

Representative James A. Dunnigan proposes the following substitute bill:

PUBLIC INFRASTRUCTURE DISTRICT REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies provisions related to public infrastructure districts.

Highlighted Provisions:

This bill:

- ▶ renumbers provisions related to public infrastructure districts; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-42-102, as last amended by Laws of Utah 2020, Chapter 282

11-42-106, as last amended by Laws of Utah 2020, Chapter 282

11-42-201, as last amended by Laws of Utah 2019, Chapter 490

11-42-411, as last amended by Laws of Utah 2020, Chapter 282

17B-1-102, as last amended by Laws of Utah 2019, Chapter 490

17B-1-1102, as last amended by Laws of Utah 2019, Chapter 490



26 **59-2-102**, as last amended by Laws of Utah 2020, Chapters 38, 40, and 86

27 **59-2-1317**, as last amended by Laws of Utah 2019, Chapters 207 and 490

28 **63H-1-102**, as last amended by Laws of Utah 2020, Chapter 282

29 RENUMBERS AND AMENDS:

30 **17D-4-101**, (Renumbered from 17B-2a-1201, as enacted by Laws of Utah 2019,
31 Chapter 490)

32 **17D-4-102**, (Renumbered from 17B-2a-1202, as last amended by Laws of Utah 2020,
33 Chapters 282 and 397)

34 **17D-4-103**, (Renumbered from 17B-2a-1203, as enacted by Laws of Utah 2019,
35 Chapter 490)

36 **17D-4-201**, (Renumbered from 17B-2a-1204, as last amended by Laws of Utah 2020,
37 Chapters 282 and 397)

38 **17D-4-202**, (Renumbered from 17B-2a-1205, as last amended by Laws of Utah 2020,
39 Chapters 282 and 397)

40 **17D-4-203**, (Renumbered from 17B-2a-1206, as last amended by Laws of Utah 2020,
41 Chapter 282)

42 **17D-4-204**, (Renumbered from 17B-2a-1211, as enacted by Laws of Utah 2019,
43 Chapter 490)

44 **17D-4-205**, (Renumbered from 17B-2a-1212, as enacted by Laws of Utah 2019,
45 Chapter 490)

46 **17D-4-301**, (Renumbered from 17B-2a-1207, as last amended by Laws of Utah 2020,
47 Chapters 354 and 397)

48 **17D-4-302**, (Renumbered from 17B-2a-1208, as enacted by Laws of Utah 2019,
49 Chapter 490)

50 **17D-4-303**, (Renumbered from 17B-2a-1209, as enacted by Laws of Utah 2019,
51 Chapter 490)

52 **17D-4-304**, (Renumbered from 17B-2a-1210, as enacted by Laws of Utah 2019,
53 Chapter 490)

54 **17D-4-305**, (Renumbered from 17B-2a-1213, as enacted by Laws of Utah 2019,
55 Chapter 490)

56

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

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

59 **11-42-102. Definitions.**

60 (1) As used in this chapter:

61 (a) "Adequate protests" means, for all proposed assessment areas except sewer
62 assessment areas, timely filed, written protests under Section 11-42-203 that represent at least
63 40% of the frontage, area, taxable value, fair market value, lots, number of connections, or
64 equivalent residential units of the property proposed to be assessed, according to the same
65 assessment method by which the assessment is proposed to be levied, after eliminating:

66 (i) protests relating to:

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

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

70 (ii) protests that have been withdrawn under Subsection 11-42-203(3).

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

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

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

83 (a) issued under Section 11-42-605; and

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

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

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

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

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

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

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

98 (8) "Assessment resolution" means a resolution adopted by a local entity under Section
99 11-42-404 that levies an assessment on benefitted property within an assessment area.

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

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

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

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

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

111 (i) commercial;

112 (ii) mining;

113 (iii) industrial;

114 (iv) manufacturing;

115 (v) governmental;

116 (vi) trade;

117 (vii) professional;

118 (viii) a private or public club;

- 119 (ix) a lodge;
- 120 (x) a business; or
- 121 (xi) a similar purpose.
- 122 (b) "Commercial or industrial real property" includes real property that:
- 123 (i) is used as or held for dwelling purposes; and
- 124 (ii) contains more than four rental units.
- 125 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of
- 126 connecting property to a publicly owned sewer, storm drainage, water, gas, communications, or
- 127 electrical system, whether or not improvements are installed on the property.
- 128 (15) "Contract price" means:
- 129 (a) the cost of acquiring an improvement, if the improvement is acquired; or
- 130 (b) the amount payable to one or more contractors for the design, engineering,
- 131 inspection, and construction of an improvement.
- 132 (16) "Designation ordinance" means an ordinance adopted by a local entity under
- 133 Section [11-42-206](#) designating an assessment area.
- 134 (17) "Designation resolution" means a resolution adopted by a local entity under
- 135 Section [11-42-206](#) designating an assessment area.
- 136 (18) "Economic promotion activities" means activities that promote economic growth
- 137 in a commercial area of a local entity, including:
- 138 (a) sponsoring festivals and markets;
- 139 (b) promoting business investment or activities;
- 140 (c) helping to coordinate public and private actions; and
- 141 (d) developing and issuing publications designed to improve the economic well-being
- 142 of the commercial area.
- 143 (19) "Environmental remediation activity" means a surface or subsurface enhancement,
- 144 effort, cost, initial or ongoing maintenance expense, facility, installation, system, earth
- 145 movement, or change to grade or elevation that improves the use, function, aesthetics, or
- 146 environmental condition of publicly owned property.
- 147 (20) "Equivalent residential unit" means a dwelling, unit, or development that is equal
- 148 to a single-family residence in terms of the nature of its use or impact on an improvement to be
- 149 provided in the assessment area.

150 (21) "Governing body" means:
151 (a) for a county, city, or town, the legislative body of the county, city, or town;
152 (b) for a local district, the board of trustees of the local district;
153 (c) for a special service district:
154 (i) the legislative body of the county, city, or town that established the special service
155 district, if no administrative control board has been appointed under Section 17D-1-301; or
156 (ii) the administrative control board of the special service district, if an administrative
157 control board has been appointed under Section 17D-1-301;
158 (d) for the military installation development authority created in Section 63H-1-201,
159 the board, as defined in Section 63H-1-102; ~~and~~
160 (e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as
161 defined in Section 11-58-102[-]; and
162 (f) for a public infrastructure district, the board of the public infrastructure district as
163 defined in Section 17D-4-102.

164 (22) "Guaranty fund" means the fund established by a local entity under Section
165 11-42-701.

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

168 (24) "Improvement":

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

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

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

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

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

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

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

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

182 (b) for a local district created to assess groundwater rights in accordance with Section
183 17B-1-202, means a system or plan to regulate groundwater withdrawals within a specific
184 groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.

185 (25) "Improvement revenues":

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

188 (b) does not include revenue from assessments.

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

191 (a) legal and accounting fees;

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

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

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

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

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

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

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

204 (28) "Interim warrant" means a warrant issued by a local entity under Section
205 11-42-601.

206 (29) "Jurisdictional boundaries" means:

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

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

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

211 (31) "Local entity" means:

- 212 (a) a county, city, town, special service district, or local district;
- 213 (b) an interlocal entity as defined in Section 11-13-103;
- 214 (c) the military installation development authority, created in Section 63H-1-201;
- 215 (d) a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure
- 216 District Act, including a public infrastructure district created by the military installation
- 217 development authority [under Title 17B, Chapter 2a, Part 12, Public Infrastructure District
- 218 Act];

219 (e) the Utah Inland Port Authority, created in Section 11-58-201; or

220 (f) any other political subdivision of the state.

221 (32) "Local entity obligations" means assessment bonds, refunding assessment bonds,

222 interim warrants, and bond anticipation notes issued by a local entity.

