

**Senator Jerry W. Stevenson** proposes the following substitute bill:

**AMENDMENTS RELATING TO THE MILITARY**

**INSTALLATION DEVELOPMENT AUTHORITY**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: Val L. Peterson

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the military installation development authority.

**Highlighted Provisions:**

This bill:

- ▶ modifies the Public Infrastructure District Act to allow the military installation development authority to create a public infrastructure district by adopting a resolution creating the district with the consent of property owners;
- ▶ provides that the number, appointment, and terms of members of the board of a public infrastructure district created by the military installation development authority are governed by the governing document;
- ▶ provides for additional powers of a public infrastructure district created by the military installation development authority;
- ▶ modifies the Assessment Area Act to:
  - allow a public infrastructure district created by the military installation development authority to designate an assessment area; and
  - modify the period for commencing an action to contest an assessment or a proceeding to designate an assessment area, and the period of allowable



26 assessment installments, for an assessment area designated by the military installation  
27 development authority or a public infrastructure district created by the authority with the  
28 consent of all property owners;

- 29 ▶ modifies an assessment lien foreclosure provision relating to certain assessment  
30 areas, including an assessment area created by the military installation development  
31 authority or by a public infrastructure district created by the authority;
- 32 ▶ modifies the base year for purposes of determining the base taxable value of  
33 property added to a military installation development authority's project area by  
34 amendment;
- 35 ▶ modifies the definitions of "military land," "publicly owned infrastructure and  
36 improvements," and "taxing entity" for purposes of the Military Installation  
37 Development Authority Act;
- 38 ▶ adds a severability provision in the Military Installation Development Authority  
39 Act;
- 40 ▶ modifies the powers of the military installation development authority to specify  
41 that the authority may:
  - 42 • acquire an interest in real property through a subsidiary; and
  - 43 • by itself or through a subsidiary, provide expertise to another governmental  
44 entity interested in public-private partnerships;
- 45 ▶ provides that services provided by the authority for the military are considered to be  
46 for the authority's own needs and use;
- 47 ▶ modifies a provision relating to a property exchange for construction of a freeway  
48 interchange;
- 49 ▶ specifies that a project area plan adopted by the authority board becomes effective  
50 on the date designated by the board;
- 51 ▶ modifies provisions relating to an amendment to a project area plan adopted by the  
52 military installation development authority and the adoption of a budget by the  
53 authority;
- 54 ▶ authorizes the authority to designate an improved portion of a parcel as a separate  
55 parcel for property tax allocation purposes;
- 56 ▶ enacts language relating to the recording of a notice of the payment required of a

57 parcel owner before improvements become subject to property tax and relating to the owner's  
58 property tax obligation and provides for the prorating of the obligation upon a transfer of title;

59       ▶ enacts a provision relating to the authority assuming jurisdiction over property  
60 owned by the Department of Transportation; and

61       ▶ makes technical changes.

62 **Money Appropriated in this Bill:**

63       None

64 **Other Special Clauses:**

65       This bill provides a special effective date.

66 **Utah Code Sections Affected:**

67 AMENDS:

68       **11-42-102**, as last amended by Laws of Utah 2019, Chapters 230 and 399

69       **11-42-106**, as last amended by Laws of Utah 2015, Chapter 396

70       **11-42-202**, as last amended by Laws of Utah 2018, Chapter 197

71       **11-42-411**, as last amended by Laws of Utah 2017, Chapter 470

72       **11-42-502.1**, as last amended by Laws of Utah 2018, Chapter 197

73       **17B-2a-1202**, as enacted by Laws of Utah 2019, Chapter 490

74       **17B-2a-1204**, as enacted by Laws of Utah 2019, Chapter 490

75       **17B-2a-1205**, as enacted by Laws of Utah 2019, Chapter 490

76       **17B-2a-1206**, as enacted by Laws of Utah 2019, Chapter 490

77       **63H-1-102**, as last amended by Laws of Utah 2019, Chapter 498

78       **63H-1-201**, as last amended by Laws of Utah 2017, Chapter 216

79       **63H-1-202**, as last amended by Laws of Utah 2019, Chapter 498

80       **63H-1-206**, as enacted by Laws of Utah 2019, Chapter 498

81       **63H-1-403**, as last amended by Laws of Utah 2019, Chapter 498

82       **63H-1-403.5**, as enacted by Laws of Utah 2008, Chapter 120

83       **63H-1-405**, as last amended by Laws of Utah 2015, Chapter 377

84       **63H-1-501**, as last amended by Laws of Utah 2019, Chapter 498

85       **63H-1-502**, as last amended by Laws of Utah 2018, Chapter 442

86 ENACTS:

87       **63H-1-103**, Utah Code Annotated 1953

88 [63H-1-207](#), Utah Code Annotated 1953

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

91 Section 1. Section **11-42-102** is amended to read:

92 **11-42-102. Definitions.**

93 (1) As used in this chapter:

94 (a) "Adequate protests" means, for all proposed assessment areas except sewer  
95 assessment areas, timely filed, written protests under Section [11-42-203](#) that represent at least  
96 40% of the frontage, area, taxable value, fair market value, lots, number of connections, or  
97 equivalent residential units of the property proposed to be assessed, according to the same  
98 assessment method by which the assessment is proposed to be levied, after eliminating:

99 (i) protests relating to:

100 (A) property that has been deleted from a proposed assessment area; or

101 (B) an improvement that has been deleted from the proposed improvements to be  
102 provided to property within the proposed assessment area; and

103 (ii) protests that have been withdrawn under Subsection [11-42-203\(3\)](#).

104 (b) "Adequate protests" means, for a proposed sewer assessment area, timely filed,  
105 written protests under Section [11-42-203](#) that represent at least 70% of the frontage, area,  
106 taxable value, fair market value, lots, number of connections, or equivalent residential units of  
107 the property proposed to be assessed, according to the same assessment method by which the  
108 assessment is proposed to be levied, after eliminating adequate protests under Subsection  
109 (1)(a).

110 (2) "Assessment area" means an area, or, if more than one area is designated, the  
111 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a  
112 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the  
113 costs of improvements, operation and maintenance, or economic promotion activities that  
114 benefit property within the area.

115 (3) "Assessment bonds" means bonds that are:

116 (a) issued under Section [11-42-605](#); and

117 (b) payable in part or in whole from assessments levied in an assessment area,  
118 improvement revenues, and a guaranty fund or reserve fund.

119 (4) "Assessment fund" means a special fund that a local entity establishes under  
120 Section 11-42-412.

121 (5) "Assessment lien" means a lien on property within an assessment area that arises  
122 from the levy of an assessment, as provided in Section 11-42-501.

123 (6) "Assessment method" means the method:

124 (a) by which an assessment is levied against benefitted property, whether by frontage,  
125 area, taxable value, fair market value, lot, parcel, number of connections, equivalent residential  
126 unit, any combination of these methods, or any other method; and

127 (b) that, when applied to a benefitted property, accounts for an assessment that meets  
128 the requirements of Section 11-42-409.

129 (7) "Assessment ordinance" means an ordinance adopted by a local entity under  
130 Section 11-42-404 that levies an assessment on benefitted property within an assessment area.

131 (8) "Assessment resolution" means a resolution adopted by a local entity under Section  
132 11-42-404 that levies an assessment on benefitted property within an assessment area.

133 (9) "Benefitted property" means property within an assessment area that directly or  
134 indirectly benefits from improvements, operation and maintenance, or economic promotion  
135 activities.

136 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in  
137 anticipation of the issuance of assessment bonds.

138 (11) "Bonds" means assessment bonds and refunding assessment bonds.

139 (12) "Commercial area" means an area in which at least 75% of the property is devoted  
140 to the interchange of goods or commodities.

141 (13) (a) "Commercial or industrial real property" means real property used directly or  
142 indirectly or held for one of the following purposes or activities, regardless of whether the  
143 purpose or activity is for profit:

144 (i) commercial;

145 (ii) mining;

146 (iii) industrial;

147 (iv) manufacturing;

148 (v) governmental;

149 (vi) trade;

- 150 (vii) professional;
- 151 (viii) a private or public club;
- 152 (ix) a lodge;
- 153 (x) a business; or
- 154 (xi) a similar purpose.
- 155 (b) "Commercial or industrial real property" includes real property that:
- 156 (i) is used as or held for dwelling purposes; and
- 157 (ii) contains more than four rental units.
- 158 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of
- 159 connecting property to a publicly owned sewer, storm drainage, water, gas, communications, or
- 160 electrical system, whether or not improvements are installed on the property.
- 161 (15) "Contract price" means:
- 162 (a) the cost of acquiring an improvement, if the improvement is acquired; or
- 163 (b) the amount payable to one or more contractors for the design, engineering,
- 164 inspection, and construction of an improvement.
- 165 (16) "Designation ordinance" means an ordinance adopted by a local entity under
- 166 Section 11-42-206 designating an assessment area.
- 167 (17) "Designation resolution" means a resolution adopted by a local entity under
- 168 Section 11-42-206 designating an assessment area.
- 169 (18) "Economic promotion activities" means activities that promote economic growth
- 170 in a commercial area of a local entity, including:
- 171 (a) sponsoring festivals and markets;
- 172 (b) promoting business investment or activities;
- 173 (c) helping to coordinate public and private actions; and
- 174 (d) developing and issuing publications designed to improve the economic well-being
- 175 of the commercial area.
- 176 (19) "Environmental remediation activity" means a surface or subsurface enhancement,
- 177 effort, cost, initial or ongoing maintenance expense, facility, installation, system, earth
- 178 movement, or change to grade or elevation that improves the use, function, aesthetics, or
- 179 environmental condition of publicly owned property.
- 180 (20) "Equivalent residential unit" means a dwelling, unit, or development that is equal

181 to a single-family residence in terms of the nature of its use or impact on an improvement to be  
182 provided in the assessment area.

