

Representative Francis D. Gibson proposes the following substitute bill:

INLAND PORT MODIFICATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: David G. Buxton

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

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26 municipal services;

- 27 ▶ 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 **63J-1-602.1**, as last amended by Laws of Utah 2019, Chapters 89, 136, 213, 215, 244,
- 55 326, 342, and 482

56 ENACTS:

57 **11-58-103**, Utah Code Annotated 1953

58 **11-58-104**, Utah Code Annotated 1953

59 **11-58-105**, Utah Code Annotated 1953

60 REPEALS:

61 **11-58-401**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1

62 **11-58-402**, as enacted by Laws of Utah 2018, Chapter 179

63 **11-58-402.5**, as enacted by Laws of Utah 2018, Second Special Session, Chapter 1

64 **11-58-403**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1



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

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

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

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

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

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

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

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

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

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

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

90 (e) (i) The applicant may raise and resolve in a single appeal any determination made
91 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
92 period of time has elapsed under Subsection (1)(a).

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

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

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

99 (2) (a) Each land use authority shall substantively review a complete application and an
100 application considered complete under Subsection (1)(d), and shall approve or deny each
101 application with reasonable diligence~~[, subject to the time limit under Subsection~~
102 ~~11-58-402.5(2) for an inland port use application, as defined in Section 11-58-401]~~.

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

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

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

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

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

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

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

122 (b) (i) An applicant may in writing request the land use authority to accept or reject the
123 applicant's installation of required subdivision improvements or performance of warranty work.

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

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

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

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

139 (5) There shall be no money damages remedy arising from a claim under this section.
140 Section 2. Section 10-9a-701 is amended to read:

141 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
142 **Appeal authority duties.**

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

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

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

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

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

150 ordinance.

151 (3) An appeal authority:

152 (a) shall:

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

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

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

159 (4) By ordinance, a municipality may:

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

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

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

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

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

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

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

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

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

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

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

180 **10-9a-708. Final decision.**

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

183 (2) A written decision, or other event as provided by ordinance, constitutes a final
184 decision under Subsection 10-9a-801(2)(a) or a final action under Subsection 10-9a-801(4)[;
185 ~~except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel, for an appeal of~~
186 ~~an inland port use appeal decision, as defined in Section 11-58-401].~~

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

188 **11-58-102. Definitions.**

189 As used in this chapter:

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

191 (2) "Authority jurisdictional land" means land within the authority boundary
192 delineated:

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

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

197 (3) "Base taxable value" means:

198 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the
199 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year
200 2018; and

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

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

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

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

212 (6) "Development" means:

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

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

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

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

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

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

224 (ii) together are intended to:

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

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

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

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

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

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

237 (a) for an inland port;

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

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

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

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

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

248 (12) "Project area" means:

249 (a) the authority jurisdictional land; or

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

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

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

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

260 (16) "Property tax differential":

261 (a) means the difference between:

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

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

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

267 (i) a county additional property tax or multicounty assessing and collecting levy
268 imposed in accordance with Section 59-2-1602;

269 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;
270 or

271 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general
272 obligation bond.

273 (17) "Public entity" means:

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

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

278 (18) "Publicly owned infrastructure and improvements":

279 (a) means infrastructure, improvements, facilities, or buildings that:

280 (i) benefit the public; and

281 (ii) (A) are owned by a public entity or a utility; or

282 (B) are publicly maintained or operated by a public entity;

283 (b) includes:

284 (i) facilities, lines, or systems that provide:

285 (A) water, chilled water, or steam; or

286 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
287 microgrids, or telecommunications service; and

288 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
289 facilities, and public transportation facilities.

290 (19) "Shapefile" means the digital vector storage format for storing geometric location
291 and associated attribute information.

292 (20) "Taxable value" means the value of property as shown on the last equalized
293 assessment roll [~~as certified by the county assessor~~].

294 (21) "Taxing entity" means a public entity that levies a tax on property within a project
295 area.

296 (22) "Voting member" means an individual appointed or designated as a member of the
297 board under Subsection [11-58-302\(2\)](#).