223 (33) "Mailing address" means:

224 (a) a property owner's last-known address using the name and address appearing on the

225 last completed real property assessment roll of the county in which the property is located; and

226 (b) if the property is improved property:

227 (i) the property's street number; or

228 (ii) the post office box, rural route number, or other mailing address of the property, if

229 a street number has not been assigned.

230 (34) "Net improvement revenues" means all improvement revenues that a local entity

231 has received since the last installment payment date, less all amounts payable by the local entity

232 from those improvement revenues for operation and maintenance costs.

233 (35) "Operation and maintenance costs":

234 (a) means the costs that a local entity incurs in operating and maintaining

235 improvements in an assessment area, whether or not those improvements have been financed

236 under this chapter; and

237 (b) includes service charges, administrative costs, ongoing maintenance charges, and

238 tariffs or other charges for electrical, water, gas, or other utility usage.

239 (36) "Overhead costs" means the actual costs incurred or the estimated costs to be

240 incurred by a local entity in connection with an assessment area for appraisals, legal fees, filing

241 fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and paying

242 agent fees, publishing and mailing costs, costs of levying an assessment, recording costs, and

243 all other incidental costs.

244 (37) "Prior assessment ordinance" means the ordinance levying the assessments from
245 which the prior bonds are payable.

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

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

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

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

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

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

260 (44) "Public agency" means:

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

262 (b) a political subdivision of the state.

263 (45) "Reduced payment obligation" means the full obligation of an owner of property
264 within an assessment area to pay an assessment levied on the property after the assessment has
265 been reduced because of the issuance of refunding assessment bonds, as provided in Section
266 [11-42-608](#).

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

269 (47) "Reserve fund" means a fund established by a local entity under Section
270 [11-42-702](#).

271 (48) "Service" means:

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

274 (b) economic promotion activities; or

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

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

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

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

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

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

290 (50) "Special service district" means the same as that term is defined in Section
291 [17D-1-102](#).

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

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

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

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

300 **11-42-106. Action to contest assessment or proceeding -- Requirements --**
301 **Exclusive remedy -- Bonds and assessment incontestable.**

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

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

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

306 (2) (a) Each action under Subsection (1) shall be commenced in the district court with
307 jurisdiction in the county in which the assessment area is located.

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

311 (A) designation resolution or designation ordinance, if the challenge is to the
312 designation of an assessment area;

313 (B) assessment resolution or ordinance, if the challenge is to an assessment; or

314 (C) amended resolution or ordinance, if the challenge is to an amendment.

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

318 (A) adopted by the military installation development authority, created in Section
319 [63H-1-201](#), or a public infrastructure district created by the military installation development
320 authority under [~~Title 17B, Chapter 2a, Part 12~~] Title 17D, Chapter 4, Public Infrastructure
321 District Act; and

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

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

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

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

328 (b) A court may not hear any complaint under Subsection (1) that a person was
329 authorized to make but did not make in a protest under Section [11-42-203](#) or at a hearing under
330 Section [11-42-204](#).

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

335 (ii) In an action brought pursuant to Subsection (1), a person may not contest a

336 previous decision, proceeding, or determination for which the service deadline described in
337 Subsection (2)(b) has expired by challenging a subsequent decision, proceeding, or
338 determination.

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

343 (5) After the expiration of the period referred to in Subsection (2)(b):

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

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

352 (6) (a) This section may not be interpreted to insulate a local entity from a claim of
353 misuse of assessment funds after the expiration of the period described in Subsection (2)(b).

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

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

358 Section 3. Section 11-42-201 is amended to read:

359 **11-42-201. Resolution or ordinance designating an assessment area --**
360 **Classifications within an assessment area -- Preconditions to adoption of a resolution or**
361 **ordinance.**

362 (1) (a) Subject to the requirements of this part, a governing body of a local entity
363 intending to levy an assessment on property to pay some or all of the cost of providing
364 improvements benefitting the property, performing operation and maintenance benefitting the
365 property, or conducting economic promotion activities benefitting the property shall adopt a
366 resolution or ordinance designating an assessment area.

367 (b) A designation resolution or designation ordinance described in Subsection (1)(a)
368 may divide the assessment area into multiple classifications to allow the governing body to:

369 (i) levy a different level of assessment; or

370 (ii) use a different assessment method in each classification to reflect more fairly the
371 benefits that property within the different classifications is expected to receive because of the
372 proposed improvement, operation and maintenance, or economic promotion activities.

373 (c) The boundaries of a proposed assessment area:

374 (i) may include property that is not intended to be assessed; and

375 (ii) except for an assessment area within a public infrastructure district [~~as defined in~~
376 ~~Section 17B-1-102~~] created under Title 17D, Chapter 4, Public Infrastructure District Act, may
377 not be coextensive or substantially coterminous with the boundaries of the local entity.

378 (2) Before adopting a designation resolution or designation ordinance described in
379 Subsection (1)(a), the governing body of the local entity shall:

380 (a) give notice as provided in Section 11-42-202;

381 (b) receive and consider all protests filed under Section 11-42-203; and

382 (c) hold a public hearing as provided in Section 11-42-204.

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

384 **11-42-411. Installment payment of assessments.**

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

388 (i) not to exceed 20 years from the effective date of the resolution or ordinance, except
389 as provided in Subsection (1)(a)(ii); or

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

392 (A) the military installation development authority, created in Section 63H-1-201; or

393 (B) a public infrastructure district created by the military installation development
394 authority under [~~Title 17B, Chapter 2a, Part 12~~] Title 17D, Chapter 4, Public Infrastructure
395 District Act.

396 (b) If an assessment resolution or ordinance provides that some or all of the assessment
397 be paid in installments for a period exceeding 10 years from the effective date of the resolution

398 or ordinance, the governing body:

399 (i) shall make a determination that:

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

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

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

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

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

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

412 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be
413 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance
414 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and
415 variable rates, as determined by the governing body, from the effective date of the resolution or
416 ordinance or another date specified in the resolution or ordinance.

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

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

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

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

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

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

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

428 (4) Interest payable on assessments may include:

- 429 (a) interest on assessment bonds;
- 430 (b) ongoing local entity costs incurred for administration of the assessment area; and
- 431 (c) any costs incurred with respect to:
 - 432 (i) securing a letter of credit or other instrument to secure payment or repurchase of
 - 433 bonds; or
 - 434 (ii) retaining a marketing agent or an indexing agent.

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

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

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

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

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

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

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

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

452 Section 5. Section **17B-1-102** is amended to read:

453 **17B-1-102. Definitions.**

454 As used in this title:

455 (1) "Appointing authority" means the person or body authorized to make an
456 appointment to the board of trustees.

457 (2) "Basic local district":

458 (a) means a local district that is not a specialized local district; and

459 (b) includes an entity that was, under the law in effect before April 30, 2007, created

460 and operated as a local district, as defined under the law in effect before April 30, 2007.

461 (3) "Bond" means:

462 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
463 warrant, certificate of indebtedness, or otherwise; and

464 (b) a lease agreement, installment purchase agreement, or other agreement that:

465 (i) includes an obligation by the district to pay money; and

466 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title
467 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond
468 Act.

469 (4) "Cemetery maintenance district" means a local district that operates under and is
470 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District
471 Act, including an entity that was created and operated as a cemetery maintenance district under
472 the law in effect before April 30, 2007.

473 (5) "Drainage district" means a local district that operates under and is subject to the
474 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that
475 was created and operated as a drainage district under the law in effect before April 30, 2007.

476 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
477 water, or other real or personal property required to provide a service that a local district is
478 authorized to provide, including any related or appurtenant easement or right-of-way,
479 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

480 (7) "Fire protection district" means a local district that operates under and is subject to
481 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an
482 entity that was created and operated as a fire protection district under the law in effect before
483 April 30, 2007.

