

1 **ELECTRIC VEHICLE INFRASTRUCTURE AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Patrice M. Arent**

5 Senate Sponsor: Kevin T. Van Tassell

6

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to an assessment for electric vehicle charging
10 infrastructure.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ authorizes an interlocal entity to issue a bond for electric vehicle charging
15 infrastructure;
- 16 ▶ requires that an assessment area for electric vehicle charging infrastructure be a
17 voluntary assessment area;
- 18 ▶ authorizes a county to provide electric vehicle charging infrastructure;
- 19 ▶ authorizes a local district to provide electric vehicle charging infrastructure;
- 20 ▶ authorizes a special service district to provide electric vehicle charging
21 infrastructure;
- 22 ▶ authorizes a military installation development authority to provide electric vehicle
23 charging infrastructure; and
- 24 ▶ makes technical changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **11-13-218**, as last amended by Laws of Utah 2015, Chapter 265
- 32 **11-42-102**, as last amended by Laws of Utah 2015, Chapter 396
- 33 **11-42-103**, as last amended by Laws of Utah 2015, Chapter 396
- 34 **11-42-202**, as last amended by Laws of Utah 2015, Chapters 349 and 396
- 35 **11-42-209**, as enacted by Laws of Utah 2013, Chapter 246
- 36 **11-42-301**, as last amended by Laws of Utah 2013, Chapter 246
- 37 **11-42-408**, as last amended by Laws of Utah 2013, Chapter 246
- 38 **11-42-411**, as last amended by Laws of Utah 2013, Chapter 246
- 39 **17-50-335**, as enacted by Laws of Utah 2013, Chapter 246
- 40 **17B-1-202**, as last amended by Laws of Utah 2014, Chapter 377
- 41 **17D-1-201**, as last amended by Laws of Utah 2013, Chapters 246 and 448
- 42 **63H-1-201**, as last amended by Laws of Utah 2015, Chapter 377

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

45 Section 1. Section **11-13-218** is amended to read:

46 **11-13-218. Authority of public agencies or interlocal entities to issue bonds --**
47 **Applicable provisions.**

48 (1) A public agency may, in the same manner as it may issue bonds for its individual
49 acquisition of a facility or improvement or for constructing, improving, or extending a facility
50 or improvement, issue bonds to:

51 (a) acquire an interest in a jointly owned facility or improvement, a combination of a
52 jointly owned facility or improvement, or any other facility or improvement; or

53 (b) pay all or part of the cost of constructing, improving, or extending a jointly owned
54 facility or improvement, a combination of a jointly owned facility or improvement, or any other
55 facility or improvement.

56 (2) (a) An interlocal entity may issue bonds or notes under a resolution, trust indenture,
57 or other security instrument for the purpose of:

58 (i) financing its facilities or improvements; or

59 (ii) providing for or financing an energy efficiency upgrade ~~[or]~~, a renewable energy
60 system, or electric vehicle charging infrastructure in accordance with Title 11, Chapter 42,
61 Assessment Area Act.

62 (b) The bonds or notes may be sold at public or private sale, mature at such times and
63 bear interest at such rates, and have such other terms and security as the entity determines.

64 (c) The bonds or notes described in this Subsection (2) are not a debt of any public
65 agency that is a party to the agreement.

66 (3) The governing board may, by resolution, delegate to one or more officers of the
67 interlocal entity or to a committee of designated members of the governing board the authority
68 to:

69 (a) in accordance with and within the parameters set forth in the resolution, approve the
70 final interest rate, price, principal amount, maturity, redemption features, or other terms of a
71 bond or note; and

72 (b) approve and execute all documents relating to the issuance of the bond or note.

73 (4) Bonds and notes issued under this chapter are declared to be negotiable instruments
74 and their form and substance need not comply with the Uniform Commercial Code.

75 (5) (a) An interlocal entity shall issue bonds in accordance with, as applicable:

76 (i) Chapter 14, Local Government Bonding Act;

77 (ii) Chapter 27, Utah Refunding Bond Act;

78 (iii) this chapter; or

79 (iv) any other provision of state law that authorizes issuance of bonds by a public body.

80 (b) An interlocal entity is a public body as defined in Section [11-30-2](#).

81 Section 2. Section **11-42-102** is amended to read:

82 **11-42-102. Definitions.**

83 (1) "Adequate protests" means timely filed, written protests under Section [11-42-203](#)
84 that represent at least 40% of the frontage, area, taxable value, fair market value, lots, number
85 of connections, or equivalent residential units of the property proposed to be assessed,
86 according to the same assessment method by which the assessment is proposed to be levied,
87 after eliminating:

88 (a) protests relating to:

89 (i) property that has been deleted from a proposed assessment area; or

90 (ii) an improvement that has been deleted from the proposed improvements to be
91 provided to property within the proposed assessment area; and

92 (b) protests that have been withdrawn under Subsection [11-42-203\(3\)](#).

93 (2) "Assessment area" means an area, or, if more than one area is designated, the
94 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a
95 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the
96 costs of improvements, operation and maintenance, or economic promotion activities that
97 benefit property within the area.

98 (3) "Assessment bonds" means bonds that are:

99 (a) issued under Section [11-42-605](#); and

100 (b) payable in part or in whole from assessments levied in an assessment area,
101 improvement revenues, and a guaranty fund or reserve fund.

102 (4) "Assessment fund" means a special fund that a local entity establishes under
103 Section [11-42-412](#).

104 (5) "Assessment lien" means a lien on property within an assessment area that arises
105 from the levy of an assessment, as provided in Section [11-42-501](#).

106 (6) "Assessment method" means the method:

107 (a) by which an assessment is levied against benefitted property, whether by frontage,
108 area, taxable value, fair market value, lot, parcel, number of connections, equivalent residential
109 unit, any combination of these methods, or any other method; and

110 (b) that, when applied to a benefitted property, accounts for an assessment that meets
111 the requirements of Section [11-42-409](#).