298 Section 5. Section **11-58-103** is enacted to read:

299 **11-58-103. Vested right of landowner.**

300 (1) As used in this section:

301 (a) "Municipal inland port regulations" means a municipality's land use ordinances and
302 regulations relating to the use of land within the authority jurisdictional land for an inland port
303 use.

304 (b) "Vested development right" means a right:

305 (i) to use or develop land located within the authority jurisdictional land for an inland
306 port use in accordance with municipal inland port regulations in effect on December 31, 2018;
307 and

308 (ii) that may not be affected by later changes to municipal ordinances or regulations.

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

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

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

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

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

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

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

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

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

326 (g) include the following acknowledgment:

327 "I/we acknowledge that:

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

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

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

334 • the right to use and develop the land described in this notice in accordance with those
335 land use regulations continues for 40 years from the date this notice is recorded, unless a land

336 use application is submitted to the applicable land use authority that proposes a use or
337 development activity that is not allowed under the land use regulations in effect on December
338 31, 2018, or all record owners of the land record a rescission of the election of a vested
339 development right for this land."

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

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

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

350 (6) A vested development right may not be affected by an action under Subsection
351 [17-27a-508\(1\)\(a\)\(ii\)\(A\)](#) or (B) or Subsection [10-9a-509\(1\)\(a\)\(ii\)\(A\)](#) or (B).

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

353 **11-58-104. Severability.**

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

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

358 **11-58-105. Nonlapsing funds.**

359 Money the authority receives from legislative appropriations is nonlapsing.

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

361 **11-58-202. Port authority powers and duties.**

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

365 (a) develop and implement a business plan for the authority jurisdictional land, to
366 include an environmental sustainability component, developed in conjunction with the Utah

367 Department of Environmental Quality, incorporating policies and best practices to meet or
368 exceed applicable federal and state standards, including:

- 369 (i) emissions monitoring and reporting; and
- 370 (ii) strategies that use the best available technology to mitigate environmental impacts
371 from development and uses on the authority jurisdictional land;
- 372 (b) plan and facilitate the development of inland port uses on authority jurisdictional
373 land and on land in other authority project areas;
- 374 (c) manage any inland port located on land owned or leased by the authority; and
- 375 (d) establish a foreign trade zone, as provided under federal law, covering some or all
376 of the authority jurisdictional land or land in other authority project areas.

377 (2) The authority may:

- 378 (a) facilitate and bring about the development of inland port uses on land that is part of
379 the authority jurisdictional land or that is in other authority project areas, including engaging in
380 marketing and business recruitment activities and efforts to encourage and facilitate:
- 381 (i) the development of an inland port on the authority jurisdictional land; and
- 382 (ii) other development of the authority jurisdictional land consistent with the policies
383 and objectives described in Subsection [11-58-203\(1\)](#);
- 384 (b) facilitate and provide funding for the development of the authority jurisdictional
385 land and land in other authority project areas, including the development of publicly owned
386 infrastructure and improvements and other infrastructure and improvements on or related to the
387 authority jurisdictional land;
- 388 (c) engage in marketing and business recruitment activities and efforts to encourage
389 and facilitate development of the authority jurisdictional land;
- 390 (d) apply for and take all other necessary actions for the establishment of a foreign
391 trade zone, as provided under federal law, covering some or all of the authority jurisdictional
392 land;
- 393 (e) as the authority considers necessary or advisable to carry out any of its duties or
394 responsibilities under this chapter:
- 395 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal
396 property;
- 397 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or

