

1 **DEVELOPMENT AROUND MILITARY**

2 **INSTALLATIONS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Sheldon L. Killpack**

6 House Sponsor: Brad L. Dee

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to the Military Installation Development Authority.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ authorizes the Military Installation Development Authority to:

14 • enter into an agreement with a political subdivision to receive municipal services
15 in a project area;

16 • exercise powers and perform functions, as authorized under a contract with the
17 federal government; and

18 • amend a project area plan;

19 ▶ clarifies that the employees that the Military Installation Development Authority is
20 authorized to hire includes contract employees; and

21 ▶ makes allowable uses of tax increment applicable to other authority funds.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **63H-1-201**, as enacted by Laws of Utah 2007, Chapter 23

29 **63H-1-502**, as enacted by Laws of Utah 2007, Chapter 23

30 ENACTS:

31 **63H-1-403.5**, Utah Code Annotated 1953



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

34 Section 1. Section **63H-1-201** is amended to read:

35 **63H-1-201. Creation of Military Installation Development Authority -- Status**
36 **and powers of authority.**

37 (1) There is created a Military Installation Development Authority.

38 (2) The authority is an independent, nonprofit, separate body corporate and politic, with
39 perpetual succession.

40 (3) The authority may:

41 (a) sue and be sued;

42 (b) enter into contracts generally;

43 (c) buy, obtain an option upon, or otherwise acquire any interest in real or personal
44 property within the boundaries of a military installation;

45 (d) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
46 personal property;

47 (e) enter into a lease agreement on real or personal property, either as lessee or lessor,
48 within the boundaries of a military installation;

49 (f) provide for the development of military land under contracts with the federal
50 government;

51 (g) exercise powers and perform functions under a contract with the federal
52 government, as authorized in that contract;

53 [~~g~~] (h) receive tax increment as provided in this chapter;

54 [~~h~~] (i) accept financial or other assistance from any public or private source for the
55 authority's activities, powers, and duties, and expend any funds so received for any of the
56 purposes of this chapter;

57 [~~i~~] (j) borrow money or accept financial or other assistance from the federal

58 government, a public entity, or any other source for any of the purposes of this chapter and
59 comply with any conditions of the loan or assistance;

60 ~~[(j)]~~ (k) issue bonds to finance the undertaking of any development objectives of the
61 authority;

62 ~~[(k)]~~ (l) hire employees, including contract employees;

63 ~~[(l)]~~ (m) transact other business and exercise all other powers provided for in this
64 chapter; ~~[and]~~

65 ~~[(m)]~~ (n) enter into a partnership agreement with a developer of military land[-]; and

66 (o) enter into an agreement with a political subdivision of the state under which the
67 political subdivision provides one or more municipal services within a project area.

68 Section 2. Section **63H-1-403.5** is enacted to read:

69 **63H-1-403.5. Amendment to a project area plan.**

70 (1) The authority may amend a project area plan by following the same procedure under
71 this part as applies to the adoption of a project area plan.

72 (2) The provisions of this part apply to the authority's adoption of an amendment to a
73 project area plan to the same extent as they apply to the adoption of a project area plan.

74 Section 3. Section **63H-1-502** is amended to read:

75 **Part 5. Authority Funds**

76 **63H-1-502. Allowable uses of tax increment and other funds.**

77 (1) The authority may use tax increment and other funds available to the authority:

78 (a) for any of the purposes for which the use of tax increment is authorized under this
79 chapter;

80 (b) for administrative, overhead, legal, and other operating expenses of the authority;

81 (c) to pay for, including financing or refinancing, all or part of the development of
82 military land;

83 (d) to pay the cost of the installation and construction of any publicly owned building,
84 facility, structure, landscaping, or other improvement within the project area from which the tax
85 increment funds were collected;

86 (e) to pay the cost of the installation of infrastructure and improvements outside the
87 project area from which the tax increment funds were collected if the authority board
88 determines by resolution that the infrastructure and improvements are of benefit to the project
89 area; and

90 (f) to pay the principal of and interest on bonds issued by the authority.

91 (2) The determination of the authority board under Subsection (1)(e) regarding benefit
92 to the project area shall be final and conclusive.