Effective 5/5/2021

Part 1
General Provisions

17D-4-101 Title.

This chapter is known as the "Public Infrastructure District Act."

Renumbered and Amended by Chapter 314, 2021 General Session

17D-4-102 Definitions.

As used in this chapter:

(1) "Board" means the board of trustees of a public infrastructure district.

(2) "Capital city" means a city of the first class that is the capital of the state that has a convention center within the boundary of the city.

(3) "Convention center" means a government facility:

(a) owned by the county in which the convention center is located;

(b) primarily used for hosting conventions, exhibitions, trade shows, or similar events; and

(c) is located within the boundaries of a city of the first class in a county of the first class.

(4) "Convention center public infrastructure district" means a public infrastructure district created to finance public infrastructure and improvements associated with and benefiting a convention center area and surrounding area, including the costs to finance any public or privately owned improvements, including:

(a) convention center-related improvements;

(b) arena improvements; and

(c) a convention center revitalization project, as that term is defined in Section 63N-23-101.

(5) "Convention center public infrastructure district in a capital city" means a convention center public infrastructure district created to finance public infrastructure and improvements for a convention center in a capital city, including:

(a) the costs to finance any public improvements that serve the convention center;

(b) privately owned improvements if the improvements are an allowed use of funds under Section 63N-23-803; and

(c) a convention center revitalization project, as that term is defined in Section 63N-23-101.

(6) "Creating entity" means the county, municipality, basic special district, or development authority that approves the creation of a public infrastructure district.

(7) "Development authority" means:

(a) the Utah Inland Port Authority created in Section 11-58-201;

(b) the Point of the Mountain State Land Authority created in Section 11-59-201;

(c) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; or

(d) the military installation development authority created in Section 63H-1-201.

(8) "District applicant" means the person proposing the creation of a public infrastructure district.

(9) "Division" means a division of a public infrastructure district:

(a) that is relatively equal in number of eligible voters or potential eligible voters to all other divisions within the public infrastructure district, taking into account existing or potential developments which, when completed, would increase or decrease the population within the public infrastructure district; and

(b) which a member of the board represents.

(10) "Governing document" means the document governing a public infrastructure district to which the creating entity agrees before the creation of the public infrastructure district, as amended from time to time, and subject to the limitations of Title 17B, Chapter 1, Provisions Applicable to All Special Districts, and this chapter.

(11)

(a) "Limited tax bond" means a bond:

(i) that is directly payable from and secured by ad valorem property taxes that are levied:

(A) by a public infrastructure district that issues the bond; and

(B) on taxable property within the district;

(ii) that is a general obligation of the public infrastructure district; and

(iii) for which the ad valorem property tax levy for repayment of the bond does not exceed the property tax levy rate limit established under Section 17D-4-303 for any fiscal year, except as provided in Subsection 17D-4-301(13).

(b) "Limited tax bond" does not include:

(i) a short-term bond;

(ii) a tax and revenue anticipation bond; or

(iii) a special assessment bond.

(12)

(a) "Municipal advisor" means a person that:

(i) advises a political subdivision on matters related to the issuance of bonds by governmental entities, including the pricing, sales, and marketing of bonds and the procuring of bond ratings, credit enhancement, and insurance with respect to bonds;

(ii) is qualified to provide the advice described in Subsection (12)(a)(i);

(iii) is not an officer or employee of the political subdivision receiving advice;

(iv) has not been engaged to provide underwriting services in connection with a transaction in which the person will provide advice to the political subdivision; and

(v) has experience doing business related to the issuance of bonds in the state.

(b) "Municipal advisor" may include:

(i) an individual who meets the description in Subsection (12)(a); or

(ii) a firm of individuals who collectively meet the description in Subsection (12)(a).

(13)

(a) "Participation agreement" means an executed agreement between a local government and project participant, as those terms are defined in Section 63N-23-801.

(b) "Participation agreement" includes an agreement under Title 63N, Chapter 23, Part 8, Capital City Revitalization Zone.

