

Senator Jerry W. Stevenson proposes the following substitute bill:

UTAH INLAND PORT AUTHORITY

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Francis D. Gibson

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 certain appeals 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;



- 26 ▶ requires the port authority to comply with certain audit requirements; and
- 27 ▶ modifies tax increment provisions to require port authority board approval under
- 28 certain circumstances relating to community reinvestment project area plans that
- 29 include land 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

63

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:

76 (i) land north of I-80 in Salt Lake City that has:

77 (A) a northern boundary defined by the northern boundary of Salt Lake City;

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

79 (C) a southern boundary defined by I-80; and

80 (D) a western boundary defined by the western boundary of Salt Lake City's Northwest

81 Quadrant Master Plan Area as of January 1, 2018; and

82 (ii) land south of I-80 in Salt Lake City that has:

83 (A) a northern boundary defined by I-80;

84 (B) an eastern boundary defined by SR 154;

85 (C) a southern boundary defined by California Avenue; and

86 (D) a western boundary defined by the western boundary of Salt Lake City's Northwest

87 Quadrant Master Plan Area as of January 1, 2018; and

- 88 (b) excludes:
- 89 (i) the Salt Lake City airport; and
- 90 (ii) an area that has:
- 91 (A) a northern boundary defined by Harold Gatty Drive;
- 92 (B) an eastern boundary defined by the eastern boundary of Salt Lake City's Northwest
- 93 Quadrant Master Plan Area as of January 1, 2018;
- 94 (C) a southern boundary defined by I-80; and
- 95 (D) a western boundary defined by 5600 West.
- 96 (3) "Board" means the authority's governing body, created in Section [11-58-301](#).
- 97 (4) "Business plan":
- 98 (a) means a plan designed to:
- 99 (i) achieve the participation of all applicable state and local government entities,
- 100 property owners, private parties, and other stakeholders;
- 101 (ii) facilitate, encourage, and bring about development of the authority jurisdictional
- 102 land to further and achieve the policies and objectives described in Subsection [11-58-203\(1\)](#),
- 103 including the development and establishment of an inland port; and
- 104 (iii) coordinate with, follow, and complement the municipal master plan and applicable
- 105 zoning and other land use ordinances; and
- 106 (b) except to the extent of the appeal responsibility provided in Part 4, Appeals to
- 107 Appeals Panel, does not include municipal planning and zoning activities.
- 108 (5) "Development" means:
- 109 (a) the demolition, construction, reconstruction, modification, expansion, or
- 110 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,
- 111 recreational amenity, or other facility, including publicly owned infrastructure and
- 112 improvements; and
- 113 (b) the planning of, arranging for, or participation in any of the activities listed in
- 114 Subsection (5)(a).
- 115 (6) "Inland port" means a site or group of sites that:
- 116 (a) contain multimodal transportation assets and the ability to allow global trade to be
- 117 processed and altered by value-added services as goods move through the supply chain; and
- 118 (b) may include a satellite customs clearance terminal, an intermodal distribution

119 facility, a customs pre-clearance for international trade, or other facilities that facilitate,
120 encourage, and enhance regional, national, and international trade.

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

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

123 **11-58-201. Creation of Utah Inland Port Authority -- Status and purpose.**

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

125 (2) The authority is:

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

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

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

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

134 (a) the development of inland port uses on the authority jurisdictional land;

135 (b) the development of infrastructure to support inland port uses and associated uses in
136 the authority jurisdictional land;

137 (c) the coordination and encouragement of taxing entities to devote resources and tax
138 increment to community reinvestment areas within the authority jurisdictional land; and

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

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

142 **11-58-202. Authority powers and duties.**

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

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

147 (b) facilitate inland port uses on the authority jurisdictional land;

148 (c) manage any inland port located on land owned or leased by the authority; and

149 (d) establish a foreign trade zone, as provided under federal law, covering some or all

150 of the authority jurisdictional land.