484 (8) "General obligation bond":

485 (a) means a bond that is directly payable from and secured by ad valorem property
486 taxes that are:

487 (i) levied:

488 (A) by the district that issues the bond; and

489 (B) on taxable property within the district; and

490 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

491 and

492 (b) does not include:

493 (i) a short-term bond;

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

495 (iii) a special assessment bond.

496 (9) "Improvement assurance" means a surety bond, letter of credit, cash, or other
497 security:

498 (a) to guarantee the proper completion of an improvement;

499 (b) that is required before a local district may provide a service requested by a service
500 applicant; and

501 (c) that is offered to a local district to induce the local district before construction of an
502 improvement begins to:

503 (i) provide the requested service; or

504 (ii) commit to provide the requested service.

505 (10) "Improvement assurance warranty" means a promise that the materials and
506 workmanship of an improvement:

507 (a) comply with standards adopted by a local district; and

508 (b) will not fail in any material respect within an agreed warranty period.

509 (11) "Improvement district" means a local district that operates under and is subject to
510 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an
511 entity that was created and operated as a county improvement district under the law in effect
512 before April 30, 2007.

513 (12) "Irrigation district" means a local district that operates under and is subject to the
514 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that
515 was created and operated as an irrigation district under the law in effect before April 30, 2007.

516 (13) "Local district" means a limited purpose local government entity, as described in
517 Section [17B-1-103](#), that operates under, is subject to, and has the powers set forth in:

518 (a) this chapter; or

519 (b) (i) this chapter; and

520 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;

521 (B) Chapter 2a, Part 2, Drainage District Act;

- 522 (C) Chapter 2a, Part 3, Fire Protection District Act;
- 523 (D) Chapter 2a, Part 4, Improvement District Act;
- 524 (E) Chapter 2a, Part 5, Irrigation District Act;
- 525 (F) Chapter 2a, Part 6, Metropolitan Water District Act;
- 526 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;
- 527 (H) Chapter 2a, Part 8, Public Transit District Act;
- 528 (I) Chapter 2a, Part 9, Service Area Act;
- 529 (J) Chapter 2a, Part 10, Water Conservancy District Act; or
- 530 (K) Chapter 2a, Part 11, Municipal Services District Act~~[-or]~~.
- 531 [~~(L) Chapter 2a, Part 12, Public Infrastructure District Act.~~]

532 (14) "Metropolitan water district" means a local district that operates under and is
533 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District
534 Act, including an entity that was created and operated as a metropolitan water district under the
535 law in effect before April 30, 2007.

536 (15) "Mosquito abatement district" means a local district that operates under and is
537 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District
538 Act, including an entity that was created and operated as a mosquito abatement district under
539 the law in effect before April 30, 2007.

540 (16) "Municipal" means of or relating to a municipality.

541 (17) "Municipality" means a city, town, or metro township.

542 (18) "Municipal services district" means a local district that operates under and is
543 subject to the provisions of this chapter and Chapter 2a, Part 11, Municipal Services District
544 Act.

545 (19) "Person" means an individual, corporation, partnership, organization, association,
546 trust, governmental agency, or other legal entity.

547 (20) "Political subdivision" means a county, city, town, metro township, local district
548 under this title, special service district under Title 17D, Chapter 1, Special Service District Act,
549 an entity created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal
550 Cooperation Act, or any other governmental entity designated in statute as a political
551 subdivision of the state.

552 (21) "Private," with respect to real property, means not owned by the United States or

553 any agency of the federal government, the state, a county, or a political subdivision.

554 (22) "Public entity" means:

555 (a) the United States or an agency of the United States;

556 (b) the state or an agency of the state;

557 (c) a political subdivision of the state or an agency of a political subdivision of the
558 state;

559 (d) another state or an agency of that state; or

560 (e) a political subdivision of another state or an agency of that political subdivision.

561 [~~(23)~~] "Public infrastructure district" means a local district that operates under and is
562 subject to the provisions of this chapter and Chapter 2a, Part 12, Public Infrastructure District
563 Act.]

564 [~~(24)~~] (23) "Public transit district" means a local district that operates under and is
565 subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act,
566 including an entity that was created and operated as a public transit district under the law in
567 effect before April 30, 2007.

568 [~~(25)~~] (24) "Revenue bond":

569 (a) means a bond payable from designated taxes or other revenues other than the local
570 district's ad valorem property taxes; and

571 (b) does not include:

572 (i) an obligation constituting an indebtedness within the meaning of an applicable
573 constitutional or statutory debt limit;

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

575 (iii) a special assessment bond.

576 [~~(26)~~] (25) "Rules of order and procedure" means a set of rules that govern and
577 prescribe in a public meeting:

578 (a) parliamentary order and procedure;

579 (b) ethical behavior; and

580 (c) civil discourse.

581 [~~(27)~~] (26) "Service applicant" means a person who requests that a local district
582 provide a service that the local district is authorized to provide.

583 [~~(28)~~] (27) "Service area" means a local district that operates under and is subject to the

584 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was
585 created and operated as a county service area or a regional service area under the law in effect
586 before April 30, 2007.

587 ~~[(29)]~~ (28) "Short-term bond" means a bond that is required to be repaid during the
588 fiscal year in which the bond is issued.

589 ~~[(30)]~~ (29) "Special assessment" means an assessment levied against property to pay all
590 or a portion of the costs of making improvements that benefit the property.

591 ~~[(31)]~~ (30) "Special assessment bond" means a bond payable from special assessments.

592 ~~[(32)]~~ (31) "Specialized local district" means a local district that is a cemetery
593 maintenance district, a drainage district, a fire protection district, an improvement district, an
594 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit
595 district, a service area, a water conservancy district, a municipal services district, or a public
596 infrastructure district.

597 ~~[(33)]~~ (32) "Taxable value" means the taxable value of property as computed from the
598 most recent equalized assessment roll for county purposes.

599 ~~[(34)]~~ (33) "Tax and revenue anticipation bond" means a bond:

600 (a) issued in anticipation of the collection of taxes or other revenues or a combination
601 of taxes and other revenues; and

602 (b) that matures within the same fiscal year as the fiscal year in which the bond is
603 issued.

604 ~~[(35)]~~ (34) "Unincorporated" means not included within a municipality.

605 ~~[(36)]~~ (35) "Water conservancy district" means a local district that operates under and
606 is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District
607 Act, including an entity that was created and operated as a water conservancy district under the
608 law in effect before April 30, 2007.

609 ~~[(37)]~~ (36) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain,
610 tunnel, power plant, and any facility, improvement, or property necessary or convenient for
611 supplying or treating water for any beneficial use, and for otherwise accomplishing the
612 purposes of a local district.

613 Section 6. Section **17B-1-1102** is amended to read:

614 **17B-1-1102. General obligation bonds.**

615 (1) Except as provided in Subsection (3), if a district intends to issue general obligation
 616 bonds, the district shall first obtain the approval of district voters for issuance of the bonds at
 617 an election held for that purpose as provided in Title 11, Chapter 14, Local Government
 618 Bonding Act.

619 (2) General obligation bonds shall be secured by a pledge of the full faith and credit of
 620 the district, subject to~~[(a)]~~₂ for a water conservancy district, the property tax levy limits of
 621 Section 17B-2a-1006~~;~~_{and}.

622 ~~[(b) for a limited tax bond as defined in Section 17B-2a-1202 that a public
 623 infrastructure district issues, the property tax levy limits of Section 17B-2a-1209.]~~

624 (3) A district may issue refunding general obligation bonds, as provided in Title 11,
 625 Chapter 27, Utah Refunding Bond Act, without obtaining voter approval.

