

INLAND PORT MODIFICATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "publicly owned infrastructure and improvements" within the Utah Inland Port Authority Act to include energy-related facilities;
- ▶ enacts a provision allowing an owner within the authority jurisdictional land to establish a vested development right;
- ▶ enacts a severability provision;
- ▶ provides that money from legislative appropriations is nonlapsing;
- ▶ modifies inland port authority powers and duties, including power to adjust the boundary of the authority jurisdictional land;
- ▶ repeals provisions relating to appeals to the inland port authority's appeals panel;
- ▶ modifies language relating to the policies and objectives of the inland port authority;
- ▶ authorizes the inland port authority to use funds to encourage, incentivize, or require development with reduced environmental impact and to develop and implement zero-emissions logistics;
- ▶ eliminates language relating to an agreement for a municipality to provide municipal services;
- ▶ modifies language relating to the responsibilities of the executive director;



- 28 ▶ modifies the membership of the inland port authority board;
- 29 ▶ modifies provisions relating to the inland port authority's receipt and use of property
- 30 tax differential;
- 31 ▶ modifies a provision relating to a renewable energy tariff; and
- 32 ▶ makes technical changes.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 None

37 Utah Code Sections Affected:

38 AMENDS:

- 39 **10-9a-509.5**, as last amended by Laws of Utah 2019, Chapter 384
- 40 **10-9a-701**, as last amended by Laws of Utah 2019, Chapter 384
- 41 **10-9a-708**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 42 **11-58-102**, as last amended by Laws of Utah 2019, Chapter 399
- 43 **11-58-202**, as last amended by Laws of Utah 2019, Chapter 399
- 44 **11-58-203**, as last amended by Laws of Utah 2019, Chapter 399
- 45 **11-58-205**, as last amended by Laws of Utah 2019, Chapter 399
- 46 **11-58-301**, as enacted by Laws of Utah 2018, Chapter 179
- 47 **11-58-302**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 48 **11-58-303**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 49 **11-58-305**, as last amended by Laws of Utah 2019, Chapter 399
- 50 **11-58-505**, as last amended by Laws of Utah 2019, Chapter 399
- 51 **11-58-601**, as last amended by Laws of Utah 2019, Chapters 376 and 399
- 52 **11-58-602**, as last amended by Laws of Utah 2019, Chapter 399
- 53 **54-17-806**, as last amended by Laws of Utah 2019, Chapter 399

54 ENACTS:

- 55 **11-58-103**, Utah Code Annotated 1953
- 56 **11-58-104**, Utah Code Annotated 1953
- 57 **11-58-105**, Utah Code Annotated 1953

58 REPEALS:

59 [11-58-401](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1

60 [11-58-402](#), as enacted by Laws of Utah 2018, Chapter 179

61 [11-58-402.5](#), as enacted by Laws of Utah 2018, Second Special Session, Chapter 1

62 [11-58-403](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1



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

65 Section 1. Section **10-9a-509.5** is amended to read:

66 **10-9a-509.5. Review for application completeness -- Substantive application**
67 **review -- Reasonable diligence required for determination of whether improvements or**
68 **warranty work meets standards -- Money damages claim prohibited.**

69 (1) (a) Each municipality shall, in a timely manner, determine whether a land use
70 application is complete for the purposes of subsequent, substantive land use authority review.

71 (b) After a reasonable period of time to allow the municipality diligently to evaluate
72 whether all objective ordinance-based application criteria have been met, if application fees
73 have been paid, the applicant may in writing request that the municipality provide a written
74 determination either that the application is:

75 (i) complete for the purposes of allowing subsequent, substantive land use authority
76 review; or

77 (ii) deficient with respect to a specific, objective, ordinance-based application
78 requirement.

79 (c) Within 30 days of receipt of an applicant's request under this section, the
80 municipality shall either:

81 (i) mail a written notice to the applicant advising that the application is deficient with
82 respect to a specified, objective, ordinance-based criterion, and stating that the application shall
83 be supplemented by specific additional information identified in the notice; or

84 (ii) accept the application as complete for the purposes of further substantive
85 processing by the land use authority.

86 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
87 shall be considered complete, for purposes of further substantive land use authority review.

88 (e) (i) The applicant may raise and resolve in a single appeal any determination made
89 under this Subsection (1) to the appeal authority, including an allegation that a reasonable

90 period of time has elapsed under Subsection (1)(a).

91 (ii) The appeal authority shall issue a written decision for any appeal requested under
92 this Subsection (1)(e).

93 (f) (i) The applicant may appeal to district court the decision of the appeal authority
94 made under Subsection (1)(e).

95 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
96 the written decision.

97 (2) (a) Each land use authority shall substantively review a complete application and an
98 application considered complete under Subsection (1)(d), and shall approve or deny each
99 application with reasonable diligence~~[, subject to the time limit under Subsection~~
100 ~~11-58-402.5(2) for an inland port use application, as defined in Section 11-58-401].~~

101 (b) After a reasonable period of time to allow the land use authority to consider an
102 application, the applicant may in writing request that the land use authority take final action
103 within 45 days from date of service of the written request.

104 (c) Within 45 days from the date of service of the written request described in
105 Subsection (2)(b):

106 (i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final
107 action, approving or denying the application; and

108 (ii) if a landowner petitions for a land use regulation, a legislative body shall take final
109 action by approving or denying the petition.

110 (d) If the land use authority denies an application processed under the mandates of
111 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
112 land use authority shall include its reasons for denial in writing, on the record, which may
113 include the official minutes of the meeting in which the decision was rendered.

114 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
115 appeal this failure to district court within 30 days of the date on which the land use authority is
116 required to take final action under Subsection (2)(c).

117 (3) (a) With reasonable diligence, each land use authority shall determine whether the
118 installation of required subdivision improvements or the performance of warranty work meets
119 the municipality's adopted standards.

120 (b) (i) An applicant may in writing request the land use authority to accept or reject the

121 applicant's installation of required subdivision improvements or performance of warranty work.

122 (ii) The land use authority shall accept or reject subdivision improvements within 15
123 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
124 practicable after that 15-day period if inspection of the subdivision improvements is impeded
125 by winter weather conditions.

126 (iii) The land use authority shall accept or reject the performance of warranty work
127 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
128 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
129 winter weather conditions.

130 (c) If a land use authority determines that the installation of required subdivision
131 improvements or the performance of warranty work does not meet the municipality's adopted
132 standards, the land use authority shall comprehensively and with specificity list the reasons for
133 the land use authority's determination.

