

POINT OF THE MOUNTAIN DEVELOPMENT

AUTHORITY ACT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Point of the Mountain Development Authority Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Point of the Mountain Development Authority;
- ▶ describes the membership and duties of the authority; and
- ▶ provides for staff and expenses.

Money Appropriated in this Bill:

This bill appropriates, in fiscal year 2017:

- ▶ to the Legislature - Legislative Services, as a one-time appropriation:
 - from the General Fund, \$750,000;
- ▶ to the Legislature - Senate, as a one-time appropriation:
 - from the General Fund, \$5,000, to pay salaries of senators serving on the authority;
- ▶ to the Legislature - House of Representatives, as a one-time appropriation:
 - from the General Fund, \$5,000, to pay salaries of representatives serving on the authority; and
- ▶ to the Legislature - Office of Legislative Research and General Counsel, as a



28 one-time appropriation:

- 29 • from the General Fund, \$40,000, to pay for staff services for the authority.

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **63I-1-263**, as last amended by Laws of Utah 2015, Chapters 182, 226, 278, 283, 409,
35 and 424

36 ENACTS:

37 **63C-17-101**, Utah Code Annotated 1953

38 **63C-17-102**, Utah Code Annotated 1953

39 **63C-17-103**, Utah Code Annotated 1953

40 **63C-17-104**, Utah Code Annotated 1953

41 **63C-17-105**, Utah Code Annotated 1953

42 **63C-17-106**, Utah Code Annotated 1953

43 **63C-17-107**, Utah Code Annotated 1953



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

46 Section 1. Section **63C-17-101** is enacted to read:

47 **CHAPTER 17. POINT OF THE MOUNTAIN DEVELOPMENT AUTHORITY ACT**

48 **63C-17-101. Title.**

49 This chapter is known as the "Point of the Mountain Development Authority Act."

50 Section 2. Section **63C-17-102** is enacted to read:

51 **63C-17-102. Definitions.**

52 As used in this chapter:

53 (1) "Authority" means the Point of the Mountain Development Authority, created in

54 Section **63C-17-103**.

55 (2) "Project area" means the area surrounding the border between Salt Lake County and

56 Utah County, commonly referred to as the Point of the Mountain.

57 Section 3. Section **63C-17-103** is enacted to read:

58 **63C-17-103. Creation of Point of the Mountain Development Authority --**

59 **Members.**

60 (1) There is created the Point of the Mountain Development Authority consisting of the
61 following 12 members:

62 (a) two members shall be members of the Senate appointed by the president of the
63 Senate;

64 (b) two members shall be members of the House of Representatives appointed by the
65 speaker of the House of Representatives;

66 (c) one member shall be the mayor of Lehi City, Utah, or the mayor's designee;

67 (d) one member shall be the mayor of Draper City, Utah, or the mayor's designee;

68 (e) one member shall be the mayor of Salt Lake County, or the mayor's designee;

69 (f) one member shall be an appointee of the Utah County Commission;

70 (g) one member shall be mayor of another community close to the project area in Salt
71 Lake County who shall be appointed by the League of Cities and Towns;

72 (h) one member shall be mayor of another community close to the project area in Utah
73 County who shall be appointed by the League of Cities and Towns;

74 (i) one member, who is an employee of the Governor's Office of Economic
75 Development, shall be an appointee of the governor; and

76 (j) one member shall be a member of the public, representing the information
77 technology sector with a physical presence within the program area, jointly appointed by the
78 president of the Senate and the speaker of the House of Representatives.

79 (2) (a) The president of the Senate shall designate a member of the Senate appointed
80 under Subsection (1)(a) as a cochair of the committee.

81 (b) The speaker of the House of Representatives shall designate a member of the House
82 of Representatives appointed under Subsection (1)(b) as a cochair of the committee.

83 (3) Any vacancy shall be filled in the same manner under this section as the
84 appointment of the member whose vacancy is being filled.

85 (4) Each member of the authority shall serve until a successor is appointed and
86 qualified.

87 (5) A majority of members constitutes a quorum. The action of a majority of a quorum
88 constitutes the action of the authority.