626 (4) (a) A local district may not issue general obligation bonds if the issuance of the
 627 bonds will cause the outstanding principal amount of all of the district's general obligation
 628 bonds to exceed the amount that results from multiplying the fair market value of the taxable
 629 property within the district, as determined under Subsection 11-14-301(3)(b), by a number that
 630 is:

- 631 (i) .05, for a basic local district;
- 632 (ii) .004, for a cemetery maintenance district;
- 633 (iii) .002, for a drainage district;
- 634 (iv) .004, for a fire protection district;
- 635 (v) .024, for an improvement district;
- 636 (vi) .1, for an irrigation district;
- 637 (vii) .1, for a metropolitan water district;
- 638 (viii) .0004, for a mosquito abatement district;
- 639 (ix) .03, for a public transit district;
- 640 (x) .12, for a service area; or
- 641 (xi) .05 for a municipal services district~~;~~_{or}.

642 ~~[(xii) except for a limited tax bond as defined in Section 17B-2a-1202, .15 for a public
 643 infrastructure district.]~~

644 (b) Bonds or other obligations of a local district that are not general obligation bonds
 645 are not included in the limit stated in Subsection (4)(a).

646 (5) A district may not be considered to be a municipal corporation for purposes of the
647 debt limitation of the Utah Constitution, Article XIV, Section 4.

648 (6) Bonds issued by an administrative or legal entity created under Title 11, Chapter
649 13, Interlocal Cooperation Act, may not be considered to be bonds of a local district that
650 participates in the agreement creating the administrative or legal entity.

651 Section 7. Section ~~17D-4-101~~, which is renumbered from Section 17B-2a-1201 is
652 renumbered and amended to read:

653 **CHAPTER 4. PUBLIC INFRASTRUCTURE DISTRICT ACT**

654 **Part 1. General Provisions**

655 ~~[17B-2a-1201]~~. **17D-4-101. Title.**

656 This ~~[part]~~ chapter is known as the "Public Infrastructure District Act."

657 Section 8. Section ~~17D-4-102~~, which is renumbered from Section 17B-2a-1202 is
658 renumbered and amended to read:

659 ~~[17B-2a-1202]~~. **17D-4-102. Definitions.**

660 As used in this ~~[part]~~ chapter:

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

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

664 (3) "Development authority" means the military installation development authority
665 created in Section ~~63H-1-201~~.

666 (4) "District applicant" means the person proposing the creation of ~~[the]~~ a public
667 infrastructure district.

668 (5) "Division" means a division of a public infrastructure district:

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

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

674 (6) "Governing document" means the document governing ~~[the]~~ a public infrastructure
675 district to which the creating entity agrees before the creation of the public infrastructure
676 district, as amended from time to time, and subject to the limitations of Title 17B, Chapter 1,

677 Provisions Applicable to All Local Districts, and this [part] chapter.

678 (7) (a) "Limited tax bond" means a bond:

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

681 (A) by ~~[the]~~ a public infrastructure district that issues the bond; and

682 (B) on taxable property within the district;

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

684 (iii) for which the ad valorem property tax levy for repayment of the bond does not
685 exceed the property tax levy rate limit established under Section ~~[17B-2a-1209]~~ 17D-4-303 for
686 any fiscal year, except as provided in Subsection ~~[17B-2a-1207(8)]~~ 17D-4-301(8).

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

688 (i) a short-term bond;

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

690 (iii) a special assessment bond.

691 Section 9. Section **17D-4-103**, which is renumbered from Section 17B-2a-1203 is
692 renumbered and amended to read:

693 ~~[17B-2a-1203]~~. **17D-4-103. Provisions applicable to public infrastructure**
694 **districts.**

695 (1) Each public infrastructure district is governed by and has the powers stated in:

696 (a) this [part] chapter; and

697 (b) Title 17B, Chapter 1, Provisions Applicable to All Local Districts.

698 (2) This [part] chapter applies only to a public infrastructure district.

699 ~~[(3) A public infrastructure district is not subject to the provisions of any other part of
700 this chapter.]~~

701 (3) Except as modified or exempted by this chapter, a public infrastructure district is,
702 to the same extent as if the public infrastructure district were a local district, subject to the
703 provisions in:

704 (a) Title 17B, Chapter 1, Provisions Applicable to All Local Districts; and

705 (b) Title 20A, Election Code.

706 (4) If there is a conflict between a provision in Title 17B, Chapter 1, Provisions
707 Applicable to All Local Districts, and a provision in this [part] chapter, the provision in this

708 [part governs] chapter supersedes the conflicting provision in Title 17B, Chapter 1, Provisions
709 Applicable to All Local Districts.

710 (5) The annexation of an unincorporated area by a municipality or the adjustment of a
711 boundary shared by more than one municipality does not affect the boundaries of a public
712 infrastructure district.

713 Section 10. Section **17D-4-201**, which is renumbered from Section 17B-2a-1204 is
714 renumbered and amended to read:

715 **Part 2. Creation, Governance, and Powers of a Public Infrastructure District**
716 **~~[17B-2a-1204].~~ 17D-4-201. Creation -- Annexation or withdrawal of**
717 **property.**

718 (1) (a) Except as provided in Subsection (1)(b), Subsection (2), and in addition to the
719 provisions regarding creation of a local district in Title 17B, Chapter 1, Provisions Applicable
720 to All Local Districts, a public infrastructure district may not be created unless:

721 (i) if there are any registered voters within the applicable area, a petition is filed with
722 the creating entity that contains the signatures of 100% of registered voters within the
723 applicable area approving the creation of the public infrastructure district; and

724 (ii) a petition is filed with the creating entity that contains the signatures of 100% of
725 surface property owners within the applicable area consenting to the creation of the public
726 infrastructure district.

727 (b) Notwithstanding Title 17B, Chapter 1, Part 2, Creation of a Local District, and any
728 other provision of this [part] chapter, the development authority may adopt a resolution
729 creating a public infrastructure district as a subsidiary of the development authority if all
730 owners of surface property proposed to be included within the public infrastructure district
731 consent in writing to the creation of the public infrastructure district.

732 (2) (a) The following do not apply to the creation of a public infrastructure district:

733 (i) Section [17B-1-203](#);

734 (ii) Section [17B-1-204](#);

735 (iii) Subsection [17B-1-208\(2\)](#);

736 (iv) Section [17B-1-212](#); or

737 (v) Section [17B-1-214](#).

738 (b) The protest period described in Section [17B-1-213](#) may be waived in whole or in

739 part with the consent of:

740 (i) 100% of registered voters within the applicable area approving the creation of the
741 public infrastructure district; and

742 (ii) 100% of the surface property owners within the applicable area approving the
743 creation of the public infrastructure district.

744 (c) If the protest period is waived under Subsection (2)(b), a resolution approving the
745 creation of the public infrastructure district may be adopted in accordance with Subsection
746 [17B-1-213](#)(5).

747 (d) A petition meeting the requirements of Subsection (1):

748 (i) may be certified under Section [17B-1-209](#); and

749 (ii) shall be filed with the lieutenant governor in accordance with Subsection
750 [17B-1-215](#)(1)(b)(iii).

751 (3) (a) Notwithstanding Title 17B, Chapter 1, Part 4, Annexation, an area outside of the
752 boundaries of a public infrastructure district may be annexed into the public infrastructure
753 district ~~[after]~~ if the following requirements are met:

754 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
755 the annexation; or

756 (B) adoption of a resolution of the board to annex the area, provided that the governing
757 document [that] or creation resolution for the public infrastructure district authorizes the board
758 to annex an area outside of the boundaries of the public infrastructure district without ~~[the]~~
759 future consent of the creating entity;

760 (ii) if there are any registered voters within the area proposed to be annexed, a petition
761 is filed with the creating entity that contains the signatures of 100% of registered voters within
762 the area ~~[and approves of]~~, demonstrating that the registered voters approve of the annexation
763 into the public infrastructure district; and

764 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
765 surface property owners within the area proposed to be annexed ~~[and consents]~~, demonstrating
766 the surface property owners consent to the annexation into the public infrastructure district.

