

**UTAH INLAND PORT AUTHORITY**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts and modifies provisions related to the Utah Inland Port Authority.

**Highlighted Provisions:**

This bill:

- ▶ creates the Utah Inland Port Authority;
- ▶ establishes the duties, responsibilities, and powers of the Utah Inland Port Authority;
- ▶ establishes a board to govern the port authority and provides for the board membership, terms, and responsibilities and provides limits on board members;
- ▶ requires the port authority board to hire an executive director;
- ▶ defines land that is under the jurisdiction of the port authority;
- ▶ authorizes the port authority to work to establish an inland port and a foreign trade zone;
- ▶ provides for the port authority to receive tax increment funds;
- ▶ authorizes the port authority board to hear and decide appeals and requests related to certain land use actions;
- ▶ requires the port authority to prepare and adopt a budget and provides a process for preparing, adopting, and amending a budget;
- ▶ requires the port authority to comply with certain audit requirements; and
- ▶ modifies tax increment provisions to require port authority board approval under



28 certain circumstances relating to community reinvestment project area plans that include land  
29 under the port authority's jurisdiction.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **17C-1-102**, as last amended by Laws of Utah 2017, Chapter 456

37 **17C-1-409**, as last amended by Laws of Utah 2016, Chapter 350

38 **17C-2-110**, as last amended by Laws of Utah 2017, Chapter 181

39 **17C-3-109**, as last amended by Laws of Utah 2017, Chapter 181

40 ENACTS:

41 **11-58-101**, Utah Code Annotated 1953

42 **11-58-102**, Utah Code Annotated 1953

43 **11-58-201**, Utah Code Annotated 1953

44 **11-58-202**, Utah Code Annotated 1953

45 **11-58-203**, Utah Code Annotated 1953

46 **11-58-204**, Utah Code Annotated 1953

47 **11-58-205**, Utah Code Annotated 1953

48 **11-58-206**, Utah Code Annotated 1953

49 **11-58-301**, Utah Code Annotated 1953

50 **11-58-302**, Utah Code Annotated 1953

51 **11-58-303**, Utah Code Annotated 1953

52 **11-58-304**, Utah Code Annotated 1953

53 **11-58-305**, Utah Code Annotated 1953

54 **11-58-401**, Utah Code Annotated 1953

55 **11-58-402**, Utah Code Annotated 1953

56 **11-58-403**, Utah Code Annotated 1953

57 **11-58-404**, Utah Code Annotated 1953

58 **11-58-501**, Utah Code Annotated 1953

- 59 [11-58-502](#), Utah Code Annotated 1953
- 60 [11-58-503](#), Utah Code Annotated 1953
- 61 [11-58-504](#), Utah Code Annotated 1953
- 62 [11-58-601](#), Utah Code Annotated 1953

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

65 Section 1. Section **11-58-101** is enacted to read:

66 **CHAPTER 58. UTAH INLAND PORT AUTHORITY ACT**

67 **Part 1. General Provisions**

68 **11-58-101. Title.**

69 This chapter is known as the "Utah Inland Port Authority Act."

70 Section 2. Section **11-58-102** is enacted to read:

71 **11-58-102. Definitions.**

72 As used in this chapter:

73 (1) "Authority" means the Utah Inland Port Authority, created in Section [11-58-201](#).

74 (2) "Authority jurisdictional land":

75 (a) means the land that is located within an area that has:

76 (i) the same boundary on the west and south as the west and south boundary of Salt

77 Lake City's Northwest Quadrant Master Plan Area as of January 1, 2018;

78 (ii) an eastern boundary defined by I-215; and

79 (iii) the same boundary on the north as the northern boundary of Salt Lake City; and

80 (b) excludes the Salt Lake City airport.

81 (3) "Board" means the authority's governing body, created in Section [11-58-301](#).

82 (4) "Business plan":

83 (a) means a plan designed to:

84 (i) achieve the participation of all applicable state and local government entities,

85 property owners, private parties, and other stakeholders;

86 (ii) facilitate, encourage, and bring about development of the authority jurisdictional

87 land to further and achieve the policies and objectives described in Subsection [11-58-203\(1\)](#),

88 including the development and establishment of an inland port; and

89 (iii) coordinate with, follow, and complement the municipal master plan and applicable

90 zoning and other land use ordinances; and

91 (b) except to the extent of the appeal responsibility provided in Part 4, Appeals to  
92 Appeals Panel, does not include municipal planning and zoning activities.

93 (5) "Development" means:

94 (a) the demolition, construction, reconstruction, modification, expansion, or  
95 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
96 recreational amenity, or other facility, including publicly owned infrastructure and  
97 improvements; and

98 (b) the planning of, arranging for, or participation in any of the activities listed in  
99 Subsection (5)(a).

100 (6) "Inland port" means a site that:

101 (a) contains a portfolio of multimodal transportation assets and the ability to allow  
102 global trade to be processed and altered by value-added services as goods move through the  
103 supply chain; and

104 (b) may include a satellite customs clearance terminal, an intermodal distribution  
105 facility, a customs pre-clearance for international trade, or other facilities that facilitate,  
106 encourage, and enhance regional, national, and international trade.

107 Section 3. Section **11-58-201** is enacted to read:

108 **Part 2. Utah Inland Port Authority**

109 **11-58-201. Creation of Utah Inland Port Authority -- Status and purpose.**

110 (1) There is created the Utah Inland Port Authority.

111 (2) The authority is:

112 (a) an independent, nonprofit, separate body corporate and politic, with perpetual  
113 succession;

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

115 (c) a public corporation, as defined in Section [63E-1-102](#).

116 (3) The purpose of the authority is to fulfill the statewide public purpose of working in  
117 concert with applicable state and local government entities, property owners and other private  
118 parties, and other stakeholders to maximize the long-term economic and other benefit for the  
119 state from:

120 (a) the development of an inland port on the authority jurisdictional land; and

121 (b) other development on the authority jurisdictional land consistent with the policies  
122 and objectives described in Section [11-58-203](#).

123 Section 4. Section **11-58-202** is enacted to read:

124 **11-58-202. Authority powers and duties.**

125 (1) The authority has exclusive jurisdiction, responsibility, and power to coordinate the  
126 efforts of all applicable state and local government entities, property owners and other private  
127 parties, and other stakeholders to:

128 (a) develop and implement a business plan for the authority jurisdictional land;

129 (b) plan, facilitate, develop, and manage an inland port on the authority jurisdictional  
130 land; and

131 (c) establish a foreign trade zone, as provided under federal law, covering some or all  
132 of the authority jurisdictional land.