112 (7) "Assessment ordinance" means an ordinance adopted by a local entity under
113 Section [11-42-404](#) that levies an assessment on benefitted property within an assessment area.

114 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
115 [11-42-404](#) that levies an assessment on benefitted property within an assessment area.

116 (9) "Benefitted property" means property within an assessment area that directly or
117 indirectly benefits from improvements, operation and maintenance, or economic promotion
118 activities.

119 (10) "Bond anticipation notes" means notes issued under Section [11-42-602](#) in
120 anticipation of the issuance of assessment bonds.

121 (11) "Bonds" means assessment bonds and refunding assessment bonds.

122 (12) "Commercial area" means an area in which at least 75% of the property is devoted
123 to the interchange of goods or commodities.

124 (13) (a) "Commercial or industrial real property" means real property used directly or
125 indirectly or held for one of the following purposes or activities, regardless of whether the
126 purpose or activity is for profit:

127 (i) commercial;

128 (ii) mining;

129 (iii) industrial;

130 (iv) manufacturing;

131 (v) governmental;

132 (vi) trade;

133 (vii) professional;

134 (viii) a private or public club;

135 (ix) a lodge;

136 (x) a business; or

137 (xi) a similar purpose.

138 (b) "Commercial or industrial real property" includes real property that:

139 (i) is used as or held for dwelling purposes; and

140 (ii) contains more than four rental units.

141 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of
142 connecting property to a publicly owned sewer, storm drainage, water, gas, communications, or
143 electrical system, whether or not improvements are installed on the property.

144 (15) "Contract price" means:

145 (a) the cost of acquiring an improvement, if the improvement is acquired; or

146 (b) the amount payable to one or more contractors for the design, engineering,
147 inspection, and construction of an improvement.

148 (16) "Designation ordinance" means an ordinance adopted by a local entity under
149 Section 11-42-206 designating an assessment area.

150 (17) "Designation resolution" means a resolution adopted by a local entity under
151 Section 11-42-206 designating an assessment area.

152 (18) "Economic promotion activities" means activities that promote economic growth
153 in a commercial area of a local entity, including:
154 (a) sponsoring festivals and markets;
155 (b) promoting business investment or activities;
156 (c) helping to coordinate public and private actions; and
157 (d) developing and issuing publications designed to improve the economic well-being
158 of the commercial area.

159 (19) "Electric vehicle charging infrastructure" means equipment that is:
160 (a) permanently affixed to commercial or industrial real property; and
161 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
162 plug-in hybrid vehicle as those terms are defined in Subsection [59-7-605\(1\)](#).

163 [~~(19)~~] (20) "Energy efficiency upgrade" means an improvement that is permanently
164 affixed to commercial or industrial real property that is designed to reduce energy
165 consumption, including:

- 166 (a) insulation in:
 - 167 (i) a wall, roof, floor, or foundation; or
 - 168 (ii) a heating and cooling distribution system;
- 169 (b) a window or door, including:
 - 170 (i) a storm window or door;
 - 171 (ii) a multiglazed window or door;
 - 172 (iii) a heat-absorbing window or door;
 - 173 (iv) a heat-reflective glazed and coated window or door;
 - 174 (v) additional window or door glazing;
 - 175 (vi) a window or door with reduced glass area; or
 - 176 (vii) other window or door modifications;
- 177 (c) an automatic energy control system;
- 178 (d) in a building or a central plant, a heating, ventilation, or air conditioning and
179 distribution system;
- 180 (e) caulk or weatherstripping;
- 181 (f) a light fixture that does not increase the overall illumination of a building unless an
182 increase is necessary to conform with the applicable building code;

- 183 (g) an energy recovery system;
- 184 (h) a daylighting system;
- 185 (i) measures to reduce the consumption of water, through conservation or more
186 efficient use of water, including:
- 187 (i) installation of low-flow toilets and showerheads;
- 188 (ii) installation of timer or timing systems for a hot water heater; or
- 189 (iii) installation of rain catchment systems; or
- 190 (j) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
191 measure by the governing body of a local entity.

192 [~~(20)~~] (21) "Environmental remediation activity" means a surface or subsurface
193 enhancement, effort, cost, initial or ongoing maintenance expense, facility, installation, system,
194 earth movement, or change to grade or elevation which improves the use, function, aesthetics,
195 or environmental condition of publically or privately owned property.

196 [~~(21)~~] (22) "Equivalent residential unit" means a dwelling, unit, or development that is
197 equal to a single-family residence in terms of the nature of its use or impact on an improvement
198 to be provided in the assessment area.

199 [~~(22)~~] (23) "Governing body" means:

- 200 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 201 (b) for a local district, the board of trustees of the local district;
- 202 (c) for a special service district:
- 203 (i) the legislative body of the county, city, or town that established the special service
204 district, if no administrative control board has been appointed under Section [17D-1-301](#); or
- 205 (ii) the administrative control board of the special service district, if an administrative
206 control board has been appointed under Section [17D-1-301](#); and
- 207 (d) for the military installation development authority created in Section [63H-1-201](#),
208 the authority board, as defined in Section [63H-1-102](#).

209 [~~(23)~~] (24) "Guaranty fund" means the fund established by a local entity under Section
210 [11-42-701](#).

211 [~~(24)~~] (25) "Improved property" means property upon which a residential, commercial,
212 or other building has been built.

213 [~~(25)~~] (26) "Improvement":

214 (a) (i) means a publicly owned infrastructure, system, or other facility, a publicly or
215 privately owned energy efficiency upgrade, a publicly or privately owned renewable energy
216 system, or publicly or privately owned environmental remediation activity that:

217 (A) a local entity is authorized to provide;

218 (B) the governing body of a local entity determines is necessary or convenient to
219 enable the local entity to provide a service that the local entity is authorized to provide; or

220 (C) a local entity is requested to provide through an interlocal agreement in accordance
221 with Title 11, Chapter 13, Interlocal Cooperation Act; and

222 (ii) includes facilities in an assessment area, including a private driveway, an irrigation
223 ditch, and a water turnout, that:

224 (A) can be conveniently installed at the same time as an infrastructure, system, or other
225 facility described in Subsection [~~(25)~~] (26)(a)(i); and

226 (B) are requested by a property owner on whose property or for whose benefit the
227 infrastructure, system, or other facility is being installed; or

228 (b) for a local district created to assess groundwater rights in accordance with Section
229 17B-1-202, means a system or plan to regulate groundwater withdrawals within a specific
230 groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.