767 (b) ~~[Upon]~~ Within 30 days of meeting the requirements of Subsection (3)(a), the board
768 shall ~~[comply with the resolution and filing requirements of Subsections [17B-1-414](#)(1) and~~
769 ~~(2):]~~ file with the lieutenant governor:

770 (i) a copy of a notice of impending boundary action, as defined in Section 67-1a-6.5,
771 that meets the requirements of Subsection 67-1a-6.5(3); and

772 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

773 (4) (a) Notwithstanding Title 17B, Chapter 1, Part 5, Withdrawal, property may be
774 withdrawn from a public infrastructure district ~~[after]~~ if the following requirements are met:

775 (i) (A) adoption of resolutions of the board and the creating entity, each approving of
776 the withdrawal; or

777 (B) adoption of a resolution of the board to withdraw the property, provided that the
778 governing document [that] or creation resolution for the public infrastructure district authorizes
779 the board to withdraw property from the public infrastructure district without ~~[the consent of]~~
780 further consent from the creating entity;

781 (ii) if there are any registered voters within the area proposed to be withdrawn, a
782 petition is filed with the creating entity that contains the signatures of 100% of registered voters
783 within the area ~~[and approves]~~, demonstrating that the registered voters approve of the
784 withdrawal from the public infrastructure district; and

785 (iii) a petition is filed with the creating entity that contains the signatures of 100% of
786 surface property owners within the area proposed to be withdrawn ~~[and consents]~~,
787 demonstrating that the surface property owners consent to the withdrawal from the public
788 infrastructure district.

789 (b) If any bonds that the public infrastructure district issues are allocable to the area to
790 be withdrawn remain unpaid at the time of the proposed withdrawal, the property remains
791 subject to any taxes, fees, or assessments that the public infrastructure district imposes until the
792 bonds or any associated refunding bonds are paid.

793 (c) Upon meeting the requirements of Subsections (4)(a) and (b), the board shall
794 comply with the requirements of Section 17B-1-512.

795 (5) ~~[The]~~ A creating entity may impose limitations on the powers of ~~[the]~~ a public
796 infrastructure district through the governing document.

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

798 (b) (i) Except as provided in Subsection (6)(b)(ii), any financial burden of a public
799 infrastructure district:

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

801 (B) is not borne by the creating entity, by the state, or by any municipality, county, or
802 other political subdivision.

803 (ii) Notwithstanding Subsection (6)(b)(i) and Section 17B-1-216, the governing
804 document may require:

805 (A) the district applicant to bear the initial costs of the public infrastructure district;
806 and

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

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

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

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

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

816 (B) The creating entity does not bear the responsibility described in Subsection
817 (6)(d)(i)(A).

818 (ii) A public infrastructure district, and not the creating entity, shall undertake the
819 enforcement responsibility described in, as applicable, Subsection (6)(d)(i) in accordance with
820 Title 59, Chapter 2, Property Tax Act, or Title 11, Chapter 42, Assessment Area Act.

821 (7) [~~The~~] A creating entity may establish criteria in determining whether to approve or
822 disapprove of the creation of a public infrastructure district, including:

823 (a) historical performance of the district applicant;

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

825 (c) credit worthiness of the district applicant;

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

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

828 (8) (a) The creation of a public infrastructure district is subject to the sole discretion of
829 the creating entity responsible for approving or rejecting the creation of the public
830 infrastructure district.

831 (b) The proposed creating entity bears no liability for rejecting the proposed creation of

832 a public infrastructure district.

833 Section 11. Section **17D-4-202**, which is renumbered from Section 17B-2a-1205 is
834 renumbered and amended to read:

835 ~~[17B-2a-1205]~~. **17D-4-202. Public infrastructure district board -- Governing**
836 **document.**

837 (1) The legislative body or board of the creating entity shall appoint the members of the
838 board of a public infrastructure district, in accordance with the governing document.

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

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

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

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

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

848 (i) all of the surface property owners consent to the waiver of the residency
849 requirement;

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

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

852 or

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

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

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

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

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

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

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

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

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

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

881 (b) In reestablishing division boundaries under Subsection (5)(a), the board shall
882 consider existing or potential developments within the divisions [~~which~~] that, when completed,
883 would increase or decrease the number of eligible voters within the division.

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

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

889 (7) [~~The~~] A governing document shall:

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

891 (b) state the number of board members;

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

893 (d) establish any applicable property tax levy rate limit for the public infrastructure

894 district;

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

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

899 (8) (a) Except as provided in Subsection (8)(b), the board and the governing body of
900 the creating entity may amend a governing document by each adopting a resolution that
901 approves the amended governing document.

902 (b) Notwithstanding Subsection (8)(a), any amendment to a property tax levy rate
903 limitation requires the consent of:

904 (i) 100% of surface property owners within the boundaries of the public infrastructure
905 district; and

906 (ii) 100% of the registered voters, if any, within the boundaries of the public
907 infrastructure district.

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

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

911 (i) before any appointment or election; and

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

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

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

918 Section 12. Section **17D-4-203**, which is renumbered from Section 17B-2a-1206 is
919 renumbered and amended to read:

920 ~~[17B-2a-1206].~~ **17D-4-203. Public infrastructure district powers.**

921 ~~[In addition to the powers conferred on a public infrastructure district under Section~~
922 ~~17B-1-103, a public infrastructure district may:]~~

923 A public infrastructure district shall have all of the authority conferred upon a local
924 district under Section 17B-1-103, and in addition a public infrastructure district may:

- 925 (1) issue negotiable bonds to pay:
- 926 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending
- 927 any of the improvements, facilities, or property allowed under Section 11-14-103;
- 928 (b) capital costs of improvements in an energy assessment area, as defined in Section
- 929 11-42a-102, and other related costs, against the funds that the public infrastructure district will
- 930 receive because of an assessment in an energy assessment area, as defined in Section
- 931 11-42a-102;
- 932 (c) public improvements related to the provision of housing;
- 933 (d) capital costs related to public transportation; and
- 934 (e) for a public infrastructure district created by the development authority, the cost of
- 935 acquiring or financing publicly owned infrastructure and improvements;
- 936 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,
- 937 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers
- 938 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal
- 939 Cooperation Act, without the consent of the creating entity;
- 940 (3) acquire completed or partially completed improvements for fair market value as
- 941 reasonably determined by:
- 942 (a) the board;
- 943 (b) the creating entity, if required in the governing document; or
- 944 (c) a surveyor or engineer that a public infrastructure district employs or engages to
- 945 perform the necessary engineering services for and to supervise the construction or installation
- 946 of the improvements;
- 947 (4) contract with the creating entity for the creating entity to provide administrative
- 948 services on behalf of the public infrastructure district, when agreed to by both parties, in order
- 949 to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and
- 950 (5) for a public infrastructure district created by a development authority:
- 951 (a) (i) operate and maintain publicly owned infrastructure and improvements the
- 952 district acquires or finances; and
- 953 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those
- 954 publicly owned infrastructure and improvements; and
- 955 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.

956 Section 13. Section **17D-4-204**, which is renumbered from Section 17B-2a-1211 is
957 renumbered and amended to read:

958 ~~[17B-2a-1211]~~. **17D-4-204. Relation to other local entities.**

959 (1) Notwithstanding ~~[the]~~ a creation of the public infrastructure district, the creating
960 entity and any other public entity, as applicable, retains all of the entity's authority over all
961 zoning, planning, design specifications and approvals, and permitting within the public
962 infrastructure district.

963 (2) The inclusion of property within the boundaries of a public infrastructure district
964 does not preclude the inclusion of the property within any other local district.

965 (3) (a) All infrastructure that is connected to another public entity's system:

966 (i) belongs to that public entity, regardless of inclusion within the boundaries of a
967 public infrastructure district, unless the public infrastructure district and the public entity
968 otherwise agree; and

969 (ii) shall comply with the design, inspection requirements, and other standards of the
970 public entity.

