authority is not payable out of any funds or properties other than those of the authority.
  - (c) The state and political subdivisions of the state are not and may not be held liable on a bond issued by the authority.
  - (d) A bond issued by the authority does not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.
- (3) A bond issued by the authority under this part is fully negotiable.

Enacted by Chapter 207, 2024 General Session

**11-59-605 Obligee rights -- Board may confer other rights.**

- (1) In addition to all other rights that are conferred on an obligee of a bond issued by the authority under this part and subject to contractual restrictions binding on the obligee, an obligee may:
  - (a) by mandamus, suit, action, or other proceeding, compel an authority and authority board, officers, agents, or employees to perform every term, provision, and covenant contained in any contract of the authority with or for the benefit of the obligee, and require the authority to carry out the covenants and agreements of the authority and to fulfill all duties imposed on the authority by this part; and
  - (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be unlawful or violate the rights of the obligee.
- (2)
  - (a)
    - (i) In a board resolution authorizing the issuance of bonds or in a trust indenture, mortgage, lease, or other contract, the board may confer upon an obligee holding or representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue upon the happening of an event or default prescribed in the resolution, indenture, mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any court of competent jurisdiction.
    - (ii) The rights that the board may confer under Subsection (2)(a)(i) are the rights to:
      - (A) cause possession of all or part of a development project to be surrendered to an obligee;
      - (B) obtain the appointment of a receiver of all or part of an authority's development project and of the rents and profits from it; and
      - (C) require the authority and its board and employees to account as if the authority and the board and employees were the trustees of an express trust.
  - (b) If a receiver is appointed through the exercise of a right granted under Subsection (2)(a)(ii) (B), the receiver:
    - (i) may enter and take possession of the development project or any part of it, operate and maintain it, and collect and receive all fees, rents, revenues, or other charges arising from it after the receiver's appointment; and
    - (ii) shall keep money collected as receiver for the authority in separate accounts and apply it pursuant to the authority obligations as the court directs.

Enacted by Chapter 207, 2024 General Session

**11-59-606 Bonds exempt from taxes -- Authority may purchase its own bonds.**

- (1) A bond issued by the authority under this part is issued for an essential public and governmental purpose and is, together with interest on the bond and income from it, exempt from all state taxes except the corporate franchise tax.
- (2) The authority may purchase the authority's own bonds at a price that the board determines.
- (3) Nothing in this section limits the right of an obligee to pursue a remedy for the enforcement of a pledge or lien given under this part by the authority on its rents, fees, grants, properties, or revenues.

Enacted by Chapter 207, 2024 General Session