

1 **MILITARY INSTALLATION DEVELOPMENT AUTHORITY**

2 **AMENDMENTS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jerry W. Stevenson**

6 House Sponsor: Brad L. Dee

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions of the Military Installation Development Authority Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ authorizes the Military Installation Development Authority to enter an agreement
- 14 with the federal government for law enforcement services;
- 15 ▶ modifies a provision relating to the board's adoption of a project area plan;
- 16 ▶ requires a lease or development agreement entered before the creation of a project
- 17 area to include a specified provision;
- 18 ▶ provides that the authority may not be required to pay an amount or incur a loss or
- 19 penalty because of the board's failure to create a project area; and
- 20 ▶ authorizes the authority to use authority funds to pay for a passenger ropeway
- 21 outside of the project area under certain circumstances.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides an immediate effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **63H-1-201**, as last amended by Laws of Utah 2010, Chapter 9

29 **63H-1-401**, as last amended by Laws of Utah 2011, Chapter 234

30 **63H-1-502**, as last amended by Laws of Utah 2010, Chapter 9



31
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **63H-1-201. Creation of military installation development authority -- Status and**
35 **powers of authority -- Limitation.**

36 (1) There is created a military installation development authority.

37 (2) The authority is:

38 (a) an independent, nonprofit, separate body corporate and politic, with perpetual
39 succession and statewide jurisdiction, whose purpose is to facilitate the development of
40 military land in a project area;

41 (b) a political subdivision of the state; and

42 (c) a public corporation, as defined in Section 63E-1-102.

43 (3) The authority may:

44 (a) as provided in this chapter, facilitate the development of land within one or more
45 project areas, including the ongoing operation of facilities within a project area;

46 (b) sue and be sued;

47 (c) enter into contracts generally;

48 (d) buy, obtain an option upon, or otherwise acquire any interest in real or personal
49 property:

50 (i) in a project area; or

51 (ii) outside a project area for publicly owned infrastructure and improvements, if the
52 board considers the purchase, option, or other interest acquisition to be necessary for fulfilling
53 the authority's development objectives;

54 (e) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
55 personal property;

56 (f) enter into a lease agreement on real or personal property, either as lessee or lessor:

57 (i) in a project area; or

58 (ii) outside a project area, if the board considers the lease to be necessary for fulfilling
59 the authority's development objectives;

60 (g) provide for the development of land within a project area under one or more
61 contracts;

62 (h) exercise powers and perform functions under a contract, as authorized in the
63 contract;

64 (i) exercise exclusive police power within a project area to the same extent as though
65 the authority were a municipality, including the collection of regulatory fees;

66 (j) receive tax increment and other taxes and fees as provided in this chapter;

67 (k) accept financial or other assistance from any public or private source for the
68 authority's activities, powers, and duties, and expend any funds so received for any of the
69 purposes of this chapter;

70 (l) borrow money, contract with, or accept financial or other assistance from the federal
71 government, a public entity, or any other source for any of the purposes of this chapter and
72 comply with any conditions of the loan, contract, or assistance;

73 (m) issue bonds to finance the undertaking of any development objectives of the
74 authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and
75 Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;

76 (n) hire employees, including contract employees;

77 (o) transact other business and exercise all other powers provided for in this chapter;

78 (p) enter into a development agreement with a developer of land within a project area;

79 (q) enter into an agreement with a political subdivision of the state under which the
80 political subdivision provides one or more municipal services within a project area;

81 (r) enter into an agreement with a private contractor to provide one or more municipal
82 services within a project area; ~~and~~

83 (s) exercise powers and perform functions that the authority is authorized by statute to
84 exercise or perform[-]; and

85 (t) enter into an agreement with the federal government or an agency of the federal

86 government under which the federal government or agency:

87 (i) provides law enforcement services only to military land within a project area; and

88 (ii) may enter into a mutual aid or other cooperative agreement with a law enforcement
89 agency of the state or a political subdivision of the state.

90 (4) The authority may not itself provide law enforcement service or fire protection
91 service within a project area but may enter into an agreement for one or both of those services,
92 as provided in Subsection (3)(q).