971 (b) ~~[The]~~ A public infrastructure district shall convey or transfer the infrastructure
972 described in Subsection (3)(a) free of liens or financial encumbrances to the public entity at no
973 cost to the public entity.

974 Section 14. Section **17D-4-205**, which is renumbered from Section 17B-2a-1212 is
975 renumbered and amended to read:

976 ~~[17B-2a-1212]~~. **17D-4-205. Transparency.**

977 A public infrastructure district shall file annual reports with the creating entity
978 regarding the public infrastructure district's actions as provided in the governing document.

979 Section 15. Section **17D-4-301**, which is renumbered from Section 17B-2a-1207 is
980 renumbered and amended to read:

981 **Part 3. Bond Issuance, Fee Collection, and Property Tax Levy Authority for a**
982 **Public Infrastructure District**

983 ~~[17B-2a-1207]~~. **17D-4-301. Public infrastructure district bonds.**

984 (1) A public infrastructure district may issue negotiable bonds for the purposes
985 described in Section ~~[17B-2a-1206]~~ 17D-4-203, as provided in, as applicable:

986 (a) Title 11, Chapter 14, Local Government Bonding Act;

987 (b) Title 11, Chapter 27, Utah Refunding Bond Act;

988 (c) Title 11, Chapter 42, Assessment Area Act; and

989 (d) this section.

990 (2) A public infrastructure district bond:

991 (a) shall mature within 40 years of the date of issuance; and

992 (b) may not be secured by any improvement or facility paid for by the public

993 infrastructure district.

994 (3) (a) A public infrastructure district may issue a limited tax bond, in the same manner

995 as a general obligation bond:

996 (i) with the consent of 100% of surface property owners within the boundaries of the

997 public infrastructure district and 100% of the registered voters, if any, within the boundaries of

998 the proposed public infrastructure district; or

999 (ii) upon approval of a majority of the registered voters within the boundaries of the

1000 public infrastructure district voting in an election held for that purpose under Title 11, Chapter

1001 14, Local Government Bonding Act.

1002 (b) A limited tax bond described in Subsection (3)(a):

1003 (i) is not subject to the limitation on a general obligation bond described in Subsection

1004 [17B-1-1102\(4\)\(a\)\(xii\)](#); and

1005 (ii) is subject to a limitation, if any, on the principal amount of indebtedness as

1006 described in the governing document.

1007 (c) Unless limited tax bonds are initially purchased exclusively by one or more

1008 qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public

1009 infrastructure district may only issue limited tax bonds in denominations of not less than

1010 \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.

1011 (d) (i) Without any further election or consent of property owners or registered voters,

1012 a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to

1013 a general obligation bond if the principal amount of the related limited tax bond together with

1014 the principal amount of other related outstanding general obligation bonds of the public

1015 infrastructure district does not exceed 15% of the fair market value of taxable property in the

1016 public infrastructure district securing the general obligation bonds, determined by:

1017 (A) an appraisal from an appraiser who is a member of the Appraisal Institute that is

1018 addressed to the public infrastructure district or a financial institution; or

1019 (B) the most recent market value of the property from the assessor of the county in
1020 which the property is located.

1021 (ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is
1022 sufficient to meet any statutory or constitutional election requirement necessary for the
1023 issuance of the limited tax bond and any general obligation bond to be issued in place of the
1024 limited tax bond upon meeting the requirements of this Subsection (3)(d).

1025 (iii) A general obligation bond resulting from a conversion of a limited tax bond under
1026 this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in
1027 Subsection [17B-1-1102\(4\)\(a\)\(xii\)](#).

1028 (e) A public infrastructure district that levies a property tax for payment of debt service
1029 on a limited tax bond issued under this section is not required to comply with the notice and
1030 hearing requirements of Section [59-2-919](#) unless the rate exceeds the rate established in:

1031 (i) Section [~~[17B-2a-1209](#)~~] [17D-4-303](#), except as provided in Subsection (8);

1032 (ii) the governing document; or

1033 (iii) the documents relating to the issuance of the limited tax bond.

1034 (4) There is no limitation on the duration of revenues that a public infrastructure
1035 district may receive to cover any shortfall in the payment of principal of and interest on a bond
1036 that the public infrastructure district issues.

1037 (5) A public infrastructure district is not a municipal corporation for purposes of the
1038 debt limitation of Utah Constitution, Article XIV, Section 4.

1039 (6) The board may, by resolution, delegate to one or more officers of the public
1040 infrastructure district the authority to:

1041 (a) in accordance and within the parameters set forth in a resolution adopted in
1042 accordance with Section [11-14-302](#), approve the final interest rate, price, principal amount,
1043 maturity, redemption features, and other terms of the bond;

1044 (b) approve and execute any document relating to the issuance of a bond; and

1045 (c) approve any contract related to the acquisition and construction of the
1046 improvements, facilities, or property to be financed with a bond.

1047 (7) (a) Any person may contest the legality of the issuance of a public infrastructure
1048 district bond or any provisions for the security and payment of the bond for a period of 30 days

1049 after:

1050 (i) publication of the resolution authorizing the bond; or

1051 (ii) publication of a notice of bond containing substantially the items required under
1052 Subsection [11-14-316\(2\)](#).

1053 (b) After the 30-day period described in Subsection (7)(a), no person may bring a
1054 lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any
1055 reason.

1056 (8) (a) In the event of any statutory change in the methodology of assessment or
1057 collection of property taxes in a manner that reduces the amounts which are devoted or pledged
1058 to the repayment of limited tax bonds, a public infrastructure district may charge a rate
1059 sufficient to receive the amount of property taxes or assessment the public infrastructure
1060 district would have received before the statutory change in order to pay the debt service on
1061 outstanding limited tax bonds.

1062 (b) The rate increase described in Subsection (8)(a) may exceed the limit described in
1063 Section [~~17B-2a-1209~~] [17D-4-303](#).

1064 (c) The public infrastructure district may charge the rate increase described in
1065 Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities,
1066 together with applicable interest, are fully met and discharged.

1067 Section 16. Section **17D-4-302**, which is renumbered from Section 17B-2a-1208 is
1068 renumbered and amended to read:

1069 ~~[17B-2a-1208]~~. **17D-4-302. Fees.**

1070 A public infrastructure district may charge a fee or other charge for an administrative
1071 service that the public infrastructure district provides, to pay some or all of the public
1072 infrastructure district's:

- 1073 (1) costs of acquiring, improving, or extending improvements, facilities, or property; or
1074 (2) costs associated with the enforcement of a legal remedy.

1075 Section 17. Section **17D-4-303**, which is renumbered from Section 17B-2a-1209 is
1076 renumbered and amended to read:

1077 ~~[17B-2a-1209]~~. **17D-4-303. Limits on public infrastructure district property**
1078 **tax levy -- Notice requirements.**

1079 (1) The property tax levy of a public infrastructure district, for all purposes, including

1080 payment of debt service on limited tax bonds, may not exceed .015 per dollar of taxable value
1081 of taxable property in the district.

1082 (2) The limitation described in Subsection (1) does not apply to the levy by the public
1083 infrastructure district to pay principal of and interest on a general obligation bond that the
1084 public infrastructure district issues.

1085 (3) (a) Within 30 days after the day on which [~~the creating entity adopts the resolution~~
1086 ~~creating the public infrastructure district~~] the lieutenant governor issues a certificate of
1087 incorporation under Section 67-1a-6.5, the board shall record a notice with the recorder of the
1088 county in which property within the public infrastructure district is located.