134 (4) Subject to Section 10-9a-509, nothing in this section and no action or inaction of
135 the land use authority relieves an applicant's duty to comply with all applicable substantive
136 ordinances and regulations.

137 (5) There shall be no money damages remedy arising from a claim under this section.

138 Section 2. Section 10-9a-701 is amended to read:

139 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
140 **Appeal authority duties.**

141 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one
142 or more appeal authorities to hear and decide:

143 (a) requests for variances from the terms of the land use ordinances;

144 (b) appeals from decisions applying the land use ordinances; and

145 (c) appeals from a fee charged in accordance with Section 10-9a-510.

146 (2) As a condition precedent to judicial review, each adversely affected person shall
147 timely and specifically challenge a land use authority's decision, in accordance with local
148 ordinance.

149 (3) An appeal authority:

150 (a) shall:

151 (i) act in a quasi-judicial manner; and

152 (ii) serve as the final arbiter of issues involving the interpretation or application of land
153 use ordinances[~~], except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel,~~
154 ~~for an appeal of an inland port use appeal decision, as defined in Section 11-58-401]; and~~

155 (b) may not entertain an appeal of a matter in which the appeal authority, or any
156 participating member, had first acted as the land use authority.

157 (4) By ordinance, a municipality may:

158 (a) designate a separate appeal authority to hear requests for variances than the appeal
159 authority it designates to hear appeals;

160 (b) designate one or more separate appeal authorities to hear distinct types of appeals
161 of land use authority decisions;

162 (c) require an adversely affected party to present to an appeal authority every theory of
163 relief that it can raise in district court;

164 (d) not require an adversely affected party to pursue duplicate or successive appeals
165 before the same or separate appeal authorities as a condition of the adversely affected party's
166 duty to exhaust administrative remedies; and

167 (e) provide that specified types of land use decisions may be appealed directly to the
168 district court.

169 (5) If the municipality establishes or, prior to the effective date of this chapter, has
170 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
171 board, body, or panel shall:

172 (a) notify each of its members of any meeting or hearing of the board, body, or panel;

173 (b) provide each of its members with the same information and access to municipal
174 resources as any other member;

175 (c) convene only if a quorum of its members is present; and

176 (d) act only upon the vote of a majority of its convened members.

177 Section 3. Section **10-9a-708** is amended to read:

178 **10-9a-708. Final decision.**

179 (1) A decision of an appeal authority takes effect on the date when the appeal authority
180 issues a written decision, or as otherwise provided by ordinance.

181 (2) A written decision, or other event as provided by ordinance, constitutes a final
182 decision under Subsection 10-9a-801(2)(a) or a final action under Subsection 10-9a-801(4)[;

183 except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel, for an appeal of
 184 an inland port use appeal decision, as defined in Section ~~11-58-401~~].

185 Section 4. Section **11-58-102** is amended to read:

186 **11-58-102. Definitions.**

187 As used in this chapter:

188 (1) "Authority" means the Utah Inland Port Authority, created in Section ~~11-58-201~~.

189 (2) "Authority jurisdictional land" means land within the authority boundary
 190 delineated:

191 (a) in the electronic shapefile that~~[(a)]~~ is the electronic component of H.B. 2001, Utah
 192 Inland Port Authority Amendments, 2018 Second Special Session; and

193 (b) ~~[may be accessed via the Utah Legislature's website]~~ beginning April 1, 2020, as
 194 provided in Subsection 11-58-202(3).

195 (3) "Base taxable value" means:

196 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the
 197 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year
 198 2018; and

199 (ii) for an area described in Subsection ~~11-58-601[(f)(c)]~~(5), the taxable value of that
 200 area in calendar year 2017; or

201 (b) for a project area that consists of land outside the authority jurisdictional land, the
 202 taxable value of property within any portion of a project area, as designated by board
 203 resolution, from which the property tax differential will be collected, as shown upon the
 204 assessment roll last equalized before the year in which the authority adopts a project area plan
 205 for that area.

206 (4) "Board" means the authority's governing body, created in Section ~~11-58-301~~.

207 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about
 208 development of the authority jurisdictional land to achieve the goals and objectives described
 209 in Subsection ~~11-58-203~~(1), including the development and establishment of an inland port.

210 (6) "Development" means:

211 (a) the demolition, construction, reconstruction, modification, expansion, or
 212 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,
 213 recreational amenity, or other facility, including publicly owned infrastructure and

214 improvements; and

215 (b) the planning of, arranging for, or participation in any of the activities listed in
216 Subsection (6)(a).

217 (7) "Development project" means a project for the development of land within a
218 project area.

219 (8) "Inland port" means one or more sites that:

220 (a) contain multimodal transportation assets and other facilities that:

221 (i) are related but may be separately owned and managed; and

222 (ii) together are intended to:

223 (A) allow global trade to be processed and altered by value-added services as goods
224 move through the supply chain;

225 (B) provide a regional merging point for transportation modes for the distribution of
226 goods to and from ports and other locations in other regions;

227 (C) provide cargo-handling services to allow freight consolidation and distribution,
228 temporary storage, customs clearance, and connection between transport modes; and

229 (D) provide international logistics and distribution services, including freight
230 forwarding, customs brokerage, integrated logistics, and information systems; and

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

234 (9) "Inland port use" means a use of land:

235 (a) for an inland port;

236 (b) that directly implements or furthers the purposes of an inland port, as stated in
237 Subsection (8);

238 (c) that complements or supports the purposes of an inland port, as stated in Subsection
239 (8); or

240 (d) that depends upon the presence of the inland port for the viability of the use.

241 (10) "Intermodal facility" means a hub or other facility for trade combining any
242 combination of rail, trucking, air cargo, and other transportation services.

243 (11) "Nonvoting member" means an individual appointed as a member of the board
244 under Subsection 11-58-302(6) who does not have the power to vote on matters of authority

245 business.

246 (12) "Project area" means:

247 (a) the authority jurisdictional land; or

248 (b) land outside the authority jurisdictional land, whether consisting of a single
249 contiguous area or multiple noncontiguous areas, described in a project area plan or draft
250 project area plan, where the development project set forth in the project area plan or draft
251 project area plan takes place or is proposed to take place.

252 (13) "Project area budget" means a multiyear projection of annual or cumulative
253 revenues and expenses and other fiscal matters pertaining to the project area.

254 (14) "Project area plan" means a written plan that, after its effective date, guides and
255 controls the development within a project area.

256 (15) "Property tax" includes a privilege tax and each levy on an ad valorem basis on
257 tangible or intangible personal or real property.