133 (2) The authority may:

134 (a) facilitate and bring about the development of an inland port on land that is part of  
135 the authority jurisdictional land, including engaging in marketing and business recruitment  
136 activities and efforts to encourage and facilitate:

137 (i) the development of an inland port on the authority jurisdictional land; and

138 (ii) other development of the authority jurisdictional land consistent with the strategies,  
139 policies, and objectives described in Subsection [11-58-203\(1\)](#);

140 (b) apply for and take all other necessary actions for the establishment of a foreign  
141 trade zone, as provided under federal law, covering some or all of the authority jurisdictional  
142 land;

143 (c) sue and be sued;

144 (d) enter into contracts generally;

145 (e) as the authority considers necessary or advisable to carry out any of its duties or  
146 responsibilities under this chapter:

147 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal  
148 property;

149 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or  
150 personal property; or

151 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;

152 (f) exercise powers and perform functions under a contract, as authorized in the  
153 contract;

154 (g) accept financial or other assistance from any public or private source for the  
155 authority's activities, powers, and duties, and expend any funds so received for any of the  
156 purposes of this chapter;

157 (h) borrow money from, contract with, or accept financial or other assistance from the  
158 federal government, a public entity, or any other source for any of the purposes of this chapter  
159 and comply with any conditions of the loan, contract, or assistance;

160 (i) hire employees, including contract employees;

161 (j) transact other business and exercise all other powers provided for in this chapter;

162 (k) engage one or more consultants to advise or assist the authority in the performance  
163 of the authority's duties and responsibilities; and

164 (l) exercise powers and perform functions that the authority is authorized by statute to  
165 exercise or perform.

166 Section 5. Section **11-58-203** is enacted to read:

167 **11-58-203. Strategies, policies, and objectives to be pursued by authority.**

168 In fulfilling its duties and responsibilities relating to the development of the authority  
169 jurisdictional land, the authority shall:

170 (1) pursue strategies, policies, and objectives that are designed to:

171 (a) maximize long-term economic benefits to the area, the region, and the state;

172 (b) promote a high quality of life for residents of the area, the region, and the state;

173 (c) facilitate and encourage the development of appropriate infrastructure to serve the  
174 authority jurisdictional land and surrounding areas, including rail, heavy haul roads, arterial  
175 streets, and other infrastructure to provide water, sewer, and other services to the authority  
176 jurisdictional land;

177 (d) mitigate any negative impacts on and enhance opportunities for surrounding  
178 communities;

179 (e) maximize the creation of high-quality jobs;

180 (f) respect and maintain sensitivity to the unique natural environment of areas in  
181 proximity to the authority jurisdictional land;

182 (g) improve air quality and minimize resource use;

183 (h) respect existing land use and other agreements and arrangements between property  
184 owners within the authority jurisdictional land and applicable governmental authorities;

185 (i) promote and encourage development and uses that are compatible with or  
186 complement uses in areas in proximity to the authority jurisdictional land; and

187 (j) take advantage of the authority jurisdictional land's strategic location and other  
188 features, including the proximity to transportation and other infrastructure and facilities, that  
189 make the authority jurisdictional land attractive to:

190 (i) businesses that engage in regional, national, or international trade; and

191 (ii) businesses that complement businesses engaged in regional, national, or  
192 international trade;

193 (2) work to identify funding sources, including federal, state, and local government  
194 funding and private funding, for capital improvement projects in and around the authority  
195 jurisdictional land and for an inland port;

196 (3) review and identify land use and zoning policies and practices to recommend to  
197 municipal land use policymakers and administrators that are consistent with and will help to  
198 achieve:

199 (a) the strategies, policies, and objectives stated in Subsection (1); and

200 (b) the mutual goals of Salt Lake City, Salt Lake County, and the state with respect to  
201 the authority jurisdictional land; and

202 (4) consult and coordinate with other applicable governmental entities to improve and  
203 enhance transportation and other infrastructure and facilities in order to maximize the potential  
204 of the authority jurisdictional land to attract, retain, and service users who will help maximize  
205 the long-term economic benefit to the state.

206 Section 6. Section **11-58-204** is enacted to read:

207 **11-58-204. Applicability of other law -- Cooperation of other governmental**  
208 **entities.**

209 (1) Except as provided in Part 4, Appeals to Appeals Panel, the authority does not have  
210 and may not exercise any powers relating to the regulation of land uses within the authority  
211 jurisdictional land.

212 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),  
213 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed

214 by Title 63E, Independent Entities Code.

215 (3) A department, division, or other agency of the state and a political subdivision of  
216 the state shall cooperate with the authority to the fullest extent possible to provide whatever  
217 support, information, or other assistance the board requests that is reasonably necessary to help  
218 the authority fulfill its duties and responsibilities under this chapter.

219 Section 7. Section **11-58-205** is enacted to read:

220 **11-58-205. Authority funds.**

221 The authority may use authority funds for any purpose authorized under this chapter,  
222 including paying any consulting fees and staff salaries and other administrative, overhead,  
223 legal, and operating expenses of the authority.

224 Section 8. Section **11-58-206** is enacted to read:

225 **11-58-206. Authority to receive tax increment funds.**

226 (1) As used in this section:

227 (a) "Community reinvestment agency" means the same as that term is defined in  
228 Section [17C-1-102](#).

229 (b) "Inland port project area plan" means the same as that term is defined in Section  
230 [17C-1-102](#).

231 (c) "Inland port tax increment" means the same as that term is defined in Section  
232 [17C-1-102](#).

233 (d) "Taxing entity" means the same as that term is defined in Section [17C-1-102](#).

234 (2) A community reinvestment agency that has adopted an inland port project area plan  
235 shall pay the authority 5% of the total annual amount of inland port tax increment that the  
236 community reinvestment agency receives under the inland port project area plan or under any  
237 agreement that the community reinvestment agency has executed with taxing entities under the  
238 inland port project area plan.

239 Section 9. Section **11-58-301** is enacted to read:

240 **Part 3. Authority Board**

241 **11-58-301. Authority board -- Delegation of power.**

242 (1) The authority shall be governed by a board, which shall manage and conduct the  
243 business and affairs of the authority and shall determine all questions of authority policy.

244 (2) All powers of the authority are exercised through the board.



245 (3) The board may by resolution delegate powers to authority staff.

246 Section 10. Section **11-58-302** is enacted to read:

247 **11-58-302. Number of board members -- Appointment.**

248 (1) The authority's board shall consist of nine voting members, as provided in

249 Subsection (2), and one nonvoting member, as provided in Subsection (3).

250 (2) (a) The governor shall appoint two board members, one of whom shall be an  
251 employee or officer of the Governor's Office of Economic Development, created in Section  
252 63N-1-201.

253 (b) The president of the Senate shall appoint one board member.

254 (c) The speaker of the House of Representatives shall appoint one board member.

255 (d) The Salt Lake City mayor shall appoint two board members, one of whom shall be  
256 from the Salt Lake Airport Authority.