183 (21) "Governing body" means:

184 (a) for a county, city, or town, the legislative body of the county, city, or town;

185 (b) for a local district, the board of trustees of the local district;

186 (c) for a special service district:

187 (i) the legislative body of the county, city, or town that established the special service  
188 district, if no administrative control board has been appointed under Section 17D-1-301; or

189 (ii) the administrative control board of the special service district, if an administrative  
190 control board has been appointed under Section 17D-1-301;

191 (d) for the military installation development authority created in Section 63H-1-201,  
192 the board, as defined in Section 63H-1-102; and

193 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as  
194 defined in Section 11-58-102.

195 (22) "Guaranty fund" means the fund established by a local entity under Section  
196 11-42-701.

197 (23) "Improved property" means property upon which a residential, commercial, or  
198 other building has been built.

199 (24) "Improvement":

200 (a) (i) means a publicly owned infrastructure, facility, system, or environmental  
201 remediation activity that:

202 (A) a local entity is authorized to provide;

203 (B) the governing body of a local entity determines is necessary or convenient to  
204 enable the local entity to provide a service that the local entity is authorized to provide; or

205 (C) a local entity is requested to provide through an interlocal agreement in accordance  
206 with Chapter 13, Interlocal Cooperation Act; and

207 (ii) includes facilities in an assessment area, including a private driveway, an irrigation  
208 ditch, and a water turnout, that:

209 (A) can be conveniently installed at the same time as an infrastructure, system, or other  
210 facility described in Subsection (24)(a)(i); and

211 (B) are requested by a property owner on whose property or for whose benefit the

212 infrastructure, system, or other facility is being installed; or

213 (b) for a local district created to assess groundwater rights in accordance with Section  
214 17B-1-202, means a system or plan to regulate groundwater withdrawals within a specific  
215 groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.

216 (25) "Improvement revenues":

217 (a) means charges, fees, impact fees, or other revenues that a local entity receives from  
218 improvements; and

219 (b) does not include revenue from assessments.

220 (26) "Incidental refunding costs" means any costs of issuing refunding assessment  
221 bonds and calling, retiring, or paying prior bonds, including:

222 (a) legal and accounting fees;

223 (b) charges of financial advisors, escrow agents, certified public accountant verification  
224 entities, and trustees;

225 (c) underwriting discount costs, printing costs, the costs of giving notice;

226 (d) any premium necessary in the calling or retiring of prior bonds;

227 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to  
228 refund the outstanding prior bonds;

229 (f) any other costs that the governing body determines are necessary and proper to incur  
230 in connection with the issuance of refunding assessment bonds; and

231 (g) any interest on the prior bonds that is required to be paid in connection with the  
232 issuance of the refunding assessment bonds.

233 (27) "Installment payment date" means the date on which an installment payment of an  
234 assessment is payable.

235 (28) "Interim warrant" means a warrant issued by a local entity under Section  
236 11-42-601.

237 (29) "Jurisdictional boundaries" means:

238 (a) for a county, the boundaries of the unincorporated area of the county; and

239 (b) for each other local entity, the boundaries of the local entity.

240 (30) "Local district" means a local district under Title 17B, Limited Purpose Local  
241 Government Entities - Local Districts.

242 (31) "Local entity" means:



- 243 (a) a county, city, town, special service district, or local district;
- 244 (b) an interlocal entity as defined in Section 11-13-103;
- 245 (c) ~~[a]~~ the military installation development authority, created in Section 63H-1-201;
- 246 (d) a public infrastructure district created by the military installation development
- 247 authority under Title 17B, Chapter 2a, Part 12, Public Infrastructure District Act;
- 248 ~~[(d)]~~ (e) the Utah Inland Port Authority, created in Section 11-58-201; or
- 249 ~~[(e)]~~ (f) any other political subdivision of the state.

250 (32) "Local entity obligations" means assessment bonds, refunding assessment bonds,  
251 interim warrants, and bond anticipation notes issued by a local entity.

252 (33) "Mailing address" means:

- 253 (a) a property owner's last-known address using the name and address appearing on the
- 254 last completed real property assessment roll of the county in which the property is located; and
- 255 (b) if the property is improved property:
  - 256 (i) the property's street number; or
  - 257 (ii) the post office box, rural route number, or other mailing address of the property, if
  - 258 a street number has not been assigned.

259 (34) "Net improvement revenues" means all improvement revenues that a local entity  
260 has received since the last installment payment date, less all amounts payable by the local entity  
261 from those improvement revenues for operation and maintenance costs.

262 (35) "Operation and maintenance costs":

- 263 (a) means the costs that a local entity incurs in operating and maintaining
- 264 improvements in an assessment area, whether or not those improvements have been financed
- 265 under this chapter; and
- 266 (b) includes service charges, administrative costs, ongoing maintenance charges, and
- 267 tariffs or other charges for electrical, water, gas, or other utility usage.

268 (36) "Overhead costs" means the actual costs incurred or the estimated costs to be  
269 incurred by a local entity in connection with an assessment area for appraisals, legal fees, filing  
270 fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and paying  
271 agent fees, publishing and mailing costs, costs of levying an assessment, recording costs, and  
272 all other incidental costs.

273 (37) "Prior assessment ordinance" means the ordinance levying the assessments from

274 which the prior bonds are payable.

275 (38) "Prior assessment resolution" means the resolution levying the assessments from  
276 which the prior bonds are payable.

277 (39) "Prior bonds" means the assessment bonds that are refunded in part or in whole by  
278 refunding assessment bonds.

279 (40) "Project engineer" means the surveyor or engineer employed by or the private  
280 consulting engineer engaged by a local entity to perform the necessary engineering services for  
281 and to supervise the construction or installation of the improvements.

282 (41) "Property" includes real property and any interest in real property, including water  
283 rights and leasehold rights.

284 (42) "Property price" means the price at which a local entity purchases or acquires by  
285 eminent domain property to make improvements in an assessment area.

286 (43) "Provide" or "providing," with reference to an improvement, includes the  
287 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and  
288 expansion of an improvement.

289 (44) "Public agency" means:

290 (a) the state or any agency, department, or division of the state; and

291 (b) a political subdivision of the state.

292 (45) "Reduced payment obligation" means the full obligation of an owner of property  
293 within an assessment area to pay an assessment levied on the property after the assessment has  
294 been reduced because of the issuance of refunding assessment bonds, as provided in Section  
295 [11-42-608](#).

296 (46) "Refunding assessment bonds" means assessment bonds that a local entity issues  
297 under Section [11-42-607](#) to refund, in part or in whole, assessment bonds.

298 (47) "Reserve fund" means a fund established by a local entity under Section  
299 [11-42-702](#).

300 (48) "Service" means:

301 (a) water, sewer, storm drainage, garbage collection, library, recreation,  
302 communications, or electric service;

303 (b) economic promotion activities; or

304 (c) any other service that a local entity is required or authorized to provide.

305 (49) (a) "Sewer assessment area" means an assessment area that has as the assessment  
306 area's primary purpose the financing and funding of public improvements to provide sewer  
307 service where there is, in the opinion of the local board of health, substantial evidence of septic  
308 system failure in the defined area due to inadequate soils, high water table, or other factors  
309 proven to cause failure.

310 (b) "Sewer assessment area" does not include property otherwise located within the  
311 assessment area:

312 (i) on which an approved conventional or advanced wastewater system has been  
313 installed during the previous five calendar years;

314 (ii) for which the local health department has inspected the system described in  
315 Subsection (49)(b)(i) to ensure that the system is functioning properly; and

316 (iii) for which the property owner opts out of the proposed assessment area for the  
317 earlier of a period of 10 calendar years or until failure of the system described in Subsection  
318 (49)(b)(i).

319 (50) "Special service district" means the same as that term is defined in Section  
320 17D-1-102.

321 (51) "Unassessed benefitted government property" means property that a local entity  
322 may not assess in accordance with Section 11-42-408 but is benefitted by an improvement,  
323 operation and maintenance, or economic promotion activities.

324 (52) "Unimproved property" means property upon which no residential, commercial, or  
325 other building has been built.

326 (53) "Voluntary assessment area" means an assessment area that contains only property  
327 whose owners have voluntarily consented to an assessment.

328 Section 2. Section 11-42-106 is amended to read:

329 **11-42-106. Action to contest assessment or proceeding -- Requirements --**  
330 **Exclusive remedy -- Bonds and assessment incontestable.**

331 (1) A person who contests an assessment or any proceeding to designate an assessment  
332 area or levy an assessment may commence a civil action against the local entity to:

333 (a) set aside a proceeding to designate an assessment area; or

334 (b) enjoin the levy or collection of an assessment.

335 (2) (a) Each action under Subsection (1) shall be commenced in the district court with

336 jurisdiction in the county in which the assessment area is located.

337 (b) (i) ~~[An]~~ Except as provided in Subsection (2)(b)(ii), an action under Subsection (1)  
338 may not be commenced against and a summons relating to the action may not be served on the  
339 local entity more than 60 days after the effective date of the:

340 ~~[(i)]~~ (A) designation resolution or designation ordinance, if the challenge is to the  
341 designation of an assessment area;

342 ~~[(ii)]~~ (B) assessment resolution or ordinance, if the challenge is to an assessment; or

343 ~~[(iii)]~~ (C) amended resolution or ordinance, if the challenge is to an amendment.

344 (ii) The period for commencing an action and serving a summons under Subsection  
345 (2)(b)(i) is 30 days if the designation resolution, assessment resolution, or amended resolution  
346 was:

347 (A) adopted by the military installation development authority, created in Section  
348 63H-1-201, or a public infrastructure district created by the military installation development  
349 authority under Title 17B, Chapter 2a, Part 12, Public Infrastructure District Act; and

350 (B) all owners of property within the assessment area or proposed assessment area  
351 consent in writing to the designation resolution, assessment resolution, or amended resolution.

352 (3) (a) An action under Subsection (1) is the exclusive remedy of a person who:

353 (i) claims an error or irregularity in an assessment or in any proceeding to designate an  
354 assessment area or levy an assessment; or

355 (ii) challenges a bondholder's right to repayment.

