

**Senator David G. Buxton** proposes the following substitute bill:

**INLAND PORT MODIFICATIONS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

Senate Sponsor: David G. Buxton

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**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



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       This bill provides a special effective date.

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

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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;
- 418 (n) hire employees, including contract employees;
- 419 (o) transact other business and exercise all other powers provided for in this chapter;
- 420 (p) engage one or more consultants to advise or assist the authority in the performance
- 421 of the authority's duties and responsibilities;
- 422 [~~(q) enter into an agreement with a taxing entity to share property tax differential for~~
- 423 ~~services that the taxing entity provides within the authority jurisdictional land;]~~
- 424 [~~(r)~~] (q) work with other political subdivisions and neighboring property owners and
- 425 communities to mitigate potential negative impacts from the development of authority
- 426 jurisdictional land;
- 427 [~~(s)~~] (r) own and operate an intermodal facility if the authority considers the authority's
- 428 ownership and operation of an intermodal facility to be necessary or desirable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

486           (h) facilitate the transportation of goods;

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

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



491 development;

492 (k) establish a project of regional significance;

493 (l) facilitate an intermodal facility;

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

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

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

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

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

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

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

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

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

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

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

520 (d) pursue policies that the board determines are designed to avoid or minimize  
521 negative environmental impacts of development;

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

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

526 (ii) mitigates traffic congestion; or

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

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

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

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

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

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

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

541 and

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

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

544 **11-58-205. Applicability of other law -- Cooperation of state and local**  
545 **governments -- Municipality to consider board input -- Prohibition relating to natural**  
546 **resources -- Inland port as permitted or conditional use -- Municipal services --**  
547 **Disclosure by nonauthority governing body member.**

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

551 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),  
552 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed

553 by Title 63E, Independent Entities Code.

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

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

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

564 (i) determined by the municipality; and

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

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

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

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

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

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

583 [(ii) Under an agreement described in Subsection (7)(b)(i), the board and municipality

584 shall establish a method of determining the amount of property tax differential the authority  
585 shares over time with a municipality to cover the cost of providing municipal services, taking  
586 into account:]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

622           (iv) "Nonauthority local government entity":

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

625           (B) excludes the authority.

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

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

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

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

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

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

639           (i) the nonauthority governing body member:

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

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

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

646 (e) A written disclosure submitted under this Subsection [(H)] (8) is a public record.

647 Section 11. Section 11-58-301 is amended to read:

648 **11-58-301. Port authority board -- Delegation of power.**

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

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

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

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

655 **11-58-302. Number of board members -- Appointment -- Vacancies.**

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

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

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

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

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

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

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

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

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

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

675 (h) The city manager of West Valley City, with the consent of the city council of West  
676 Valley City, shall appoint one board member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

709 **11-58-303. Term of board members -- Quorum -- Compensation.**

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

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

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

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

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

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

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

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

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

728 **11-58-305. Executive director.**

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

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

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

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

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

734 and ~~[(tø)]~~

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

736 ~~[(2)]~~ (3) The executive director shall have the education, experience, and training  
737 necessary to perform the executive director's duties in a way that maximizes the potential for  
738 successfully achieving and implementing the strategies, policies, and objectives stated in



739 Subsection 11-58-203(1).

740 ~~[(3)]~~ (4) An executive director is an at-will employee who serves at the pleasure of the  
741 board and may be removed by the board at any time.

742 ~~[(4)]~~ (5) The board shall establish the duties, compensation, and benefits of an  
743 executive director.

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

745 **11-58-505. Project area budget.**

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

748 (2) A project area budget shall include:

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

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

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

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

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

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

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

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

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

769 **11-58-601. Port authority receipt and use of property tax differential --**