151 (2) The authority may:

152 (a) facilitate and bring about the development of inland port uses on land that is part of
153 the authority jurisdictional land, including engaging in marketing and business recruitment
154 activities and efforts to encourage and facilitate:

155 (i) the development of an inland port on land that is part of the authority jurisdictional
156 land; and

157 (ii) other development on the authority jurisdictional land consistent with the
158 strategies, policies, and objectives described in this part;

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

162 (c) sue and be sued;

163 (d) enter into contracts generally;

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

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

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

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

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

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

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

179 (i) hire employees, including contract employees;

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

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

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

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

186 **11-58-203. Strategies, policies, and objectives to be pursued by authority.**

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

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

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

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

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

196 (d) mitigate any negative impacts on and enhance opportunities for surrounding
197 communities;

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

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

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

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

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

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

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

210 (ii) businesses that complement businesses engaged in regional, national, or
211 international trade;

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

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

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

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

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

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

226 **11-58-204. Applicability of other law -- Cooperation of other governmental**
227 **entities.**

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

231 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
232 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
233 by Title 63E, Independent Entities Code.

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

238 (4) In making decisions affecting the authority jurisdictional land, the legislative body
239 of a municipality in which the authority jurisdictional land is located shall consider input from
240 the authority board.

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

242 **11-58-205. Authority funds.**

243 The authority may use authority funds for any purpose authorized under this chapter,
244 including:

- 245 (1) advancing inland port uses; and
- 246 (2) paying any consulting fees and staff salaries and other administrative, overhead,
- 247 legal, and operating expenses of the authority.

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

249 **11-58-206. Authority to receive tax increment funds.**

250 (1) As used in this section:

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

253 (b) "Inland port project area plan" means the same as that term is defined in Section
254 [17C-1-102](#).

255 (c) "Inland port tax increment" means the same as that term is defined in Section
256 [17C-1-102](#).

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

258 (2) A community reinvestment agency that has adopted an inland port project area plan
259 shall pay the authority 5% of the total annual amount of inland port tax increment that the
260 community reinvestment agency receives under the inland port project area plan or under any
261 agreement that the community reinvestment agency has executed with taxing entities under the
262 inland port project area plan.

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

264 **Part 3. Authority Board**

265 **11-58-301. Authority board -- Delegation of power.**

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

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

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

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

271 **11-58-302. Number of board members -- Appointment.**

272 (1) The authority's board shall consist of nine members, as provided in Subsection (2).

273 (2) (a) The governor shall appoint two board members, one of whom shall be an

274 employee or officer of the Governor's Office of Economic Development, created in Section
275 63N-1-201.

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

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

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

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

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

282 (g) The chair of the Permanent Community Impact Fund Board, created in Section
283 35A-8-304, shall appoint one board member from among the members of the Permanent
284 Community Impact Fund Board.

285 (3) An individual or council required under Subsection (2) to appoint a board member
286 shall appoint each initial board member the individual is required to appoint no later than July
287 15, 2018.

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

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

292 (5) A board member appointed by the governor, president of the Senate, or speaker of
293 the House of Representatives serves at the pleasure of and may be removed and replaced at any
294 time, with or without cause, by the governor, president of the Senate, or speaker of the House
295 of Representatives, respectively.

296 (6) The authority may:

297 (a) appoint nonvoting members of the board; and

298 (b) set terms for nonvoting members appointed under Subsection (6)(a).

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

300 **11-58-303. Term of board members -- Quorum -- Compensation.**

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

304 (2) A board member may serve multiple terms if duly appointed to serve each term

305 under Subsection 11-58-302(2).

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

307 (4) A majority of board members constitutes a quorum, and the action of a majority of
308 a quorum constitutes action of the board.

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

312 (i) Sections 63A-3-106 and 63A-3-107; and

313 (ii) rules made by the Division of Finance according to Sections 63A-3-106 and
314 63A-3-107.

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

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

318 **11-58-304. Limitations on board members and executive director.**

319 (1) As used in this section:

320 (a) "Direct financial benefit":

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

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

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

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

328 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.

329 (2) An individual may not serve as a member of the board or as executive director if:

330 (a) the individual owns real property, other than a personal residence in which the
331 individual resides, on or within two miles of the authority jurisdictional land, whether or not
332 the ownership interest is a recorded interest;

333 (b) a family member of the individual owns an interest in real property, other than a
334 personal residence in which the family member resides, located on or within one-half mile of
335 the authority jurisdictional land; or

336 (c) the individual or a family member of the individual owns an interest in, is directly
337 affiliated with, or is an employee or officer of a firm, company, or other entity that the
338 individual reasonably believes is likely to:

339 (i) participate in or receive compensation or other direct financial benefit from the
340 development of the authority jurisdictional land; or

341 (ii) acquire an interest in or locate a facility on the authority jurisdictional land.