1089 (b) The notice described in Subsection (3)(a) shall:

1090 (i) contain a description of the boundaries of the public infrastructure district;

1091 (ii) state that a copy of the governing document is on file at the office of the creating
1092 entity;

1093 (iii) state that the public infrastructure district may finance and repay infrastructure and
1094 other improvements through the levy of a property tax; and

1095 (iv) state the maximum rate that the public infrastructure district may levy.

1096 Section 18. Section ~~17D-4-304~~, which is renumbered from Section 17B-2a-1210 is
1097 renumbered and amended to read:

1098 ~~[17B-2a-1210]~~. **17D-4-304. Property tax penalty for nonpayment.**

1099 In the event of nonpayment of any tax, fee, or charge that a public infrastructure district
1100 imposes, the public infrastructure district may impose a property tax penalty at an annual rate
1101 of .07, in addition to any other lawful penalty for nonpayment of property tax.

1102 Section 19. Section ~~17D-4-305~~, which is renumbered from Section 17B-2a-1213 is
1103 renumbered and amended to read:

1104 ~~[17B-2a-1213]~~. **17D-4-305. Action to contest tax, fee, or proceeding --**
1105 **Requirements -- Exclusive remedy -- Bonds, taxes, and fees incontestable.**

1106 (1) A person who contests a tax or fee or any proceeding to create a public
1107 infrastructure district, levy a tax, or impose a fee may bring a civil action against the public
1108 infrastructure district or the creating entity to:

1109 (a) set aside the proceeding; or

1110 (b) enjoin the levy, imposition, or collection of a tax or fee.

- 1111 (2) The person bringing an action described in Subsection (1):
1112 (a) shall bring the action in the district court with jurisdiction in the county in which
1113 the public infrastructure district is located; and
1114 (b) may not bring the action against or serve a summons relating to the action on the
1115 public infrastructure district more than 30 days after the effective date of the:
1116 (i) creation of the public infrastructure district, if the challenge is to the creation of the
1117 public infrastructure district; or
1118 (ii) tax or fee, if the challenge is to a tax or fee.
1119 (3) An action under Subsection (1) is the exclusive remedy of a person who:
1120 (a) claims an error or irregularity in a tax or fee or in any proceeding to create a public
1121 infrastructure district, levy a tax, or impose a fee; or
1122 (b) challenges a bondholder's right to repayment.
1123 (4) After the expiration of the 30-day period described in Subsection (2)(b):
1124 (a) a bond issued or to be issued with respect to a public infrastructure district and any
1125 tax levied or fee imposed becomes incontestable against any person who has not brought an
1126 action and served a summons in accordance with this section;
1127 (b) a person may not bring a suit to:
1128 (i) enjoin the issuance or payment of a bond or the levy, imposition, collection, or
1129 enforcement of a tax or fee; or
1130 (ii) attack or question in any way the legality of a bond, tax, or fee; and
1131 (c) a court may not inquire into the matters described in Subsection (4)(b).
1132 (5) (a) This section does not insulate a public infrastructure district from a claim of
1133 misuse of funds after the expiration of the 30-day period described in Subsection (2)(b).
1134 (b) (i) Except as provided in Subsection (5)(b)(ii), an action in the nature of mandamus
1135 is the sole form of relief available to a party challenging the misuse of funds.
1136 (ii) The limitation in Subsection (5)(b)(i) does not prohibit the filing of criminal
1137 charges against or the prosecution of a party for the misuse of funds.

1138 Section 20. Section **59-2-102** is amended to read:

1139 **59-2-102. Definitions.**

1140 As used in this chapter:

- 1141 (1) (a) "Acquisition cost" means any cost required to put an item of tangible personal

1142 property into service.

1143 (b) "Acquisition cost" includes:

1144 (i) the purchase price of a new or used item;

1145 (ii) the cost of freight, shipping, loading at origin, unloading at destination, crating,
1146 skidding, or any other applicable cost of shipping;

1147 (iii) the cost of installation, engineering, rigging, erection, or assembly, including
1148 foundations, pilings, utility connections, or similar costs; and

1149 (iv) sales and use taxes.

1150 (2) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of
1151 engaging in dispensing activities directly affecting agriculture or horticulture with an
1152 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or
1153 rotorcraft's use for agricultural and pest control purposes.

1154 (3) "Air charter service" means an air carrier operation that requires the customer to
1155 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled
1156 trip.

1157 (4) "Air contract service" means an air carrier operation available only to customers
1158 that engage the services of the carrier through a contractual agreement and excess capacity on
1159 any trip and is not available to the public at large.

1160 (5) "Aircraft" means the same as that term is defined in Section [72-10-102](#).

1161 (6) (a) Except as provided in Subsection (6)(b), "airline" means an air carrier that:

1162 (i) operates:

1163 (A) on an interstate route; and

1164 (B) on a scheduled basis; and

1165 (ii) offers to fly one or more passengers or cargo on the basis of available capacity on a
1166 regularly scheduled route.

1167 (b) "Airline" does not include an:

1168 (i) air charter service; or

1169 (ii) air contract service.

1170 (7) "Assessment roll" or "assessment book" means a permanent record of the
1171 assessment of property as assessed by the county assessor and the commission and may be
1172 maintained manually or as a computerized file as a consolidated record or as multiple records

1173 by type, classification, or categories.

1174 (8) "Base parcel" means a parcel of property that was legally:

1175 (a) subdivided into two or more lots, parcels, or other divisions of land; or

1176 (b) (i) combined with one or more other parcels of property; and

1177 (ii) subdivided into two or more lots, parcels, or other divisions of land.

1178 (9) (a) "Certified revenue levy" means a property tax levy that provides an amount of
1179 ad valorem property tax revenue equal to the sum of:

1180 (i) the amount of ad valorem property tax revenue to be generated statewide in the
1181 previous year from imposing a multicounty assessing and collecting levy, as specified in
1182 Section [59-2-1602](#); and

1183 (ii) the product of:

1184 (A) eligible new growth, as defined in Section [59-2-924](#); and

1185 (B) the multicounty assessing and collecting levy certified by the commission for the
1186 previous year.

1187 (b) For purposes of this Subsection (9), "ad valorem property tax revenue" does not
1188 include property tax revenue received by a taxing entity from personal property that is:

1189 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and

1190 (ii) semiconductor manufacturing equipment.

1191 (c) For purposes of calculating the certified revenue levy described in this Subsection
1192 (9), the commission shall use:

1193 (i) the taxable value of real property assessed by a county assessor contained on the
1194 assessment roll;

1195 (ii) the taxable value of real and personal property assessed by the commission; and

1196 (iii) the taxable year end value of personal property assessed by a county assessor
1197 contained on the prior year's assessment roll.

1198 (10) "County-assessed commercial vehicle" means:

1199 (a) any commercial vehicle, trailer, or semitrailer that is not apportioned under Section
1200 [41-1a-301](#) and is not operated interstate to transport the vehicle owner's goods or property in
1201 furtherance of the owner's commercial enterprise;

1202 (b) any passenger vehicle owned by a business and used by its employees for
1203 transportation as a company car or vanpool vehicle; and

- 1204 (c) vehicles that are:
1205 (i) especially constructed for towing or wrecking, and that are not otherwise used to
1206 transport goods, merchandise, or people for compensation;
1207 (ii) used or licensed as taxicabs or limousines;
1208 (iii) used as rental passenger cars, travel trailers, or motor homes;
1209 (iv) used or licensed in this state for use as ambulances or hearses;
1210 (v) especially designed and used for garbage and rubbish collection; or
1211 (vi) used exclusively to transport students or their instructors to or from any private,
1212 public, or religious school or school activities.

1213 (11) "Eligible judgment" means a final and unappealable judgment or order under
1214 Section [59-2-1330](#):

1215 (a) that became a final and unappealable judgment or order no more than 14 months
1216 before the day on which the notice described in Section [59-2-919.1](#) is required to be provided;
1217 and

1218 (b) for which a taxing entity's share of the final and unappealable judgment or order is
1219 greater than or equal to the lesser of:

- 1220 (i) \$5,000; or
1221 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the
1222 previous fiscal year.