770 **Distribution of property tax differential.**771 ~~[(1)(a) The authority:]~~772 ~~[(i) subject to Subsections (1)(b), (c), and (d):]~~773 ~~[(A) shall be paid 100% of the property tax differential, as provided in Subsection (3),~~  
774 ~~for a period of 25 years after a certificate of occupancy is issued with respect to improvements~~  
775 ~~on a parcel, as determined by the board and as provided in this part; and]~~776 ~~[(B) may be paid up to 100% of the property tax differential, as provided in Subsection~~  
777 ~~(3), for a period of 15 additional years beyond the period stated in Subsection (1)(a)(i)(A) if the~~  
778 ~~board determines that the additional years of property tax differential will produce a significant~~  
779 ~~benefit; and]~~780 ~~[(ii) may use the property tax differential before, during, and after the period described~~  
781 ~~in Subsection (1)(a)(i):]~~782 ~~[(b) With respect to a parcel located within a project area, the period described in~~  
783 ~~Subsection (1)(a)(i) begins on the day on which the authority receives the first property tax~~  
784 ~~differential from that parcel.]~~785 (1) As used in this section:786 (a) "Designation resolution" means a resolution adopted by the board that designates a  
787 transition date for the parcel specified in the resolution.788 (b) "Post-designation differential" means 75% of property tax differential generated  
789 from a post-designation parcel.790 (c) "Post-designation parcel" means a parcel within a project area after the transition  
791 date for that parcel.792 (d) "Pre-designation differential" means 75% of property tax differential generated  
793 from all pre-designation parcels within a project area.794 (e) "Pre-designation parcel" means a parcel within a project area before the transition  
795 date for that parcel.796 (f) "Transition date" means the date after which the authority is to be paid  
797 post-designation differential for the parcel that is the subject of a designation resolution.798 (2) (a) The authority shall be paid pre-designation differential generated within the  
799 authority jurisdictional land:800 (i) for the period beginning November 2019 and ending November 2044; and

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

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

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

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

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

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

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

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

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

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

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

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

831 ~~[(i)]~~ (b) property tax differential from a parcel of land:

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

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

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

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

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

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

847 ~~[(2)]~~ (7) (a) ~~[(A)]~~ Subject to Subsection (7)(b), a county that collects property tax on  
 848 property within a project area shall pay and distribute to the authority the property tax  
 849 differential that the authority is entitled to collect under this ~~[title]~~ chapter, in the manner and at  
 850 the time provided in Section 59-2-1365.

851 (b) For property tax differential that a county collects for tax year 2019, a county shall  
 852 pay and distribute to the authority, on or before June 30, 2020, the property tax differential that  
 853 the authority is entitled to collect:

854 (i) according to the provisions of this section; and

855 (ii) based on the boundary of the authority jurisdictional land as of May 31, 2020.

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

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

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

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

863 **11-58-602. Allowable uses of property tax differential and other funds.**

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

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

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

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

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

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

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

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

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

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

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

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

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

892 (b) pay for authority operating expenses, including administrative, overhead, and legal  
893 expenses.

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

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

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

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

902 ~~[(5)]~~ (4) The authority may not use property tax differential revenue collected from one  
903 project area for a development project within another project area.

904 ~~[(6)]~~ (5) Until the authority adopts a business plan under Subsection 11-58-202(1)(a),  
905 the authority may not spend property tax differential revenue collected from authority  
906 jurisdictional land.

907 ~~[(7)]~~ (6) (a) As used in this Subsection ~~[(7)]~~ (6):

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

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

912 (iii) "Eligible municipality" means a municipality that would be entitled to receive  
913 sales and use tax revenue under Subsection 59-12-205(2)(b)(i) in the absence of Subsection  
914 59-12-205(2)(b)(iii).

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

916 (A) for an eligible county, the amount of sales and use tax revenue the eligible county  
917 would have received under Subsection 59-12-205(2)(b)(i) in the absence of Subsection  
918 59-12-205(2)(b)(iii), excluding the retail sales portion; and

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

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

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

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

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

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

932 **54-17-806. Qualified utility renewable energy tariff.**

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

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

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

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

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

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

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

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

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

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

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

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

957 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

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

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

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

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

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

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

968 (6) Money received by the Utah Inland Port Authority, as provided in Section  
969 [11-58-105](#).

970 [~~(6)~~] (7) The "Support for State-Owned Shooting Ranges Restricted Account" created  
971 in Section [23-14-13.5](#).

972 [~~(7)~~] (8) Award money under the State Asset Forfeiture Grant Program, as provided  
973 under Section [24-4-117](#).

974 [~~(8)~~] (9) Funds collected from the program fund for local health department expenses  
975 incurred in responding to a local health emergency under Section [26-1-38](#).

976 [~~(9)~~] (10) Funds collected from the emergency medical services grant program, as  
977 provided in Section [26-8a-207](#).

978 [~~(10)~~] (11) The Children with Cancer Support Restricted Account created in Section  
979 [26-21a-304](#).