257 (e) The Salt Lake City council shall appoint one board member.

258 (f) The Salt Lake County mayor shall appoint one board member.

259 (g) The chair of the Permanent Community Impact Fund Board, created in Section  
260 35A-8-304, shall appoint one board member from among the members of the Permanent  
261 Community Impact Fund Board.

262 (3) The economic development director of Salt Lake County shall be a nonvoting  
263 member of the board.

264 (4) An individual required under Subsection (2) to appoint a board member shall  
265 appoint each initial board member the individual is required to appoint no later than July 15,  
266 2018.

267 (5) (a) A vacancy in the board shall be filled in the same manner under this section as  
268 the appointment of the member whose vacancy is being filled.

269 (b) A person appointed to fill a vacancy shall serve the remaining unexpired term of  
270 the member whose vacancy the person is filling.

271 (6) A board member appointed by the governor, president of the Senate, or speaker of  
272 the House of Representatives serves at the pleasure of and may be removed and replaced at any  
273 time, with or without cause, by the governor, president of the Senate, or speaker of the House  
274 of Representatives, respectively.

275 (7) The authority may:

276 (a) appoint additional nonvoting members of the board; and

277 (b) set terms for nonvoting members appointed under Subsection (7)(a).

278 Section 11. Section **11-58-303** is enacted to read:

279 **11-58-303. Term of board members -- Quorum -- Compensation.**

280 (1) The term of board members is four years, except that the initial term of one of the  
281 two members appointed under Subsections [11-58-302\(2\)\(a\)](#) and (d) and of the members  
282 appointed under Subsections [11-58-302\(2\)\(c\)](#) and (f) is two years.

283 (2) A board member may serve multiple terms if duly appointed to serve each term  
284 under Subsection [11-58-302\(2\)](#).

285 (3) Each board member shall serve until a successor is duly appointed and qualified.

286 (4) A majority of voting board members constitutes a quorum, and the action of a  
287 majority of a quorum constitutes action of the board.

288 (5) (a) A board member who is not a legislator may not receive compensation or  
289 benefits for the member's service on the board, but may receive per diem and reimbursement  
290 for travel expenses incurred as a board member as allowed in:

291 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

292 (ii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
293 [63A-3-107](#).

294 (b) Compensation and expenses of a board member who is a legislator are governed by  
295 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

296 Section 12. Section **11-58-304** is enacted to read:

297 **11-58-304. Limitations on board members.**

298 (1) As used in this section:

299 (a) "Direct financial benefit":

300 (i) means any form of financial benefit that accrues to an individual directly as a result  
301 of the development of the authority jurisdictional land, including:

302 (A) compensation, commission, or any other form of a payment or increase of money;

303 and

304 (B) an increase in the value of a business or property; and

305 (ii) does not include a financial benefit that accrues to the public generally as a result of  
306 the development of the authority jurisdictional state land.

- 307 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 308 (2) An individual may not serve as a member of the board if:
- 309 (a) the individual owns real property, other than a personal residence in which the
- 310 individual resides, on or within two miles of the authority jurisdictional land, whether or not
- 311 the ownership interest is a recorded interest;
- 312 (b) a family member of the individual owns an interest in real property, other than a
- 313 personal residence in which the family member resides, located on or within one-half mile of
- 314 the authority jurisdictional land; or
- 315 (c) the individual or a family member of the individual owns an interest in, is directly
- 316 affiliated with, or is an employee or officer of a firm, company, or other entity that the
- 317 individual reasonably believes is likely to:
- 318 (i) participate in or receive compensation or other direct financial benefit from the
- 319 development of the authority jurisdictional land; or
- 320 (ii) acquire an interest in or locate a facility on the authority jurisdictional land.
- 321 (3) Before taking office as a board member, an individual shall submit to the authority
- 322 a statement verifying that the individual's service as a board member does not violate
- 323 Subsection (2).
- 324 (4) A board member may not, at any time during the board member's service on the
- 325 board, take any action to initiate, negotiate, or otherwise arrange for the acquisition of an
- 326 interest in real property located on or within five miles of the authority jurisdictional state land.
- 327 Section 13. Section **11-58-305** is enacted to read:
- 328 **11-58-305. Executive director.**
- 329 (1) On or before November 1, 2018, the board shall hire a full-time executive director
- 330 to manage and oversee the day-to-day operations of the authority.
- 331 (2) The executive director shall have the education, experience, and training necessary
- 332 to perform the functions that the board assigns to the executive director in a way that
- 333 maximizes the potential for successfully achieving and implementing the strategies, policies,
- 334 and objectives stated in Subsection [11-58-203\(1\)](#).
- 335 (3) An executive director is an at-will employee who serves at the pleasure of the board
- 336 and may be removed by the board at any time.
- 337 (4) The board shall establish the compensation and benefits of an executive director.

338 Section 14. Section **11-58-401** is enacted to read:

339 **Part 4. Appeals to Appeals Panel**

340 **11-58-401. Definitions.**

341 As used in this part:

342 (1) "Action request" means a request under Subsection [11-58-403\(1\)\(b\)](#) for the appeals  
343 panel to expedite or take a land use action that has been subject to an unreasonable delay.

344 (2) "Adversely affected person" means a person who has been adversely affected by:

345 (a) a land use action; or

346 (b) an unreasonable delay in a land use action.

347 (3) "Appeals panel" means the panel established under Section [11-58-402](#) to hear and  
348 decide appeals and action requests under this part.

349 (4) "Land use action" means:

350 (a) a legislative body decision on a land use regulation that applies only or primarily to  
351 land that is part of the authority jurisdictional land; or

352 (b) a land use authority's land use decision affecting land that is part of the authority  
353 jurisdictional land.

354 (5) "Land use authority" means the same as that term is defined in Section [10-9a-103](#).

355 (6) "Land use decision" means the same as that term is defined in Section [10-9a-103](#).

356 (7) "Land use regulation" means the same as that term is defined in Section [10-9a-103](#).

357 (8) "Legislative body" means the same as that term is defined in Section [10-9a-103](#).

358 Section 15. Section **11-58-402** is enacted to read:

359 **11-58-402. Appeals panel.**

360 (1) (a) The board shall establish an appeals panel to hear and decide appeals and action  
361 requests under this part.

362 (b) The appeals panel to hear and decide appeals may be different from the appeals  
363 panel to hear and decide action requests.

364 (2) The appeals panel consists of:

365 (a) the board; or

366 (b) one or more individuals designated by the board.