356 (b) A court may not hear any complaint under Subsection (1) that a person was  
357 authorized to make but did not make in a protest under Section 11-42-203 or at a hearing under  
358 Section 11-42-204.

359 (c) (i) If a person has not brought a claim for which the person was previously  
360 authorized to bring but is otherwise barred from making under Subsection (2)(b), the claim  
361 may not be brought later because of an amendment to the resolution or ordinance unless the  
362 claim arises from the amendment itself.

363 (ii) In an action brought pursuant to Subsection (1), a person may not contest a  
364 previous decision, proceeding, or determination for which the service deadline described in  
365 Subsection (2)(b) has expired by challenging a subsequent decision, proceeding, or  
366 determination.

367 (4) An assessment or a proceeding to designate an assessment area or to levy an  
368 assessment may not be declared invalid or set aside in part or in whole because of an error or  
369 irregularity that does not go to the equity or justice of the proceeding or the assessment meeting  
370 the requirements of Section 11-42-409.

371 (5) After the expiration of the [~~60-day~~] period referred to in Subsection (2)(b):

372 (a) assessment bonds and refunding assessment bonds issued or to be issued with  
373 respect to an assessment area and assessments levied on property in the assessment area  
374 become at that time incontestable against all persons who have not commenced an action and  
375 served a summons as provided in this section; and

376 (b) a suit to enjoin the issuance or payment of assessment bonds or refunding  
377 assessment bonds, the levy, collection, or enforcement of an assessment, or to attack or  
378 question in any way the legality of assessment bonds, refunding assessment bonds, or an  
379 assessment may not be commenced, and a court may not inquire into those matters.

380 (6) (a) This section may not be interpreted to insulate a local entity from a claim of  
381 misuse of assessment funds after the expiration of the [~~60-day~~] period described in Subsection  
382 (2)(b).

383 (b) (i) Except as provided in Subsection (6)(b)(ii), an action in the nature of mandamus  
384 is the sole form of relief available to a party challenging the misuse of assessment funds.

385 (ii) The limitation in Subsection (6)(b)(i) does not prohibit the filing of criminal  
386 charges against or the prosecution of a party for the misuse of assessment funds.

387 Section 3. Section 11-42-202 is amended to read:

388 **11-42-202. Requirements applicable to a notice of a proposed assessment area**  
389 **designation.**

390 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

391 (a) state that the local entity proposes to:

392 (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
393 assessment area;

394 (ii) provide an improvement to property within the proposed assessment area; and

395 (iii) finance some or all of the cost of improvements by an assessment on benefitted  
396 property within the assessment area;

397 (b) describe the proposed assessment area by any reasonable method that allows an

398 owner of property in the proposed assessment area to determine that the owner's property is  
399 within the proposed assessment area;

400 (c) describe, in a general and reasonably accurate way, the improvements to be  
401 provided to the assessment area, including:

402 (i) the nature of the improvements; and

403 (ii) the location of the improvements, by reference to streets or portions or extensions  
404 of streets or by any other means that the governing body chooses that reasonably describes the  
405 general location of the improvements;

406 (d) state the estimated cost of the improvements as determined by a project engineer;

407 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the  
408 estimated total assessment specific to the benefitted property for which the notice is mailed;

409 (f) state that the local entity proposes to levy an assessment on benefitted property  
410 within the assessment area to pay some or all of the cost of the improvements according to the  
411 estimated benefits to the property from the improvements;

412 (g) if applicable, state that an unassessed benefitted government property will receive  
413 improvements for which the cost will be allocated proportionately to the remaining benefitted  
414 properties within the proposed assessment area and that a description of each unassessed  
415 benefitted government property is available for public review at the location or website  
416 described in Subsection (6);

417 (h) state the assessment method by which the governing body proposes to calculate the  
418 proposed assessment, including, if the local entity is a municipality or county, whether the  
419 assessment will be collected:

420 (i) by directly billing a property owner; or

421 (ii) by inclusion on a property tax notice issued in accordance with Section [59-2-1317](#)  
422 and in compliance with Section [11-42-401](#);

423 (i) state:

424 (i) the date described in Section [11-42-203](#) and the location at which protests against  
425 designation of the proposed assessment area or of the proposed improvements are required to  
426 be filed;

427 (ii) the method by which the governing body will determine the number of protests  
428 required to defeat the designation of the proposed assessment area or acquisition or

429 construction of the proposed improvements; and

430 (iii) in large, boldface, and conspicuous type that a property owner must protest the

431 designation of the assessment area in writing if the owner objects to the area designation or

432 being assessed for the proposed improvements, operation and maintenance costs, or economic

433 promotion activities;

434 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

435 (k) if the governing body elects to create and fund a reserve fund under Section

436 11-42-702, include a description of:

437 (i) how the reserve fund will be funded and replenished; and

438 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of

439 the bonds;

440 (l) if the governing body intends to designate a voluntary assessment area, include a

441 property owner consent form that:

442 (i) estimates the total assessment to be levied against the particular parcel of property;

443 (ii) describes any additional benefits that the governing body expects the assessed

444 property to receive from the improvements;

445 (iii) designates the date and time by which the fully executed consent form is required

446 to be submitted to the governing body; and

447 (iv) if the governing body intends to enforce an assessment lien on the property in

448 accordance with Subsection 11-42-502.1(2)(a)(ii)(C):

449 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;

450 (B) gives the trustee the power of sale; ~~and~~

451 (C) is binding on the property owner and all successors; and

452 ~~[(C)] (D)~~ explains that if an assessment or an installment of an assessment is not paid

453 when due, the local entity may sell the property owner's property to satisfy the amount due plus

454 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;

455 (m) if the local entity intends to levy an assessment to pay operation and maintenance

456 costs or for economic promotion activities, include:

457 (i) a description of the operation and maintenance costs or economic promotion

458 activities to be paid by assessments and the initial estimated annual assessment to be levied;

459 (ii) a description of how the estimated assessment will be determined;

460 (iii) a description of how and when the governing body will adjust the assessment to  
461 reflect the costs of:

462 (A) in accordance with Section 11-42-406, current economic promotion activities; or

463 (B) current operation and maintenance costs;

464 (iv) a description of the method of assessment if different from the method of  
465 assessment to be used for financing any improvement; and

466 (v) a statement of the maximum number of years over which the assessment will be  
467 levied for:

468 (A) operation and maintenance costs; or

469 (B) economic promotion activities;

470 (n) if the governing body intends to divide the proposed assessment area into  
471 classifications under Subsection 11-42-201(1)(b), include a description of the proposed  
472 classifications;

473 (o) if applicable, state the portion and value of the improvement that will be increased  
474 in size or capacity to serve property outside of the assessment area and how the increases will  
475 be financed; and

476 (p) state whether the improvements will be financed with a bond and, if so, the  
477 currently estimated interest rate and term of financing, subject to Subsection (2), for which the  
478 benefitted properties within the assessment area may be obligated.

479 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be  
480 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as  
481 subject to the market rate at the time of the issuance of the bond.

482 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information  
483 that the governing body considers to be appropriate, including:

484 (a) the amount or proportion of the cost of the improvement to be paid by the local  
485 entity or from sources other than an assessment;

486 (b) the estimated total amount of each type of assessment for the various improvements  
487 to be financed according to the method of assessment that the governing body chooses; and

488 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

489 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

490 (a) (i) (A) be published in a newspaper of general circulation within the local entity's



491 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at  
492 least five but not more than 20 days before the day of the hearing required in Section  
493 [11-42-204](#); or

494 (B) if there is no newspaper of general circulation within the local entity's jurisdictional  
495 boundaries, be posted in at least three public places within the local entity's jurisdictional  
496 boundaries at least 20 but not more than 35 days before the day of the hearing required in  
497 Section [11-42-204](#); and

498 (ii) be published on the Utah Public Notice Website described in Section [63F-1-701](#) for  
499 four weeks before the deadline for filing protests specified in the notice under Subsection  
500 (1)(i); and

501 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of  
502 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed  
503 assessment area at the property owner's mailing address.

504 (5) (a) The local entity may record the version of the notice that is published or posted  
505 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description  
506 and tax identification number as identified in county records, against the property proposed to  
507 be assessed.

508 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year  
509 after the day on which the local entity records the notice if the local entity has failed to adopt  
510 the designation ordinance or resolution under Section [11-42-201](#) designating the assessment  
511 area for which the notice was recorded.

512 (6) A local entity shall make available on the local entity's website, or, if no website is  
513 available, at the local entity's place of business, the address and type of use of each unassessed  
514 benefitted government property described in Subsection (1)(g).

515 (7) If a governing body fails to provide actual or constructive notice under this section,  
516 the local entity may not assess a levy against a benefitted property omitted from the notice  
517 unless:

518 (a) the property owner gives written consent;

519 (b) the property owner received notice under Subsection [11-42-401\(2\)\(a\)\(iii\)](#) and did  
520 not object to the levy of the assessment before the final hearing of the board of equalization; or

521 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date

522 of conveyance, the requirements of Subsections [11-42-206\(3\)\(a\)\(i\)](#) and (ii), or, if applicable,  
523 Subsection [11-42-207\(1\)\(d\)\(i\)](#) are met.

524 Section 4. Section **11-42-411** is amended to read:

525 **11-42-411. Installment payment of assessments.**

526 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to  
527 Subsection (1)(b), provide that some or all of the assessment be paid in installments over a  
528 period:

529 (i) not to exceed 20 years from the effective date of the resolution or ordinance[-],  
530 except as provided in Subsection (1)(a)(ii); or

531 (ii) not to exceed 30 years from the effective date of the resolution, for a resolution  
532 adopted by:

533 (A) the military installation development authority, created in Section [63H-1-201](#); or

534 (B) a public infrastructure district created by the military installation development  
535 authority under Title 17B, Chapter 2a, Part 12, Public Infrastructure District Act.