980 [~~(11)~~] (12) State funds for matching federal funds in the Children's Health Insurance  
981 Program as provided in Section [26-40-108](#).

982 [~~(12)~~] (13) The Children with Heart Disease Support Restricted Account created in  
983 Section [26-58-102](#).

984 [~~(13)~~] (14) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).

985 [~~(14)~~] (15) The Technology Development Restricted Account created in Section  
986 [31A-3-104](#).



- 987            [~~(15)~~] (16) The Criminal Background Check Restricted Account created in Section  
988 [31A-3-105](#).
- 989            [~~(16)~~] (17) The Captive Insurance Restricted Account created in Section [31A-3-304](#),  
990 except to the extent that Section [31A-3-304](#) makes the money received under that section free  
991 revenue.
- 992            [~~(17)~~] (18) The Title Licensee Enforcement Restricted Account created in Section  
993 [31A-23a-415](#).
- 994            [~~(18)~~] (19) The Health Insurance Actuarial Review Restricted Account created in  
995 Section [31A-30-115](#).
- 996            [~~(19)~~] (20) The Insurance Fraud Investigation Restricted Account created in Section  
997 [31A-31-108](#).
- 998            [~~(20)~~] (21) The Underage Drinking Prevention Media and Education Campaign  
999 Restricted Account created in Section [32B-2-306](#).
- 1000            [~~(21)~~] (22) The School Readiness Restricted Account created in Section [35A-15-203](#).  
1001            [~~(22)~~] (23) Money received by the Utah State Office of Rehabilitation for the sale of  
1002 certain products or services, as provided in Section [35A-13-202](#).
- 1003            [~~(23)~~] (24) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1004            [~~(24)~~] (25) The Electronic Payment Fee Restricted Account created by Section  
1005 [41-1a-121](#) to the Motor Vehicle Division.
- 1006            [~~(25)~~] (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted  
1007 Account created by Section [41-3-110](#) to the State Tax Commission.
- 1008            [~~(26)~~] (27) The Utah Law Enforcement Memorial Support Restricted Account created  
1009 in Section [53-1-120](#).
- 1010            [~~(27)~~] (28) The State Disaster Recovery Restricted Account to the Division of  
1011 Emergency Management, as provided in Section [53-2a-603](#).
- 1012            [~~(28)~~] (29) The Department of Public Safety Restricted Account to the Department of  
1013 Public Safety, as provided in Section [53-3-106](#).
- 1014            [~~(29)~~] (30) The Utah Highway Patrol Aero Bureau Restricted Account created in  
1015 Section [53-8-303](#).
- 1016            [~~(30)~~] (31) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 1017            [~~(31)~~] (32) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

- 1018            [~~(32)~~] (33) The Technical Colleges Capital Projects Fund created in Section  
1019 [53B-2a-118](#).
- 1020            [~~(33)~~] (34) The Higher Education Capital Projects Fund created in Section  
1021 [53B-22-202](#).
- 1022            [~~(34)~~] (35) A certain portion of money collected for administrative costs under the  
1023 School Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 1024            [~~(35)~~] (36) The Public Utility Regulatory Restricted Account created in Section  
1025 [54-5-1.5](#), subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 1026            [~~(36)~~] (37) Funds collected from a surcharge fee to provide certain licensees with  
1027 access to an electronic reference library, as provided in Section [58-3a-105](#).
- 1028            [~~(37)~~] (38) Certain fines collected by the Division of Occupational and Professional  
1029 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
1030 enforcement purposes, as provided in Section [58-17b-505](#).
- 1031            [~~(38)~~] (39) Funds collected from a surcharge fee to provide certain licensees with  
1032 access to an electronic reference library, as provided in Section [58-22-104](#).
- 1033            [~~(39)~~] (40) Funds collected from a surcharge fee to provide certain licensees with  
1034 access to an electronic reference library, as provided in Section [58-55-106](#).
- 1035            [~~(40)~~] (41) Funds collected from a surcharge fee to provide certain licensees with  
1036 access to an electronic reference library, as provided in Section [58-56-3.5](#).
- 1037            [~~(41)~~] (42) Certain fines collected by the Division of Occupational and Professional  
1038 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
1039 provided in Section [58-63-103](#).
- 1040            [~~(42)~~] (43) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 1041            [~~(43)~~] (44) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 1042            [~~(44)~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal  
1043 background check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 1044            [~~(45)~~] (46) Funds paid to the Division of Real Estate for the cost of a criminal  
1045 background check for principal broker, associate broker, and sales agent licenses, as provided  
1046 in Section [61-2f-204](#).
- 1047            [~~(46)~~] (47) Certain funds donated to the Department of Human Services, as provided in  
1048 Section [62A-1-111](#).