258 (16) "Property tax differential":

259 (a) means the difference between:

260 (i) the amount of property tax revenues generated each tax year by all taxing entities
261 from a project area, using the current assessed value of the property; and

262 (ii) the amount of property tax revenues that would be generated from that same area
263 using the base taxable value of the property; and

264 (b) does not include property tax revenue from:

265 (i) a county additional property tax or multicounty assessing and collecting levy
266 imposed in accordance with Section [59-2-1602](#);

267 (ii) a judgment levy imposed by a taxing entity under Section [59-2-1328](#) or [59-2-1330](#);

268 or

269 (iii) a levy imposed by a taxing entity under Section [11-14-310](#) to pay for a general
270 obligation bond.

271 (17) "Public entity" means:

272 (a) the state, including each department, division, or other agency of the state; or

273 (b) a county, city, town, metro township, school district, local district, special service
274 district, interlocal cooperation entity, community reinvestment agency, or other political
275 subdivision of the state.

- 276 (18) "Publicly owned infrastructure and improvements":
277 (a) means infrastructure, improvements, facilities, or buildings that:
278 (i) benefit the public; and
279 (ii) (A) are owned by a public entity or a utility; or
280 (B) are publicly maintained or operated by a public entity;
281 (b) includes:
282 (i) facilities, lines, or systems that provide:
283 (A) water, chilled water, or steam; or
284 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
285 microgrids, or telecommunications service; and
286 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
287 facilities, and public transportation facilities.
288 (19) "Shapefile" means the digital vector storage format for storing geometric location
289 and associated attribute information.
290 (20) "Taxable value" means the value of property as shown on the last equalized
291 assessment roll as certified by the county assessor.
292 (21) "Taxing entity" means a public entity that levies a tax on property within a project
293 area.
294 (22) "Voting member" means an individual appointed or designated as a member of the
295 board under Subsection [11-58-302\(2\)](#).
296 Section 5. Section **11-58-103** is enacted to read:
297 **11-58-103. Vested right of landowner.**
298 (1) As used in this section:
299 (a) "Municipal inland port regulations" means a municipality's land use ordinances and
300 regulations relating to the use of land within the authority jurisdictional land for an inland port
301 use.
302 (b) "Vested development right" means a right:
303 (i) to use or develop land located within the authority jurisdictional land for an inland
304 port use in accordance with municipal inland port regulations in effect on December 31, 2018;
305 and
306 (ii) that may not be affected by later changes to municipal ordinances or regulations.

307 (c) "Vested right notice" means a notice that complies with the requirements of
308 Subsection (3).

309 (2) An owner of land located within the boundary of the authority jurisdictional land
310 may establish a vested development right on that land by causing a notice to be recorded in the
311 office of the recorder of the county in which the land is located.

312 (3) A notice under Subsection (2) shall:

313 (a) state that the owner elects to establish a vested development right on the owner's
314 land to use or develop the land for an inland port use in accordance with municipal inland port
315 regulations in effect on December 31, 2018;

316 (b) state that the owner's election is made under Title 11, Chapter 58, Utah Inland Port
317 Authority Act;

318 (c) describe the land in a way that complies with applicable requirements for the
319 recording of an instrument affecting land;

320 (d) indicate the zoning district in which the land is located, including any overlay
321 district;

322 (e) bear the signature of each owner of the land;

323 (f) be accompanied by the applicable recording fee; and

324 (g) include the following acknowledgment:

325 "I/we acknowledge that:

326 • the land identified in this notice is situated within the authority jurisdictional land of
327 the Utah Inland Port Authority, established under Utah Code Title 11, Chapter 58, Utah Inland
328 Port Authority Act, and is eligible for this election of a vested right;

329 • this vested right allows the land described in this notice to be used or developed in the
330 manner allowed by applicable land use regulations in effect on December 31, 2018;

331 • all development activity must comply with those land use regulations;

332 • the right to use and develop the land described in this notice in accordance with those
333 land use regulations continues for 40 years from the date this notice is recorded, unless a land
334 use application is submitted to the applicable land use authority that proposes a use or
335 development activity that is not allowed under the land use regulations in effect on December
336 31, 2018, or all record owners of the land record a rescission of the election of a vested
337 development right for this land."

338 (4) (a) An owner of land against which a vested right notice is recorded has a vested
339 development right with respect to that land for 40 years from the date the vested right notice is
340 recorded, or, if earlier, until the vested development right is rescinded by the recording of a
341 rescission of the election of the vested development right signed by all record owners of the
342 land.

343 (b) A vested development right may not be affected by changes to municipal
344 ordinances or regulations that occur after a vested right notice is recorded.

345 (5) Within 10 days after the recording of a vested right notice under this section, the
346 owner of the land shall provide a copy of the vested right notice, with recording information, to
347 the applicable local land use authority.

348 (6) A vested development right may not be affected by an action under Subsection
349 17-27a-508(1)(a)(ii)(A) or (B) or Subsection 10-9a-509(1)(a)(ii)(A) or (B).

350 Section 6. Section **11-58-104** is enacted to read:

351 **11-58-104. Severability.**

352 If a court determines that any provision of this chapter, or the application of any
353 provision of this chapter, is invalid, the remainder of this chapter shall be given effect without
354 the invalid provision or application.

355 Section 7. Section **11-58-105** is enacted to read:

356 **11-58-105. Nonlapsing funds.**

357 Money the authority receives from legislative appropriations is nonlapsing.

358 Section 8. Section **11-58-202** is amended to read:

359 **11-58-202. Port authority powers and duties.**

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

363 (a) develop and implement a business plan for the authority jurisdictional land, to
364 include an environmental sustainability component, developed in conjunction with the Utah
365 Department of Environmental Quality, incorporating policies and best practices to meet or
366 exceed applicable federal and state standards, including:

367 (i) emissions monitoring and reporting; and

368 (ii) strategies that use the best available technology to mitigate environmental impacts

369 from development and uses on the authority jurisdictional land;

370 (b) plan and facilitate the development of inland port uses on authority jurisdictional
371 land and on land in other authority project areas;

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

373 (d) establish a foreign trade zone, as provided under federal law, covering some or all
374 of the authority jurisdictional land or land in other authority project areas.