536 (b) If an assessment resolution or ordinance provides that some or all of the assessment  
537 be paid in installments for a period exceeding 10 years from the effective date of the resolution  
538 or ordinance, the governing body:

539 (i) shall make a determination that:

540 (A) the improvement for which the assessment is made has a reasonable useful life for  
541 the full period during which installments are to be paid; or

542 (B) it would be in the best interests of the local entity and the property owners for  
543 installments to be paid for more than 10 years; and

544 (ii) may provide in the resolution or ordinance that no assessment is payable during  
545 some or all of the period ending three years after the effective date of the resolution or  
546 ordinance.

547 (2) An assessment resolution or ordinance that provides for the assessment to be paid  
548 in installments may provide that the unpaid balance be paid over the period of time that  
549 installments are payable:

550 (a) in substantially equal installments of principal; or

551 (b) in substantially equal installments of principal and interest.

552 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be

553 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance  
554 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and  
555 variable rates, as determined by the governing body, from the effective date of the resolution or  
556 ordinance or another date specified in the resolution or ordinance.

557 (b) If the assessment is for operation and maintenance costs or for the costs of  
558 economic promotion activities:

559 (i) a local entity may charge interest only from the date each installment is due; and

560 (ii) the first installment of an assessment shall be due 15 days after the effective date of  
561 the assessment resolution or ordinance.

562 (c) If an assessment resolution or ordinance provides for the unpaid balance of the  
563 assessment to bear interest at a variable rate, the assessment resolution or ordinance shall  
564 specify:

565 (i) the basis upon which the rate is to be determined from time to time;

566 (ii) the manner in which and schedule upon which the rate is to be adjusted; and

567 (iii) a maximum rate that the assessment may bear.

568 (4) Interest payable on assessments may include:

569 (a) interest on assessment bonds;

570 (b) ongoing local entity costs incurred for administration of the assessment area; and

571 (c) any costs incurred with respect to:

572 (i) securing a letter of credit or other instrument to secure payment or repurchase of  
573 bonds; or

574 (ii) retaining a marketing agent or an indexing agent.

575 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition  
576 to the amount of each installment annually or at more frequent intervals as provided in the  
577 assessment resolution or ordinance.

578 (6) (a) Except for an assessment for operation and maintenance costs or for the costs of  
579 economic promotion activities, a property owner may pay some or all of the entire assessment  
580 without interest if paid within 25 days after the assessment resolution or ordinance takes effect.

581 (b) After the 25-day period stated in Subsection (6)(a), a property owner may at any  
582 time prepay some or all of the assessment levied against the owner's property.

583 (c) A local entity may require a prepayment of an installment to include:

584 (i) an amount equal to the interest that would accrue on the assessment to the next date  
585 on which interest is payable on bonds issued in anticipation of the collection of the assessment;  
586 and

587 (ii) the amount necessary, in the governing body's opinion or the opinion of the officer  
588 designated by the governing body, to assure the availability of money to pay:

589 (A) interest that becomes due and payable on those bonds; and

590 (B) any premiums that become payable on bonds that are called in order to use the  
591 money from the prepaid assessment installment.

592 Section 5. Section 11-42-502.1 is amended to read:

593 **11-42-502.1. Enforcement of an assessment lien -- Post-May 10, 2016, procedure.**

594 (1) (a) Except as provided in Subsection (1)(b), the provisions of this section apply to  
595 any property that is:

596 (i) located within the boundaries of an assessment area; and

597 (ii) the subject of a foreclosure procedure initiated on or after May 10, 2016, for an  
598 assessment or an installment of an assessment that is not paid when due.

599 (b) The provisions of this chapter do not apply to property described in Subsection  
600 11-42-502(1)(b).

601 (2) (a) If an assessment or an installment of an assessment is not paid when due in a  
602 given year:

603 (i) subject to Subsection (2)(b):

604 (A) by September 15, the governing body of the local entity that levies the assessment  
605 shall certify any unpaid amount calculated as of the date of the certification to the treasurer of  
606 the county in which the assessed property is located; and

607 (B) the county treasurer shall include the certified amount on the property tax notice  
608 required by Section 59-2-1317 for that year; and

609 (ii) the local entity may sell the property on which the assessment has been levied for  
610 the amount due plus interest, penalties, and costs:

611 (A) in the manner provided in Title 59, Chapter 2, Part 13, Collection of Taxes, for the  
612 sale of property for delinquent general property taxes;

613 (B) by judicial foreclosure; or

614 (C) in the manner described in Title 57, Chapter 1, Conveyances, if the property is in a

615 voluntary assessment area and the owner of record of the property [~~at the time the local entity~~  
616 ~~initiates the process to sell the property in accordance with Title 57, Chapter 1, Conveyances,~~]  
617 executed a property owner's consent form described in Subsection 11-42-202(1)(l) that includes  
618 a provision described in Subsection 11-42-202(1)(l)(iv).

619 (b) (i) The certification of the unpaid amount described in Subsection (2)(a)(i):

620 (A) has no effect on the amount due plus interest, penalties, and costs or other  
621 requirements of the assessment as described in the assessment resolution or ordinance; and

622 (B) is required to provide for the ability of the local entity to collect the delinquent  
623 assessment by the sale of property in a sale for delinquent general property taxes and tax notice  
624 charges, as that term is defined in Section 59-2-1301.5, in accordance with Title 59, Chapter 2,  
625 Part 13, Collection of Taxes.

626 (ii) A local entity's failure to certify an amount in accordance with Subsection (2)(a)(i)  
627 or a county treasurer's failure to include the certified amount on the property tax notice is not a  
628 defense to and does not delay, prohibit, or diminish a local entity's lien rights or authority to  
629 pursue any enforcement remedy, other than a delay in the local entity's ability to collect the  
630 delinquent assessment as described in Subsection (2)(b)(i)(B).

631 (c) Nothing in Subsection (2)(a)(i) or in Title 11, Chapter 60, Political Subdivision  
632 Lien Authority, prohibits or diminishes a local entity's authority to pursue any remedy in  
633 Subsection (2)(a)(ii).

634 (3) Except as otherwise provided in this chapter, each tax sale under Subsection  
635 (2)(a)(ii)(A) shall be governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the same  
636 extent as if the sale were for the sale of property for delinquent general property taxes.

637 (4) (a) The redemption of property that is the subject of a tax sale under Subsection  
638 (2)(a)(ii)(A) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.

639 (b) The redemption of property that is the subject of a judicial foreclosure proceeding  
640 under Subsection (2)(a)(ii)(B) is governed by Title 78B, Chapter 6, Part 9, Mortgage  
641 Foreclosure.

642 (c) The redemption of property that is the subject of a foreclosure proceeding under  
643 Subsection (2)(a)(ii)(C) is governed by Title 57, Chapter 1, Conveyances.

644 (5) (a) The remedies described in this part for the collection of an assessment and the  
645 enforcement of an assessment lien are cumulative.

646 (b) The use of one or more of the remedies described in this part does not deprive the  
647 local entity of any other available remedy or means of collecting the assessment or enforcing  
648 the assessment lien.

649 Section 6. Section **17B-2a-1202** is amended to read:

650 **17B-2a-1202. Definitions.**

651 As used in this part:

652 (1) "Board" means the board of trustees of a public infrastructure district.

653 (2) "Creating entity" means the county [~~or~~], municipality, or development authority that  
654 approves [~~of~~] the creation of the public infrastructure district.

655 (3) "Development authority" means the military installation development authority  
656 created in Section [63H-1-201](#).

657 [~~(3)~~] (4) "District applicant" means the person proposing the creation of the public  
658 infrastructure district.

659 [~~(4)~~] (5) "Division" means a division of a public infrastructure district:

660 (a) that is relatively equal in number of eligible voters or potential eligible voters to all  
661 other divisions within the public infrastructure district, taking into account existing or potential  
662 developments which, when completed, would increase or decrease the population within the  
663 public infrastructure district; and

664 (b) which a member of the board represents.

665 [~~(5)~~] (6) "Governing document" means the document governing the public  
666 infrastructure district to which the creating entity agrees before the creation of the public  
667 infrastructure district, as amended from time to time, and subject to the limitations of Chapter  
668 1, Provisions Applicable to All Local Districts, and this part.

669 [~~(6)~~] (7) (a) "Limited tax bond" means a bond:

670 (i) that is directly payable from and secured by ad valorem property taxes that are  
671 levied:

672 (A) by the public infrastructure district that issues the bond; and

673 (B) on taxable property within the district;

674 (ii) that is a general obligation of the public infrastructure district; and

675 (iii) for which the ad valorem property tax levy for repayment of the bond does not  
676 exceed the mill rate limit established under Section [17B-2a-1209](#) for any fiscal year, except as

677 provided in Subsection 17B-2a-1207(8).

678 (b) "Limited tax bond" does not include:

679 (i) a short-term bond;

680 (ii) a tax and revenue anticipation bond; or

681 (iii) a special assessment bond.

682 Section 7. Section 17B-2a-1204 is amended to read:

683 **17B-2a-1204. Creation.**

684 (1) (a) ~~[(a)]~~ Except as provided in Subsection (1)(b) and in addition to the provisions  
685 regarding creation of a local district in Chapter 1, Provisions Applicable to All Local Districts,  
686 a public infrastructure district may not be created unless:

687 ~~[(a)]~~ (i) if there are any registered voters within the applicable area, a petition is filed  
688 with the creating entity that contains the signatures of 100% of registered voters within the  
689 applicable area approving the creation of the public infrastructure district; and

690 ~~[(b)]~~ (ii) a petition is filed with the creating entity that contains the signatures of 100%  
691 of surface property owners within the applicable area consenting to the creation of the public  
692 infrastructure district.

693 (b) Notwithstanding Chapter 1, Part 2, Creation of a Local District, and any other  
694 provision of this part, the development authority may adopt a resolution creating a public  
695 infrastructure district as a subsidiary of the development authority if all owners of surface  
696 property proposed to be included within the public infrastructure district consent in writing to  
697 the creation of the public infrastructure district.