- 398 personal property; or
- 399 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 400 (f) sue and be sued;
- 401 (g) enter into contracts generally;
- 402 (h) provide funding for the development of publicly owned infrastructure and
- 403 improvements or other infrastructure and improvements on or related to the authority
- 404 jurisdictional land or other authority project areas;
- 405 (i) exercise powers and perform functions under a contract, as authorized in the
- 406 contract;
- 407 (j) receive the property tax differential, as provided in this chapter;
- 408 (k) accept financial or other assistance from any public or private source for the
- 409 authority's activities, powers, and duties, and expend any funds so received for any of the
- 410 purposes of this chapter;
- 411 (l) borrow money, contract with, or accept financial or other assistance from the federal
- 412 government, a public entity, or any other source for any of the purposes of this chapter and
- 413 comply with any conditions of the loan, contract, or assistance;
- 414 (m) issue bonds to finance the undertaking of any development objectives of the
- 415 authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act,
- 416 bonds under Chapter 42, Assessment Area Act, [~~and~~] bonds under Chapter 42a, Commercial
- 417 Property Assessed Clean Energy Act, and bonds under Title 17B, Chapter 2a, Part 12, Public
- 418 Infrastructure District Act;
- 419 (n) hire employees, including contract employees;
- 420 (o) transact other business and exercise all other powers provided for in this chapter;
- 421 (p) engage one or more consultants to advise or assist the authority in the performance
- 422 of the authority's duties and responsibilities;
- 423 [~~(q) enter into an agreement with a taxing entity to share property tax differential for~~
- 424 ~~services that the taxing entity provides within the authority jurisdictional land;]~~
- 425 [~~(r)~~] (q) work with other political subdivisions and neighboring property owners and
- 426 communities to mitigate potential negative impacts from the development of authority
- 427 jurisdictional land;
- 428 [~~(s)~~] (r) own and operate an intermodal facility if the authority considers the authority's

429 ownership and operation of an intermodal facility to be necessary or desirable;

430 ~~[(t)]~~ (s) own and operate publicly owned infrastructure and improvements in a project
431 area outside the authority jurisdictional land; and

432 ~~[(t)]~~ (t) exercise powers and perform functions that the authority is authorized by
433 statute to exercise or perform.

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

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

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

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

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

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

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

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

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

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

460 jurisdictional land.

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

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

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

467 **11-58-203. Policies and objectives of the port authority -- Additional duties of the**
468 **port authority.**

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

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

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

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

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

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

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

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

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

485 (ii) businesses that complement businesses engaged in regional, national, or
486 international trade;

487 (h) facilitate the transportation of goods;

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

490 (j) support and promote land uses on the authority jurisdictional land and land in other

491 authority project areas that generate economic development, including rural economic
492 development;

493 (k) establish a project of regional significance;

494 (l) facilitate an intermodal facility;

495 (m) support uses of the authority jurisdictional land for inland port uses, including
496 warehousing, light manufacturing, and distribution facilities;

497 (n) facilitate an increase in trade in the region and in global commerce;

498 (o) promote the development of facilities that help connect local businesses to potential
499 foreign markets for exporting or that increase foreign direct investment; [~~and~~]

500 (p) encourage all class 5 through 8 designated truck traffic entering the authority
501 jurisdictional land to meet the heavy-duty highway compression-ignition diesel engine and
502 urban bus exhaust emission standards for year 2007 and later[-]; and

503 (q) encourage the development and use of cost-efficient renewable energy in project
504 areas.

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

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

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

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

515 (ii) the mutual goals of the state and local governments that have authority
516 jurisdictional land with their boundaries with respect to the authority jurisdictional land; [~~and~~]

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

521 (d) pursue policies that the board determines are designed to avoid or minimize

522 negative environmental impacts of development;

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

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

527 (ii) mitigates traffic congestion; or

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

529 (b) (i) In consultation with the municipality in which development is expected to occur,
530 the authority shall establish minimum mitigation and environmental standards that a landowner
531 is required to meet to qualify for the use of property tax differential in the landowner's
532 development.

533 (ii) The authority may not use property tax differential for a landowner's development
534 in a project area unless the minimum mitigation and environmental standards are followed with
535 respect to that landowner's development.

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

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

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

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

542 and

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

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

545 **11-58-205. Applicability of other law -- Cooperation of state and local**
546 **governments -- Municipality to consider board input -- Prohibition relating to natural**
547 **resources -- Inland port as permitted or conditional use -- Municipal services -- Sharing**
548 **property tax differential -- Disclosure by nonauthority governing body member.**

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

552 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),

553 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed
554 by Title 63E, Independent Entities Code.