231 [~~(26)~~] (27) "Improvement revenues":

232 (a) means charges, fees, impact fees, or other revenues that a local entity receives from
233 improvements; and

234 (b) does not include revenue from assessments.

235 [~~(27)~~] (28) "Incidental refunding costs" means any costs of issuing refunding
236 assessment bonds and calling, retiring, or paying prior bonds, including:

237 (a) legal and accounting fees;

238 (b) charges of financial advisors, escrow agents, certified public accountant verification
239 entities, and trustees;

240 (c) underwriting discount costs, printing costs, the costs of giving notice;

241 (d) any premium necessary in the calling or retiring of prior bonds;

242 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to
243 refund the outstanding prior bonds;

244 (f) any other costs that the governing body determines are necessary and proper to incur

245 in connection with the issuance of refunding assessment bonds; and

246 (g) any interest on the prior bonds that is required to be paid in connection with the
247 issuance of the refunding assessment bonds.

248 [~~(28)~~] (29) "Installment payment date" means the date on which an installment
249 payment of an assessment is payable.

250 [~~(29)~~] (30) "Interim warrant" means a warrant issued by a local entity under Section
251 11-42-601.

252 [~~(30)~~] (31) "Jurisdictional boundaries" means:

253 (a) for a county, the boundaries of the unincorporated area of the county; and

254 (b) for each other local entity, the boundaries of the local entity.

255 [~~(31)~~] (32) "Local district" means a local district under Title 17B, Limited Purpose
256 Local Government Entities - Local Districts.

257 [~~(32)~~] (33) "Local entity" means a county, city, town, special service district, local
258 district, an interlocal entity as defined in Section 11-13-103, a military installation development
259 authority created in Section 63H-1-201, or other political subdivision of the state.

260 [~~(33)~~] (34) "Local entity obligations" means assessment bonds, refunding assessment
261 bonds, interim warrants, and bond anticipation notes issued by a local entity.

262 [~~(34)~~] (35) "Mailing address" means:

263 (a) a property owner's last-known address using the name and address appearing on the
264 last completed real property assessment roll of the county in which the property is located; and

265 (b) if the property is improved property:

266 (i) the property's street number; or

267 (ii) the post office box, rural route number, or other mailing address of the property, if
268 a street number has not been assigned.

269 [~~(35)~~] (36) "Net improvement revenues" means all improvement revenues that a local
270 entity has received since the last installment payment date, less all amounts payable by the local
271 entity from those improvement revenues for operation and maintenance costs.

272 [~~(36)~~] (37) "Operation and maintenance costs":

273 (a) means the costs that a local entity incurs in operating and maintaining

274 improvements in an assessment area, whether or not those improvements have been financed
275 under this chapter; and

276 (b) includes service charges, administrative costs, ongoing maintenance charges, and
277 tariffs or other charges for electrical, water, gas, or other utility usage.

278 [~~(37)~~] (38) "Overhead costs" means the actual costs incurred or the estimated costs to
279 be incurred by a local entity in connection with an assessment area for appraisals, legal fees,
280 filing fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and
281 paying agent fees, publishing and mailing costs, costs of levying an assessment, recording
282 costs, and all other incidental costs.

283 [~~(38)~~] (39) "Prior assessment ordinance" means the ordinance levying the assessments
284 from which the prior bonds are payable.

285 [~~(39)~~] (40) "Prior assessment resolution" means the resolution levying the assessments
286 from which the prior bonds are payable.

287 [~~(40)~~] (41) "Prior bonds" means the assessment bonds that are refunded in part or in
288 whole by refunding assessment bonds.

289 [~~(41)~~] (42) "Project engineer" means the surveyor or engineer employed by or the
290 private consulting engineer engaged by a local entity to perform the necessary engineering
291 services for and to supervise the construction or installation of the improvements.

292 [~~(42)~~] (43) "Property" includes real property and any interest in real property, including
293 water rights and leasehold rights.

294 [~~(43)~~] (44) "Property price" means the price at which a local entity purchases or
295 acquires by eminent domain property to make improvements in an assessment area.

296 [~~(44)~~] (45) "Provide" or "providing," with reference to an improvement, includes the
297 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and
298 expansion of an improvement.

299 [~~(45)~~] (46) "Public agency" means:

300 (a) the state or any agency, department, or division of the state; and

301 (b) a political subdivision of the state.

302 [~~(46)~~] (47) "Reduced payment obligation" means the full obligation of an owner of
303 property within an assessment area to pay an assessment levied on the property after the
304 assessment has been reduced because of the issuance of refunding assessment bonds, as
305 provided in Section [11-42-608](#).

306 [~~(47)~~] (48) "Refunding assessment bonds" means assessment bonds that a local entity

307 issues under Section 11-42-607 to refund, in part or in whole, assessment bonds.

308 ~~[(48)]~~ (49) "Renewable energy system" means a product, a system, a device, or an
 309 interacting group of devices that~~[-(a)]~~ is permanently affixed to commercial or industrial real
 310 property~~[-];~~ and:

311 ~~[(b)]~~ (a) produces energy from renewable resources, including:

312 (i) a photovoltaic system;

313 (ii) a solar thermal system;

314 (iii) a wind system;

315 (iv) a geothermal system, including:

316 (A) a generation system;

317 (B) a direct-use system; or

318 (C) a ground source heat pump system;

319 (v) a microhydro system; or

320 (vi) any other renewable ~~[sources]~~ source system approved by the governing body of a
 321 local entity~~[-];~~ or

322 (b) stores energy, including:

323 (i) a battery storage system; or

324 (ii) any other energy storing system approved by the governing body of a local entity.