375 (2) The authority may:

376 (a) facilitate and bring about the development of inland port uses on land that is part of
377 the authority jurisdictional land or that is in other authority project areas, including engaging in
378 marketing and business recruitment activities and efforts to encourage and facilitate:

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

380 (ii) other development of the authority jurisdictional land consistent with the policies
381 and objectives described in Subsection 11-58-203(1);

382 (b) facilitate and provide funding for the development of the authority jurisdictional
383 land and land in other authority project areas, including the development of publicly owned
384 infrastructure and improvements and other infrastructure and improvements on or related to the
385 authority jurisdictional land;

386 (c) engage in marketing and business recruitment activities and efforts to encourage
387 and facilitate development of the authority jurisdictional land;

388 (d) apply for and take all other necessary actions for the establishment of a foreign
389 trade zone, as provided under federal law, covering some or all of the authority jurisdictional
390 land;

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

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

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

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

398 (f) sue and be sued;

399 (g) enter into contracts generally;

- 400 (h) provide funding for the development of publicly owned infrastructure and
401 improvements or other infrastructure and improvements on or related to the authority
402 jurisdictional land or other authority project areas;
- 403 (i) exercise powers and perform functions under a contract, as authorized in the
404 contract;
- 405 (j) receive the property tax differential, as provided in this chapter;
- 406 (k) accept financial or other assistance from any public or private source for the
407 authority's activities, powers, and duties, and expend any funds so received for any of the
408 purposes of this chapter;
- 409 (l) borrow money, contract with, or accept financial or other assistance from the federal
410 government, a public entity, or any other source for any of the purposes of this chapter and
411 comply with any conditions of the loan, contract, or assistance;
- 412 (m) issue bonds to finance the undertaking of any development objectives of the
413 authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act,
414 bonds under Chapter 42, Assessment Area Act, ~~[and]~~ bonds under Chapter 42a, Commercial
415 Property Assessed Clean Energy Act, and bonds under Title 17B, Chapter 2a, Part 12, Public
416 Infrastructure District Act;
- 417 (n) hire employees, including contract employees;
- 418 (o) transact other business and exercise all other powers provided for in this chapter;
- 419 (p) engage one or more consultants to advise or assist the authority in the performance
420 of the authority's duties and responsibilities;
- 421 ~~[(q) enter into an agreement with a taxing entity to share property tax differential for~~
422 ~~services that the taxing entity provides within the authority jurisdictional land;]~~
- 423 ~~[(r)]~~ (q) work with other political subdivisions and neighboring property owners and
424 communities to mitigate potential negative impacts from the development of authority
425 jurisdictional land;
- 426 ~~[(s)]~~ (r) own and operate an intermodal facility if the authority considers the authority's
427 ownership and operation of an intermodal facility to be necessary or desirable;
- 428 ~~[(t)]~~ (s) own and operate publicly owned infrastructure and improvements in a project
429 area outside the authority jurisdictional land; and
- 430 ~~[(t)]~~ (t) exercise powers and perform functions that the authority is authorized by

431 statute to exercise or perform.

432 (3) (a) Beginning [~~January~~] April 1, 2020, the authority shall:

433 [~~(a)~~] (i) be the repository of the official delineation of the boundary of the authority
434 jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic
435 component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special
436 Session, subject to Subsection (3)(b) and any later changes to the boundary enacted by the
437 Legislature; and

438 [~~(b)~~] (ii) maintain an accurate digital file of the boundary that is easily accessible by the
439 public.

440 (b) (i) As used in this Subsection (3)(b), "split property" means a piece of land:

441 (A) with a single tax identification number; and

442 (B) that is partly included within and partly excluded from the authority jurisdictional
443 land by the boundary delineated in the shapefile described in Subsection 11-58-102(2).

444 (ii) With the consent of the mayor of the municipality in which the split property is
445 located, the executive director may adjust the boundary of the authority jurisdictional land to
446 include an excluded portion of a split property or exclude an included portion of a split
447 property.

448 (iii) In adjusting the boundary under Subsection (3)(b)(ii), the executive director shall
449 consult with the county assessor, the county surveyor, the owner of the split property, and the
450 municipality in which the split property is located.

451 (iv) A boundary adjustment under this Subsection (3)(b) affecting the northwest
452 boundary of the authority jurisdictional land shall maintain the buffer area between authority
453 jurisdictional land intended for development and land outside the boundary of the authority
454 jurisdictional land to be preserved from development.

455 (v) Upon completing boundary adjustments under this Subsection (3)(b), the executive
456 director shall cause to be recorded in the county recorder's office a map or other description,
457 sufficient for purposes of the county recorder, of the adjusted boundary of the authority
458 jurisdictional land.

459 (vi) The authority shall modify the official delineation of the boundary of the authority
460 jurisdictional land under Subsection (3)(a) to reflect a boundary adjustment under this
461 Subsection (3)(b).

462 (4) An intermodal facility owned by the authority is subject to a privilege tax under
463 Title 59, Chapter 4, Privilege Tax.

464 Section 9. Section **11-58-203** is amended to read:

465 **11-58-203. Policies and objectives of the port authority -- Additional duties of the**
466 **port authority.**

467 (1) The policies and objectives of the authority are to:

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

469 (b) maximize the creation of high-quality jobs;

470 (c) respect and maintain sensitivity to the unique natural environment of areas in
471 proximity to the authority jurisdictional land and land in other authority project areas;

472 (d) improve air quality and minimize resource use;

473 (e) respect existing land use and other agreements and arrangements between property
474 owners within the authority jurisdictional land and within other authority project areas and
475 applicable governmental authorities;

476 (f) promote and encourage development and uses that are compatible with or
477 complement uses in areas in proximity to the authority jurisdictional land or land in other
478 authority project areas;

479 (g) take advantage of the authority jurisdictional land's strategic location and other
480 features, including the proximity to transportation and other infrastructure and facilities, that
481 make the authority jurisdictional land attractive to:

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

483 (ii) businesses that complement businesses engaged in regional, national, or
484 international trade;

485 (h) facilitate the transportation of goods;

486 (i) coordinate trade-related opportunities to export Utah products nationally and
487 internationally;

488 (j) support and promote land uses on the authority jurisdictional land and land in other
489 authority project areas that generate economic development, including rural economic
490 development;

491 (k) establish a project of regional significance;

492 (l) facilitate an intermodal facility;

493 (m) support uses of the authority jurisdictional land for inland port uses, including
494 warehousing, light manufacturing, and distribution facilities;
495 (n) facilitate an increase in trade in the region and in global commerce;
496 (o) promote the development of facilities that help connect local businesses to potential
497 foreign markets for exporting or that increase foreign direct investment; ~~and~~
498 (p) encourage all class 5 through 8 designated truck traffic entering the authority
499 jurisdictional land to meet the heavy-duty highway compression-ignition diesel engine and
500 urban bus exhaust emission standards for year 2007 and later[-]; and
501 (q) encourage the development and use of cost-efficient renewable energy in project
502 areas.