367 Section 16. Section **11-58-403** is enacted to read:

368 **11-58-403. Appeals process.**

- 369 (1) An adversely affected person may:  
370 (a) appeal a land use action to the appeals panel; or  
371 (b) submit a written action request to the appeals panel.  
372 (2) (a) Notwithstanding the provisions of Title 10, Chapter 9a, Municipal Land Use,  
373 Development, and Management Act, an appeal under Subsection (1)(a) is the exclusive appeal  
374 of a land use action available to an adversely affected person.  
375 (b) An appeal of a land use action under this section may not be considered unless it is  
376 submitted to the appeals panel in writing within 10 calendar days after the date of the land use  
377 action being appealed.  
378 (3) In deciding an appeal of a land use action or an action request, an appeals panel  
379 may hold an informal hearing to receive information and hear arguments from the parties.  
380 (4) An appeals panel shall decide and issue a written decision:  
381 (a) on an appeal of a land use action within 21 days after the appeal is filed; and  
382 (b) on an action request within 10 business days after the action request is filed.  
383 (5) (a) A person aggrieved by an appeals panel decision may seek judicial review of the  
384 decision in district court by filing a petition with the court within 30 days after the appeals  
385 panel decision.  
386 (b) The court shall uphold the appeals panel decision unless the court determines that  
387 the decision is:  
388 (i) arbitrary and capricious; or  
389 (ii) illegal.  
390 Section 17. Section **11-58-404** is enacted to read:  
391 **11-58-404. Standards governing appeals and action requests.**  
392 (1) The appeals panel may decide an appeal in favor of the adversely affected person if  
393 the appeals panel concludes that the land use action that is the subject of the appeal:  
394 (a) is detrimental to achieving or implementing the strategies, policies, and objectives  
395 stated in Subsection [11-58-203\(1\)](#); or  
396 (b) substantially impedes, interferes with, or impairs authority jurisdictional land  
397 development that is consistent with the strategies, policies, and objectives stated in Subsection  
398 [11-58-203\(1\)](#).  
399 (2) (a) The appeals panel may grant an action request if the adversely affected person

400 demonstrates that:

401 (i) a land use action has been subject to an unreasonable delay; and

402 (ii) the unreasonable delay substantially impedes, interferes with, or impairs authority

403 jurisdictional land development that is consistent with the strategies, policies, and objectives

404 stated in Subsection [11-58-203\(1\)](#).

405 (b) In granting an action request, the appeals panel may:

406 (i) impose a deadline on the legislative body or land use authority for taking the land

407 use action that is the subject of the action request; or

408 (ii) take the land use action that is the subject of the action request.

409 (3) A decision of the appeals panel is binding to the same extent as if the legislative

410 body or land use authority had taken the land use action that is the subject of the appeals panel

411 decision.

412 Section 18. Section **11-58-501** is enacted to read:

413 **Part 5. Authority Budget, Reporting, and Audits**

414 **11-58-501. Annual authority budget -- Fiscal year -- Public hearing required --**

415 **Auditor forms -- Requirement to file form.**

416 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
417 expenditures for the authority for each fiscal year.

418 (2) Each annual authority budget shall be adopted before June 22.

419 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

420 (4) (a) Before adopting an annual budget, the authority board shall hold a public  
421 hearing on the annual budget.

422 (b) The authority shall provide notice of the public hearing on the annual budget by  
423 publishing notice:

424 (i) at least once in a newspaper of general circulation within the state, one week before  
425 the public hearing; and

426 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for at least one  
427 week immediately before the public hearing.

428 (c) The authority shall make the annual budget available for public inspection at least  
429 three days before the date of the public hearing.

430 (5) The state auditor shall prescribe the budget forms and the categories to be contained

431 in each authority budget, including:

432 (a) revenues and expenditures for the budget year;

433 (b) legal fees; and

434 (c) administrative costs, including rent, supplies, and other materials, and salaries of

435 authority personnel.

436 (6) (a) Upon adopting an annual budget, the board shall make a copy of the annual

437 budget available to the public.

438 (b) Within 30 days after adopting an annual budget, the board shall submit a copy of

439 the budget to the state auditor.

440 Section 19. Section **11-58-502** is enacted to read:

441 **11-58-502. Amending the authority annual budget.**

442 (1) The board may by resolution amend an annual authority budget.

443 (2) An amendment of the annual authority budget that would increase the total

444 expenditures may be made only after public hearing by notice published as required for initial

445 adoption of the annual budget.

446 (3) The authority may not make expenditures in excess of the total expenditures

447 established in the annual budget as it is adopted or amended.

448 Section 20. Section **11-58-503** is enacted to read:

449 **11-58-503. Audit requirements.**

450 The authority shall comply with the audit requirements of Title 51, Chapter 2a,

451 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local

452 Entities Act.

453 Section 21. Section **11-58-504** is enacted to read:

454 **11-58-504. Authority chief financial officer is a public treasurer -- Certain**

455 **authority funds are public funds.**

456 (1) The authority's chief financial officer:

457 (a) is a public treasurer, as defined in Section [51-7-3](#); and

458 (b) shall invest the authority funds specified in Subsection (2) as provided in that

459 subsection.

460 (2) Notwithstanding Subsection [63E-2-110\(2\)\(a\)](#), tax increment funds and

461 appropriations that the authority receives from the state:

462 (a) are public funds; and  
463 (b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.  
464 Section 22. Section **11-58-601** is enacted to read:

465 **Part 6. Authority Dissolution**

466 **11-58-601. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**  
467 **Authority records -- Dissolution expenses.**

468 (1) The authority may not be dissolved unless the authority has no outstanding  
469 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual  
470 obligations with persons or entities other than the state.

471 (2) Upon the dissolution of the authority:

472 (a) the Governor's Office of Economic Development shall publish a notice of  
473 dissolution:

474 (i) in a newspaper of general circulation in the county in which the dissolved authority  
475 is located; and

476 (ii) as required in Section [45-1-101](#); and

477 (b) all title to property owned by the authority vests in the state.

478 (3) The books, documents, records, papers, and seal of each dissolved authority shall  
479 be deposited for safekeeping and reference with the state auditor.

480 (4) The authority shall pay all expenses of the deactivation and dissolution.

481 Section 23. Section **17C-1-102** is amended to read:

482 **17C-1-102. Definitions.**

483 As used in this title:

484 (1) "Active project area" means a project area that has not been dissolved in accordance  
485 with Section [17C-1-702](#).

486 (2) "Adjusted tax increment" means the percentage of tax increment, if less than 100%,  
487 that an agency is authorized to receive:

488 (a) for a pre-July 1, 1993, project area plan, under Section [17C-1-403](#), excluding tax  
489 increment under Subsection [17C-1-403](#)(3);

490 (b) for a post-June 30, 1993, project area plan, under Section [17C-1-404](#), excluding tax  
491 increment under Section [17C-1-406](#);

492 (c) under a project area budget approved by a taxing entity committee; or



493 (d) under an interlocal agreement that authorizes the agency to receive a taxing entity's  
494 tax increment.