325 ~~[(49)]~~ (50) "Reserve fund" means a fund established by a local entity under Section
 326 11-42-702.

327 ~~[(50)]~~ (51) "Service" means:

328 (a) water, sewer, storm drainage, garbage collection, library, recreation,
 329 communications, or electric service;

330 (b) economic promotion activities; or

331 (c) any other service that a local entity is required or authorized to provide.

332 ~~[(51)]~~ (52) "Special service district" ~~[has the same meaning as]~~ means the same as that
 333 term is defined in Section 17D-1-102.

334 ~~[(52)]~~ (53) "Unassessed benefitted government property" means property that a local
 335 entity may not assess in accordance with Section 11-42-408 but is benefitted by an
 336 improvement, operation and maintenance, or economic promotion activities.

337 ~~[(53)]~~ (54) "Unimproved property" means property upon which no residential,

338 commercial, or other building has been built.

339 ~~[(54)]~~ (55) "Voluntary assessment area" means an assessment area that contains only
340 property whose owners have voluntarily consented to an assessment.

341 Section 3. Section **11-42-103** is amended to read:

342 **11-42-103. Limit on effect of this chapter.**

343 (1) Nothing in this chapter may be construed to authorize a local entity to provide an
344 improvement or service that the local entity is not otherwise authorized to provide.

345 (2) Notwithstanding Subsection (1), a local entity may provide a renewable energy
346 system, an energy efficiency upgrade, electric vehicle charging infrastructure, or an
347 environmental remediation activity that the local entity finds or determines to be in the public
348 interest.

349 Section 4. Section **11-42-202** is amended to read:

350 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
351 **designation.**

352 (1) Each notice required under Subsection **11-42-201**(2)(a) shall:

353 (a) state that the local entity proposes to:

354 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
355 assessment area;

356 (ii) provide an improvement to property within the proposed assessment area; and

357 (iii) finance some or all of the cost of improvements by an assessment on benefitted
358 property within the assessment area;

359 (b) describe the proposed assessment area by any reasonable method that allows an
360 owner of property in the proposed assessment area to determine that the owner's property is
361 within the proposed assessment area;

362 (c) describe, in a general and reasonably accurate way, the improvements to be
363 provided to the assessment area, including:

364 (i) the nature of the improvements; and

365 (ii) the location of the improvements, by reference to streets or portions or extensions
366 of streets or by any other means that the governing body chooses that reasonably describes the
367 general location of the improvements;

368 (d) state the estimated cost of the improvements as determined by a project engineer;

369 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the
370 estimated total assessment specific to the benefitted property for which the notice is mailed;

371 (f) state that the local entity proposes to levy an assessment on benefitted property
372 within the assessment area to pay some or all of the cost of the improvements according to the
373 estimated benefits to the property from the improvements;

374 (g) if applicable, state that an unassessed benefitted government property will receive
375 improvements for which the cost will be allocated proportionately to the remaining benefitted
376 properties within the proposed assessment area and that a description of each unassessed
377 benefitted government property is available for public review at the location or website
378 described in Subsection (6);

379 (h) state the assessment method by which the governing body proposes to levy the
380 assessment, including, if the local entity is a municipality or county, whether the assessment
381 will be collected:

382 (i) by directly billing a property owner; or

383 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317
384 and in compliance with Section 11-42-401;

385 (i) state:

386 (i) the date described in Section 11-42-203 and the location at which protests against
387 designation of the proposed assessment area or of the proposed improvements are required to
388 be filed;

389 (ii) the method by which the governing body will determine the number of protests
390 required to defeat the designation of the proposed assessment area or acquisition or
391 construction of the proposed improvements; and

392 (iii) in large, boldface, and conspicuous type that a property owner must protest the
393 designation of the assessment area in writing if the owner objects to the area designation or
394 being assessed for the proposed improvements, operation and maintenance costs, or economic
395 promotion activities;

396 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

397 (k) if the governing body elects to create and fund a reserve fund under Section
398 11-42-702, include a description of:

399 (i) how the reserve fund will be funded and replenished; and

400 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
401 the bonds;

402 (l) if the governing body intends to designate a voluntary assessment area, include a
403 property owner consent form that:

404 (i) estimates the total assessment to be levied against the particular parcel of property;

405 (ii) describes any additional benefits that the governing body expects the assessed
406 property to receive from the improvements; and

407 (iii) designates the date and time by which the fully executed consent form is required
408 to be submitted to the governing body;

409 (m) if the local entity intends to levy an assessment to pay operation and maintenance
410 costs or for economic promotion activities, include:

411 (i) a description of the operation and maintenance costs or economic promotion
412 activities to be paid by assessments and the initial estimated annual assessment to be levied;

413 (ii) a description of how the estimated assessment will be determined;

414 (iii) a description of how and when the governing body will adjust the assessment to
415 reflect the costs of:

416 (A) in accordance with Section [11-42-406](#), current economic promotion activities; or

417 (B) current operation and maintenance costs;

418 (iv) a description of the method of assessment if different from the method of
419 assessment to be used for financing any improvement; and

420 (v) a statement of the maximum number of years over which the assessment will be
421 levied for:

422 (A) operation and maintenance costs; or

423 (B) economic promotion activities;

424 (n) if the governing body intends to divide the proposed assessment area into
425 classifications under Subsection [11-42-201\(1\)\(b\)](#), include a description of the proposed
426 classifications;

427 (o) if applicable, state the portion and value of the improvement that will be increased
428 in size or capacity to serve property outside of the assessment area and how the increases will
429 be financed; and

430 (p) state whether the improvements will be financed with a bond and, if so, the

431 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
432 benefitted properties within the assessment area may be obligated.