342 (3) Before taking office as a board member or accepting a position as executive
343 director, an individual shall submit to the authority a statement verifying that the individual's
344 service as a board member or employment as executive director does not violate Subsection
345 (2).

346 (4) An individual may not, at any time during the individual's service as a member of
347 the board or employment as executive director, take any action to initiate, negotiate, or
348 otherwise arrange for the acquisition of an interest in real property located on or within five
349 miles of the authority jurisdictional state land.

350 Section 13. Section **11-58-305** is enacted to read:

351 **11-58-305. Executive director.**

352 (1) On or before November 1, 2018, the board shall hire a full-time executive director
353 to manage and oversee the day-to-day operations of the authority.

354 (2) The executive director shall have the education, experience, and training necessary
355 to perform the functions that the board assigns to the executive director in a way that
356 maximizes the potential for successfully achieving and implementing the strategies, policies,
357 and objectives stated in Subsection [11-58-203\(1\)](#).

358 (3) An executive director is an at-will employee who serves at the pleasure of the board
359 and may be removed by the board at any time.

360 (4) The board shall establish the compensation and benefits of an executive director.

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

362 **Part 4. Appeals to Appeals Panel**

363 **11-58-401. Definitions.**

364 As used in this part:

365 (1) "Adversely affected person" means an owner of land within the authority
366 jurisdictional land who has been adversely affected by a land use decision.

367 (2) "Appeals panel" means the panel established under Section 11-58-402 to hear and
368 decide appeals under this part.

369 (3) "Land use decision" means the same as that term is defined in Section 10-9a-103.
370 Section 15. Section **11-58-402** is enacted to read:

371 **11-58-402. Appeals panel.**

372 (1) The board shall establish an appeals panel to hear and decide appeals under this
373 part.

374 (2) The appeals panel consists of:

375 (a) the board; or

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

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

378 **11-58-403. Appeals process.**

379 (1) An adversely affected person may appeal a land use decision to the appeals panel.

380 (2) (a) Notwithstanding the provisions of Title 10, Chapter 9a, Municipal Land Use,
381 Development, and Management Act, an appeal under Subsection (1) is the exclusive appeal of
382 a land use decision available to an adversely affected person.

383 (b) An appeal of a land use decision under this section may not be considered unless it
384 is submitted to the appeals panel in writing within 10 calendar days after the date of the land
385 use decision being appealed.

386 (3) In deciding an appeal of a land use decision, an appeals panel may hold an informal
387 hearing to receive information and hear arguments from the parties.

388 (4) An appeals panel shall decide and issue a written decision on an appeal of a land
389 use decision within 21 days after the appeal is filed.

390 (5) (a) A person aggrieved by an appeals panel decision may seek judicial review of the
391 decision in district court by filing a petition with the court within 30 days after the appeals
392 panel decision.

393 (b) The court shall uphold the appeals panel decision unless the court determines that
394 the decision is:

395 (i) arbitrary and capricious; or

396 (ii) illegal.

397 Section 17. Section **11-58-404** is enacted to read:

398 **11-58-404. Standards governing appeals.**

399 The appeals panel may decide an appeal in favor of the adversely affected person if the
400 appeals panel concludes that the land use decision that is the subject of the appeal:

401 (1) is detrimental to achieving or implementing the strategies, policies, and objectives
402 stated in Subsection [11-58-203\(1\)](#); or

403 (2) substantially impedes, interferes with, or impairs authority jurisdictional land
404 development that is consistent with the strategies, policies, and objectives stated in Subsection
405 [11-58-203\(1\)](#).

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

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

408 **11-58-501. Annual authority budget -- Fiscal year -- Public hearing required --**
409 **Auditor forms -- Requirement to file form.**

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

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

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

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

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

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

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

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

424 (5) The state auditor shall prescribe the budget forms and the categories to be contained
425 in each authority budget, including:

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

427 (b) legal fees; and

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

429 authority personnel.