495 (3) "Affordable housing" means housing owned or occupied by a low or moderate  
496 income family, as determined by resolution of the agency.

497 (4) "Agency" or "community reinvestment agency" means a separate body corporate  
498 and politic, created under Section [17C-1-201.5](#) or as a redevelopment agency or community  
499 development and renewal agency under previous law:

500 (a) that is a political subdivision of the state;

501 (b) that is created to undertake or promote project area development as provided in this  
502 title; and

503 (c) whose geographic boundaries are coterminous with:

504 (i) for an agency created by a county, the unincorporated area of the county; and

505 (ii) for an agency created by a municipality, the boundaries of the municipality.

506 (5) "Agency funds" means money that an agency collects or receives for the purposes  
507 of agency operations or implementing a project area plan, including:

508 (a) project area funds;

509 (b) income, proceeds, revenue, or property derived from or held in connection with the  
510 agency's undertaking and implementation of project area development; or

511 (c) a contribution, loan, grant, or other financial assistance from any public or private  
512 source.

513 (6) "Annual income" means the same as that term is defined in regulations of the  
514 United States Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as  
515 amended or as superseded by replacement regulations.

516 (7) "Assessment roll" means the same as that term is defined in Section [59-2-102](#).

517 (8) "Authority board" means the Utah Inland Port Authority's board, established under  
518 Section [11-58-301](#).

519 [~~(8)~~] (9) "Base taxable value" means, unless otherwise adjusted in accordance with  
520 provisions of this title, a property's taxable value as shown upon the assessment roll last  
521 equalized during the base year.

522 [~~(9)~~] (10) "Base year" means, except as provided in Subsection [17C-1-402\(4\)\(c\)](#), the  
523 year during which the assessment roll is last equalized:

524 (a) for a pre-July 1, 1993, urban renewal or economic development project area plan,  
525 before the project area plan's effective date;

526 (b) for a post-June 30, 1993, urban renewal or economic development project area  
527 plan, or a community reinvestment project area plan that is subject to a taxing entity  
528 committee:

529 (i) before the date on which the taxing entity committee approves the project area  
530 budget; or

531 (ii) if taxing entity committee approval is not required for the project area budget,  
532 before the date on which the community legislative body adopts the project area plan;

533 (c) for a project on an inactive airport site, after the later of:

534 (i) the date on which the inactive airport site is sold for remediation and development;  
535 or

536 (ii) the date on which the airport that operated on the inactive airport site ceased  
537 operations; or

538 (d) for a community development project area plan or a community reinvestment  
539 project area plan that is subject to an interlocal agreement, as described in the interlocal  
540 agreement.

541 ~~[(10)]~~ (11) "Basic levy" means the portion of a school district's tax levy constituting the  
542 minimum basic levy under Section 59-2-902.

543 ~~[(11)]~~ (12) "Blight" or "blighted" means the condition of an area that meets the  
544 requirements described in Subsection 17C-2-303(1) for an urban renewal project area or  
545 Section 17C-5-405 for a community reinvestment project area.

546 ~~[(12)]~~ (13) "Blight hearing" means a public hearing regarding whether blight exists  
547 within a proposed:

548 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section  
549 17C-2-302; or

550 (b) community reinvestment project area under Section 17C-5-405.

551 ~~[(13)]~~ (14) "Blight study" means a study to determine whether blight exists within a  
552 survey area as described in Section 17C-2-301 for an urban renewal project area or Section  
553 17C-5-403 for a community reinvestment project area.

554 ~~[(14)]~~ (15) "Board" means the governing body of an agency, as described in Section

555 17C-1-203.

556           ~~[(15)]~~ (16) "Budget hearing" means the public hearing on a proposed project area  
557 budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,  
558 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection  
559 17C-5-302(2)(e) for a community reinvestment project area budget.

560           ~~[(16)]~~ (17) "Closed military base" means land within a former military base that the  
561 Defense Base Closure and Realignment Commission has voted to close or realign when that  
562 action has been sustained by the president of the United States and Congress.

563           ~~[(17)]~~ (18) "Combined incremental value" means the combined total of all incremental  
564 values from all project areas, except project areas that contain some or all of a military  
565 installation or inactive industrial site, within the agency's boundaries under project area plans  
566 and project area budgets at the time that a project area budget for a new project area is being  
567 considered.

568           ~~[(18)]~~ (19) "Community" means a county or municipality.

569           ~~[(19)]~~ (20) "Community development project area plan" means a project area plan  
570 adopted under Chapter 4, Part 1, Community Development Project Area Plan.

571           ~~[(20)]~~ (21) "Community legislative body" means the legislative body of the community  
572 that created the agency.

573           ~~[(21)]~~ (22) "Community reinvestment project area plan" means a project area plan  
574 adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

575           ~~[(22)]~~ (23) "Contest" means to file a written complaint in the district court of the  
576 county in which the agency is located.

577           ~~[(23)]~~ (24) "Economic development project area plan" means a project area plan  
578 adopted under Chapter 3, Part 1, Economic Development Project Area Plan.

579           ~~[(24)]~~ (25) "Fair share ratio" means the ratio derived by:

580           (a) for a municipality, comparing the percentage of all housing units within the  
581 municipality that are publicly subsidized income targeted housing units to the percentage of all  
582 housing units within the county in which the municipality is located that are publicly  
583 subsidized income targeted housing units; or

584           (b) for the unincorporated part of a county, comparing the percentage of all housing  
585 units within the unincorporated county that are publicly subsidized income targeted housing

586 units to the percentage of all housing units within the whole county that are publicly subsidized  
587 income targeted housing units.

588 ~~[(25)]~~ (26) "Family" means the same as that term is defined in regulations of the United  
589 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended  
590 or as superseded by replacement regulations.

591 ~~[(26)]~~ (27) "Greenfield" means land not developed beyond agricultural, range, or  
592 forestry use.

593 ~~[(27)]~~ (28) "Hazardous waste" means any substance defined, regulated, or listed as a  
594 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,  
595 or toxic substance, or identified as hazardous to human health or the environment, under state  
596 or federal law or regulation.

597 ~~[(28)]~~ (29) "Housing allocation" means tax increment allocated for housing under  
598 Section 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

599 ~~[(29)]~~ (30) "Housing fund" means a fund created by an agency for purposes described  
600 in Section 17C-1-411 or 17C-1-412 that is comprised of:

601 (a) project area funds allocated for the purposes described in Section 17C-1-411; or

602 (b) an agency's housing allocation.