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

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

562 (5) (a) No later than December 31, 2018, the ordinances of a municipality with
563 authority jurisdictional land within its boundary shall allow an inland port as a permitted or
564 conditional use, subject to standards that are:

565 (i) determined by the municipality; and

566 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

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

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

572 (7) (a) [(†)] A municipality whose boundary includes authority jurisdictional land shall
573 provide the same municipal services to the area of the municipality that is within the authority
574 jurisdictional land as the municipality provides to other areas of the municipality with similar
575 zoning and a similar development level.

576 [(†)] (b) The level and quality of municipal services that a municipality provides
577 within authority jurisdictional land shall be fairly and reasonably consistent with the level and
578 quality of municipal services that the municipality provides to other areas of the municipality
579 with similar zoning and a similar development level.

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

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

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

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

592 ~~[(c) A municipality providing municipal services, as described in Subsection (7)(a),~~
593 ~~shall, as requested by the board, provide the board audited financial statements documenting~~
594 ~~the cost of the municipal services the municipality provides within the authority jurisdictional~~
595 ~~land:]~~

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

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

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

608 ~~[(10) (a) The board shall review and reassess the amount of property tax differential the~~
609 ~~authority retains and the amount the authority shares with other taxing entities so that the~~
610 ~~authority retains property tax differential it reasonably needs to meet its responsibilities and~~
611 ~~purposes and adjusts the amount the authority shares with other taxing entities accordingly:]~~

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

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

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

616 [~~(H)~~] (8) (a) As used in this Subsection [~~(H)~~] (8):

617 (i) "Direct financial benefit" means the same as that term is defined in Section
618 11-58-304.

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

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

623 (iv) "Nonauthority local government entity":

624 (A) means a county, city, town, metro township, local district, special service district,
625 community reinvestment agency, or other political subdivision of the state; and

626 (B) excludes the authority.

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

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

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

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

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

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

640 (i) the nonauthority governing body member:

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

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

645 (ii) the effective date of this Subsection [~~(H)~~] (8), if that date is later than the period

646 described in Subsection ~~[(11)]~~ (8)(d)(i).

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

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

649 **11-58-301. Port authority board -- Delegation of power.**

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

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

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

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

656 **11-58-302. Number of board members -- Appointment -- Vacancies.**

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

658 (2) (a) The governor shall appoint two board members~~[-]~~:

659 (i) one of whom shall be ~~[an employee or officer of the Governor's Office of Economic~~
660 ~~Development, created in Section 63N-1-201]~~ an individual engaged in statewide economic
661 development or corporate recruitment and retention; and

662 (ii) one of whom shall be an individual engaged in statewide trade, import and export
663 activities, or foreign direct investment.

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

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

666 (d) The mayor of Salt Lake County ~~[mayor shall appoint one]~~, or the mayor's designee,
667 shall serve as a board member.

668 (e) The chair of the Permanent Community Impact Fund Board, created in Section
669 35A-8-304, shall appoint one board member from among the members of the Permanent
670 Community Impact Fund Board.

671 (f) ~~The [chair of the]~~ mayor of Salt Lake ~~[Airport Advisory Board, or the chair's]~~ City,
672 or the mayor's designee, shall serve as a board member.

673 (g) ~~[The]~~ A member of the Salt Lake City council ~~[who is elected by district and whose~~
674 ~~district includes the Salt Lake City Airport]~~, selected by the Salt Lake City council, shall serve
675 as a board member.

676 (h) The city manager of West Valley City, with the consent of the city council of West

677 Valley City, shall appoint one board member.

678 ~~[(i) The executive director of the Department of Transportation, appointed under~~
679 ~~Section 72-1-202, shall serve as a board member.]~~

680 ~~[(j)]~~ (i) The director of the Salt Lake County office of Regional Economic
681 Development shall serve as a board member.

682 (j) The mayor of the Magna metro township, or the mayor's designee, shall serve as a
683 board member.

684 (3) An individual required under Subsection (2) to appoint a board member shall
685 appoint each initial board member the individual is required to appoint no later than June 1,
686 2018.

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

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

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

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

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

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

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

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

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

706 (9) The board may appoint one or more advisory committees that may include
707 individuals from impacted public entities, community organizations, environmental

708 organizations, business organizations, or other organizations or associations.