430 (6) (a) Upon adopting an annual budget, the board shall make a copy of the annual
431 budget available to the public.

432 (b) Within 30 days after adopting an annual budget, the board shall submit a copy of
433 the budget to the state auditor.

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

435 **11-58-502. Amending the authority annual budget.**

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

437 (2) An amendment of the annual authority budget that would increase the total
438 expenditures may be made only after public hearing by notice published as required for initial
439 adoption of the annual budget.

440 (3) The authority may not make expenditures in excess of the total expenditures
441 established in the annual budget as it is adopted or amended.

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

443 **11-58-503. Audit requirements.**

444 The authority shall comply with the audit requirements of Title 51, Chapter 2a,
445 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local
446 Entities Act.

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

448 **11-58-504. Authority chief financial officer is a public treasurer -- Certain**
449 **authority funds are public funds.**

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

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

452 (b) shall invest the authority funds specified in Subsection (2) as provided in that
453 subsection.

454 (2) Notwithstanding Subsection [63E-2-110\(2\)\(a\)](#), tax increment funds and
455 appropriations that the authority receives from the state:

456 (a) are public funds; and

457 (b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.

458 Section 22. Section **11-58-601** is enacted to read:

459 **Part 6. Authority Dissolution**

460 11-58-601. Dissolution of authority -- Restrictions -- Filing copy of ordinance --
461 Authority records -- Dissolution expenses.

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

465 (2) Upon the dissolution of the authority:

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

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

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

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

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

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

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

476 **17C-1-102. Definitions.**

477 As used in this title:

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

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

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

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

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

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

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

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

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

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

497 (c) whose geographic boundaries are coterminous with:

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

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

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

502 (a) project area funds;

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

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

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

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

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

513 ~~[(8)]~~ (9) "Base taxable value" means, unless otherwise adjusted in accordance with
514 provisions of this title, a property's taxable value as shown upon the assessment roll last
515 equalized during the base year.

516 ~~[(9)]~~ (10) "Base year" means, except as provided in Subsection [17C-1-402\(4\)\(c\)](#), the
517 year during which the assessment roll is last equalized:

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

520 (b) for a post-June 30, 1993, urban renewal or economic development project area
521 plan, or a community reinvestment project area plan that is subject to a taxing entity

522 committee:

523 (i) before the date on which the taxing entity committee approves the project area

524 budget; or

525 (ii) if taxing entity committee approval is not required for the project area budget,

526 before the date on which the community legislative body adopts the project area plan;

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

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

529 or

530 (ii) the date on which the airport that operated on the inactive airport site ceased

531 operations; or

532 (d) for a community development project area plan or a community reinvestment

533 project area plan that is subject to an interlocal agreement, as described in the interlocal

534 agreement.

535 ~~[(10)]~~ (11) "Basic levy" means the portion of a school district's tax levy constituting the

536 minimum basic levy under Section 59-2-902.

537 ~~[(11)]~~ (12) "Blight" or "blighted" means the condition of an area that meets the

538 requirements described in Subsection 17C-2-303(1) for an urban renewal project area or

539 Section 17C-5-405 for a community reinvestment project area.

540 ~~[(12)]~~ (13) "Blight hearing" means a public hearing regarding whether blight exists

541 within a proposed:

542 (a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section

543 17C-2-302; or

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

545 ~~[(13)]~~ (14) "Blight study" means a study to determine whether blight exists within a

546 survey area as described in Section 17C-2-301 for an urban renewal project area or Section

547 17C-5-403 for a community reinvestment project area.

548 ~~[(14)]~~ (15) "Board" means the governing body of an agency, as described in Section

549 17C-1-203.

550 ~~[(15)]~~ (16) "Budget hearing" means the public hearing on a proposed project area

551 budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget,

552 Subsection 17C-3-201(2)(d) for an economic development project area budget, or Subsection

553 17C-5-302(2)(e) for a community reinvestment project area budget.

554 [~~(16)~~] (17) "Closed military base" means land within a former military base that the
555 Defense Base Closure and Realignment Commission has voted to close or realign when that
556 action has been sustained by the president of the United States and Congress.

557 [~~(17)~~] (18) "Combined incremental value" means the combined total of all incremental
558 values from all project areas, except project areas that contain some or all of a military
559 installation or inactive industrial site, within the agency's boundaries under project area plans
560 and project area budgets at the time that a project area budget for a new project area is being
561 considered.