603 ~~[(30)]~~ (31) (a) "Inactive airport site" means land that:

604 (i) consists of at least 100 acres;

605 (ii) is occupied by an airport:

606 (A) (I) that is no longer in operation as an airport; or

607 (II) (Aa) that is scheduled to be decommissioned; and

608 (Bb) for which a replacement commercial service airport is under construction; and

609 (B) that is owned or was formerly owned and operated by a public entity; and

610 (iii) requires remediation because:

611 (A) of the presence of hazardous waste or solid waste; or

612 (B) the site lacks sufficient public infrastructure and facilities, including public roads,  
613 electric service, water system, and sewer system, needed to support development of the site.

614 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land  
615 described in Subsection ~~[(30)]~~ (31)(a).

616 ~~[(31)]~~ (32) (a) "Inactive industrial site" means land that:

617 (i) consists of at least 1,000 acres;  
618 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial  
619 facility; and

620 (iii) requires remediation because of the presence of hazardous waste or solid waste.

621 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land  
622 described in Subsection ~~[(31)]~~ (32)(a).

623 ~~[(32)]~~ (33) "Income targeted housing" means housing that is owned or occupied by a  
624 family whose annual income is at or below 80% of the median annual income for a family  
625 within the county in which the housing is located.

626 ~~[(33)]~~ (34) "Incremental value" means a figure derived by multiplying the marginal  
627 value of the property located within a project area on which tax increment is collected by a  
628 number that represents the adjusted tax increment from that project area that is paid to the  
629 agency.

630 (35) "Inland port project area plan" means a community reinvestment project area plan  
631 that describes a project area that is partly or wholly within the boundary of authority  
632 jurisdictional land, as defined in Section [11-58-102](#).

633 (36) "Inland port tax increment" means tax increment collected under an inland port  
634 project area plan.

635 ~~[(34)]~~ (37) "Loan fund board" means the Olene Walker Housing Loan Fund Board,  
636 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

637 ~~[(35)]~~ (38) (a) "Local government building" means a building owned and operated by  
638 a community for the primary purpose of providing one or more primary community functions,  
639 including:

- 640 (i) a fire station;  
641 (ii) a police station;  
642 (iii) a city hall; or  
643 (iv) a court or other judicial building.

644 (b) "Local government building" does not include a building the primary purpose of  
645 which is cultural or recreational in nature.

646 ~~[(36)]~~ (39) "Marginal value" means the difference between actual taxable value and  
647 base taxable value.

648           ~~[(37)]~~ (40) "Military installation project area" means a project area or a portion of a  
649 project area located within a federal military installation ordered closed by the federal Defense  
650 Base Realignment and Closure Commission.

651           ~~[(38)]~~ (41) "Municipality" means a city, town, or metro township as defined in Section  
652 10-2a-403.

653           ~~[(39)]~~ (42) "Participant" means one or more persons that enter into a participation  
654 agreement with an agency.

655           ~~[(40)]~~ (43) "Participation agreement" means a written agreement between a person and  
656 an agency that:

657           (a) includes a description of:

658           (i) the project area development that the person will undertake;

659           (ii) the amount of project area funds the person may receive; and

660           (iii) the terms and conditions under which the person may receive project area funds;

661 and

662           (b) is approved by resolution of the board.

663           ~~[(41)]~~ (44) "Plan hearing" means the public hearing on a proposed project area plan  
664 required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan,  
665 Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection  
666 17C-4-102(1)(d) for a community development project area plan, or Subsection  
667 17C-5-104(3)(e) for a community reinvestment project area plan.

668           ~~[(42)]~~ (45) "Post-June 30, 1993, project area plan" means a project area plan adopted  
669 on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the  
670 project area plan's adoption.

671           ~~[(43)]~~ (46) "Pre-July 1, 1993, project area plan" means a project area plan adopted  
672 before July 1, 1993, whether or not amended subsequent to the project area plan's adoption.

673           ~~[(44)]~~ (47) "Private," with respect to real property, means:

674           (a) not owned by a public entity or any other governmental entity; and

675           (b) not dedicated to public use.

676           ~~[(45)]~~ (48) "Project area" means the geographic area described in a project area plan  
677 within which the project area development described in the project area plan takes place or is  
678 proposed to take place.

679            [~~(46)~~] (49) "Project area budget" means a multiyear projection of annual or cumulative  
680 revenues and expenses and other fiscal matters pertaining to a project area prepared in  
681 accordance with:

- 682            (a) for an urban renewal project area, Section 17C-2-202;
- 683            (b) for an economic development project area, Section 17C-3-202;
- 684            (c) for a community development project area, Section 17C-4-204; or
- 685            (d) for a community reinvestment project area, Section 17C-5-302.

686            [~~(47)~~] (50) "Project area development" means activity within a project area that, as  
687 determined by the board, encourages, promotes, or provides development or redevelopment for  
688 the purpose of implementing a project area plan, including:

- 689            (a) promoting, creating, or retaining public or private jobs within the state or a  
690 community;
- 691            (b) providing office, manufacturing, warehousing, distribution, parking, or other  
692 facilities or improvements;
- 693            (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or  
694 remediating environmental issues;
- 695            (d) providing residential, commercial, industrial, public, or other structures or spaces,  
696 including recreational and other facilities incidental or appurtenant to the structures or spaces;
- 697            (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating  
698 existing structures;
- 699            (f) providing open space, including streets or other public grounds or space around  
700 buildings;
- 701            (g) providing public or private buildings, infrastructure, structures, or improvements;
- 702            (h) relocating a business;
- 703            (i) improving public or private recreation areas or other public grounds;
- 704            (j) eliminating blight or the causes of blight;
- 705            (k) redevelopment as defined under the law in effect before May 1, 2006; or
- 706            (l) any activity described in Subsections [~~(47)~~] (50)(a) through (k) outside of a project  
707 area that:
  - 708            (i) the board determines to be a benefit to the project area; and
  - 709            (ii) for an inland port project area plan, the authority board determines to be a benefit

710 to the project area.

711 [~~(48)~~] (51) "Project area funds" means tax increment or sales and use tax revenue that  
712 an agency receives under a project area budget adopted by a taxing entity committee or an  
713 interlocal agreement.

714 [~~(49)~~] (52) "Project area funds collection period" means the period of time that:

715 (a) begins the day on which the first payment of project area funds is distributed to an  
716 agency under a project area budget adopted by a taxing entity committee or an interlocal  
717 agreement; and

718 (b) ends the day on which the last payment of project area funds is distributed to an  
719 agency under a project area budget adopted by a taxing entity committee or an interlocal  
720 agreement.

721 [~~(50)~~] (53) "Project area plan" means an urban renewal project area plan, an economic  
722 development project area plan, a community development project area plan, or a community  
723 reinvestment project area plan that, after the project area plan's effective date, guides and  
724 controls the project area development.

725 [~~(51)~~] (54) (a) "Property tax" means each levy on an ad valorem basis on tangible or  
726 intangible personal or real property.

727 (b) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4, Privilege  
728 Tax.