503 (2) In fulfilling its duties and responsibilities relating to the development of the
504 authority jurisdictional land and land in other authority project areas and to achieve and
505 implement the development policies and objectives under Subsection (1), the authority shall:

506 (a) work to identify funding sources, including federal, state, and local government
507 funding and private funding, for capital improvement projects in and around the authority
508 jurisdictional land and land in other authority project areas and for an inland port;

509 (b) review and identify land use and zoning policies and practices to recommend to
510 municipal land use policymakers and administrators that are consistent with and will help to
511 achieve:

512 (i) the policies and objectives stated in Subsection (1); and

513 (ii) the mutual goals of the state and local governments that have authority
514 jurisdictional land with their boundaries with respect to the authority jurisdictional land; and

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

519 (3) (a) The authority may use property tax differential and other authority money to
520 encourage, incentivize, or require development that:

521 (i) mitigates noise, air pollution, light pollution, surface and groundwater pollution,
522 and other negative environmental impacts;

523 (ii) mitigates traffic congestion; or

524 (iii) uses high efficiency building construction and operation.

525 (b) In consultation with a municipality in which development is expected to occur, the
526 authority shall establish minimum mitigation and environmental standards that a development
527 is required to meet to qualify for the use of property tax differential.

528 (c) The authority may develop and implement world-class, state-of-the-art,
529 zero-emissions logistics that support continued growth of the state's economy in order to:

530 (i) promote the state as the global center of efficient and sustainable supply chain
531 logistics;

532 (ii) facilitate the efficient movement of goods on roads and rails and through the air;

533 (iii) benefit the commercial viability of developers, landowners, and tenants and users;

534 and

535 (iv) attract capital and expertise in pursuit of the next generation of logistics solutions.

536 Section 10. Section **11-58-205** is amended to read:

537 **11-58-205. Applicability of other law -- Cooperation of state and local**
538 **governments -- Municipality to consider board input -- Prohibition relating to natural**
539 **resources -- Inland port as permitted or conditional use -- Municipal services -- Sharing**
540 **property tax differential -- Disclosure by nonauthority governing body member.**

541 (1) Except as provided in Part 4, Appeals to Appeals Panel, the authority does not have
542 and may not exercise any powers relating to the regulation of land uses on the authority
543 jurisdictional land.

544 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
545 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
546 by Title 63E, Independent Entities Code.

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

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

554 (5) (a) No later than December 31, 2018, the ordinances of a municipality with

555 authority jurisdictional land within its boundary shall allow an inland port as a permitted or
556 conditional use, subject to standards that are:

557 (i) determined by the municipality; and
558 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

559 (b) A municipality whose ordinances do not comply with Subsection (5)(a) within the
560 time prescribed in that subsection shall allow an inland port as a permitted use without regard
561 to any contrary provision in the municipality's land use ordinances.

562 (6) The transporting, unloading, loading, transfer, or temporary storage of natural
563 resources may not be prohibited on the authority jurisdictional land.

564 (7) (a) ~~[(f)]~~ A municipality whose boundary includes authority jurisdictional land shall
565 provide the same municipal services to the area of the municipality that is within the authority
566 jurisdictional land as the municipality provides to other areas of the municipality with similar
567 zoning and a similar development level.

568 ~~[(f)]~~ (b) The level and quality of municipal services that a municipality provides
569 within authority jurisdictional land shall be fairly and reasonably consistent with the level and
570 quality of municipal services that the municipality provides to other areas of the municipality
571 with similar zoning and a similar development level.

572 ~~[(b) (i) The board shall negotiate and enter into an agreement with a municipality
573 providing municipal services, as described in Subsection (7)(a), with respect to the appropriate
574 amount of property tax differential the authority should share with the municipality to cover the
575 cost of providing those municipal services.]~~

576 ~~[(ii) Under an agreement described in Subsection (7)(b)(i), the board and municipality
577 shall establish a method of determining the amount of property tax differential the authority
578 shares over time with a municipality to cover the cost of providing municipal services, taking
579 into account:]~~

580 ~~[(A) the cost of those services as documented in the audited financial statements under
581 Subsection (7)(c); and]~~

582 ~~[(B) the variable level of need for those services within the authority jurisdictional land
583 depending on the level, amount, and location of development and other relevant factors.]~~

584 ~~[(c) A municipality providing municipal services, as described in Subsection (7)(a),
585 shall, as requested by the board, provide the board audited financial statements documenting~~

586 the cost of the municipal services the municipality provides within the authority jurisdictional
587 land.]

588 ~~[(8)(a) The board shall negotiate and enter into an agreement with a municipality or~~
589 ~~other taxing entity in which the authority jurisdictional land is located to share some of the~~
590 ~~increase in property tax differential that occurs over time as development occurs and the~~
591 ~~amount of property tax revenue increases.]~~

592 ~~[(b) In an agreement described in Subsection (8)(a), the board and municipality or~~
593 ~~other taxing entity shall establish a method of determining the amount of property tax~~
594 ~~differential the authority shares over time to allow the municipality or other taxing entity to~~
595 ~~share in the benefit from increasing property tax revenue.]~~

596 ~~[(9) The board may consult with other taxing entities, in addition to a municipality~~
597 ~~under Subsection (7), for the purpose of receiving input from those taxing entities on the~~
598 ~~appropriate allocation of property tax differential, considering the needs of the authority and~~
599 ~~the needs of the other taxing entities.]~~

600 ~~[(10)(a) The board shall review and reassess the amount of property tax differential the~~
601 ~~authority retains and the amount the authority shares with other taxing entities so that the~~
602 ~~authority retains property tax differential it reasonably needs to meet its responsibilities and~~
603 ~~purposes and adjusts the amount the authority shares with other taxing entities accordingly.]~~

604 ~~[(b) The board shall meet with taxing entities to review and reassess, as provided in~~
605 ~~Subsection (10)(a):]~~

606 ~~[(i) before December 31, 2020; and]~~

607 ~~[(ii) at least every other year after 2020.]~~

608 ~~[(11)] (8) (a) As used in this Subsection [(11)] (8):~~

609 (i) "Direct financial benefit" means the same as that term is defined in Section
610 [11-58-304](#).

611 (ii) "Nonauthority governing body member" means a member of the board or other
612 body that has authority to make decisions for a nonauthority government owner.

613 (iii) "Nonauthority government owner" mean a state agency or nonauthority local
614 government entity that owns land that is part of the authority jurisdictional land.

615 (iv) "Nonauthority local government entity":

616 (A) means a county, city, town, metro township, local district, special service district,

617 community reinvestment agency, or other political subdivision of the state; and

618 (B) excludes the authority.

619 (v) "State agency" means a department, division, or other agency or instrumentality of
620 the state, including an independent state agency.

