

HB0318S02 compared with HB0318S01

~~deleted text~~ shows text that was in HB0318S01 but was deleted in HB0318S02.

inserted text shows text that was not in HB0318S01 but was inserted into HB0318S02.

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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:

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- ▶ 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 commission; and
- ▶ to the Legislature - Office of Legislative Research and General Counsel, as a one-time appropriation:
 - from the General Fund, \$40,000, to pay for staff services for the commission.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

63C-17-101, Utah Code Annotated 1953

63C-17-102, Utah Code Annotated 1953

63C-17-103, Utah Code Annotated 1953

63C-17-104, Utah Code Annotated 1953

63C-17-105, Utah Code Annotated 1953

63C-17-106, Utah Code Annotated 1953

63C-17-107, Utah Code Annotated 1953

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

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

CHAPTER 17. POINT OF THE MOUNTAIN DEVELOPMENT COMMISSION ACT

63C-17-101. Title.

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

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

63C-17-102. Definitions.

As used in this chapter:

(1) "Commission" means the Point of the Mountain Development Commission, created in Section 63C-17-103.

(2) "Project area" means the area surrounding the border between Salt Lake County and Utah County, commonly referred to as the Point of the Mountain.

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

63C-17-103. Creation of Point of the Mountain Development Commission --

Members.

(1) There is created the Point of the Mountain Development Commission consisting of the following ~~{12}~~ 15 members:

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

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

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

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

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

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

(g) ~~{one member}~~ two members shall be ~~{mayor}~~ mayors of ~~{another community}~~ communities in or close to the project area ~~{in Salt Lake County}~~ who shall be appointed by the Utah League of Cities and Towns;

(h) one member shall be ~~{mayor of another community close to the project area in Utah County who shall be appointed by the Utah League of Cities and Towns}~~ an appointee of the Economic Development Corporation of Utah;

(i) one member, who is ~~{an employee}~~ a member of the Board of the Governor's Office of Economic Development, shall be ~~{an appointee of the governor; and~~

~~{}~~ appointed by the governor;

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

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(k) one member shall be a member of the public, representing the ~~{information technology sector with a physical presence within}~~ ~~school boards in or close to the~~ ~~{program}~~ ~~project~~ area, jointly appointed by the president of the Senate and the speaker of the House of Representatives~~}; and~~

~~(2)(a) The~~ (1) one member shall be a member of the public, representing the information technology sector with a physical presence within the project area, jointly appointed by the president of the Senate ~~{shall designate a member of the Senate appointed under Subsection (1)(a) as a cochair of the commission.~~

~~(b) The~~ and the speaker of the House of Representatives.

(2) (a) The president of the Senate and the speaker of the House of Representatives shall jointly designate a member of the ~~{House of Representatives}~~ ~~Legislature~~ appointed under Subsection (1) (a) or (b) as a cochair of the commission.

(b) The governor shall designate a representative from the Governor's Office of Economic Development appointed under Subsection (1)(i) or (j) as a cochair of the commission.

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

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

(5) A majority of members constitutes a quorum. The action of a majority of a quorum constitutes the action of the commission.

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

63C-17-104. Commission duties.

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

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

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

(b) evaluating the costs and benefits of growth, land use, and economic development

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strategies in the project area and the impacts of those strategies on residents of the project area and the state.

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

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

(ii) identification of transportation infrastructure needs, including:

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

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

(C) development~~f and~~, construction, operation, and maintenance of active transportation facilities, including trails; and

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

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

(i) the Wasatch Front Regional Council;

(ii) the Mountainland Association of Governments;

(iii) the Utah Department of Transportation; and

(iv) the Utah Transit Authority.

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

(a) evaluation of economic growth projections; and

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

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

(ii) assessment districts;

(iii) bonding;

(iv) partnerships between public and private entities;

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

(vi) redevelopment agency funds;

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(vii) federal funding;

(viii) private capital;

(ix) investment strategies used by other governmental entities for purposes of economic development; and

(x) other innovative financing strategies.

(5) The commission may hire or direct the hiring of one or more consultants, or enter into agreements and otherwise collaborate with governmental entities and other stakeholders, with experience or expertise in a subject under consideration by the commission, to assist the commission in fulfilling the commission's duties under this part.

(6) In carrying out the study, the commission shall consider the following objectives for the project area and the state as a whole:

(a) maximizing job creation;

(b) ensuring a high quality of life for residents in and surrounding the project area;

(c) strategic residential and commercial growth;

(d) preservation of natural lands and expansion of recreational opportunities;

(e) provision of a variety of community and housing types that match workforce needs;

and

(f) planning for future transportation infrastructure and other investments to enhance mobility and protect the environment.

(7) The commission shall report the commission's interim findings and recommendations to the Transportation Interim Committee, the Economic Development and Workforce Services Interim Committee, the Revenue and Taxation Interim Committee, the Executive Appropriations Committee, and the governor before December 1, 2016.

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

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

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

The Office of Legislative Research and General Counsel, in coordination with the Governor's Office of Economic Development, shall provide staff support for the commission.

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

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

(1) Salaries and expenses of commission members who are legislators shall be paid in

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accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

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

(a) Sections 63A-3-106 and 63A-3-107; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is

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repealed July 1, 2021.

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

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

(9) On July 1, 2025:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is

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repealed January 1, 2021.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. Appropriation.

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

To Legislature - Legislative Services

<u>From General Fund, one-time</u>	<u>\$750,000</u>
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Schedule of Programs:

<u>Administration</u>	<u>\$750,000</u>
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To Legislature - Senate

<u>From General Fund, one-time</u>	<u>\$5,000</u>
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Schedule of Programs:

<u>Administration</u>	<u>\$5,000</u>
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To Legislature - House of Representatives

<u>From General Fund, one-time</u>	<u>\$5,000</u>
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Schedule of Programs:

<u>Administration</u>	<u>\$5,000</u>
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To Legislature - Office of Legislative Research and General Counsel

<u>From General Fund, one-time</u>	<u>\$40,000</u>
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Schedule of Programs:

<u>Administration</u>	<u>\$40,000</u>
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The Legislature intends that the appropriation of \$750,000 under this section be used to carry out the requirements described in Title 63C, Chapter 17, Point of the Mountain Development Commission Act.