433 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
434 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
435 subject to the market rate at the time of the issuance of the bond.

436 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
437 that the governing body considers to be appropriate, including:

438 (a) the amount or proportion of the cost of the improvement to be paid by the local
439 entity or from sources other than an assessment;

440 (b) the estimated total amount of each type of assessment for the various improvements
441 to be financed according to the method of assessment that the governing body chooses; and

442 (c) provisions for any improvements described in Subsection
443 11-42-102[(25)](26)(a)(ii).

444 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

445 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
446 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
447 least five but not more than 20 days before the day of the hearing required in Section
448 11-42-204; or

449 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
450 boundaries, be posted in at least three public places within the local entity's jurisdictional
451 boundaries at least 20 but not more than 35 days before the day of the hearing required in
452 Section 11-42-204; and

453 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for
454 four weeks before the deadline for filing protests specified in the notice under Subsection
455 (1)(i); and

456 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
457 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed
458 assessment area at the property owner's mailing address.

459 (5) (a) The local entity may record the version of the notice that is published or posted
460 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description
461 and tax identification number as identified in county records, against the property proposed to

462 be assessed.

463 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
464 after the day on which the local entity records the notice if the local entity has failed to adopt
465 the designation ordinance or resolution under Section 11-42-201 designating the assessment
466 area for which the notice was recorded.

467 (6) A local entity shall make available on the local entity's website, or, if no website is
468 available, at the local entity's place of business, the address and type of use of each unassessed
469 benefitted government property described in Subsection (1)(g).

470 (7) If a governing body fails to provide actual or constructive notice under this section,
471 the local entity may not assess a levy against a benefitted property omitted from the notice
472 unless:

473 (a) the property owner gives written consent;

474 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did
475 not object to the levy of the assessment before the final hearing of the board of equalization; or

476 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
477 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,
478 Subsection 11-42-207(1)(d)(i) are met.

479 Section 5. Section 11-42-209 is amended to read:

480 **11-42-209. Designation of assessment area for an energy efficiency upgrade, a**
481 **renewable energy system, or electric vehicle charging infrastructure -- Requirements.**

482 (1) A governing body may not adopt a designation ordinance or resolution to designate
483 an assessment area for an energy efficiency upgrade [or], a renewable energy system, or electric
484 vehicle charging infrastructure unless the assessment area is a voluntary assessment area.

485 (2) A local entity may not include property in a voluntary assessment area described in
486 Subsection (1) unless an owner of property located in the assessment area provides to the local
487 entity:

488 (a) the written consent of each person or institution holding a lien on the property; and

489 (b) evidence:

490 (i) that there are no delinquent taxes, special assessments, or water or sewer charges on
491 the property;

492 (ii) that the property is not subject to a trust deed or other lien on which there is a

493 recorded notice of default, foreclosure, or delinquency that has not been cured; and

494 (iii) that there are no involuntary liens, including a lien on real property, or on the
495 proceeds of a contract relating to real property, for services, labor, or materials furnished in
496 connection with the construction or improvement of the property.

497 Section 6. Section **11-42-301** is amended to read:

498 **11-42-301. Improvements made only under contract let to lowest responsive,**
499 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
500 **contract requirement.**

501 (1) Except as otherwise provided in this section, a local entity may make improvements
502 in an assessment area only under contract let to the lowest responsive, responsible bidder for
503 the kind of service, material, or form of construction that the local entity's governing body
504 determines in compliance with any applicable local entity ordinances.

505 (2) A local entity may:

506 (a) divide improvements into parts;

507 (b) (i) let separate contracts for each part; or

508 (ii) combine multiple parts into the same contract; and

509 (c) let a contract on a unit basis.

510 (3) (a) A local entity may not let a contract until after publishing notice as provided in
511 Subsection (3)(b):

512 (i) at least one time in a newspaper of general circulation within the boundaries of the
513 local entity at least 15 days before the date specified for receipt of bids; and

514 (ii) in accordance with Section [45-1-101](#), at least 15 days before the date specified for
515 receipt of bids.

516 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
517 receive sealed bids at a specified time and place for the construction of the improvements.

518 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
519 publish the notice or to publish the notice within 15 days before the date specified for receipt of
520 bids, the governing body may proceed to let a contract for the improvements if the local entity
521 receives at least three sealed and bona fide bids from contractors by the time specified for the
522 receipt of bids.

523 (d) A local entity may publish a notice required under this Subsection (3) at the same

524 time as a notice under Section [11-42-202](#).

525 (4) (a) A local entity may accept as a sealed bid a bid that is:

526 (i) manually sealed and submitted; or

527 (ii) electronically sealed and submitted.

528 (b) The governing body or project engineer shall, at the time specified in the notice
529 under Subsection (3), open and examine the bids.

530 (c) In open session, the governing body:

531 (i) shall declare the bids; and

532 (ii) may reject any or all bids if the governing body considers the rejection to be for the
533 public good.

534 (d) The local entity may award the contract to the lowest responsive, responsible bidder
535 even if the price bid by that bidder exceeds the estimated costs as determined by the project
536 engineer.

537 (e) A local entity may in any case:

538 (i) refuse to award a contract;

539 (ii) obtain new bids after giving a new notice under Subsection (3);

540 (iii) determine to abandon the assessment area; or

541 (iv) not make some of the improvements proposed to be made.

542 (5) A local entity is not required to let a contract as provided in this section for:

543 (a) an improvement or part of an improvement the cost of which or the making of
544 which is donated or contributed;

545 (b) an improvement that consists of furnishing utility service or maintaining
546 improvements;

547 (c) labor, materials, or equipment supplied by the local entity;

548 (d) the local entity's acquisition of completed or partially completed improvements in
549 an assessment area;

550 (e) design, engineering, and inspection costs incurred with respect to the construction
551 of improvements in an assessment area; or

552 (f) additional work performed in accordance with the terms of a contract duly let to the
553 lowest responsive, responsible bidder.