93 Section 2. Section **63H-1-401** is amended to read:

94 **63H-1-401. Preparation of project area plan -- Required contents of project area**
95 **plan.**

96 (1) (a) [~~Before entering into any lease or development agreement, the~~] The authority
97 board shall adopt a project area plan as provided in this part.

98 (b) In order to adopt a project area plan, the authority board shall:

99 (i) prepare a draft project area plan;

100 (ii) give notice as required under Subsection 63H-1-402(2);

101 (iii) hold at least one public meeting, as required under Subsection 63H-1-402(1); and

102 (iv) after holding at least one public meeting and subject to Subsection (1)(c), adopt the
103 draft project area plan as the project area plan.

104 (c) Before adopting a draft project area plan as the project area plan, the authority
105 board may make modifications to the draft project area plan that the board considers necessary
106 or appropriate.

107 (d) (i) A lease or development agreement that the authority enters before the creation of
108 a project area shall provide that the board is not required to create a project area.

109 (ii) An authority may not be required to pay any amount or incur any loss or penalty for
110 the board's failure to create a project area.

111 (2) Each project area plan and draft project area plan shall contain:

112 (a) a legal description of the boundary of the project area that is the subject of the
113 project area plan;

- 114 (b) the authority's purposes and intent with respect to the project area; and
- 115 (c) the board's findings and determination that:
 - 116 (i) there is a need to effectuate a public purpose;
 - 117 (ii) there is a public benefit to the proposed development project;
 - 118 (iii) it is economically sound and feasible to adopt and carry out the project area plan;

119 and

- 120 (iv) carrying out the project area plan will promote the public peace, health, safety, and
- 121 welfare of the community in which the project area is located.

122 (3) A project area described in a project area plan:

- 123 (a) shall include military land; and
- 124 (b) may include public or private land, whether or not it is contiguous to military land,
- 125 if:

- 126 (i) the legislative body of the county in which the public or private land is located, if
- 127 the public land or private land is located in an unincorporated county, passes a resolution
- 128 consenting to the inclusion of the land in the project area;

- 129 (ii) the legislative body of an included municipality passes a resolution consenting to
- 130 the inclusion of the land in the project area; and

- 131 (iii) the owner of the public or private land consents to the inclusion of the land in the
- 132 project area.

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

134 **63H-1-502. Allowable uses of tax increment and other funds.**

- 135 (1) The authority may use tax increment and other funds available to the authority,
- 136 other than municipal services revenue:

- 137 (a) for any purpose authorized under this chapter;
- 138 (b) for administrative, overhead, legal, and other operating expenses of the authority;
- 139 (c) to pay for, including financing or refinancing, all or part of the development of land
- 140 within the project area from which the tax increment funds or other funds were collected,
- 141 including assisting the ongoing operation of any development or facility within the project area;

142 (d) to pay the cost of the installation and construction of any publicly owned
143 infrastructure and improvements within the project area from which the tax increment funds
144 were collected;

145 (e) to pay the cost of the installation of publicly owned infrastructure and
146 improvements, including a passenger ropeway, as defined in Section 72-11-102, outside the
147 project area if:

148 (i) the authority board determines by resolution that the infrastructure and
149 improvements are of benefit to the project area; and

150 (ii) for a passenger ropeway, at least one end of the ropeway is located within the
151 project area.

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

153 (2) The authority may use revenue generated from the operation of publicly owned
154 infrastructure operated by the authority or improvements operated by the authority to:

155 (a) operate and maintain the infrastructure or improvements; and

156 (b) pay for authority operating expenses, including administrative, overhead, and legal
157 expenses.

158 (3) For purposes of Subsection (1), the authority may use:

159 (a) tax revenues received under Subsection 59-12-205(2)(b)(ii); and

160 (b) resort communities tax revenues generated from a project area that contains private
161 land.

162 (4) The determination of the authority board under Subsection (1)(e) regarding benefit
163 to the project area shall be final and conclusive.

164 **Section 4. Effective date.**

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