698 (2) The election requirement of Section 17B-1-214 does not apply to a petition meeting  
699 the requirements of Subsection (1)(a).

700 (3) (a) Notwithstanding Chapter 1, Part 4, Annexation, an area outside of the  
701 boundaries of a public infrastructure district may be annexed into the public infrastructure  
702 district after:

703 (i) adoption of resolutions of the board and the creating entity, each approving of the  
704 annexation;

705 (ii) if there are any registered voters within the area proposed to be annexed, a petition  
706 is filed with the creating entity that contains the signatures of 100% of registered voters within  
707 the area and approves of the annexation into the public infrastructure district; and

708 (iii) a petition is filed with the creating entity that contains the signatures of 100% of  
709 surface property owners within the area proposed to be annexed and consents to the annexation  
710 into the public infrastructure district.

711 (b) Upon meeting the requirements of Subsection (3)(a), the board shall comply with  
712 the resolution and filing requirements of Subsections 17B-1-414(1) and (2).

713 (c) (i) Notwithstanding Chapter 1, Part 5, Withdrawal, property may be withdrawn  
714 from a public infrastructure district after:

715 (A) adoption of resolutions of the board and the creating entity, each approving of the  
716 annexation;

717 (B) if there are any registered voters within the area proposed to be withdrawn, a  
718 petition is filed with the creating entity that contains the signatures of 100% of registered voters  
719 within the area and approves of the withdrawal from the public infrastructure district; and

720 (C) a petition is filed with the creating entity that contains the signatures of 100% of  
721 surface property owners within the area proposed to be withdrawn and consents to the  
722 withdrawal from the public infrastructure district.

723 (ii) If any bonds that the public infrastructure district issues are allocable to the area to  
724 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains  
725 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the  
726 bonds or any associated refunding bonds are paid.

727 (d) Upon meeting the requirements of Subsection (3)(c), the board shall comply with  
728 the requirements of Section 17B-1-512.

729 (4) The creating entity may impose limitations on the powers of the public  
730 infrastructure district through the governing document.

731 (5) (a) A public infrastructure district is separate and distinct from the creating entity.

732 (b) (i) Except as provided in Subsection (5)(b)(ii), any financial burden of a public  
733 infrastructure district:

734 (A) is borne solely by the public infrastructure district; and

735 (B) is not borne by the creating entity [~~or any municipality, county,~~], by the state, or  
736 [~~any~~] by any municipality, county, or other political subdivision.

737 (ii) Notwithstanding Subsection (5)(b)(i) and Section 17B-1-216, the governing  
738 document may require:



739 (A) the district applicant to bear the initial costs of the public infrastructure district;  
740 and

741 (B) the public infrastructure district to reimburse the district applicant for the initial  
742 costs the creating entity bears.

743 (c) Any liability, judgment, or claim against a public infrastructure district:

744 (i) is the sole responsibility of the public infrastructure district; and

745 (ii) does not constitute a liability, judgment, or claim against the creating entity, the  
746 state, or any municipality, county, or other political subdivision.

747 (d) (i) (A) The public infrastructure district solely bears the responsibility of any  
748 collection, enforcement, or foreclosure proceeding with regard to any tax, fee, or assessment  
749 the public infrastructure district imposes.

750 (B) The creating entity does not bear the responsibility described in Subsection  
751 (5)(d)(i)(A).

752 (ii) A public infrastructure district, and not the creating entity, shall undertake the  
753 enforcement responsibility described in, as applicable, Subsection (5)(d)(i) in accordance with  
754 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

755 (6) The creating entity may establish criteria in determining whether to approve or  
756 disapprove of the creation of a public infrastructure district, including:

757 (a) historical performance of the district applicant;

758 (b) compliance with the creating entity's master plan;

759 (c) credit worthiness of the district applicant;

760 (d) plan of finance of the public infrastructure district; and

761 (e) proposed development within the public infrastructure district.

762 (7) (a) The creation of a public infrastructure district is subject to the sole discretion of  
763 the creating entity responsible for approving or rejecting the creation of the public  
764 infrastructure district.

765 (b) The proposed creating entity bears no liability for rejecting the proposed creation of  
766 a public infrastructure district.

767 Section 8. Section **17B-2a-1205** is amended to read:

768 **17B-2a-1205. Public infrastructure district board -- Governing document.**

769 (1) The legislative body or board of the creating entity [~~that approves the creation of a~~

770 ~~public infrastructure district]~~ shall appoint the members of the board, in accordance with the  
771 governing document.

772 (2) (a) Unless otherwise limited in the governing document and except as provided in  
773 Subsection (2)(b), the initial term of each member of the board is four years.

774 (b) Notwithstanding Subsection (2)(a), approximately half of the members of the initial  
775 board shall serve a six-year term so that, after the expiration of the initial term, the term of  
776 approximately half the board members expires every two years.

777 (c) A board may elect that a majority of the board serve an initial term of six years.

778 (d) After the initial term, the term of each member of the board is four years.

779 (3) (a) Notwithstanding Subsection 17B-1-302(1)(b), a board member is not required  
780 to be a resident within the boundaries of the public infrastructure district if:

781 (i) all of the surface property owners consent to the waiver of the residency  
782 requirement;

783 (ii) there are no residents within the boundaries of the public infrastructure district;

784 (iii) no qualified candidate timely files to be considered for appointment to the board;

785 or

786 (iv) no qualified individual files a declaration of candidacy for a board position in  
787 accordance with Subsection 17B-1-306(4).

788 (b) Except under the circumstances described in Subsection (3)(a)(iii) or (iv), the  
789 residency requirement in Subsection 17B-1-302(1)(b) is applicable to any board member  
790 elected for a division or board position that has transitioned from an appointed to an elected  
791 board member in accordance with this section.

792 (c) An individual who is not a resident within the boundaries of the public  
793 infrastructure district may not serve as a board member unless the individual is:

794 (i) an owner of land or an agent or officer of the owner of land within the boundaries of  
795 the public infrastructure district; and

796 (ii) a registered voter at the individual's primary residence.

797 (4) (a) A governing document may provide for a transition from legislative body  
798 appointment under Subsection (1) to a method of election by registered voters based upon  
799 milestones or events that the governing document identifies, including a milestone for each  
800 division or individual board position providing that when the milestone is reached:

801 (i) for a division, the registered voters of the division elect a member of the board in  
802 place of an appointed member at the next municipal general election for the board position; or

803 (ii) for an at large board position established in the governing document, the registered  
804 voters of the public infrastructure district elect a member of the board in place of an appointed  
805 member at the next municipal general election for the board position.

806 (b) Regardless of whether a board member is elected under Subsection (4)(a), the  
807 position of each remaining board member shall continue to be appointed under Subsection (1)  
808 until the member's respective division or board position surpasses the density milestone  
809 described in the governing document.

810 (5) (a) Subject to Subsection (5)(c), the board may, in the board's discretion but no  
811 more frequently than every four years, reestablish the boundaries of each division so that each  
812 division that has reached a milestone specified in the governing document, as described in  
813 Subsection (4)(a), has, as nearly as possible, the same number of eligible voters.

814 (b) In reestablishing division boundaries under Subsection (5)(a), the board shall  
815 consider existing or potential developments within the divisions which, when completed,  
816 would increase or decrease the number of eligible voters within the division.

817 (c) The governing document may prohibit the board from reestablishing, without the  
818 consent of the creating entity, the division boundaries as described in Subsection (5)(a).

819 (6) The public infrastructure district may not compensate a board member for the  
820 member's service on the board under Section [17B-1-307](#) unless the board member is a resident  
821 within the boundaries of the public infrastructure district.

822 (7) The governing document shall:

823 (a) include a boundary description and a map of the public infrastructure district;

824 (b) state the number of board members;

825 (c) describe any divisions of the public infrastructure district;

826 (d) establish any applicable mill rate limit for the public infrastructure district;

827 (e) establish any applicable limitation on the principal amount of indebtedness for the  
828 public infrastructure district; and

829 (f) include other information that the public infrastructure district or the creating entity  
830 determines to be necessary or advisable.

831 (8) (a) Except as provided in Subsection (8)(b), the board and the governing body of

832 the creating entity may amend a governing document by each adopting a resolution that  
833 approves the amended governing document.

834 (b) Notwithstanding Subsection (8)(a), any amendment to a property tax mill limitation  
835 requires:

836 (i) before the adoption of the resolution of the creating entity described in Subsection  
837 (8)(a), the public infrastructure district to comply with the notice and public hearing  
838 requirements of Section 59-2-919, with at least one member of the governing body of the  
839 creating entity attending the public hearing required in Subsection 59-2-919(3)(a)(v) or (4)(b);  
840 or

841 (ii) the consent of:

842 (A) 100% of surface property owners within the boundaries of the public infrastructure  
843 district; and

844 (B) 100% of the registered voters, if any, within the boundaries of the public  
845 infrastructure district.

846 (9) A board member is not in violation of Section 67-16-9 if the board member:

847 (a) discloses a business relationship in accordance with Sections 67-16-7 and 67-16-8  
848 and files the disclosure with the creating entity:

849 (i) before any appointment or election; and

850 (ii) upon any significant change in the business relationship; and

851 (b) conducts the affairs of the public infrastructure district in accordance with this title  
852 and any parameters described in the governing document.

853 (10) Notwithstanding any other provision of this section, the governing document  
854 governs the number, appointment, and terms of board members of a public infrastructure  
855 district created by the development authority.