89 Section 4. Section **63C-17-104** is enacted to read:

90 63C-17-104. Authority duties.

91 (1) The authority shall evaluate, study, develop a plan, prepare a report, and make
92 recommendations concerning the future planning and development of the project area. The
93 study shall focus on the three key areas described in Subsections (2), (3), and (4).

94 (2) The authority shall study and develop strategies to engage the public and
95 collaborate with stakeholders, including:

96 (a) providing a public forum to gather insight from citizens; and

97 (b) evaluating the costs and benefits of economic development strategies in the project
98 area and the impacts of those strategies on residents of the project area.

99 (3) The authority shall study and make recommendations regarding future
100 transportation and infrastructure needs within the project area, including:

101 (a) evaluation of projected growth models;

102 (b) identification of transportation infrastructure needs, including:

103 (i) development, expansion, and construction of highways, on both the local and state
104 jurisdictional levels;

105 (ii) development, expansion, construction, and availability of public transit; and

106 (iii) development, expansion, and construction of trails; and

107 (c) evaluation of projected costs related to transportation and infrastructure needs.

108 (4) The authority shall study and make recommendations regarding financing of
109 economic development of the project area, including:

110 (a) evaluation of economic growth projections; and

111 (b) evaluation of financing tools to encourage and facilitate economic growth in the
112 project area, including:

113 (i) property tax increment financing, with the requirement that the property tax
114 increment remain within the jurisdiction in which the property tax increment is created;

115 (ii) assessment districts;

116 (iii) bonding;

117 (iv) partnerships between public and private entities;

118 (v) excise taxes, including transient room taxes and taxes on community resorts;

119 (vi) redevelopment agency funds;

120 (vii) federal funding;

- 121 (viii) private capital;
122 (ix) investment strategies used by other governmental entities for purposes of
123 economic development; and
124 (x) other innovative financing strategies.
- 125 (5) The authority may hire or direct the hiring of one or more consultants with
126 experience or expertise in a subject under consideration by the authority, to assist the authority
127 in fulfilling the authority's duties under this part.
- 128 (6) In carrying out the study, the authority shall consider the following objectives for
129 the project area and the state as a whole:
- 130 (a) maximizing job creation;
131 (b) ensuring a high quality of life for residents in and surrounding the project area;
132 (c) strategic residential and commercial growth; and
133 (d) planning for future transportation infrastructure and other investments to avoid
134 traffic congestion and protect the environment.
- 135 (7) The authority shall report the authority's findings and recommendations to the
136 Economic Development and Workforce Services Interim Committee, the Revenue and
137 Taxation Interim Committee, the Executive Appropriations Committee, and the governor
138 before December 1, 2016.
- 139 (8) The authority's recommendations under this section are advisory only.
- 140 Section 5. Section **63C-17-105** is enacted to read:
- 141 **63C-17-105. Authority staff and expenses.**
- 142 The Office of Legislative Research and General Counsel shall provide staff support for
143 the authority.
- 144 Section 6. Section **63C-17-106** is enacted to read:
- 145 **63C-17-106. Compensation and expenses of authority members.**
- 146 (1) Salaries and expenses of authority members who are legislators shall be paid in
147 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
148 Compensation.
- 149 (2) An authority member who is not a legislator may not receive compensation or
150 benefits for the member's service on the authority, but may receive per diem and
151 reimbursement for travel expenses incurred as an authority member at the rates established by

152 the Division of Finance under:

153 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

154 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
155 [63A-3-107](#).

156 Section 7. Section **63C-17-107** is enacted to read:

157 **63C-17-107. No effect on local land use authority.**

158 Nothing in this chapter may be construed to limit or otherwise affect a municipality's
159 authority under Title 10, Chapter 9a, Municipal Land Use, Development, and Management
160 Act, with respect to private development on land within the jurisdiction of the municipality.

161 Section 8. Section **63I-1-263** is amended to read:

162 **63I-1-263. Repeal dates, Titles 63A to 63M.**

163 (1) Section [63A-4-204](#), authorizing the Risk Management Fund to provide coverage to
164 any public school district which chooses to participate, is repealed July 1, 2016.

165 (2) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

166 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2016.