554 (6) A local entity may itself furnish utility service and maintain improvements within

555 an assessment area.

556 (7) (a) A local entity may acquire completed or partially completed improvements in an
557 assessment area, but may not pay an amount for those improvements that exceeds their fair
558 market value.

559 (b) Upon the local entity's payment for completed or partially completed
560 improvements, title to the improvements shall be conveyed to the local entity or another public
561 agency.

562 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
563 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
564 assessment area.

565 (9) (a) Except as provided in Subsection (9)(b), this section does not apply to a
566 voluntary assessment area designated for the purpose of levying an assessment for an energy
567 efficiency upgrade [or], a renewable energy system, or electric vehicle charging infrastructure.

568 (b) (i) A local entity that designates a voluntary assessment area described in
569 Subsection (9)(a) shall provide to each owner of property to be assessed a list of service
570 providers authorized by the local entity to provide the energy efficiency upgrade [or],
571 renewable energy system, or electric vehicle charging infrastructure.

572 (ii) A property owner described in Subsection (9)(b)(i) shall select a service provider
573 from the list to provide the energy efficiency upgrade [or], renewable energy system, or electric
574 vehicle charging infrastructure for the owner's property.

575 Section 7. Section 11-42-408 is amended to read:

576 **11-42-408. Assessment against government land prohibited -- Exception.**

577 (1) (a) Except as provided in Subsection (2), a local entity may not levy an assessment
578 against property owned by the federal government or a public agency, even if the property
579 benefits from the improvement.

580 (b) Notwithstanding Subsection (1)(a), a public agency may contract with a local
581 entity:

582 (i) for the local entity to provide an improvement to property owned by the public
583 agency; and

584 (ii) to pay for the improvement provided by the local entity.

585 (c) Nothing in this section may be construed to prevent a local entity from imposing on

586 and collecting from a public agency, or a public agency from paying, a reasonable charge for a
 587 service rendered or material supplied by the local entity to the public agency, including a
 588 charge for water, sewer, or lighting service.

589 (2) Notwithstanding Subsection (1):

590 (a) a local entity may continue to levy and enforce an assessment against property
 591 acquired by a public agency within an assessment area if the acquisition occurred after the
 592 assessment area was designated;

593 (b) property that is subject to an assessment lien at the time it is acquired by a public
 594 agency continues to be subject to the lien and to enforcement of the lien if the assessment and
 595 interest on the assessment are not paid when due; and

596 (c) a local entity may levy an assessment against property owned by the federal
 597 government or a public agency if the federal government or public agency voluntarily enters
 598 into a voluntary assessment area for the purpose of financing an energy efficiency upgrade [or],
 599 a renewable energy system, or electric vehicle charging infrastructure.

600 Section 8. Section **11-42-411** is amended to read:

601 **11-42-411. Installment payment of assessments.**

602 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to
 603 Subsection (1)(b) ~~§~~ **→ and except as provided in Subsection (2)(c)** ~~←§~~ , provide that some or all
 603a of the assessment be paid in installments over a
 604 period not to exceed 20 years from the effective date of the resolution or ordinance.

605 (b) If an assessment resolution or ordinance provides that some or all of the assessment
 606 be paid in installments for a period exceeding 10 years from the effective date of the resolution
 607 or ordinance, the governing body:

608 (i) shall make a determination that:

609 (A) the improvement for which the assessment is made has a reasonable useful life for
 610 the full period during which installments are to be paid; or

611 (B) it would be in the best interests of the local entity and the property owners for
 612 installments to be paid for more than 10 years; and

613 (ii) may provide in the resolution or ordinance that no assessment is payable during
 614 some or all of the period ending three years after the effective date of the resolution or
 615 ordinance.

616 (2) An assessment resolution or ordinance that provides for the assessment to be paid

617 in installments may provide that the unpaid balance be paid over the period of time that
618 installments are payable:

- 619 (a) in substantially equal installments of principal;
- 620 (b) in substantially equal installments of principal and interest; or
- 621 (c) for an assessment levied for an energy efficiency upgrade [~~or~~], a renewable energy
622 system, or electric vehicle charging infrastructure ~~or~~ :

622a (i) ~~or~~ in accordance with the assessment resolution
623 or ordinance ~~or~~ or ; **and**

623a (ii) over a period not to exceed 30 years from the effective date of the resolution or
623b ordinance. ~~or~~

624 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be
625 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance
626 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and
627 variable rates, as determined by the governing body, from the effective date of the resolution or
628 ordinance or another date specified in the resolution or ordinance.

629 (b) If the assessment is for operation and maintenance costs or for the costs of
630 economic promotion activities:

- 631 (i) a local entity may charge interest only from the date each installment is due; and
- 632 (ii) the first installment of an assessment shall be due 15 days after the effective date of
633 the assessment resolution or ordinance.

634 (c) If an assessment resolution or ordinance provides for the unpaid balance of the
635 assessment to bear interest at a variable rate, the assessment resolution or ordinance shall
636 specify:

- 637 (i) the basis upon which the rate is to be determined from time to time;
- 638 (ii) the manner in which and schedule upon which the rate is to be adjusted; and
- 639 (iii) a maximum rate that the assessment may bear.

640 (4) Interest payable on assessments may include:

- 641 (a) interest on assessment bonds;
- 642 (b) ongoing local entity costs incurred for administration of the assessment area; and
- 643 (c) any costs incurred with respect to:

644 (i) securing a letter of credit or other instrument to secure payment or repurchase of
645 bonds; or

646 (ii) retaining a marketing agent or an indexing agent.

647 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition

648 to the amount of each installment annually or at more frequent intervals as provided in the
649 assessment resolution or ordinance.

650 (6) (a) Except for an assessment for operation and maintenance costs or for the costs of
651 economic promotion activities, a property owner may pay some or all of the entire assessment
652 without interest if paid within 25 days after the assessment resolution or ordinance takes effect.