856 Section 9. Section 17B-2a-1206 is amended to read:

857 **17B-2a-1206. Additional public infrastructure district powers.**

858 In addition to the powers conferred on a public infrastructure district under Section  
859 17B-1-103, a public infrastructure district may:

860 (1) issue negotiable bonds to pay:

861 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending  
862 any of the improvements, facilities, or property allowed under Section 11-14-103;

863 (b) capital costs of improvements in an energy assessment area, as defined in Section  
864 [11-42a-102](#), and other related costs, against the funds that the public infrastructure district will  
865 receive because of an assessment in an energy assessment area, as defined in Section  
866 ~~[11-42a-401]~~ [11-42a-102](#);

867 (c) public improvements related to the provision of housing; ~~[and]~~

868 (d) capital costs related to public transportation; and

869 (e) for a public infrastructure district created by the development authority, the cost of  
870 acquiring or financing publicly owned infrastructure and improvements;

871 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,  
872 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers  
873 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal  
874 Cooperation Act, without the consent of the creating entity;

875 (3) acquire completed or partially completed improvements for fair market value as  
876 reasonably determined by:

877 (a) the board;

878 (b) the creating entity, if required in the governing document; or

879 (c) a surveyor or engineer that a public infrastructure district employs or engages to  
880 perform the necessary engineering services for and to supervise the construction or installation  
881 of the improvements; ~~[and]~~

882 (4) contract with the creating entity for the creating entity to provide administrative  
883 services on behalf of the public infrastructure district, when agreed to by both parties, in order  
884 to achieve cost savings and economic efficiencies, at the discretion of the creating entity~~[-];~~ and

885 (5) for a public infrastructure district created by a development authority:

886 (a) (i) operate and maintain publicly owned infrastructure and improvements the  
887 district acquires or finances; and

888 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those  
889 publicly owned infrastructure and improvements; and

890 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

891 Section 10. Section **63H-1-102** is amended to read:

892 **63H-1-102. Definitions.**

893 As used in this chapter:

894 (1) "Authority" means the Military Installation Development Authority, created under  
895 Section 63H-1-201.

896 (2) "Base taxable value" means:

897 (a) for military land or other land that was exempt from a property tax at the time that a  
898 project area was created that included the military land or other land, a taxable value of zero; or

899 (b) for private property that is included in a project area, the taxable value of the  
900 property within any portion of the project area, as designated by board resolution, from which  
901 the property tax allocation will be collected, as shown upon the assessment roll last equalized;

902 (i) before the year in which the authority creates the project area[-]; or

903 (ii) for property added to a project area by an amendment to a project area plan, before  
904 the year in which the project area plan is amended.

905 (3) "Board" means the governing body of the authority created under Section  
906 63H-1-301.

907 (4) (a) "Dedicated tax collections" means the property tax that remains after the  
908 authority is paid the property tax allocation the authority is entitled to receive under Subsection  
909 63H-1-501(1), for a property tax levied by:

910 (i) a county, including a district the county has established under Subsection 17-34-3(2)  
911 to levy a property tax under Title 17, Chapter 34, Municipal-Type Services to Unincorporated  
912 Areas; or

913 (ii) an included municipality.

914 (b) "Dedicated tax collections" does not include a county additional property tax or  
915 multicounty assessing and collecting levy imposed in accordance with Section 59-2-1602.

916 (5) (a) "Development" means an activity occurring:

917 (i) on land within a project area that is owned or operated by the military, the authority,  
918 another public entity, or a private entity; or

919 (ii) on military land associated with a project area.

920 (b) "Development" includes the demolition, construction, reconstruction, modification,  
921 expansion, or improvement of a building, facility, utility, landscape, parking lot, park, trail, or  
922 recreational amenity.

923 (6) "Development project" means a project to develop land within a project area.

924 (7) "Elected member" means a member of the authority board who:

- 925 (a) is a mayor or member of a legislative body appointed under Subsection  
926 63H-1-302(2)(b); or
- 927 (b) (i) is appointed to the authority board under Subsection 63H-1-302(2)(a) or (3); and  
928 (ii) concurrently serves in an elected state, county, or municipal office.
- 929 (8) "Included municipality" means a municipality, some or all of which is included  
930 within a project area.
- 931 (9) (a) "Military" means a branch of the armed forces of the United States, including  
932 the Utah National Guard.
- 933 (b) "Military" includes, in relation to property, property that is occupied by the military  
934 and is owned by the government of the United States or the state.
- 935 (10) "Military Installation Development Authority accommodations tax" or "MIDA  
936 accommodations tax" means the tax imposed under Section 63H-1-205.
- 937 (11) "Military Installation Development Authority energy tax" or "MIDA energy tax"  
938 means the tax levied under Section 63H-1-204.
- 939 (12) "Military land" means land or a facility, including leased land or a leased facility,  
940 that is part of or affiliated with a base, camp, post, station, yard, center, or installation under the  
941 jurisdiction of the United States Department of Defense, the United States Department of  
942 Veterans Affairs, or the Utah National Guard.
- 943 (13) "Municipal energy tax" means a municipal energy sales and use tax under Title  
944 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.
- 945 (14) "Municipal services revenue" means revenue that the authority:
- 946 (a) collects from the authority's:
- 947 (i) levy of a municipal energy tax;
- 948 (ii) levy of a MIDA energy tax;
- 949 (iii) levy of a telecommunications tax;
- 950 (iv) imposition of a transient room tax; and
- 951 (v) imposition of a resort communities tax;
- 952 (b) receives under Subsection 59-12-205(2)(b)(ii); and
- 953 (c) receives as dedicated tax collections.
- 954 (15) "Municipal tax" means a municipal energy tax, MIDA energy tax, MIDA  
955 accommodations tax, telecommunications tax, transient room tax, or resort communities tax.

956 (16) "Project area" means the land, including military land, whether consisting of a  
957 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft  
958 project area plan, where the development project set forth in the project area plan or draft  
959 project area plan takes place or is proposed to take place.

960 (17) "Project area budget" means a multiyear projection of annual or cumulative  
961 revenues and expenses and other fiscal matters pertaining to a project area that includes:

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

963 (b) the projected property tax allocation expected to be generated within the project  
964 area;

965 (c) the amount of the property tax allocation expected to be shared with other taxing  
966 entities;

967 (d) the amount of the property tax allocation expected to be used to implement the  
968 project area plan, including the estimated amount of the property tax allocation to be used for  
969 land acquisition, public improvements, infrastructure improvements, and loans, grants, or other  
970 incentives to private and public entities;

971 (e) the property tax allocation expected to be used to cover the cost of administering  
972 the project area plan;

973 (f) if the property tax allocation is to be collected at different times or from different  
974 portions of the project area, or both:

975 (i) (A) the tax identification numbers of the parcels from which the property tax  
976 allocation will be collected; or

977 (B) a legal description of the portion of the project area from which the property tax  
978 allocation will be collected; and

979 (ii) an estimate of when other portions of the project area will become subject to  
980 collection of the property tax allocation; and

981 (g) for property that the authority owns or leases and expects to sell or sublease, the  
982 expected total cost of the property to the authority and the expected selling price or lease  
983 payments.

984 (18) "Project area plan" means a written plan that, after the plan's effective date, guides  
985 and controls the development within a project area.

986 (19) (a) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4,



987 Privilege Tax, except as described in Subsection (19)(b), and each levy on an ad valorem basis  
988 on tangible or intangible personal or real property.

989 (b) "Property tax" does not include a privilege tax on the taxable value:

990 (i) attributable to a portion of a facility leased to the military for a calendar year when:

991 (A) a lessee of military land has constructed a facility on the military land that is part of  
992 a project area;

993 (B) the lessee leases space in the facility to the military for the entire calendar year; and

994 (C) the lease rate paid by the military for the space is \$1 or less for the entire calendar

995 year, not including any common charges that are reimbursements for actual expenses; or

996 (ii) of the following property owned by the authority, regardless of whether the  
997 authority enters into a long-term operating agreement with a privately owned entity under  
998 which the privately owned entity agrees to operate the property:

999 (A) a hotel;

1000 (B) a hotel condominium unit in a condominium project, as defined in Section 57-8-3;

1001 and

1002 (C) a commercial condominium unit in a condominium project, as defined in Section

1003 57-8-3.

1004 (20) "Property tax allocation" means the difference between:

1005 (a) the amount of property tax revenues generated each tax year by all taxing entities  
1006 from the area within a project area designated in the project area plan as the area from which  
1007 the property tax allocation is to be collected, using the current assessed value of the property;  
1008 and

1009 (b) the amount of property tax revenues that would be generated from that same area  
1010 using the base taxable value of the property.

1011 (21) "Public entity" means:

1012 (a) the state, including each department or agency of the state; or

1013 (b) a political subdivision of the state, including a county, city, town, school district,  
1014 local district, special service district, or interlocal cooperation entity.

1015 (22) (a) "Publicly owned infrastructure and improvements" means infrastructure,  
1016 improvements, facilities, or buildings that benefit the public, the authority, the military, or  
1017 military-related entities and are:

1018 (i) publicly owned by the military, the authority, a public infrastructure district under  
1019 Title 17B, Chapter 2a, Part 12, Public Infrastructure District Act, or another public entity;

1020 (ii) owned by a utility; or

1021 (iii) publicly maintained or operated by the military, the authority, or another public  
1022 entity.

1023 (b) "Publicly owned infrastructure and improvements" includes:

1024 (i) facilities, lines, or systems that harness geothermal energy or provide water, chilled  
1025 water, steam, sewer, storm drainage, natural gas, electricity, or telecommunications; [and]

1026 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking  
1027 facilities, [and] public transportation facilities[-], and parks, trails, and other recreational  
1028 facilities;

1029 (iii) snowmaking equipment and related improvements that can also be used for water  
1030 storage or fire suppression purposes; and

1031 (iv) a building and related improvements for occupancy by the public, the authority, the  
1032 military, or military-related entities.

1033 (23) "Remaining municipal services revenue" means municipal services revenue that  
1034 the authority has not:

1035 (a) spent during the authority's fiscal year for municipal services as provided in  
1036 Subsection [63H-1-503\(1\)](#); or

1037 (b) redirected to use in accordance with Subsection [63H-1-502\(3\)](#).

1038 (24) "Resort communities tax" means a sales and use tax imposed under Section  
1039 [59-12-401](#).