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

710 **11-58-303. Term of board members -- Quorum -- Compensation.**

711 (1) The term of a board member appointed under Subsection **11-58-302**(2)(a), (b), (c),
 712 [~~(d), or~~] (e), (g), or (h) is four years, except that the initial term of one of the two members
 713 appointed under Subsection **11-58-302**(2)(a) and of the members appointed under Subsections
 714 **11-58-302**(2)[~~(d)~~](e) and [~~(h)~~] (g) is two years.

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

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

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

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

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

724 (ii) rules made by the Division of Finance according to Sections **63A-3-106** and
 725 **63A-3-107**.

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

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

729 **11-58-305. Executive director.**

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

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

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

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

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

735 and [to]

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

737 [~~(2)~~] (3) The executive director shall have the education, experience, and training

738 necessary to perform the executive director's duties in a way that maximizes the potential for

739 successfully achieving and implementing the strategies, policies, and objectives stated in
740 Subsection 11-58-203(1).

741 ~~[(3)]~~ (4) An executive director is an at-will employee who serves at the pleasure of the
742 board and may be removed by the board at any time.

743 ~~[(4)]~~ (5) The board shall establish the duties, compensation, and benefits of an
744 executive director.

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

746 **11-58-505. Project area budget.**

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

749 (2) A project area budget shall include:

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

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

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

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

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

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

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

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

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

770 **11-58-601. Port authority receipt and use of property tax differential --**

771 **Distribution of property tax differential.**

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

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

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

777 [~~(B) may be paid up to 100% of the property tax differential, as provided in Subsection~~
778 ~~(3), for a period of 15 additional years beyond the period stated in Subsection (1)(a)(i)(A) if the~~
779 ~~board determines that the additional years of property tax differential will produce a significant~~
780 ~~benefit; and]~~

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

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

786 (1) As used in this section:

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

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

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

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

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

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

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

801 (i) for the period beginning November 2019 and ending November 2044; and
802 (ii) for a period of 15 years following the period described in Subsection (2)(a)(i) if,
803 before the end of the period described in Subsection (2)(a)(i), the board adopts a resolution
804 extending the period described in Subsection (2)(a)(i) for 15 years.

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

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

809 (ii) for a period of 15 years following the period described in Subsection (2)(b)(i) if,
810 before the end of the period described in Subsection (2)(b)(i), the board adopts a resolution
811 extending the period described in Subsection (2)(b)(i) for 15 years.

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

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

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

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

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

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

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

826 ~~[(f)]~~ (a) a taxing entity's portion of property tax differential generated from an area
827 included within a community reinvestment project area under a community reinvestment
828 project area plan, as defined in Section [17C-1-102](#), adopted before October 1, 2018~~[, from a]~~ if
829 the taxing entity ~~[that]~~ has, before October 1, 2018, entered into a fully executed, legally
830 binding agreement under which the taxing entity agrees to the use of its tax increment, as
831 defined in Section [17C-1-102](#), under the community reinvestment project area plan; or

832 ~~[(i)]~~ (b) property tax differential from a parcel of land:
 833 (i) that was substantially developed before December 1, 2018;
 834 (ii) for which a certificate of occupancy was issued before December 1, 2018[-]; and
 835 (iii) that is identified in a list that the municipality in which the land is located provides
 836 to the authority and the county assessor by April 1, 2020.

837 ~~[(d)(i)]~~ (6) (a) As used in this Subsection ~~[(1)(d)]~~ (6):
 838 ~~[(A)]~~ (i) "Agency land" means authority jurisdictional land that is within the boundary
 839 of an eligible community reinvestment agency and from which the authority is paid property
 840 tax differential.

841 (ii) "Applicable differential" means the amount of property tax differential paid to the
 842 authority that is generated from agency land.

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

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

848 ~~[(2)]~~ (7) A county that collects property tax on property within a project area shall pay
 849 and distribute to the authority the property tax differential that the authority is entitled to collect
 850 under this ~~[title]~~ chapter, in the manner and at the time provided in Section 59-2-1365.