621 (b) A nonauthority governing body member who owns or has a financial interest in
622 land that is part of the authority jurisdictional land or who reasonably expects to receive a
623 direct financial benefit from development of authority jurisdictional land shall submit a written
624 disclosure to the authority board and the nonauthority government owner.

625 (c) A written disclosure under Subsection ~~[(11)]~~ (8)(b) shall describe, as applicable:

626 (i) the nonauthority governing body member's ownership or financial interest in
627 property that is part of the authority jurisdictional land; and

628 (ii) the direct financial benefit the nonauthority governing body member expects to
629 receive from development of authority jurisdictional land.

630 (d) A nonauthority governing body member required under Subsection ~~[(11)]~~ (8)(b) to
631 submit a written disclosure shall submit the disclosure no later than 30 days after:

632 (i) the nonauthority governing body member:

633 (A) acquires an ownership or financial interest in property that is part of the authority
634 jurisdictional land; or

635 (B) first knows that the nonauthority governing body member expects to receive a
636 direct financial benefit from the development of authority jurisdictional land; or

637 (ii) the effective date of this Subsection ~~[(11)]~~ (8), if that date is later than the period
638 described in Subsection ~~[(11)]~~ (8)(d)(i).

639 (e) A written disclosure submitted under this Subsection ~~[(11)]~~ (8) is a public record.

640 Section 11. Section **11-58-301** is amended to read:

641 **11-58-301. Port authority board -- Delegation of power.**

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

644 (2) All powers of the authority are exercised through the board or, as provided in
645 Section 11-58-305, the executive director.

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

647 Section 12. Section **11-58-302** is amended to read:

648 **11-58-302. Number of board members -- Appointment -- Vacancies.**

649 (1) The authority's board shall consist of 11 members, as provided in Subsection (2).

650 (2) (a) The governor shall appoint two board members[;]:

651 (i) one of whom shall be ~~[an employee or officer of the Governor's Office of Economic~~
652 ~~Development, created in Section 63N-1-201]~~ an individual engaged in statewide economic
653 development or corporate recruitment and retention; and654 (ii) one of whom shall be an individual engaged in statewide trade, import and export
655 activities, or foreign direct investment.

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

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

658 (d) The mayor of Salt Lake County ~~[mayor shall appoint one]~~, or the mayor's designee,
659 shall serve as a board member.660 (e) The chair of the Permanent Community Impact Fund Board, created in Section
661 35A-8-304, shall appoint one board member from among the members of the Permanent
662 Community Impact Fund Board.663 (f) ~~The [chair of the]~~ mayor of Salt Lake ~~[Airport Advisory Board, or the chair's]~~ City,
664 or the mayor's designee, shall serve as a board member.665 (g) ~~[The]~~ A member of the Salt Lake City council ~~[who is elected by district and whose~~
666 ~~district includes the Salt Lake City Airport],~~ selected by the Salt Lake City council, shall serve
667 as a board member.668 (h) The city manager of West Valley City, with the consent of the city council of West
669 Valley City, shall appoint one board member.670 ~~[(i) The executive director of the Department of Transportation, appointed under~~
671 ~~Section 72-1-202, shall serve as a board member.]~~672 ~~[(j)]~~ (i) The director of the Salt Lake County office of Regional Economic
673 Development shall serve as a board member.674 (j) The mayor of the Magna township, or the mayor's designee, shall serve as a board
675 member.676 (3) An individual required under Subsection (2) to appoint a board member shall
677 appoint each initial board member the individual is required to appoint no later than June 1,
678 2018.

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

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

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

687 (6) The authority may appoint nonvoting members of the board and set terms for those
688 nonvoting members.

689 (7) Upon a vote of a majority of all board members, the board may appoint a board
690 chair and any other officer of the board.

691 (8) (a) An individual designated as a board member under Subsection (2)(g), (i), or (j)
692 who would be precluded from serving as a board member because of Subsection 11-58-304(2):

693 (i) may serve as a board member notwithstanding Subsection 11-58-304(2); and

694 (ii) shall disclose in writing to the board the circumstances that would otherwise have
695 precluded the individual from serving as a board member under Subsection 11-58-304(2).

696 (b) A written disclosure under Subsection (8)(a)(ii) is a public record under Title 63G,
697 Chapter 2, Government Records Access and Management Act.

698 (9) The board may appoint one or more advisory committees that may include
699 individuals from impacted public entities, community organizations, environmental
700 organizations, business organizations, or other organizations or associations.

701 Section 13. Section 11-58-303 is amended to read:

702 **11-58-303. Term of board members -- Quorum -- Compensation.**

703 (1) The term of a board member appointed under Subsection 11-58-302(2)(a), (b), (c),
704 [~~(d)~~, or] (e), (g), or (h) is four years, except that the initial term of one of the two members
705 appointed under Subsection 11-58-302(2)(a) and of the members appointed under Subsections
706 11-58-302(2)[~~(d)~~](e) and [~~(h)~~] (g) is two years.

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

708 (3) A board member may serve multiple terms if duly appointed to serve each term
709 under Subsection 11-58-302(2).

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

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

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

716 (ii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
717 [63A-3-107](#).

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

720 Section 14. Section **11-58-305** is amended to read:

721 **11-58-305. Executive director.**

722 (1) On or before July 1, 2019, the board shall hire a full-time executive director. ~~[to]~~

723 (2) (a) The executive director is the chief executive officer of the authority.

724 (b) The role of the executive director is to:

725 (i) manage and oversee the day-to-day operations of the authority;

726 (ii) fulfill the executive and administrative duties and responsibilities of the authority;

727 and ~~[to]~~

728 (iii) perform other functions, as directed by the board.

729 ~~[(2)]~~ (3) The executive director shall have the education, experience, and training
730 necessary to perform the executive director's duties in a way that maximizes the potential for
731 successfully achieving and implementing the strategies, policies, and objectives stated in
732 Subsection [11-58-203](#)(1).

733 ~~[(3)]~~ (4) An executive director is an at-will employee who serves at the pleasure of the
734 board and may be removed by the board at any time.

735 ~~[(4)]~~ (5) The board shall establish the duties, compensation, and benefits of an
736 executive director.

737 Section 15. Section **11-58-505** is amended to read:

738 **11-58-505. Project area budget.**

739 (1) Before the authority may use the property tax differential from a project area, the
740 board shall prepare and adopt a project area budget.