1040 (25) "Taxable value" means the value of property as shown on the last equalized  
1041 assessment roll [~~as certified by the county assessor~~].

1042 (26) "Taxing entity":

1043 (a) means a public entity that levies a tax on property within a project area[-]; and

1044 (b) does not include a public infrastructure district that the authority creates under Title  
1045 17B, Chapter 2a, Part 12, Public Infrastructure District Act.

1046 (27) "Telecommunications tax" means a telecommunications license tax under Title  
1047 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

1048 (28) "Transient room tax" means a tax under Section [59-12-352](#).

1049 Section 11. Section **63H-1-103** is enacted to read:

1050 **63H-1-103. Severability.**

1051 If a court determines that any provision of this chapter, or the application of any  
1052 provision of this chapter, is invalid, the remainder of this chapter shall be given effect without  
1053 the invalid provision or application.

1054 Section 12. Section **63H-1-201** is amended to read:

1055 **63H-1-201. Creation of military installation development authority -- Status and**  
1056 **powers of authority -- Limitation.**

1057 (1) There is created a military installation development authority.

1058 (2) The authority is:

1059 (a) an independent, nonprofit, separate body corporate and politic, with perpetual  
1060 succession and statewide jurisdiction, whose purpose is to facilitate the development of land  
1061 within a project area or on military land associated with a project area;

1062 (b) a political subdivision of the state; and

1063 (c) a public corporation, as defined in Section [63E-1-102](#).

1064 (3) The authority may:

1065 (a) as provided in this chapter, facilitate the development of land within one or more  
1066 project areas, including the ongoing operation of facilities within a project area, or  
1067 development of military land associated with a project area;

1068 (b) sue and be sued;

1069 (c) enter into contracts generally;

1070 (d) by itself or through a subsidiary, buy, obtain an option upon, or otherwise acquire  
1071 any interest in real or personal property:

1072 (i) in a project area; or

1073 (ii) outside a project area for publicly owned infrastructure and improvements, if the  
1074 board considers the purchase, option, or other interest acquisition to be necessary for fulfilling  
1075 the authority's development objectives;

1076 (e) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or  
1077 personal property;

1078 (f) enter into a lease agreement on real or personal property, either as lessee or lessor:

1079 (i) in a project area; or

- 1080 (ii) outside a project area, if the board considers the lease to be necessary for fulfilling  
1081 the authority's development objectives;
- 1082 (g) provide for the development of land within a project area or military land  
1083 associated with the project area under one or more contracts;
- 1084 (h) exercise powers and perform functions under a contract, as authorized in the  
1085 contract;
- 1086 (i) exercise exclusive police power within a project area to the same extent as though  
1087 the authority were a municipality, including the collection of regulatory fees;
- 1088 (j) receive the property tax allocation and other taxes and fees as provided in this  
1089 chapter;
- 1090 (k) accept financial or other assistance from any public or private source for the  
1091 authority's activities, powers, and duties, and expend any funds so received for any of the  
1092 purposes of this chapter;
- 1093 (l) borrow money, contract with, or accept financial or other assistance from the federal  
1094 government, a public entity, or any other source for any of the purposes of this chapter and  
1095 comply with any conditions of the loan, contract, or assistance;
- 1096 (m) issue bonds to finance the undertaking of any development objectives of the  
1097 authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and  
1098 Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;
- 1099 (n) hire employees, including contract employees;
- 1100 (o) transact other business and exercise all other powers provided for in this chapter;
- 1101 (p) enter into a development agreement with a developer of land within a project area;
- 1102 (q) enter into an agreement with a political subdivision of the state under which the  
1103 political subdivision provides one or more municipal services within a project area;
- 1104 (r) enter into an agreement with a private contractor to provide one or more municipal  
1105 services within a project area;
- 1106 (s) provide for or finance an energy efficiency upgrade, a renewable energy system, or  
1107 electric vehicle charging infrastructure as defined in Section [~~11-42-102~~] [11-42a-102](#), in  
1108 accordance with Title 11, Chapter [~~42, Assessment Area Act~~] [42a, Commercial Property](#)  
1109 [Assessed Clean Energy Act](#);
- 1110 (t) exercise powers and perform functions that the authority is authorized by statute to

1111 exercise or perform; [~~and~~]

1112 (u) enter into an agreement with the federal government or an agency of the federal  
1113 government under which the federal government or agency:

1114 (i) provides law enforcement services only to military land within a project area; and

1115 (ii) may enter into a mutual aid or other cooperative agreement with a law enforcement  
1116 agency of the state or a political subdivision of the state[~~;~~]; and

1117 (v) by itself or through a subsidiary, provide expertise and knowledge to another  
1118 governmental entity interested in public-private partnerships.

1119 (4) The authority may not itself provide law enforcement service or fire protection  
1120 service within a project area but may enter into an agreement for one or both of those services,  
1121 as provided in Subsection (3)(q).

1122 (5) Because providing procurement, utility, construction, and other services for use by  
1123 a military installation, including providing publicly owned infrastructure and improvements for  
1124 use or occupancy by the military, are core functions of the authority and are typically provided  
1125 by a local government for the local government's own needs or use, these services provided by  
1126 the authority for the military under this chapter are considered to be for the authority's own  
1127 needs and use.

1128 Section 13. Section **63H-1-202** is amended to read:

1129 **63H-1-202. Applicability of other law.**

1130 (1) The authority or land within a project area is not subject to:

1131 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

1132 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;

1133 (c) ordinances or regulations of a county or municipality, including those relating to  
1134 land use, health, business license, or franchise; or

1135 (d) the jurisdiction of a local district under Title 17B, Limited Purpose Local  
1136 Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1,  
1137 Special Service District Act.

1138 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),  
1139 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed  
1140 by Title 63E, Independent Entities Code.

1141 (3) (a) The definitions in Section [57-8-3](#) apply to this Subsection (3).

1142 (b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership  
1143 Act, or any other provision of law:

1144 (i) if the military is the owner of land in a project area on which a condominium project  
1145 is constructed, the military is not required to sign, execute, or record a declaration of a  
1146 condominium project; and

1147 (ii) if a condominium unit in a project area is owned by the military or owned by the  
1148 authority and leased to the military for \$1 or less per calendar year, not including any common  
1149 charges that are reimbursements for actual expenses:

1150 (A) the condominium unit is not subject to any liens under Title 57, Chapter 8,  
1151 Condominium Ownership Act;

1152 (B) condominium unit owners within the same building or commercial condominium  
1153 project may agree on any method of allocation and payment of common area expenses,  
1154 regardless of the size or par value of each unit; and

1155 (C) the condominium project may not be dissolved without the consent of all the  
1156 condominium unit owners.

1157 (4) Notwithstanding any other provision, when a law requires the consent of a local  
1158 government, the authority is the consenting entity for a project area.

1159 (5) (a) A department, division, or other agency of the state and a political subdivision  
1160 of the state shall cooperate with the authority to the fullest extent possible to provide whatever  
1161 support, information, or other assistance the authority requests that is reasonably necessary to  
1162 help the authority fulfill the authority's duties and responsibilities under this chapter.

1163 (b) Subsection (5)(a) does not apply to a political subdivision that does not have any of  
1164 a project area located within the boundary of the political subdivision.

1165 Section 14. Section **63H-1-206** is amended to read:

1166 **63H-1-206. Property exchange -- Freeway interchange construction.**

1167 (1) (a) If the authority receives title to real property from [~~a military installation~~] the  
1168 Secretary of the United States Air Force, pursuant to Section 2831 of the National Defense  
1169 Authorization Act for Fiscal Year 2020, for construction of an interchange by the Department  
1170 of Transportation, the authority shall exchange the real property intended for the interchange  
1171 with the Department of Transportation for any unused remainder of real property that the  
1172 Department of Transportation does not need for the freeway after the interchange is complete.

1173 (b) The authority or a subsidiary of the authority is the designee of the state, within the  
1174 meaning of Section 2831(a) of the National Defense Authorization Act for Fiscal Year 2020.

1175 (2) An exchange described in Subsection (1) shall occur at no cost to the authority or  
1176 the Department of Transportation, regardless of the value of the real property.

1177 (3) (a) The authority shall demolish the structures on and, as required by the Secretary  
1178 of the United States Air Force and the Utah Department of Environmental Quality,  
1179 environmentally mitigate the real property that the authority exchanges with the Department of  
1180 Transportation under this section.

1181 (b) The Department of Transportation shall remove unneeded freeway improvements  
1182 from the real property that the Department of Transportation exchanges with the authority  
1183 under this section.

1184 (4) Upon the authority's receipt of title to real property under this section, the real  
1185 property automatically becomes included within the project area adjacent to the real property.

1186 Section 15. Section **63H-1-207** is enacted to read:

1187 **63H-1-207. Authority jurisdiction over Department of Transportation property.**

1188 (1) As used in this section:

1189 (a) "Highway land" means land that is:

1190 (i) owned by the Department of Transportation, created in Section [72-1-201](#);

1191 (ii) not in active use as a class A state road; and

1192 (iii) within an authority project area that was created to provide military recreation  
1193 facilities and support.

1194 (b) "Highway land" includes a shoulder or appurtenance that is contiguous to the land  
1195 described in Subsection (1)(a).

1196 (2) Notwithstanding any other provision of statute, the authority has jurisdiction and  
1197 control over highway land, subject to Subsection (3).

1198 (3) The executive director of the Department of Transportation may, in consultation  
1199 with the authority, transfer, sell, trade, or lease the highway land or any interest in the highway  
1200 land as provided in Section [72-5-111](#) and any applicable rules and regulations.

1201 Section 16. Section **63H-1-403** is amended to read:

1202 **63H-1-403. Notice of project area plan adoption -- Effective date of plan --**

1203 **Contesting the formation of the plan.**

1204 (1) Upon the board's adoption of a project area plan, the board shall provide notice as  
1205 provided in Subsection (1)(b) by publishing or causing to be published legal notice:

- 1206 (a) in a newspaper of general circulation within or near the project area; and
- 1207 (b) as required by Section 45-1-101.