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

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

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

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

858 **11-58-602. Allowable uses of property tax differential and other funds.**

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

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

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

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

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

871 (e) to pay the cost of the installation of publicly owned infrastructure and
872 improvements outside a project area if the board determines by resolution that the
873 infrastructure and improvements are of benefit to the project area;

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

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

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

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

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

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

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

887 (b) pay for authority operating expenses, including administrative, overhead, and legal
888 expenses.

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

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

894 ~~[(a) administrative and overhead expenses; and]~~
895 ~~[(b) legal expenses, except legal fees and expenses with respect to potential or pending~~
896 ~~litigation involving the authority.]~~

897 ~~[(5)]~~ (4) The authority may not use property tax differential revenue collected from one
898 project area for a development project within another project area.

899 ~~[(6)]~~ (5) Until the authority adopts a business plan under Subsection 11-58-202(1)(a),
900 the authority may not spend property tax differential revenue collected from authority
901 jurisdictional land.

902 ~~[(7)]~~ (6) (a) As used in this Subsection ~~[(7)]~~ (6):

903 (i) "Authority sales and use tax revenue" means money distributed to the authority
904 under Subsection 59-12-205(2)(b)(iii).

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

907 (iii) "Eligible municipality" means a municipality that would be entitled to receive
908 sales and use tax revenue under Subsection 59-12-205(2)(b)(i) in the absence of Subsection
909 59-12-205(2)(b)(iii).

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

911 (A) for an eligible county, the amount of sales and use tax revenue the eligible county
912 would have received under Subsection 59-12-205(2)(b)(i) in the absence of Subsection
913 59-12-205(2)(b)(iii), excluding the retail sales portion; and

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

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

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

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

924 (ii) distribute all of the retail sales portion to each eligible county and eligible

925 municipality.

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

927 **54-17-806. Qualified utility renewable energy tariff.**

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

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

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

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

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

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

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

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

942 (b) an incremental charge in an amount equal to the difference between the cost to the
943 qualified utility to supply renewable generation to the renewable energy tariff customer and the
944 qualified utility's avoided costs as defined in Subsection [54-2-1\(1\)](#), or a different methodology
945 recommended by the qualified utility; and

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

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

951 Section 19. Section **63J-1-602.1** is amended to read:

952 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

953 Appropriations made from the following accounts or funds are nonlapsing:

954 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
955 and Leadership Restricted Account created in Section [4-42-102](#).

956 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

957 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
958 Section [9-18-102](#).

959 (4) The National Professional Men's Soccer Team Support of Building Communities
960 Restricted Account created in Section [9-19-102](#).

961 (5) Funds collected for directing and administering the C-PACE district created in
962 Section [11-42a-302](#).

963 (6) Money received by the Utah Inland Port Authority, as provided in Section
964 [11-58-105](#).

965 [~~(6)~~] (7) The "Support for State-Owned Shooting Ranges Restricted Account" created
966 in Section [23-14-13.5](#).

967 [~~(7)~~] (8) Award money under the State Asset Forfeiture Grant Program, as provided
968 under Section [24-4-117](#).

969 [~~(8)~~] (9) Funds collected from the program fund for local health department expenses
970 incurred in responding to a local health emergency under Section [26-1-38](#).

971 [~~(9)~~] (10) Funds collected from the emergency medical services grant program, as
972 provided in Section [26-8a-207](#).

973 [~~(10)~~] (11) The Children with Cancer Support Restricted Account created in Section
974 [26-21a-304](#).

975 [~~(11)~~] (12) State funds for matching federal funds in the Children's Health Insurance
976 Program as provided in Section [26-40-108](#).

977 [~~(12)~~] (13) The Children with Heart Disease Support Restricted Account created in
978 Section [26-58-102](#).

979 [~~(13)~~] (14) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).

980 [~~(14)~~] (15) The Technology Development Restricted Account created in Section
981 [31A-3-104](#).

982 [~~(15)~~] (16) The Criminal Background Check Restricted Account created in Section
983 [31A-3-105](#).

984 [~~(16)~~] (17) The Captive Insurance Restricted Account created in Section [31A-3-304](#),
985 except to the extent that Section [31A-3-304](#) makes the money received under that section free
986 revenue.