653 (b) After the 25-day period stated in Subsection (6)(a), a property owner may at any
654 time prepay some or all of the assessment levied against the owner's property.

655 (c) A local entity may require a prepayment of an installment to include:

656 (i) an amount equal to the interest that would accrue on the assessment to the next date
657 on which interest is payable on bonds issued in anticipation of the collection of the assessment;
658 and

659 (ii) the amount necessary, in the governing body's opinion or the opinion of the officer
660 designated by the governing body, to assure the availability of money to pay:

661 (A) interest that becomes due and payable on those bonds; and

662 (B) any premiums that become payable on bonds that are called in order to use the
663 money from the prepaid assessment installment.

664 Section 9. Section **17-50-335** is amended to read:

665 **17-50-335. Energy efficiency upgrade, renewable energy system, or electric**
666 **vehicle charging infrastructure.**

667 A county may provide or finance an energy efficiency upgrade [or], a renewable energy
668 system, or electric vehicle charging infrastructure as defined in Section **11-42-102**, in a
669 designated voluntary assessment area in accordance with Title 11, Chapter 42, Assessment
670 Area Act.

671 Section 10. Section **17B-1-202** is amended to read:

672 **17B-1-202. Local district may be created -- Services that may be provided --**
673 **Limitations.**

674 (1) (a) A local district may be created as provided in this part to provide within its
675 boundaries service consisting of:

676 (i) the operation of an airport;

677 (ii) the operation of a cemetery;

678 (iii) fire protection, paramedic, and emergency services, including consolidated 911

- 679 and emergency dispatch services;
- 680 (iv) garbage collection and disposal;
- 681 (v) health care, including health department or hospital service;
- 682 (vi) the operation of a library;
- 683 (vii) abatement or control of mosquitos and other insects;
- 684 (viii) the operation of parks or recreation facilities or services;
- 685 (ix) the operation of a sewage system;
- 686 (x) the construction and maintenance of a right-of-way, including:
- 687 (A) a curb;
- 688 (B) a gutter;
- 689 (C) a sidewalk;
- 690 (D) a street;
- 691 (E) a road;
- 692 (F) a water line;
- 693 (G) a sewage line;
- 694 (H) a storm drain;
- 695 (I) an electricity line;
- 696 (J) a communications line;
- 697 (K) a natural gas line; or
- 698 (L) street lighting;
- 699 (xi) transportation, including public transit and providing streets and roads;
- 700 (xii) the operation of a system, or one or more components of a system, for the
- 701 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
- 702 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
- 703 the system is operated on a wholesale or retail level or both;
- 704 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
- 705 groundwater right for the development and execution of a groundwater management plan in
- 706 cooperation with and approved by the state engineer in accordance with Section [73-5-15](#);
- 707 (xiv) law enforcement service;
- 708 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
- 709 or the conversion to underground of an existing electric utility line;

710 (xvi) the control or abatement of earth movement or a landslide;
711 (xvii) the operation of animal control services and facilities; or
712 (xviii) an energy efficiency upgrade [~~or~~], a renewable energy system, or electric vehicle
713 charging infrastructure as defined in Section 11-42-102, in accordance with Title 11, Chapter
714 42, Assessment Area Act.

715 (b) Each local district that provides the service of the underground installation of an
716 electric utility line or the conversion to underground of an existing electric utility line shall, in
717 installing or converting the line, provide advance notice to and coordinate with the utility that
718 owns the line.

719 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include
720 the banking of groundwater rights by a local district in a critical management area as defined in
721 Section 73-5-15 following the adoption of a groundwater management plan by the state
722 engineer under Section 73-5-15.

723 (i) A local district may manage the groundwater rights it acquires under Subsection
724 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater management plan
725 described in this Subsection (1)(c).

726 (ii) A groundwater right held by a local district to satisfy the provisions of a
727 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

728 (iii) (A) A local district may divest itself of a groundwater right subject to a
729 determination that the groundwater right is not required to facilitate the groundwater
730 management plan described in this Subsection (1)(c).

731 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section
732 73-1-4 beginning on the date of divestiture.

733 (iv) Upon a determination by the state engineer that an area is no longer a critical
734 management area as defined in Section 73-5-15, a groundwater right held by the local district is
735 subject to Section 73-1-4.

736 (v) A local district created in accordance with Subsection (1)(a)(xiii) to develop and
737 execute a groundwater management plan may hold or acquire a right to surface waters that are
738 naturally tributary to the groundwater basin subject to the groundwater management plan if the
739 surface waters are appropriated in accordance with Title 73, Water and Irrigation, and used in
740 accordance with Title 73, Chapter 3b, Groundwater Recharge and Recovery Act.

741 (2) For purposes of this section:

742 (a) "Operation" means all activities involved in providing the indicated service
743 including acquisition and ownership of property reasonably necessary to provide the indicated
744 service and acquisition, construction, and maintenance of facilities and equipment reasonably
745 necessary to provide the indicated service.

746 (b) "System" means the aggregate of interrelated components that combine together to
747 provide the indicated service including, for a sewage system, collection and treatment.

748 (3) (a) A local district may not be created to provide and may not after its creation
749 provide more than four of the services listed in Subsection (1).

750 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing
751 more than four services if, before April 30, 2007, the local district was authorized to provide
752 those services.

753 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to
754 provide and may not after its creation provide to an area the same service that may already be
755 provided to that area by another political subdivision, unless the other political subdivision
756 gives its written consent.

757 (b) For purposes of Subsection (4)(a), a local district does not provide the same service
758 as another political subdivision if it operates a component of a system that is different from a
759 component operated by another political subdivision but within the same:

760 (i) sewage system; or

761 (ii) water system.

762 (5) (a) Except for a local district in the creation of which an election is not required
763 under Subsection 17B-1-214(3)(d), the area of a local district may include all or part of the
764 unincorporated area of one or more counties and all or part of one or more municipalities.

765 (b) The area of a local district need not be contiguous.