1208 (2) (a) Each notice under Subsection (1) shall include:

1209 (i) the board resolution adopting the project area plan or a summary of the resolution;

1210 and

1211 (ii) a statement that the project area plan is available for general public inspection and  
1212 the hours for inspection.

1213 (b) The statement required under Subsection (2)(a)(ii) may be included in the board  
1214 resolution or summary described in Subsection (2)(a)(i).

1215 (3) The project area plan [~~shall become~~] becomes effective on the date [~~of publication~~  
1216 ~~of the notice~~]designated in the board resolution adopting the project area plan.

1217 (4) The authority shall make the adopted project area plan available to the general  
1218 public at its offices during normal business hours.

1219 (5) Within 10 days after the day on which a project area plan is adopted that establishes  
1220 a project area, or after an amendment to a project area plan is adopted under which the  
1221 boundary of a project area is modified, the authority shall send notice of the establishment or  
1222 modification of the project area and an accurate map or plat of the project area to:

- 1223 (a) the State Tax Commission;
- 1224 (b) the Automated Geographic Reference Center created in Section 63F-1-506; and
- 1225 (c) the assessor and recorder of each county where the project area is located.

1226 (6) (a) A legal action or other challenge to a project area plan or a project area  
1227 described in a project area plan is barred unless brought within 30 days after the effective date  
1228 of the project area plan.

1229 (b) For a project area created before December 1, 2018, a legal action or other  
1230 challenge is barred.

1231 (c) For a project area created after December 1, 2018, and before May 14, 2019, a legal  
1232 action or other challenge is barred after July 1, 2019.

1233 Section 17. Section 63H-1-403.5 is amended to read:

1234 **63H-1-403.5. Amendment to a project area plan.**



1235 (1) The authority may amend a project area plan by following the same procedure  
1236 under this part as applies to the adoption of a project area plan.

1237 (2) The provisions of this part apply to the authority's adoption of an amendment to a  
1238 project area plan to the same extent as they apply to the adoption of a project area plan.

1239 (3) An amendment to a project area plan does not affect the base taxable value  
1240 determination for property already within the project area before the amendment.

1241 Section 18. Section **63H-1-405** is amended to read:

1242 **63H-1-405. Project area budget.**

1243 (1) Before the authority may receive or use the property tax allocation, the authority  
1244 board shall prepare and adopt a project area budget.

1245 (2) The authority board may amend an adopted project area budget as and when the  
1246 authority board considers it appropriate.

1247 (3) If the authority adopts a budget under Part 7, Authority Budget and Reports, that  
1248 also meets the requirements of this part, the authority need not separately adopt a budget under  
1249 this part.

1250 Section 19. Section **63H-1-501** is amended to read:

1251 **63H-1-501. Authority receipt and use of property tax allocation -- Contractual**  
1252 **annual payment -- Distribution of property tax allocation.**

1253 (1) (a) The authority may:

1254 (i) subject to Subsection (1)(b):

1255 (A) receive up to 75% of the property tax allocation for up to 25 years, as provided in  
1256 this part; and

1257 (B) after the time period described in Subsection (1)(a)(i)(A) expires, receive up to  
1258 75% of the property tax allocation for up to 15 years, if the board determines the additional  
1259 years will produce significant benefit; and

1260 (ii) use the property tax allocation before, during, and after the period described in  
1261 Subsection (1)(a)(i).

1262 (b) With respect to a parcel located within a project area, the 25-year period described  
1263 in Subsection (1)(a)(i)(A) [~~shall begin~~] begins on the day on which the authority receives the  
1264 first property tax allocation from that parcel.

1265 (2) (a) For purposes of Subsection (1)(b), the authority may designate an improved

1266 portion of a parcel in a project area as a separate parcel.

1267 (b) An authority designation of an improved portion of a parcel as a separate parcel  
1268 under Subsection (2)(a) is for purposes of Subsection (1)(b) only and does not constitute a  
1269 subdivision for any other purpose.

1270 (c) A county recorder shall assign a separate tax identification number to the improved  
1271 portion of a parcel designated by the authority as a separate parcel under Subsection (2)(a).

1272 ~~[(2)]~~ (3) Improvements on a parcel within a project area become subject to property tax  
1273 on January 1 immediately following the day on which the authority or an entity designated by  
1274 the authority issues a certificate of occupancy with respect to those improvements.

1275 ~~[(3)]~~ (4) (a) If the authority or an entity designated by the authority has not issued a  
1276 certificate of occupancy for a private parcel within a project area, the private parcel owner shall  
1277 ~~[enter into a contract with the authority to]~~ make an annual payment to the authority:

1278 (i) that is equal to 1.2% of the taxable value of the parcel above the base taxable value  
1279 of the parcel; and

1280 (ii) until the parcel becomes subject to the property tax described in Subsection ~~[(2)]~~  
1281 (3).

1282 (b) The authority may use the revenue from payments described in Subsection (3)(a)  
1283 for any purpose described in Subsection [63H-1-502\(1\)](#).

1284 (c) The authority may submit for recording to the office of the recorder of the county in  
1285 which a private parcel described in Subsection (4)(a) is located:

1286 (i) a copy of an agreement between the authority and the private parcel owner that  
1287 memorializes the payment obligation under Subsection (4)(a); or

1288 (ii) a notice that describes the payment obligation under Subsection (4)(a).

1289 (d) An owner of a private parcel described in Subsection (4)(a) may not be required to  
1290 make a payment that exceeds or is in addition to the payment described in Subsection (4)(a)(i)  
1291 until the private parcel becomes subject to the property tax described in Subsection (3).

1292 (e) Upon the transfer of title of a private parcel described in Subsection (4)(a), the  
1293 amount of the annual payment required under Subsection (4)(a) shall be:

1294 (i) treated the same as a property tax; and

1295 (ii) prorated between the previous owner and the owner who acquires title from the  
1296 previous owner.

1297           ~~[(4)]~~ (5) Each county that collects property tax on property within a project area shall  
1298 pay and distribute to the authority the property tax allocation and dedicated tax collections that  
1299 the authority is entitled to collect under this title, in the manner and at the time provided in  
1300 Section [59-2-1365](#).

1301           ~~[(5)]~~ (6) (a) The board shall determine by resolution when the entire project area or an  
1302 individual parcel within a project area is subject to property tax allocation.

1303           (b) The board shall amend the project area budget to reflect whether a parcel within a  
1304 project area is subject to property tax allocation.

1305           ~~[(6)]~~ (7) The following property owned by the authority is not subject to any property  
1306 tax under Title 59, Chapter 2, Property Tax Act, or any privilege tax under Title 59, Chapter 4,  
1307 Privilege Tax, regardless of whether the authority enters into a long-term operating agreement  
1308 with a privately owned entity under which the privately owned entity agrees to operate the  
1309 property:

1310           (a) a hotel;

1311           (b) a hotel condominium unit in a condominium project, as defined in Section [57-8-3](#);  
1312 and

1313           (c) a commercial condominium unit in a condominium project, as defined in Section  
1314 [57-8-3](#).

1315           Section 20. Section **63H-1-502** is amended to read:

1316           **63H-1-502. Allowable uses of property tax allocation and other funds.**

1317           (1) Other than municipal services revenue, the authority may use the property tax  
1318 allocation and other funds available to the authority:

1319           (a) for any purpose authorized under this chapter;

1320           (b) for administrative, overhead, legal, and other operating expenses of the authority;

1321           (c) to pay for, including financing or refinancing, all or part of the development of land  
1322 within the project area from which the property tax allocation or other funds were collected,  
1323 including assisting the ongoing operation of a development or facility within the project area;

1324           (d) to pay the cost of the installation and construction of publicly owned infrastructure  
1325 and improvements within the project area from which the property tax allocation funds were  
1326 collected;

1327           (e) to pay the cost of the installation of publicly owned infrastructure and

1328 improvements, including a passenger ropeway, as defined in Section 72-11-102, outside the  
1329 project area if:

1330 (i) the authority board determines by resolution that the infrastructure and  
1331 improvements are of benefit to the project area; and

1332 (ii) for a passenger ropeway, at least one end of the ropeway is located within the  
1333 project area;

1334 (f) to pay the principal and interest on bonds issued by the authority;

1335 (g) to pay for a morale, welfare, and recreation program of a United States Air Force  
1336 base in Utah, affiliated with the project area from which the funds were collected; or

1337 (h) to pay for the promotion of:

1338 (i) a development within the project area; or

1339 (ii) amenities outside of the project area that are associated with a development within  
1340 the project area.

1341 (2) The authority may use revenue generated from the operation of publicly owned  
1342 infrastructure operated by the authority or improvements operated by the authority to:

1343 (a) operate and maintain the infrastructure or improvements; and

1344 (b) pay for authority operating expenses, including administrative, overhead, and legal  
1345 expenses.

1346 (3) For purposes of Subsection (1), the authority may use:

1347 (a) tax revenue received under Subsection 59-12-205(2)(b)(ii);

1348 (b) resort communities tax revenue;

1349 (c) MIDA energy tax revenue, received under Section 63H-1-204, which does not have  
1350 to be used in the project area where the revenue was generated;

1351 (d) MIDA accommodations tax revenue, received under Section 63H-1-205;

1352 (e) transient room tax revenue generated from hotels located on authority-owned or  
1353 other public-entity-owned property;

1354 (f) municipal energy tax revenue generated from hotels located on authority-owned or  
1355 other public-entity-owned property; or

1356 (g) payments received under Subsection 63H-1-501~~(3)~~(4).

1357 (4) The determination of the authority board under Subsection (1)(e) regarding benefit  
1358 to the project area is final.

1359 Section 21. **Effective date.**

1360 If approved by two-thirds of all the members elected to each house, this bill takes effect

1361 upon approval by the governor, or the day following the constitutional time limit of Utah

1362 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

1363 the date of veto override.