729 [~~(52)~~] (55) "Public entity" means:

730 (a) the United States, including an agency of the United States;

731 (b) the state, including any of the state's departments or agencies; or

732 (c) a political subdivision of the state, including a county, municipality, school district,  
733 local district, special service district, or interlocal cooperation entity.

734 [~~(53)~~] (56) "Publicly owned infrastructure and improvements" means water, sewer,  
735 storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines,  
736 streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation  
737 facilities, or other facilities, infrastructure, and improvements benefitting the public and to be  
738 publicly owned or publicly maintained or operated.

739 [~~(54)~~] (57) "Record property owner" or "record owner of property" means the owner of  
740 real property, as shown on the records of the county in which the property is located, to whom



741 the property's tax notice is sent.

742 [~~(55)~~] (58) "Sales and use tax revenue" means revenue that is:

743 (a) generated from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act;

744 and

745 (b) distributed to a taxing entity in accordance with Sections 59-12-204 and 59-12-205.

746 [~~(56)~~] (59) "Superfund site":

747 (a) means an area included in the National Priorities List under the Comprehensive  
748 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

749 (b) includes an area formerly included in the National Priorities List, as described in  
750 Subsection [~~(56)~~] (59)(a), but removed from the list following remediation that leaves on site  
751 the waste that caused the area to be included in the National Priorities List.

752 [~~(57)~~] (60) "Survey area" means a geographic area designated for study by a survey  
753 area resolution to determine whether:

754 (a) one or more project areas within the survey area are feasible; or

755 (b) blight exists within the survey area.

756 [~~(58)~~] (61) "Survey area resolution" means a resolution adopted by a board that  
757 designates a survey area.

758 [~~(60)~~] (62) (a) "Tax increment" means the difference between:

759 (i) the amount of property tax revenue generated each tax year by a taxing entity from  
760 the area within a project area designated in the project area plan as the area from which tax  
761 increment is to be collected, using the current assessed value of the property; and

762 (ii) the amount of property tax revenue that would be generated from that same area  
763 using the base taxable value of the property.

764 (b) "Tax increment" does not include taxes levied and collected under Section  
765 59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:

766 (i) the project area plan was adopted before May 4, 1993, whether or not the project  
767 area plan was subsequently amended; and

768 (ii) the taxes were pledged to support bond indebtedness or other contractual  
769 obligations of the agency.

770 [~~(59)~~] (63) "Taxable value" means:

771 (a) the taxable value of all real property a county assessor assesses in accordance with

772 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

773 (b) the taxable value of all real and personal property the commission assesses in  
774 accordance with Title 59, Chapter 2, Part 2, Assessment of Property, for the current year; and

775 (c) the year end taxable value of all personal property a county assessor assesses in  
776 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's  
777 tax rolls of the taxing entity.

778 [~~(61)~~] (64) "Taxing entity" means a public entity that:

779 (a) levies a tax on property located within a project area; or

780 (b) imposes a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

781 [~~(62)~~] (65) "Taxing entity committee" means a committee representing the interests of  
782 taxing entities, created in accordance with Section 17C-1-402.

783 [~~(63)~~] (66) "Unincorporated" means not within a municipality.

784 [~~(64)~~] (67) "Urban renewal project area plan" means a project area plan adopted under  
785 Chapter 2, Part 1, Urban Renewal Project Area Plan.

786 Section 24. Section 17C-1-409 is amended to read:

787 **17C-1-409. Allowable uses of agency funds.**

788 (1) (a) An agency may use agency funds:

789 (i) for any purpose authorized under this title;

790 (ii) for administrative, overhead, legal, or other operating expenses of the agency,  
791 including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for  
792 a business resource center;

793 (iii) to pay for, including financing or refinancing, all or part of:

794 (A) project area development in a project area, including environmental remediation  
795 activities occurring before or after adoption of the project area plan;

796 (B) housing-related expenditures, projects, or programs as described in Section  
797 17C-1-411 or 17C-1-412;

798 (C) an incentive or other consideration paid to a participant under a participation  
799 agreement;

800 (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the  
801 installation and construction of any publicly owned building, facility, structure, landscaping, or  
802 other improvement within the project area from which the project area funds are collected; or

803 (E) the cost of the installation of publicly owned infrastructure and improvements  
804 outside the project area from which the project area funds are collected if the board and the  
805 community legislative body and, in the case of inland port tax increment, the authority board  
806 determine by resolution that the publicly owned infrastructure and improvements benefit the  
807 project area; or

808 (iv) in an urban renewal project area that includes some or all of an inactive industrial  
809 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created  
810 under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8,  
811 Public Transit District Act, for the cost of:

812 (A) construction of a public road, bridge, or overpass;

813 (B) relocation of a railroad track within the urban renewal project area; or

814 (C) relocation of a railroad facility within the urban renewal project area.

815 (b) The determination of the board and the community legislative body under  
816 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

817 (c) An agency may not use project area funds received from a taxing entity for the  
818 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an  
819 economic development project area plan, or a community reinvestment project area plan  
820 without the community legislative body's consent.

821 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a  
822 project area fund to another project area fund if:

823 (A) the board approves; ~~and~~

824 (B) the community legislative body approves[-]; and

825 (C) in the case of inland port tax increment, the authority board approves.

826 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the  
827 projections for agency funds are sufficient to repay the loan amount.

828 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,  
829 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal  
830 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for  
831 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

832 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection  
833 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the

834 reimbursement with:

835 (i) the Department of Transportation; or

836 (ii) a public transit district.

837 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not  
838 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use  
839 Tax Incentive Payments Act.

840 (b) An agency may use sales and use tax revenue that the agency receives under an  
841 interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the  
842 interlocal agreement.

843 (3) (a) An agency may contract with the community that created the agency or another  
844 public entity to use agency funds to reimburse the cost of items authorized by this title to be  
845 paid by the agency that are paid by the community or other public entity.

846 (b) If land is acquired or the cost of an improvement is paid by another public entity  
847 and the land or improvement is leased to the community, an agency may contract with and  
848 make reimbursement from agency funds to the community.

849 (4) Notwithstanding any other provision of this title, an agency may not use project  
850 area funds to construct a local government building unless the taxing entity committee or each  
851 taxing entity party to an interlocal agreement with the agency consents.

852 Section 25. Section 17C-2-110 is amended to read:

853 **17C-2-110. Amending an urban renewal project area plan.**

854 (1) An urban renewal project area plan may be amended as provided in this section.