562 [~~(18)~~] (19) "Community" means a county or municipality.

563 [~~(19)~~] (20) "Community development project area plan" means a project area plan
564 adopted under Chapter 4, Part 1, Community Development Project Area Plan.

565 [~~(20)~~] (21) "Community legislative body" means the legislative body of the community
566 that created the agency.

567 [~~(21)~~] (22) "Community reinvestment project area plan" means a project area plan
568 adopted under Chapter 5, Part 1, Community Reinvestment Project Area Plan.

569 [~~(22)~~] (23) "Contest" means to file a written complaint in the district court of the
570 county in which the agency is located.

571 [~~(23)~~] (24) "Economic development project area plan" means a project area plan
572 adopted under Chapter 3, Part 1, Economic Development Project Area Plan.

573 [~~(24)~~] (25) "Fair share ratio" means the ratio derived by:

574 (a) for a municipality, comparing the percentage of all housing units within the
575 municipality that are publicly subsidized income targeted housing units to the percentage of all
576 housing units within the county in which the municipality is located that are publicly
577 subsidized income targeted housing units; or

578 (b) for the unincorporated part of a county, comparing the percentage of all housing
579 units within the unincorporated county that are publicly subsidized income targeted housing
580 units to the percentage of all housing units within the whole county that are publicly subsidized
581 income targeted housing units.

582 [~~(25)~~] (26) "Family" means the same as that term is defined in regulations of the United
583 States Department of Housing and Urban Development, 24 C.F.R. Section 5.403, as amended

584 or as superseded by replacement regulations.

585 ~~[(26)]~~ (27) "Greenfield" means land not developed beyond agricultural, range, or
586 forestry use.

587 ~~[(27)]~~ (28) "Hazardous waste" means any substance defined, regulated, or listed as a
588 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant,
589 or toxic substance, or identified as hazardous to human health or the environment, under state
590 or federal law or regulation.

591 ~~[(28)]~~ (29) "Housing allocation" means tax increment allocated for housing under
592 Section 17C-2-203, 17C-3-202, or 17C-5-307 for the purposes described in Section 17C-1-412.

593 ~~[(29)]~~ (30) "Housing fund" means a fund created by an agency for purposes described
594 in Section 17C-1-411 or 17C-1-412 that is comprised of:

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

596 (b) an agency's housing allocation.

597 ~~[(30)]~~ (31) (a) "Inactive airport site" means land that:

598 (i) consists of at least 100 acres;

599 (ii) is occupied by an airport:

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

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

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

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

604 (iii) requires remediation because:

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

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

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

610 ~~[(31)]~~ (32) (a) "Inactive industrial site" means land that:

611 (i) consists of at least 1,000 acres;

612 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
613 facility; and

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

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

617 ~~[(32)]~~ (33) "Income targeted housing" means housing that is owned or occupied by a
618 family whose annual income is at or below 80% of the median annual income for a family
619 within the county in which the housing is located.

620 ~~[(33)]~~ (34) "Incremental value" means a figure derived by multiplying the marginal
621 value of the property located within a project area on which tax increment is collected by a
622 number that represents the adjusted tax increment from that project area that is paid to the
623 agency.

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

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

629 ~~[(34)]~~ (37) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
630 established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

631 ~~[(35)]~~ (38) (a) "Local government building" means a building owned and operated by
632 a community for the primary purpose of providing one or more primary community functions,
633 including:

- 634 (i) a fire station;
635 (ii) a police station;
636 (iii) a city hall; or
637 (iv) a court or other judicial building.

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

640 ~~[(36)]~~ (39) "Marginal value" means the difference between actual taxable value and
641 base taxable value.

642 ~~[(37)]~~ (40) "Military installation project area" means a project area or a portion of a
643 project area located within a federal military installation ordered closed by the federal Defense
644 Base Realignment and Closure Commission.

645 ~~[(38)]~~ (41) "Municipality" means a city, town, or metro township as defined in Section

646 10-2a-403.

647 [~~(39)~~] (42) "Participant" means one or more persons that enter into a participation
648 agreement with an agency.