167 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
168 1, 2018.

169 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
170 2020.

171 [~~(6) Subsection [63G-6a-1402](#)(7) authorizing certain transportation agencies to award a~~
172 ~~contract for a design-build transportation project in certain circumstances, is repealed July 1,~~
173 ~~2015.]~~

174 (6) Title 63C, Chapter 17, Point of the Mountain Development Authority Act, is
175 repealed July 1, 2021.

176 (7) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
177 2020.

178 (8) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2016.

179 (9) On July 1, 2025:

180 (a) in Subsection [17-27a-404](#)(3)(c)(ii), the language that states "the Resource
181 Development Coordinating Committee," is repealed;

182 (b) Subsection [23-14-21](#)(2)(c) is amended to read "(c) provide notification of proposed

183 sites for the transplant of species to local government officials having jurisdiction over areas
184 that may be affected by a transplant.";

185 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
186 Coordinating Committee" is repealed;

187 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
188 Coordinating Committee created in Section 63J-4-501 and" is repealed;

189 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
190 Coordinating Committee and" is repealed;

191 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
192 accordingly;

193 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

194 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
195 word "and" is inserted immediately after the semicolon;

196 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

197 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
198 and

199 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
200 renumbered accordingly.

201 (10) The Crime Victim Reparations and Assistance Board, created in Section
202 63M-7-504, is repealed July 1, 2017.

203 (11) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.

204 (12) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

205 (13) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is
206 repealed January 1, 2021.

207 (b) Subject to Subsection (13)(c), Sections 59-7-610 and 59-10-1007 regarding tax
208 credits for certain persons in recycling market development zones, are repealed for taxable
209 years beginning on or after January 1, 2021.

210 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

211 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
212 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

213 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if

214 the expenditure is made on or after January 1, 2021.

215 (d) Notwithstanding Subsections (13)(b) and (c), a person may carry forward a tax
216 credit in accordance with Section 59-7-610 or 59-10-1007 if:

217 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

218 (ii) (A) for the purchase price of machinery or equipment described in Section
219 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
220 2020; or

221 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
222 expenditure is made on or before December 31, 2020.

223 (14) Section 63N-2-512 is repealed on July 1, 2021.

224 (15) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
225 January 1, 2021.

226 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
227 calendar years beginning on or after January 1, 2021.

228 (c) Notwithstanding Subsection (15)(b), an entity may carry forward a tax credit in
229 accordance with Section 59-9-107 if:

230 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
231 31, 2020; and

232 (ii) the qualified equity investment that is the basis of the tax credit is certified under
233 Section 63N-2-603 on or before December 31, 2023.

234 (16) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed July
235 1, 2018.

236 Section 9. **Appropriation.**

237 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
238 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
239 are appropriated from resources not otherwise appropriated, or reduced from amounts
240 previously appropriated, out of the funds or amounts indicated. These sums of money are in
241 addition to amounts previously appropriated for fiscal year 2017.

242 To Legislature - Legislative Services

243 From General Fund, one-time

\$750,000

244 Schedule of Programs:

245	<u>Administration</u>	<u>\$750,000</u>	
246	<u>To Legislature - Senate</u>		
247	<u>From General Fund, one-time</u>		<u>\$5,000</u>
248	<u>Schedule of Programs:</u>		
249	<u>Administration</u>	<u>\$5,000</u>	
250	<u>To Legislature - House of Representatives</u>		
251	<u>From General Fund, one-time</u>		<u>\$5,000</u>
252	<u>Schedule of Programs:</u>		
253	<u>Administration</u>	<u>\$5,000</u>	
254	<u>To Legislature - Office of Legislative Research and General Counsel</u>		
255	<u>From General Fund, one-time</u>		<u>\$40,000</u>
256	<u>Schedule of Programs:</u>		
257	<u>Administration</u>	<u>\$40,000</u>	
258	<u>The Legislature intends that the appropriation of \$750,000 under this section be used to</u>		
259	<u>carry out the requirements described in Title 63C, Chapter 17, Point of the Mountain</u>		
260	<u>Development Authority Act.</u>		

Legislative Review Note
Office of Legislative Research and General Counsel