

Senator Luz Escamilla proposes the following substitute bill:

INLAND PORT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ authorizes the Utah Inland Port Authority to establish a community enhancement program to address the impacts of development and inland port uses on adjacent communities and to create and administer a fund to support the program;

▶ exempts money in the fund from execution and other debt collection processes; and

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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



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

27 **11-58-202. Port authority powers and duties.**

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

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

35 (i) emissions monitoring and reporting; and

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

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

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

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

43 (2) The authority may:

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

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

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

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

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

56 (d) apply for and take all other necessary actions for the establishment of a foreign

57 trade zone, as provided under federal law, covering some or all of the authority jurisdictional
58 land;

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

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

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

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

66 (f) sue and be sued;

67 (g) enter into contracts generally;

68 (h) provide funding for the development of publicly owned infrastructure and
69 improvements or other infrastructure and improvements on or related to the authority
70 jurisdictional land or other authority project areas;

71 (i) exercise powers and perform functions under a contract, as authorized in the
72 contract;

73 (j) receive the property tax differential, as provided in this chapter;

74 (k) accept financial or other assistance from any public or private source for the
75 authority's activities, powers, and duties, and expend any funds so received for any of the
76 purposes of this chapter;

77 (l) borrow money, contract with, or accept financial or other assistance from the federal
78 government, a public entity, or any other source for any of the purposes of this chapter and
79 comply with any conditions of the loan, contract, or assistance;

80 (m) issue bonds to finance the undertaking of any development objectives of the
81 authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act,
82 bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial
83 Property Assessed Clean Energy Act;

84 (n) hire employees, including contract employees;

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

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

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

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

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

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

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

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

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

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