649 [~~(40)~~] (43) "Participation agreement" means a written agreement between a person and
650 an agency that:

651 (a) includes a description of:

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

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

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

655 and

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

657 [~~(41)~~] (44) "Plan hearing" means the public hearing on a proposed project area plan
658 required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan,
659 Subsection 17C-3-102(1)(d) for an economic development project area plan, Subsection
660 17C-4-102(1)(d) for a community development project area plan, or Subsection
661 17C-5-104(3)(e) for a community reinvestment project area plan.

662 [~~(42)~~] (45) "Post-June 30, 1993, project area plan" means a project area plan adopted
663 on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to the
664 project area plan's adoption.

665 [~~(43)~~] (46) "Pre-July 1, 1993, project area plan" means a project area plan adopted
666 before July 1, 1993, whether or not amended subsequent to the project area plan's adoption.

667 [~~(44)~~] (47) "Private," with respect to real property, means:

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

669 (b) not dedicated to public use.

670 [~~(45)~~] (48) "Project area" means the geographic area described in a project area plan
671 within which the project area development described in the project area plan takes place or is
672 proposed to take place.

673 [~~(46)~~] (49) "Project area budget" means a multiyear projection of annual or cumulative
674 revenues and expenses and other fiscal matters pertaining to a project area prepared in
675 accordance with:

676 (a) for an urban renewal project area, Section 17C-2-202;

- 677 (b) for an economic development project area, Section 17C-3-202;
- 678 (c) for a community development project area, Section 17C-4-204; or
- 679 (d) for a community reinvestment project area, Section 17C-5-302.
- 680 ~~[(47)]~~ (50) "Project area development" means activity within a project area that, as
- 681 determined by the board, encourages, promotes, or provides development or redevelopment for
- 682 the purpose of implementing a project area plan, including:
- 683 (a) promoting, creating, or retaining public or private jobs within the state or a
- 684 community;
- 685 (b) providing office, manufacturing, warehousing, distribution, parking, or other
- 686 facilities or improvements;
- 687 (c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
- 688 remediating environmental issues;
- 689 (d) providing residential, commercial, industrial, public, or other structures or spaces,
- 690 including recreational and other facilities incidental or appurtenant to the structures or spaces;
- 691 (e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
- 692 existing structures;
- 693 (f) providing open space, including streets or other public grounds or space around
- 694 buildings;
- 695 (g) providing public or private buildings, infrastructure, structures, or improvements;
- 696 (h) relocating a business;
- 697 (i) improving public or private recreation areas or other public grounds;
- 698 (j) eliminating blight or the causes of blight;
- 699 (k) redevelopment as defined under the law in effect before May 1, 2006; or
- 700 (l) any activity described in Subsections ~~[(47)]~~ (50)(a) through (k) outside of a project
- 701 area that:
- 702 (i) the board determines to be a benefit to the project area[.]; and
- 703 (ii) for an inland port project area plan, the authority board determines to be a benefit
- 704 to the project area.
- 705 ~~[(48)]~~ (51) "Project area funds" means tax increment or sales and use tax revenue that
- 706 an agency receives under a project area budget adopted by a taxing entity committee or an
- 707 interlocal agreement.

708 [~~(49)~~] (52) "Project area funds collection period" means the period of time that:

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

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

715 [~~(50)~~] (53) "Project area plan" means an urban renewal project area plan, an economic
716 development project area plan, a community development project area plan, or a community
717 reinvestment project area plan that, after the project area plan's effective date, guides and
718 controls the project area development.

719 [~~(51)~~] (54) (a) "Property tax" means each levy on an ad valorem basis on tangible or
720 intangible personal or real property.

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

723 [~~(52)~~] (55) "Public entity" means:

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

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

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

728 [~~(53)~~] (56) "Publicly owned infrastructure and improvements" means water, sewer,
729 storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines,
730 streets, roads, curb, gutter, sidewalk, walkways, parking facilities, public transportation
731 facilities, or other facilities, infrastructure, and improvements benefitting the public and to be
732 publicly owned or publicly maintained or operated.

733 [~~(54)~~] (57) "Record property owner" or "record owner of property" means the owner of
734 real property, as shown on the records of the county in which the property is located, to whom
735 the property's tax notice is sent.