- 1049            [~~(47)~~] (48) The National Professional Men's Basketball Team Support of Women and  
1050 Children Issues Restricted Account created in Section [62A-1-202](#).
- 1051            [~~(48)~~] (49) Certain funds donated to the Division of Child and Family Services, as  
1052 provided in Section [62A-4a-110](#).
- 1053            [~~(49)~~] (50) The Choose Life Adoption Support Restricted Account created in Section  
1054 [62A-4a-608](#).
- 1055            [~~(50)~~] (51) Funds collected by the Office of Administrative Rules for publishing, as  
1056 provided in Section [63G-3-402](#).
- 1057            [~~(51)~~] (52) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 1058            [~~(52)~~] (53) Money received by the military installation development authority, as  
1059 provided in Section [63H-1-504](#).
- 1060            [~~(53)~~] (54) The Computer Aided Dispatch Restricted Account created in Section  
1061 [63H-7a-303](#).
- 1062            [~~(54)~~] (55) The Unified Statewide 911 Emergency Service Account created in Section  
1063 [63H-7a-304](#).
- 1064            [~~(55)~~] (56) The Utah Statewide Radio System Restricted Account created in Section  
1065 [63H-7a-403](#).
- 1066            [~~(56)~~] (57) The Employability to Careers Program Restricted Account created in  
1067 Section [63J-4-703](#).
- 1068            [~~(57)~~] (58) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1069            [~~(58)~~] (59) Certain money payable for expenses of the Pete Suazo Utah Athletic  
1070 Commission, as provided under Section [63N-10-301](#).
- 1071            [~~(59)~~] (60) Funds collected by the housing of state probationary inmates or state parole  
1072 inmates, as provided in Subsection [64-13e-104](#)(2).
- 1073            [~~(60)~~] (61) Certain forestry and fire control funds utilized by the Division of Forestry,  
1074 Fire, and State Lands, as provided in Section [65A-8-103](#).
- 1075            [~~(61)~~] (62) The Transportation of Veterans to Memorials Support Restricted Account  
1076 created in Section [71-14-102](#).
- 1077            [~~(62)~~] (63) The Amusement Ride Safety Restricted Account, as provided in Section  
1078 [72-16-204](#).
- 1079            [~~(63)~~] (64) Certain funds received by the Office of the State Engineer for well drilling

1080 fines or bonds, as provided in Section 73-3-25.

1081 ~~[(64)]~~ (65) The Water Resources Conservation and Development Fund, as provided in  
1082 Section 73-23-2.

1083 ~~[(65)]~~ (66) Funds donated or paid to a juvenile court by private sources, as provided in  
1084 Subsection 78A-6-203(1)(c).

1085 ~~[(66)]~~ (67) Fees for certificate of admission created under Section 78A-9-102.

1086 ~~[(67)]~~ (68) Funds collected for adoption document access as provided in Sections  
1087 78B-6-141, 78B-6-144, and 78B-6-144.5.

1088 ~~[(68)]~~ (69) Funds collected for indigent defense as provided in Title 78B, Chapter 22,  
1089 Part 4, Utah Indigent Defense Commission.

1090 ~~[(69)]~~ (70) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades  
1091 State Park, Jordan River State Park, and Green River State Park, as provided under Section  
1092 79-4-403.

1093 ~~[(70)]~~ (71) Certain funds received by the Division of Parks and Recreation from the  
1094 sale or disposal of buffalo, as provided under Section 79-4-1001.

1095 Section 20. **Repealer.**

1096 This bill repeals:

1097 Section 11-58-401, **Definitions.**

1098 Section 11-58-402, **Appeals panel.**

1099 Section 11-58-402.5, **Municipal processing of an inland port use application and  
1100 appeal.**

1101 Section 11-58-403, **Appeals process and standards.**

1102 Section 21. **Effective date.**

1103 If approved by two-thirds of all the members elected to each house, this bill takes effect  
1104 upon approval by the governor, or the day following the constitutional time limit of Utah  
1105 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
1106 the date of veto override.