

Representative Brad R. Wilson proposes the following substitute bill:

POINT OF THE MOUNTAIN DEVELOPMENT

COMMISSION 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 Commission Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Point of the Mountain Development Commission;
- ▶ describes the membership and duties of the commission; 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 commission;
- ▶ 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



26 commission; and

27 ▶ 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 commission.

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



44
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 COMMISSION ACT**

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

49 This chapter is known as the "Point of the Mountain Development Commission 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) "Commission" means the Point of the Mountain Development Commission, created
54 in 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 Commission --**

59 **Members.**

60 (1) There is created the Point of the Mountain Development Commission consisting of
61 the 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 Utah 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 Utah 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 commission.

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 commission.

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 commission 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 commission.

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

90 **63C-17-104. Commission duties.**

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

94 (2) The commission 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 growth, land use, and economic development
98 strategies in the project area and the impacts of those strategies on residents of the project area
99 and the state.

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

102 (i) evaluation of projected population, housing, and employment growth;

103 (ii) identification of transportation infrastructure needs, including:

104 (A) development, construction, operation, and maintenance of highways and streets, on
105 both the local and state jurisdictional levels;

106 (B) development, construction, operation, and maintenance of public transit; and

107 (C) development and construction of active transportation facilities, including trails;

108 and

109 (iii) evaluation of projected costs related to transportation and other infrastructure
110 needs.

111 (b) In performing the study described in Subsection (3)(a), the commission shall
112 coordinate with transportation agencies, including:

113 (i) the Wasatch Front Regional Council;

114 (ii) the Mountainland Association of Governments;

115 (iii) the Utah Department of Transportation; and

116 (iv) the Utah Transit Authority.

117 (4) The commission shall study and make recommendations regarding financing
118 economic development of, and the infrastructure investment in, the project area, including:

- 119 (a) evaluation of economic growth projections; and
120 (b) evaluation of financing tools to encourage and facilitate economic growth in the
121 project area, including:
122 (i) property tax increment financing, with the requirement that the property tax
123 increment remain within the jurisdiction in which the property tax increment is created;
124 (ii) assessment districts;
125 (iii) bonding;
126 (iv) partnerships between public and private entities;
127 (v) excise taxes, including transient room taxes and taxes on community resorts;
128 (vi) redevelopment agency funds;
129 (vii) federal funding;
130 (viii) private capital;
131 (ix) investment strategies used by other governmental entities for purposes of
132 economic development; and
133 (x) other innovative financing strategies.
134 (5) The commission may hire or direct the hiring of one or more consultants, or enter
135 into agreements and otherwise collaborate with governmental entities and other stakeholders,
136 with experience or expertise in a subject under consideration by the commission, to assist the
137 commission in fulfilling the commission's duties under this part.
138 (6) In carrying out the study, the commission shall consider the following objectives
139 for the project area and the state as a whole:
140 (a) maximizing job creation;
141 (b) ensuring a high quality of life for residents in and surrounding the project area;
142 (c) strategic residential and commercial growth;
143 (d) preservation of natural lands and expansion of recreational opportunities;
144 (e) provision of a variety of housing types that match workforce needs; and
145 (f) planning for future transportation infrastructure and other investments to enhance
146 mobility and protect the environment.
147 (7) The commission shall report the commission's interim findings and
148 recommendations to the Transportation Interim Committee, the Economic Development and
149 Workforce Services Interim Committee, the Revenue and Taxation Interim Committee, the

150 Executive Appropriations Committee, and the governor before December 1, 2016.

151 (8) The commission's recommendations under this section are advisory only.

152 Section 5. Section **63C-17-105** is enacted to read:

153 **63C-17-105. Commission staff and expenses.**

154 The Office of Legislative Research and General Counsel shall provide staff support for
155 the commission.

156 Section 6. Section **63C-17-106** is enacted to read:

157 **63C-17-106. Compensation and expenses of commission members.**

158 (1) Salaries and expenses of commission members who are legislators shall be paid in
159 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
160 Compensation.

161 (2) A commission member who is not a legislator may not receive compensation or
162 benefits for the member's service on the commission, but may receive per diem and
163 reimbursement for travel expenses incurred as a commission member at the rates established by
164 the Division of Finance under:

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

166 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
167 [63A-3-107](#).

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

169 **63C-17-107. No effect on local land use authority.**

170 (1) This chapter does not limit or otherwise affect a municipality's authority under Title
171 10, Chapter 9a, Municipal Land Use, Development, and Management Act, with respect to
172 private development on land within the jurisdiction of the municipality.

173 (2) This chapter does not limit or otherwise affect a county's authority under Title 17,
174 Chapter 27a, County Land Use, Development, and Management Act, with respect to private
175 development on land within the jurisdiction of the county.

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

177 **63I-1-263. Repeal dates, Titles 63A to 63M.**

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

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

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

182 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
183 1, 2018.

184 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
185 2020.

186 [~~(6) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a~~
187 ~~contract for a design-build transportation project in certain circumstances, is repealed July 1,~~
188 ~~2015.]~~

189 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
190 repealed July 1, 2021.

191 (7) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
192 2020.

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

194 (9) On July 1, 2025:

195 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
196 Development Coordinating Committee," is repealed;

197 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
198 sites for the transplant of species to local government officials having jurisdiction over areas
199 that may be affected by a transplant.";

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

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

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

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

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

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

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

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

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

216 (10) The Crime Victim Reparations and Assistance Board, created in Section
217 63M-7-504, is repealed July 1, 2017.

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

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

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

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

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

226 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
227 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

228 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
229 the expenditure is made on or after January 1, 2021.

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

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

233 (ii) (A) for the purchase price of machinery or equipment described in Section
234 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
235 2020; or

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

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

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

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

243 (c) Notwithstanding Subsection (15)(b), an entity may carry forward a tax credit in
 244 accordance with Section [59-9-107](#) if:

245 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December
 246 31, 2020; and

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

249 (16) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed July
 250 1, 2018.

251 Section 9. **Appropriation.**

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

257 To Legislature - Legislative Services

258 From General Fund, one-time \$750,000

259 Schedule of Programs:

260 Administration \$750,000

261 To Legislature - Senate

262 From General Fund, one-time \$5,000

263 Schedule of Programs:

264 Administration \$5,000

265 To Legislature - House of Representatives

266 From General Fund, one-time \$5,000

267 Schedule of Programs:

268 Administration \$5,000

269 To Legislature - Office of Legislative Research and General Counsel

270 From General Fund, one-time \$40,000

271 Schedule of Programs:

272 Administration \$40,000

273 The Legislature intends that the appropriation of \$750,000 under this section be used to

274 carry out the requirements described in Title 63C, Chapter 17, Point of the Mountain
275 Development Commission Act.