736 [~~(55)~~] (58) "Sales and use tax revenue" means revenue that is:

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

739 (b) distributed to a taxing entity in accordance with Sections [59-12-204](#) and [59-12-205](#).

740 [~~56~~] [\(59\)](#) "Superfund site":

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

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

746 [~~57~~] [\(60\)](#) "Survey area" means a geographic area designated for study by a survey
747 area resolution to determine whether:

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

749 (b) blight exists within the survey area.

750 [~~58~~] [\(61\)](#) "Survey area resolution" means a resolution adopted by a board that
751 designates a survey area.

752 [~~60~~] [\(62\)](#) (a) "Tax increment" means the difference between:

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

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

758 (b) "Tax increment" does not include taxes levied and collected under Section

759 [59-2-1602](#) on or after January 1, 1994, upon the taxable property in the project area unless:

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

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

764 [~~59~~] [\(63\)](#) "Taxable value" means:

765 (a) the taxable value of all real property a county assessor assesses in accordance with
766 Title 59, Chapter 2, Part 3, County Assessment, for the current year;

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

769 (c) the year end taxable value of all personal property a county assessor assesses in

770 accordance with Title 59, Chapter 2, Part 3, County Assessment, contained on the prior year's
771 tax rolls of the taxing entity.

772 [~~(61)~~] (64) "Taxing entity" means a public entity that:

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

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

775 [~~(62)~~] (65) "Taxing entity committee" means a committee representing the interests of
776 taxing entities, created in accordance with Section 17C-1-402.

777 [~~(63)~~] (66) "Unincorporated" means not within a municipality.

778 [~~(64)~~] (67) "Urban renewal project area plan" means a project area plan adopted under
779 Chapter 2, Part 1, Urban Renewal Project Area Plan.

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

781 **17C-1-409. Allowable uses of agency funds.**

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

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

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

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

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

790 (B) housing-related expenditures, projects, or programs as described in Section
791 17C-1-411 or 17C-1-412;

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

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

797 (E) the cost of the installation of publicly owned infrastructure and improvements
798 outside the project area from which the project area funds are collected if the board and the
799 community legislative body and, in the case of inland port tax increment, the authority board
800 determine by resolution that the publicly owned infrastructure and improvements benefit the

801 project area; or

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

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

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

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

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

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

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

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

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

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

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

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

826 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection
827 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the
828 reimbursement with:

829 (i) the Department of Transportation; or

830 (ii) a public transit district.

831 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not

832 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use
833 Tax Incentive Payments Act.

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

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

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

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

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

847 **17C-2-110. Amending an urban renewal project area plan.**

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

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

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

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

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

858 (i) the base year for the new area added to the project area shall be determined under
859 Subsection 17C-1-102[(9)](10)(b) using the date of the taxing entity committee's consent
860 referred to in Subsection (2)(c)(ii); and

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

863 (d) the agency shall make a finding regarding the existence of blight in the area
864 proposed to be added to the project area by following the procedure set forth in Subsections
865 17C-2-102(1)(a)(i) and (ii); and

866 (e) the agency need not make a finding regarding the existence of blight in the project
867 area as described in the original project area plan, if the agency made a finding of the existence
868 of blight regarding that project area in connection with adoption of the original project area
869 plan.

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

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

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

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

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

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

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

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

889 (4) (a) An urban renewal project area plan may be amended without complying with
890 the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
891 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

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

894 or

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

897 (A) tax exempt;

898 (B) no longer blighted; or

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

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

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

905 (b) Upon a community legislative body passing an ordinance adopting an amendment
906 to a project area plan, the agency whose project area plan was amended shall comply with the
907 requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment
908 were a project area plan.

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

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

916 Section 26. Section 17C-3-109 is amended to read:

917 **17C-3-109. Amending an economic development project area plan.**

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

920 (2) If an agency proposes to amend an economic development project area plan to
921 enlarge the project area:

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

924 (b) the base year for the new area added to the project area shall be determined under

925 Subsection ~~17C-1-102(9)~~(10) using the date of the taxing entity committee's consent referred
926 to in Subsection (2)(c); and

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

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

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

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

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

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

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

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

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

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

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

955 (A) tax exempt; or

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

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

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

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

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

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

973 Section 27. **Effective date.**

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