766 (6) For a local district created before May 5, 2008, the authority to provide fire
767 protection service also includes the authority to provide:

768 (a) paramedic service; and

769 (b) emergency service, including hazardous materials response service.

770 (7) A local district created before May 11, 2010, authorized to provide the construction
771 and maintenance of curb, gutter, or sidewalk may provide a service described in Subsection

772 (1)(a)(x) on or after May 11, 2010.

773 (8) A local district created before May 10, 2011, authorized to provide culinary,
774 irrigation, sewage, or storm water services may provide a service described in Subsection
775 (1)(a)(xii) on or after May 10, 2011.

776 (9) A local district may not be created under this chapter for two years after the date on
777 which a local district is dissolved as provided in Section [17B-1-217](#) if the local district
778 proposed for creation:

779 (a) provides the same or a substantially similar service as the dissolved local district;

780 and

781 (b) is located in substantially the same area as the dissolved local district.

782 Section 11. Section **17D-1-201** is amended to read:

783 **17D-1-201. Services that a special service district may be created to provide.**

784 As provided in this part, a county or municipality may create a special service district to
785 provide any combination of the following services:

786 (1) water;

787 (2) sewerage;

788 (3) drainage;

789 (4) flood control;

790 (5) garbage collection and disposal;

791 (6) health care;

792 (7) transportation, including the receipt of federal secure rural school funds under

793 Section [51-9-603](#) for the purposes of constructing, improving, repairing, or maintaining public
794 roads;

795 (8) recreation;

796 (9) fire protection, including:

797 (a) emergency medical services, ambulance services, and search and rescue services, if
798 fire protection service is also provided;

799 (b) Firewise Communities programs and the development of community wildfire
800 protection plans; and

801 (c) the receipt of federal secure rural school funds as provided under Section [51-9-603](#)

802 for the purposes of carrying out Firewise Communities programs, developing community

803 wildfire protection plans, and performing emergency services, including firefighting on federal
804 land and other services authorized under this Subsection (9);

805 (10) providing, operating, and maintaining correctional and rehabilitative facilities and
806 programs for municipal, state, and other detainees and prisoners;

807 (11) street lighting;

808 (12) consolidated 911 and emergency dispatch;

809 (13) animal shelter and control;

810 (14) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease
811 Funds, and expending those funds to provide construction and maintenance of public facilities,
812 traditional governmental services, and planning, as a means for mitigating impacts from
813 extractive mineral industries;

814 (15) in a county of the first class, extended police protection;

815 (16) control or abatement of earth movement or a landslide;

816 (17) an energy efficiency upgrade [or], a renewable energy system, or electric vehicle
817 charging infrastructure as defined in Section 11-42-102, in accordance with Title 11, Chapter
818 42, Assessment Area Act; or

819 (18) cemetery.

820 Section 12. Section 63H-1-201 is amended to read:

821 **63H-1-201. Creation of military installation development authority -- Status and**
822 **powers of authority -- Limitation.**

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

824 (2) The authority is:

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

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

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

830 (3) The authority may:

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

833 (b) sue and be sued;

- 834 (c) enter into contracts generally;
- 835 (d) buy, obtain an option upon, or otherwise acquire any interest in real or personal
836 property:
 - 837 (i) in a project area; or
 - 838 (ii) outside a project area for publicly owned infrastructure and improvements, if the
839 board considers the purchase, option, or other interest acquisition to be necessary for fulfilling
840 the authority's development objectives;
- 841 (e) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
842 personal property;
- 843 (f) enter into a lease agreement on real or personal property, either as lessee or lessor:
 - 844 (i) in a project area; or
 - 845 (ii) outside a project area, if the board considers the lease to be necessary for fulfilling
846 the authority's development objectives;
- 847 (g) provide for the development of land within a project area under one or more
848 contracts;
- 849 (h) exercise powers and perform functions under a contract, as authorized in the
850 contract;
- 851 (i) exercise exclusive police power within a project area to the same extent as though
852 the authority were a municipality, including the collection of regulatory fees;
- 853 (j) receive the property tax allocation and other taxes and fees as provided in this
854 chapter;
- 855 (k) accept financial or other assistance from any public or private source for the
856 authority's activities, powers, and duties, and expend any funds so received for any of the
857 purposes of this chapter;
- 858 (l) borrow money, contract with, or accept financial or other assistance from the federal
859 government, a public entity, or any other source for any of the purposes of this chapter and
860 comply with any conditions of the loan, contract, or assistance;
- 861 (m) issue bonds to finance the undertaking of any development objectives of the
862 authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and
863 Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;
- 864 (n) hire employees, including contract employees;

- 865 (o) transact other business and exercise all other powers provided for in this chapter;
- 866 (p) enter into a development agreement with a developer of land within a project area;
- 867 (q) enter into an agreement with a political subdivision of the state under which the
- 868 political subdivision provides one or more municipal services within a project area;
- 869 (r) enter into an agreement with a private contractor to provide one or more municipal
- 870 services within a project area;
- 871 (s) provide for or finance an energy efficiency upgrade [~~or~~], a renewable energy
- 872 system, or electric vehicle charging infrastructure as defined in Section 11-42-102, in
- 873 accordance with Title 11, Chapter 42, Assessment Area Act;
- 874 (t) exercise powers and perform functions that the authority is authorized by statute to
- 875 exercise or perform; and
- 876 (u) enter into an agreement with the federal government or an agency of the federal
- 877 government under which the federal government or agency:
- 878 (i) provides law enforcement services only to military land within a project area; and
- 879 (ii) may enter into a mutual aid or other cooperative agreement with a law enforcement
- 880 agency of the state or a political subdivision of the state.
- 881 (4) The authority may not itself provide law enforcement service or fire protection
- 882 service within a project area but may enter into an agreement for one or both of those services,
- 883 as provided in Subsection (3)(q).

Legislative Review Note
Office of Legislative Research and General Counsel