(14)

(a) "Public infrastructure and improvements" means:

(i) infrastructure, utilities, improvements, facilities, buildings, or remediation that:

(A) benefit the public and are owned by a public entity or a public or private utility;

(B) benefit the public and are publicly maintained or operated by a public entity; or

(C) are privately owned and are expressly permitted to be acquired or financed by the public infrastructure district's governing document or an agreement between the public infrastructure district and the public infrastructure district's creating entity;

(ii) publicly or privately owned roads, rights-of-way, trails, parking, or parking structures; and

(iii)

(A) for a convention center public infrastructure district, infrastructure, utilities, improvements, facilities, buildings, or remediation that:

(I) benefit the public and are owned by a public entity or a utility;

(II) benefit the public and are publicly maintained or operated by a public entity; or
(III) are privately owned and provide a substantial benefit, as determined by the board of a convention center public infrastructure district, to:
(Aa) the development and operation of a convention center public infrastructure district; or
(Bb) the residents or property owners within the boundaries of a convention center public infrastructure district or within the boundaries of a convention center reinvestment zone to which the convention center public infrastructure district is either within or adjacent; or
(B) if the infrastructure and improvements are outside of the boundaries of a convention center public infrastructure district, benefit a convention center public infrastructure district to which the convention center public infrastructure district project area is either within or adjacent.
(b) "Public infrastructure and improvements" also means:
(i) the same as that term is defined in Section 11-58-102, for a public infrastructure district created by the Utah Inland Port Authority created in Section 11-58-201;
(ii) the same as that term is defined in Section 11-70-101, for a public infrastructure district created by the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201;
(iii) the same as that term is defined in Section 63H-1-102, for a public infrastructure district created by the military installation development authority created in Section 63H-1-201;
(iv) for any public infrastructure district created by a development authority, any infrastructure, utilities, improvements, facilities, buildings, or remediation that are privately owned and benefit the public; and
(v) for a public infrastructure district to which tax increment revenue is pledged or distributed, any publicly or privately owned infrastructure, utilities, improvements, facilities, buildings, or remediation that is a permitted use of the tax increment revenue.
(15)
(a) "Tax increment revenue" means the difference between the tax revenue generated from or within a specific area and the revenue that would be generated if a base taxable value were used.
(b) "Tax increment revenue" includes any concept substantially the same as the definition in Subsection (15)(a), regardless of the name of the concept.

Amended by Chapter 324, 2026 General Session

17D-4-103 Provisions applicable to public infrastructure districts.
(1) A public infrastructure district:
(a) is a body corporate and politic with perpetual succession;
(b) is a quasi-municipal corporation;
(c) is a political subdivision of the state;
(d) is separate and distinct from, and independent of, any other public entity or political subdivision of the state; and
(e) may sue and be sued.
(2) Each public infrastructure district is governed by and has the powers stated in:
(a) this chapter; and
(b) Title 17B, Chapter 1, Provisions Applicable to All Special Districts.
(3) This chapter applies only to a public infrastructure district.
(4) Except as modified or exempted by this chapter, a public infrastructure district is:

(a) to the same extent as if the public infrastructure district were a special district, subject to the provisions in:
(i) Title 17B, Chapter 1, Provisions Applicable to All Special Districts; and
(ii) Title 20A, Election Code; and
(b) subject to the provisions in Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.
(5) If there is a conflict between a provision in Title 17B, Chapter 1, Provisions Applicable to All Special Districts, and a provision in this chapter, the provision in this chapter supersedes the conflicting provision in Title 17B, Chapter 1, Provisions Applicable to All Special Districts.
(6) The annexation of an unincorporated area by a municipality or the adjustment of a boundary shared by more than one municipality does not affect the boundaries of a public infrastructure district.

Amended by Chapter 347, 2025 General Session

17D-4-104 Conditions where property owner consent is not required.

Any provision of this chapter requiring the consent or signatures of 100% of surface property owners within an applicable area, the consent of any public entity, utility provider, or owners' association that is a property owner within an applicable area is not required if the public entity, utility provider, or owners' association ownership interest within the applicable area is limited to:
(1) an easement;
(2) a right-of-way; or
(3) a public improvement, utility improvement, or related improvement.

Enacted by Chapter 347, 2025 General Session