741 (2) A project area budget shall include:

742 (a) the base taxable value of property in the project area;

743 (b) the projected property tax differential expected to be generated within the project
744 area;

745 [~~(c) the amount of the property tax differential expected to be shared with other taxing~~
746 ~~entities;]~~

747 [~~(d)~~] (c) the amount of the property tax differential expected to be used to implement
748 the project area plan, including the estimated amount of the property tax differential to be used
749 for land acquisition, public improvements, infrastructure improvements, and loans, grants, or
750 other incentives to private and public entities;

751 [~~(e)~~] (d) the property tax differential expected to be used to cover the cost of
752 administering the project area plan; and

753 [~~(f)~~] (e) for property that the authority owns or leases and expects to sell or sublease,
754 the expected total cost of the property to the authority and the expected selling price or lease
755 payments.

756 (3) The board may amend an adopted project area budget as and when the board
757 considers it appropriate.

758 (4) For a project area that consists of the authority jurisdictional land, the budget
759 requirements of this part are met by the authority complying with the budget requirements of
760 Part 8, Port Authority Budget, Reporting, and Audits.

761 Section 16. Section **11-58-601** is amended to read:

762 **11-58-601. Port authority receipt and use of property tax differential --**

763 **Distribution of property tax differential.**

764 [~~(1)(a) The authority:~~]

765 [~~(i) subject to Subsections (1)(b), (c), and (d):]~~

766 [~~(A) shall be paid 100% of the property tax differential, as provided in Subsection (3),~~
767 ~~for a period of 25 years after a certificate of occupancy is issued with respect to improvements~~
768 ~~on a parcel, as determined by the board and as provided in this part, and]~~

769 [~~(B) may be paid up to 100% of the property tax differential, as provided in Subsection~~
770 ~~(3), for a period of 15 additional years beyond the period stated in Subsection (1)(a)(i)(A) if the~~
771 ~~board determines that the additional years of property tax differential will produce a significant~~

772 benefit; and]

773 ~~[(ii) may use the property tax differential before, during, and after the period described~~
774 ~~in Subsection (1)(a)(i).]~~

775 ~~[(b) With respect to a parcel located within a project area, the period described in~~
776 ~~Subsection (1)(a)(i) begins on the day on which the authority receives the first property tax~~
777 ~~differential from that parcel.]~~

778 (1) As used in this section:

779 (a) "Designation resolution" means a resolution adopted by the board that designates a
780 transition date for the parcel specified in the resolution.

781 (b) "Post-designation differential" means 75% of property tax differential generated
782 from a post-designation parcel.

783 (c) "Post-designation parcel" means a parcel within a project area after the transition
784 date for that parcel.

785 (d) "Pre-designation differential" means 75% of property tax differential generated
786 from all pre-designation parcels within a project area.

787 (e) "Pre-designation parcel" means a parcel within a project area before the transition
788 date for that parcel.

789 (f) "Transition date" means the date after which the authority is to be paid
790 post-designation differential for the parcel that is the subject of a designation resolution.

791 (2) (a) The authority shall be paid pre-designation differential generated within the
792 authority jurisdictional land:

793 (i) for the period beginning November 2019 and ending November 2044; and

794 (ii) for a period of 15 years following the period described in Subsection (2)(a)(i) if,
795 before the end of the period described in Subsection (2)(a)(i), the board adopts a resolution
796 extending the period described in Subsection (2)(a)(i) for 15 years.

797 (b) The authority shall be paid pre-designation differential generated within a project
798 area, other than the authority jurisdictional land:

799 (i) for a period of 25 years beginning the date the board adopts a project area plan
800 under Section [11-58-502](#) establishing the project area; and

801 (ii) for a period of 15 years following the period described in Subsection (2)(b)(i) if,
802 before the end of the period described in Subsection (2)(b)(i), the board adopts a resolution

803 extending the period described in Subsection (2)(b)(i) for 15 years.

804 (3) The authority shall be paid post-designation differential generated from a
805 post-designation parcel:

806 (a) for a period of 25 years beginning on the transition date for that parcel; and

807 (b) for a period of an additional 15 years beyond the period stated in Subsection (3)(a)
808 if the board determines by resolution that the additional years of post-designation differential
809 from that parcel will produce a significant benefit.

810 (4) (a) For purposes of this section, the authority may designate an improved portion of
811 a parcel in a project area as a separate parcel.

812 (b) An authority designation of an improved portion of a parcel as a separate parcel
813 under Subsection (4)(a) does not constitute a subdivision, as defined in Section [10-9a-103](#) or
814 Section [17-27a-103](#).

815 (c) A county assessor shall assign a separate tax identification number to the improved
816 portion of a parcel designated by the authority as a separate parcel under Subsection (4)(a).

817 ~~[(e)]~~ (5) The authority may not receive property tax differential from:

818 ~~[(i)]~~ (a) an area included within a community reinvestment project area under a
819 community reinvestment project area plan, as defined in Section [17C-1-102](#), adopted before
820 October 1, 2018, from a taxing entity that has, before October 1, 2018, entered into a fully
821 executed, legally binding agreement under which the taxing entity agrees to the use of its tax
822 increment, as defined in Section [17C-1-102](#), under the community reinvestment project area
823 plan; or

824 ~~[(ii)]~~ (b) a parcel of land:

825 (i) that was substantially developed before December 1, 2018;

826 (ii) for which a certificate of occupancy was issued before December 1, 2018[-]; and

827 (iii) that is identified in a list that the municipality in which the land is located provides
828 to the authority and the county assessor by April 1, 2020.

829 ~~[(d)]~~ ~~[(i)]~~ (6) (a) As used in this Subsection ~~[(i)]~~ ~~[(d)]~~ (6):

830 ~~[(A)]~~ (i) "Agency land" means authority jurisdictional land that is within the boundary
831 of an eligible community reinvestment agency and from which the authority is paid property
832 tax differential.

833 (ii) "Applicable differential" means the amount of property tax differential paid to the

834 authority that is generated from agency land.

835 ~~[(B)]~~ (iii) "Eligible community reinvestment agency" means the community
836 reinvestment agency in which agency land is located.

837 ~~[(ii)]~~ (b) The authority shall pay 10% of ~~[the property tax differential generated from~~
838 ~~agency land]~~ applicable differential to the eligible community reinvestment agency, to be used
839 for affordable housing as provided in Section 17C-1-412.

840 ~~[(2)]~~ (7) A county that collects property tax on property within a project area shall pay
841 and distribute to the authority the property tax differential that the authority is entitled to collect
842 under this ~~[title]~~ chapter, in the manner and at the time provided in Section 59-2-1365.