- 987 [~~(17)~~] (18) The Title Licensee Enforcement Restricted Account created in Section
988 [31A-23a-415](#).
- 989 [~~(18)~~] (19) The Health Insurance Actuarial Review Restricted Account created in
990 Section [31A-30-115](#).
- 991 [~~(19)~~] (20) The Insurance Fraud Investigation Restricted Account created in Section
992 [31A-31-108](#).
- 993 [~~(20)~~] (21) The Underage Drinking Prevention Media and Education Campaign
994 Restricted Account created in Section [32B-2-306](#).
- 995 [~~(21)~~] (22) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 996 [~~(22)~~] (23) Money received by the Utah State Office of Rehabilitation for the sale of
997 certain products or services, as provided in Section [35A-13-202](#).
- 998 [~~(23)~~] (24) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 999 [~~(24)~~] (25) The Electronic Payment Fee Restricted Account created by Section
1000 [41-1a-121](#) to the Motor Vehicle Division.
- 1001 [~~(25)~~] (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted
1002 Account created by Section [41-3-110](#) to the State Tax Commission.
- 1003 [~~(26)~~] (27) The Utah Law Enforcement Memorial Support Restricted Account created
1004 in Section [53-1-120](#).
- 1005 [~~(27)~~] (28) The State Disaster Recovery Restricted Account to the Division of
1006 Emergency Management, as provided in Section [53-2a-603](#).
- 1007 [~~(28)~~] (29) The Department of Public Safety Restricted Account to the Department of
1008 Public Safety, as provided in Section [53-3-106](#).
- 1009 [~~(29)~~] (30) The Utah Highway Patrol Aero Bureau Restricted Account created in
1010 Section [53-8-303](#).
- 1011 [~~(30)~~] (31) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 1012 [~~(31)~~] (32) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 1013 [~~(32)~~] (33) The Technical Colleges Capital Projects Fund created in Section
1014 [53B-2a-118](#).
- 1015 [~~(33)~~] (34) The Higher Education Capital Projects Fund created in Section
1016 [53B-22-202](#).
- 1017 [~~(34)~~] (35) A certain portion of money collected for administrative costs under the

1018 School Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

1019 ~~[(35)]~~ [\(36\)](#) The Public Utility Regulatory Restricted Account created in Section
1020 [54-5-1.5](#), subject to Subsection [54-5-1.5\(4\)\(d\)](#).

1021 ~~[(36)]~~ [\(37\)](#) Funds collected from a surcharge fee to provide certain licensees with
1022 access to an electronic reference library, as provided in Section [58-3a-105](#).

1023 ~~[(37)]~~ [\(38\)](#) Certain fines collected by the Division of Occupational and Professional
1024 Licensing for violation of unlawful or unprofessional conduct that are used for education and
1025 enforcement purposes, as provided in Section [58-17b-505](#).

1026 ~~[(38)]~~ [\(39\)](#) Funds collected from a surcharge fee to provide certain licensees with
1027 access to an electronic reference library, as provided in Section [58-22-104](#).

1028 ~~[(39)]~~ [\(40\)](#) Funds collected from a surcharge fee to provide certain licensees with
1029 access to an electronic reference library, as provided in Section [58-55-106](#).

1030 ~~[(40)]~~ [\(41\)](#) Funds collected from a surcharge fee to provide certain licensees with
1031 access to an electronic reference library, as provided in Section [58-56-3.5](#).

1032 ~~[(41)]~~ [\(42\)](#) Certain fines collected by the Division of Occupational and Professional
1033 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
1034 provided in Section [58-63-103](#).

1035 ~~[(42)]~~ [\(43\)](#) The Relative Value Study Restricted Account created in Section [59-9-105](#).

1036 ~~[(43)]~~ [\(44\)](#) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

1037 ~~[(44)]~~ [\(45\)](#) Funds paid to the Division of Real Estate for the cost of a criminal
1038 background check for a mortgage loan license, as provided in Section [61-2c-202](#).

1039 ~~[(45)]~~ [\(46\)](#) Funds paid to the Division of Real Estate for the cost of a criminal
1040 background check for principal broker, associate broker, and sales agent licenses, as provided
1041 in Section [61-2f-204](#).