855 (2) If an agency proposes to amend an urban renewal project area plan to enlarge the  
856 project area:

857 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting  
858 a project area plan apply equally to the proposed amendment as if it were a proposed project  
859 area plan;

860 (b) for a pre-July 1, 1993 project area plan, the base year for the new area added to the  
861 project area shall be determined under Subsection 17C-1-102~~(9)~~(10)(a) using the effective  
862 date of the amended project area plan;

863 (c) for a post-June 30, 1993 project area plan:

864 (i) the base year for the new area added to the project area shall be determined under

865 Subsection [17C-1-102](#)~~(9)~~[\(10\)](#)(b) using the date of the taxing entity committee's consent  
866 referred to in Subsection (2)(c)(ii); and

867 (ii) the agency shall obtain the consent of the taxing entity committee before the agency  
868 may collect tax increment from the area added to the project area by the amendment;

869 (d) the agency shall make a finding regarding the existence of blight in the area  
870 proposed to be added to the project area by following the procedure set forth in Subsections  
871 [17C-2-102](#)(1)(a)(i) and (ii); and

872 (e) the agency need not make a finding regarding the existence of blight in the project  
873 area as described in the original project area plan, if the agency made a finding of the existence  
874 of blight regarding that project area in connection with adoption of the original project area  
875 plan.

876 (3) If a proposed amendment does not propose to enlarge an urban renewal project  
877 area, a board may adopt a resolution approving an amendment to a project area plan after:

878 (a) the agency gives notice, as provided in Section [17C-1-806](#), of the proposed  
879 amendment and of the public hearing required by Subsection (3)(b);

880 (b) the board holds a public hearing on the proposed amendment that meets the  
881 requirements of a plan hearing;

882 (c) the agency obtains the taxing entity committee's consent to the amendment, if the  
883 amendment proposes:

884 (i) to enlarge the area within the project area from which tax increment is collected;

885 (ii) to permit the agency to receive a greater percentage of tax increment or to extend  
886 the project area funds collection period, or both, than allowed under the adopted project area  
887 plan; or

888 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to  
889 expand the area from which tax increment is collected to exceed 100 acres of private property;  
890 and

891 (d) the agency obtains the consent of the legislative body or governing board of each  
892 taxing entity affected, if the amendment proposes to permit the agency to receive, from less  
893 than all taxing entities, a greater percentage of tax increment or to extend the project area funds  
894 collection period, or both, than allowed under the adopted project area plan.

895 (4) (a) An urban renewal project area plan may be amended without complying with

896 the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without  
897 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

898 (i) makes a minor adjustment in the boundary description of a project area boundary  
899 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;  
900 or

901 (ii) subject to Subsection (4)(b), removes a parcel from a project area because the  
902 agency determines that the parcel is:

903 (A) tax exempt;

904 (B) no longer blighted; or

905 (C) no longer necessary or desirable to the project area.

906 (b) An amendment removing a parcel from a project area under Subsection (4)(a)(ii)  
907 may be made without the consent of the record property owner of the parcel being removed.

908 (5) (a) An amendment approved by board resolution under this section may not take  
909 effect until adopted by ordinance of the legislative body of the community in which the project  
910 area that is the subject of the project area plan being amended is located.

911 (b) Upon a community legislative body passing an ordinance adopting an amendment  
912 to a project area plan, the agency whose project area plan was amended shall comply with the  
913 requirements of Sections [17C-2-108](#) and [17C-2-109](#) to the same extent as if the amendment  
914 were a project area plan.

915 (6) (a) Within 30 days after the day on which an amendment to a project area plan  
916 becomes effective, a person may contest the amendment to the project area plan or the  
917 procedure used to adopt the amendment to the project area plan if the amendment or procedure  
918 fails to comply with a provision of this title.

919 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not  
920 contest the amendment to the project area plan or procedure used to adopt the amendment to  
921 the project area plan for any cause.

922 Section 26. Section [17C-3-109](#) is amended to read:

923 **[17C-3-109. Amending an economic development project area plan.](#)**

924 (1) An economic development project area plan may be amended as provided in this  
925 section.

926 (2) If an agency proposes to amend an economic development project area plan to

927 enlarge the project area:

928 (a) the requirements under this part that apply to adopting a project area plan apply  
929 equally to the proposed amendment as if it were a proposed project area plan;

930 (b) the base year for the new area added to the project area shall be determined under  
931 Subsection ~~17C-1-102(9)~~(10) using the date of the taxing entity committee's consent referred  
932 to in Subsection (2)(c); and

933 (c) the agency shall obtain the consent of the taxing entity committee before the agency  
934 may collect tax increment from the area added to the project area by the amendment.

935 (3) If a proposed amendment does not propose to enlarge an economic development  
936 project area, a board may adopt a resolution approving an amendment to an economic  
937 development project area plan after:

938 (a) the agency gives notice, as provided in Chapter 1, Part 8, Hearing and Notice  
939 Requirements, of the proposed amendment and of the public hearing required by Subsection  
940 (3)(b);

941 (b) the board holds a public hearing on the proposed amendment that meets the  
942 requirements of a plan hearing;

943 (c) the agency obtains the taxing entity committee's consent to the amendment, if the  
944 amendment proposes:

945 (i) to enlarge the area within the project area from which tax increment is received; or

946 (ii) to permit the agency to receive a greater percentage of tax increment or to extend  
947 the project area funds collection period under the economic development project area plan; and

948 (d) the agency obtains the consent of the legislative body or governing board of each  
949 taxing entity affected, if the amendment proposes to permit the agency to receive, from less  
950 than all taxing entities, a greater percentage of tax increment or to extend the project area funds  
951 collection period, or both, than allowed under the economic development project area plan.

952 (4) (a) An economic development project area plan may be amended without  
953 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and  
954 (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the  
955 amendment:

956 (i) makes a minor adjustment in the boundary description of a project area boundary  
957 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;

958 or

959 (ii) subject to Subsection (4)(b), removes a parcel from a project area because the  
960 agency determines that the parcel is:

961 (A) tax exempt; or

962 (B) no longer necessary or desirable to the project area.

963 (b) An amendment removing a parcel from a project area under Subsection (4)(a) may  
964 be made without the consent of the record property owner of the parcel being removed.

965 (5) (a) An amendment approved by board resolution under this section may not take  
966 effect until adopted by ordinance of the legislative body of the community in which the project  
967 area that is the subject of the project area plan being amended is located.

968 (b) Upon a community legislative body passing an ordinance adopting an amendment  
969 to a project area plan, the agency whose project area plan was amended shall comply with the  
970 requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment  
971 were a project area plan.

972 (6) (a) Within 30 days after the day on which an amendment to a project area plan  
973 becomes effective, a person may contest the amendment to the project area plan or the  
974 procedure used to adopt the amendment to the project area plan if the amendment or procedure  
975 fails to comply with a provision of this title.

976 (b) After the 30-day period described in Subsection (6)(a) expires, a person may not  
977 contest the amendment to the project area plan or procedure used to adopt the amendment to  
978 the project area plan for any cause.

979 Section 27. **Effective date.**

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