843 ~~[(3)]~~ ~~Until the end of the period described in Subsection (1)(a)(i), the county shall pay~~
844 ~~to the authority all property tax differential collected from a parcel within a project area,~~
845 ~~beginning:]~~

846 ~~[(a) for a parcel that is part of the authority jurisdictional land, November 2019; and]~~

847 ~~[(b) for a parcel in any other project area, November of the year following the year that~~
848 ~~forms the basis of the base taxable value calculation.]~~

849 Section 17. Section 11-58-602 is amended to read:

850 **11-58-602. Allowable uses of property tax differential and other funds.**

851 (1) The authority may use the property tax differential, money the authority receives
852 from the state, money the authority receives under Subsection 59-12-205(2)(b)(iii), and other
853 funds available to the authority:

854 (a) for any purpose authorized under this chapter;

855 (b) ~~[subject to Subsection (4);]~~ for administrative, overhead, legal, consulting, and
856 other operating expenses of the authority;

857 (c) to pay for, including financing or refinancing, all or part of the development of land
858 within a project area, including assisting the ongoing operation of a development or facility
859 within the project area;

860 (d) to pay the cost of the installation and construction of publicly owned infrastructure
861 and improvements within the project area from which the property tax differential funds were
862 collected;

863 (e) to pay the cost of the installation of publicly owned infrastructure and
864 improvements outside a project area if the board determines by resolution that the

865 infrastructure and improvements are of benefit to the project area;

866 ~~[(f) to pay for municipal services that a municipality provides within the authority~~
867 ~~jurisdictional land;]~~

868 ~~[(g) to pay for other services that a taxing entity provides within the authority~~
869 ~~jurisdictional land;]~~

870 ~~[(h) to share growth in the amount of property tax differential over time with other~~
871 ~~taxing entities;]~~

872 ~~[(i) (f) to pay to a community reinvestment agency for affordable housing, as provided~~
873 ~~in Subsection 11-58-601[(1)(d)](6); and~~

874 ~~[(j) (g) to pay the principal and interest on bonds issued by the authority.~~

875 (2) The authority may use revenue generated from the operation of publicly owned
876 infrastructure operated by the authority or improvements, including an intermodal facility,
877 operated by the authority to:

878 (a) operate and maintain the infrastructure or improvements; and

879 (b) pay for authority operating expenses, including administrative, overhead, and legal
880 expenses.

881 (3) The determination of the board under Subsection (1)(e) regarding benefit to the
882 project area is final.

883 ~~[(4) The authority may not use more than 5% of property tax differential revenue~~
884 ~~collected during the period described in Subsection 11-58-601(1)(a)(i) to pay for authority~~
885 ~~operating expenses, including:]~~

886 ~~[(a) administrative and overhead expenses; and]~~

887 ~~[(b) legal expenses, except legal fees and expenses with respect to potential or pending~~
888 ~~litigation involving the authority.]~~

889 ~~[(5) (4) The authority may not use property tax differential revenue collected from one~~
890 ~~project area for a development project within another project area.~~

891 ~~[(6) (5) Until the authority adopts a business plan under Subsection 11-58-202(1)(a),~~
892 ~~the authority may not spend property tax differential revenue collected from authority~~
893 ~~jurisdictional land.~~

894 ~~[(7) (6) (a) As used in this Subsection [(7)] (6):~~

895 (i) "Authority sales and use tax revenue" means money distributed to the authority

896 under Subsection 59-12-205(2)(b)(iii).

897 (ii) "Eligible county" means a county that would be entitled to receive sales and use tax
898 revenue under Subsection 59-12-205(2)(b)(i) in the absence of Subsection 59-12-205(2)(b)(iii).

899 (iii) "Eligible municipality" means a municipality that would be entitled to receive
900 sales and use tax revenue under Subsection 59-12-205(2)(b)(i) in the absence of Subsection
901 59-12-205(2)(b)(iii).

902 (iv) "Point of sale portion" means:

903 (A) for an eligible county, the amount of sales and use tax revenue the eligible county
904 would have received under Subsection 59-12-205(2)(b)(i) in the absence of Subsection
905 59-12-205(2)(b)(iii), excluding the retail sales portion; and

906 (B) for an eligible municipality, the amount of sales and use tax revenue the eligible
907 municipality would have received under Subsection 59-12-205(2)(b)(i) in the absence of
908 Subsection 59-12-205(2)(b)(iii), excluding the retail sales portion.

909 (v) "Retail sales portion" means the amount of sales and use tax revenue collected
910 under Subsection 59-12-205(2)(b)(i) from retail sales transactions that occur on authority
911 jurisdictional land.

912 (b) Within 45 days after receiving authority sales and use tax revenue, the authority
913 shall:

914 (i) distribute half of the point of sale portion to each eligible county and eligible
915 municipality; and

916 (ii) distribute all of the retail sales portion to each eligible county and eligible
917 municipality.

918 Section 18. Section 54-17-806 is amended to read:

919 **54-17-806. Qualified utility renewable energy tariff.**

920 (1) The commission may authorize a qualified utility to implement a renewable energy
921 tariff in accordance with this section if the commission determines the tariff that the qualified
922 utility proposes is reasonable and in the public interest.

923 (2) The commission may authorize a tariff under Subsection (1) to apply to:

924 (a) a qualified utility customer with an aggregated electrical load of at least five
925 megawatts; or

926 (b) a combination of qualified utility customers who are separately metered if:

927 (i) the aggregated electrical load of the qualified utility customers is at least five
928 megawatts; and

929 (ii) each of the qualified utility customers [~~and the renewable energy source are~~] is
930 located within [~~authority jurisdictional land~~] a project area, as defined in Section 11-58-102.

931 (3) A customer who agrees to take service that is subject to the renewable energy tariff
932 under this section shall pay:

933 (a) the customer's normal tariff rate;

934 (b) an incremental charge in an amount equal to the difference between the cost to the
935 qualified utility to supply renewable generation to the renewable energy tariff customer and the
936 qualified utility's avoided costs as defined in Subsection 54-2-1(1), or a different methodology
937 recommended by the qualified utility; and

938 (c) an administrative fee in an amount approved by the commission.

939 (4) The commission shall allow a qualified utility to recover the qualified utility's
940 prudently incurred cost of renewable generation procured pursuant to the tariff established in
941 this section that is not otherwise recovered from the proceeds of the tariff paid by customers
942 agreeing to service that is subject to the renewable energy tariff.

943 **Section 19. Repealer.**

944 This bill repeals:

945 Section 11-58-401, **Definitions.**

946 Section 11-58-402, **Appeals panel.**

947 Section 11-58-402.5, **Municipal processing of an inland port use application and**
948 **appeal.**

949 Section 11-58-403, **Appeals process and standards.**