1042 ~~[(46)]~~ [\(47\)](#) Certain funds donated to the Department of Human Services, as provided in
1043 Section [62A-1-111](#).

1044 ~~[(47)]~~ [\(48\)](#) The National Professional Men's Basketball Team Support of Women and
1045 Children Issues Restricted Account created in Section [62A-1-202](#).

1046 ~~[(48)]~~ [\(49\)](#) Certain funds donated to the Division of Child and Family Services, as
1047 provided in Section [62A-4a-110](#).

1048 ~~[(49)]~~ [\(50\)](#) The Choose Life Adoption Support Restricted Account created in Section

- 1049 [62A-4a-608](#).
- 1050 [~~(50)~~] [\(51\)](#) Funds collected by the Office of Administrative Rules for publishing, as
1051 provided in Section [63G-3-402](#).
- 1052 [~~(51)~~] [\(52\)](#) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 1053 [~~(52)~~] [\(53\)](#) Money received by the military installation development authority, as
1054 provided in Section [63H-1-504](#).
- 1055 [~~(53)~~] [\(54\)](#) The Computer Aided Dispatch Restricted Account created in Section
1056 [63H-7a-303](#).
- 1057 [~~(54)~~] [\(55\)](#) The Unified Statewide 911 Emergency Service Account created in Section
1058 [63H-7a-304](#).
- 1059 [~~(55)~~] [\(56\)](#) The Utah Statewide Radio System Restricted Account created in Section
1060 [63H-7a-403](#).
- 1061 [~~(56)~~] [\(57\)](#) The Employability to Careers Program Restricted Account created in
1062 Section [63J-4-703](#).
- 1063 [~~(57)~~] [\(58\)](#) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1064 [~~(58)~~] [\(59\)](#) Certain money payable for expenses of the Pete Suazo Utah Athletic
1065 Commission, as provided under Section [63N-10-301](#).
- 1066 [~~(59)~~] [\(60\)](#) Funds collected by the housing of state probationary inmates or state parole
1067 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 1068 [~~(60)~~] [\(61\)](#) Certain forestry and fire control funds utilized by the Division of Forestry,
1069 Fire, and State Lands, as provided in Section [65A-8-103](#).
- 1070 [~~(61)~~] [\(62\)](#) The Transportation of Veterans to Memorials Support Restricted Account
1071 created in Section [71-14-102](#).
- 1072 [~~(62)~~] [\(63\)](#) The Amusement Ride Safety Restricted Account, as provided in Section
1073 [72-16-204](#).
- 1074 [~~(63)~~] [\(64\)](#) Certain funds received by the Office of the State Engineer for well drilling
1075 fines or bonds, as provided in Section [73-3-25](#).
- 1076 [~~(64)~~] [\(65\)](#) The Water Resources Conservation and Development Fund, as provided in
1077 Section [73-23-2](#).
- 1078 [~~(65)~~] [\(66\)](#) Funds donated or paid to a juvenile court by private sources, as provided in
1079 Subsection [78A-6-203\(1\)\(c\)](#).

1080 [~~(66)~~] (67) Fees for certificate of admission created under Section 78A-9-102.

1081 [~~(67)~~] (68) Funds collected for adoption document access as provided in Sections

1082 78B-6-141, 78B-6-144, and 78B-6-144.5.

1083 [~~(68)~~] (69) Funds collected for indigent defense as provided in Title 78B, Chapter 22,

1084 Part 4, Utah Indigent Defense Commission.

1085 [~~(69)~~] (70) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades

1086 State Park, Jordan River State Park, and Green River State Park, as provided under Section

1087 79-4-403.

1088 [~~(70)~~] (71) Certain funds received by the Division of Parks and Recreation from the

1089 sale or disposal of buffalo, as provided under Section 79-4-1001.

1090 Section 20. **Repealer.**

1091 This bill repeals:

1092 Section 11-58-401, **Definitions.**

1093 Section 11-58-402, **Appeals panel.**

1094 Section 11-58-402.5, **Municipal processing of an inland port use application and**

1095 **appeal.**

1096 Section 11-58-403, **Appeals process and standards.**