

1 **INLAND PORT AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Luz Escamilla**

5 House Sponsor: Francis D. Gibson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions of the Utah Inland Port Authority Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ authorizes the Utah Inland Port Authority to establish a community enhancement
13 program to address the impacts of development and inland port uses on adjacent
14 communities and to use authority money to support the program;

15 ▶ exempts money designated for the program from execution and other debt
16 collection processes; and

17 ▶ requires the authority to report on the program to legislative committees.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **11-58-202**, as last amended by Laws of Utah 2019, Chapter 399

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

27 Section 1. Section **11-58-202** is amended to read:

28 **11-58-202. Port authority powers and duties.**

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

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

36 (i) emissions monitoring and reporting; and
37 (ii) strategies that use the best available technology to mitigate environmental impacts
38 from development and uses on the authority jurisdictional land;

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

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

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

44 (2) The authority may:

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

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

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

51 (b) facilitate and provide funding for the development of the authority jurisdictional
52 land and land in other authority project areas, including the development of publicly owned
53 infrastructure and improvements and other infrastructure and improvements on or related to the
54 authority jurisdictional land;

55 (c) engage in marketing and business recruitment activities and efforts to encourage

- 56 and facilitate development of the authority jurisdictional land;
- 57 (d) apply for and take all other necessary actions for the establishment of a foreign
58 trade zone, as provided under federal law, covering some or all of the authority jurisdictional
59 land;
- 60 (e) as the authority considers necessary or advisable to carry out any of its duties or
61 responsibilities under this chapter:
- 62 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal
63 property;
- 64 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
65 personal property; or
- 66 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 67 (f) sue and be sued;
- 68 (g) enter into contracts generally;
- 69 (h) provide funding for the development of publicly owned infrastructure and
70 improvements or other infrastructure and improvements on or related to the authority
71 jurisdictional land or other authority project areas;
- 72 (i) exercise powers and perform functions under a contract, as authorized in the
73 contract;
- 74 (j) receive the property tax differential, as provided in this chapter;
- 75 (k) accept financial or other assistance from any public or private source for the
76 authority's activities, powers, and duties, and expend any funds so received for any of the
77 purposes of this chapter;
- 78 (l) borrow money, contract with, or accept financial or other assistance from the federal
79 government, a public entity, or any other source for any of the purposes of this chapter and
80 comply with any conditions of the loan, contract, or assistance;
- 81 (m) issue bonds to finance the undertaking of any development objectives of the
82 authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act,

83 bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial
84 Property Assessed Clean Energy Act;

85 (n) hire employees, including contract employees;

86 (o) transact other business and exercise all other powers provided for in this chapter;

87 (p) engage one or more consultants to advise or assist the authority in the performance
88 of the authority's duties and responsibilities;

89 (q) enter into an agreement with a taxing entity to share property tax differential for
90 services that the taxing entity provides within the authority jurisdictional land;

91 (r) work with other political subdivisions and neighboring property owners and
92 communities to mitigate potential negative impacts from the development of authority
93 jurisdictional land;

94 (s) own and operate an intermodal facility if the authority considers the authority's
95 ownership and operation of an intermodal facility to be necessary or desirable;

96 (t) own and operate publicly owned infrastructure and improvements in a project area
97 outside the authority jurisdictional land; and

98 (u) exercise powers and perform functions that the authority is authorized by statute to
99 exercise or perform.

100 (3) (a) The authority may establish a community enhancement program designed to
101 address the impacts that development or inland port uses within project areas have on adjacent
102 communities.

103 (b) (i) The authority may use authority money to support the community enhancement
104 program and to pay for efforts to address the impacts described in Subsection (3)(a).

105 (ii) Authority money designated for use under Subsection (3)(b)(i) is exempt from
106 execution or any other process in the collection of a judgment against or debt or other
107 obligation of the authority arising out of the authority's activities with respect to the community
108 enhancement program.

109 (c) On or before October 31, 2020, the authority shall report on the authority's actions

110 under this Subsection (3) to:

111 (i) the Business, Economic Development, and Labor Appropriations Subcommittee of
112 the Legislature;

113 (ii) the Economic Development and Workforce Services Interim Committee of the
114 Legislature; and

115 (iii) the Business and Labor Interim Committee of the Legislature.

116 [~~3~~] (4) Beginning January 1, 2020, the authority shall:

117 (a) be the repository of the official delineation of the boundary of the authority
118 jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic
119 component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special
120 Session, subject to any later changes to the boundary enacted by the Legislature; and

121 (b) maintain an accurate digital file of the boundary that is easily accessible by the
122 public.

123 [~~4~~] (5) An intermodal facility owned by the authority is subject to a privilege tax
124 under Title 59, Chapter 4, Privilege Tax.