1223 (12) (a) "Escaped property" means any property, whether personal, land, or any
1224 improvements to the property, that is subject to taxation and is:

1225 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed
1226 to the wrong taxpayer by the assessing authority;

1227 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to
1228 comply with the reporting requirements of this chapter; or

1229 (iii) undervalued because of errors made by the assessing authority based upon
1230 incomplete or erroneous information furnished by the taxpayer.

1231 (b) "Escaped property" does not include property that is undervalued because of the use
1232 of a different valuation methodology or because of a different application of the same valuation
1233 methodology.

1234 (13)(a) "Fair market value" means the amount at which property would change hands

1235 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell
1236 and both having reasonable knowledge of the relevant facts.

1237 (b) For purposes of taxation, "fair market value" shall be determined using the current
1238 zoning laws applicable to the property in question, except in cases where there is a reasonable
1239 probability of a change in the zoning laws affecting that property in the tax year in question and
1240 the change would have an appreciable influence upon the value.

1241 (14) "Geothermal fluid" means water in any form at temperatures greater than 120
1242 degrees centigrade naturally present in a geothermal system.

1243 (15) "Geothermal resource" means:

1244 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;
1245 and

1246 (b) the energy, in whatever form, including pressure, present in, resulting from, created
1247 by, or which may be extracted from that natural heat, directly or through a material medium.

1248 (16) (a) "Goodwill" means:

1249 (i) acquired goodwill that is reported as goodwill on the books and records that a
1250 taxpayer maintains for financial reporting purposes; or

1251 (ii) the ability of a business to:

1252 (A) generate income that exceeds a normal rate of return on assets and that results from
1253 a factor described in Subsection (16)(b); or

1254 (B) obtain an economic or competitive advantage resulting from a factor described in
1255 Subsection (16)(b).

1256 (b) The following factors apply to Subsection (16)(a)(ii):

1257 (i) superior management skills;

1258 (ii) reputation;

1259 (iii) customer relationships;

1260 (iv) patronage; or

1261 (v) a factor similar to Subsections (16)(b)(i) through (iv).

1262 (c) "Goodwill" does not include:

1263 (i) the intangible property described in Subsection (19)(a) or (b);

1264 (ii) locational attributes of real property, including:

1265 (A) zoning;

- 1266 (B) location;
- 1267 (C) view;
- 1268 (D) a geographic feature;
- 1269 (E) an easement;
- 1270 (F) a covenant;
- 1271 (G) proximity to raw materials;
- 1272 (H) the condition of surrounding property; or
- 1273 (I) proximity to markets;
- 1274 (iii) value attributable to the identification of an improvement to real property,
- 1275 including:
 - 1276 (A) reputation of the designer, builder, or architect of the improvement;
 - 1277 (B) a name given to, or associated with, the improvement; or
 - 1278 (C) the historic significance of an improvement; or
 - 1279 (iv) the enhancement or assemblage value specifically attributable to the interrelation
 - 1280 of the existing tangible property in place working together as a unit.
- 1281 (17) "Governing body" means:
 - 1282 (a) for a county, city, or town, the legislative body of the county, city, or town;
 - 1283 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -
 - 1284 Local Districts, the local district's board of trustees;
 - 1285 (c) for a school district, the local board of education; [or]
 - 1286 (d) for a special service district under Title 17D, Chapter 1, Special Service District
 - 1287 Act:
 - 1288 (i) the legislative body of the county or municipality that created the special service
 - 1289 district, to the extent that the county or municipal legislative body has not delegated authority
 - 1290 to an administrative control board established under Section 17D-1-301; or
 - 1291 (ii) the administrative control board, to the extent that the county or municipal
 - 1292 legislative body has delegated authority to an administrative control board established under
 - 1293 Section 17D-1-301[-]; or
 - 1294 (e) for a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure
 - 1295 District Act, the public infrastructure district's board of trustees.
 - 1296 (18) (a) Except as provided in Subsection (18)(c), "improvement" means a building,

1297 structure, fixture, fence, or other item that is permanently attached to land, regardless of
1298 whether the title has been acquired to the land, if:

1299 (i) (A) attachment to land is essential to the operation or use of the item; and
1300 (B) the manner of attachment to land suggests that the item will remain attached to the

1301 land in the same place over the useful life of the item; or
1302 (ii) removal of the item would:

1303 (A) cause substantial damage to the item; or
1304 (B) require substantial alteration or repair of a structure to which the item is attached.

1305 (b) "Improvement" includes:
1306 (i) an accessory to an item described in Subsection (18)(a) if the accessory is:

1307 (A) essential to the operation of the item described in Subsection (18)(a); and
1308 (B) installed solely to serve the operation of the item described in Subsection (18)(a);

1309 and
1310 (ii) an item described in Subsection (18)(a) that is temporarily detached from the land

1311 for repairs and remains located on the land.
1312 (c) "Improvement" does not include:

1313 (i) an item considered to be personal property pursuant to rules made in accordance
1314 with Section 59-2-107;

1315 (ii) a moveable item that is attached to land for stability only or for an obvious
1316 temporary purpose;

1317 (iii) (A) manufacturing equipment and machinery; or
1318 (B) essential accessories to manufacturing equipment and machinery;

1319 (iv) an item attached to the land in a manner that facilitates removal without substantial
1320 damage to the land or the item; or

1321 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that
1322 transportable factory-built housing unit is considered to be personal property under Section
1323 59-2-1503.

1324 (19) "Intangible property" means:

1325 (a) property that is capable of private ownership separate from tangible property,
1326 including:

1327 (i) money;

- 1328 (ii) credits;
- 1329 (iii) bonds;
- 1330 (iv) stocks;
- 1331 (v) representative property;
- 1332 (vi) franchises;
- 1333 (vii) licenses;
- 1334 (viii) trade names;
- 1335 (ix) copyrights; and
- 1336 (x) patents;
- 1337 (b) a low-income housing tax credit;
- 1338 (c) goodwill; or
- 1339 (d) a renewable energy tax credit or incentive, including:
 - 1340 (i) a federal renewable energy production tax credit under Section 45, Internal Revenue
 - 1341 Code;
 - 1342 (ii) a federal energy credit for qualified renewable electricity production facilities under
 - 1343 Section 48, Internal Revenue Code;
 - 1344 (iii) a federal grant for a renewable energy property under American Recovery and
 - 1345 Reinvestment Act of 2009, Pub. L. No. 111-5, Section 1603; and
 - 1346 (iv) a tax credit under Subsection [59-7-614\(5\)](#).
- 1347 (20) "Livestock" means:
 - 1348 (a) a domestic animal;
 - 1349 (b) a fish;
 - 1350 (c) a fur-bearing animal;
 - 1351 (d) a honeybee; or
 - 1352 (e) poultry.
- 1353 (21) "Low-income housing tax credit" means:
 - 1354 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;
 - 1355 or
 - 1356 (b) a low-income housing tax credit under Section [59-7-607](#) or Section [59-10-1010](#).
- 1357 (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.
- 1358 (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous

1359 valuable mineral.

1360 (24) "Mining" means the process of producing, extracting, leaching, evaporating, or
1361 otherwise removing a mineral from a mine.

1362 (25) (a) "Mobile flight equipment" means tangible personal property that is owned or
1363 operated by an air charter service, air contract service, or airline and:

1364 (i) is capable of flight or is attached to an aircraft that is capable of flight; or

1365 (ii) is contained in an aircraft that is capable of flight if the tangible personal property
1366 is intended to be used:

1367 (A) during multiple flights;

1368 (B) during a takeoff, flight, or landing; and

1369 (C) as a service provided by an air charter service, air contract service, or airline.

1370 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare
1371 engine that is rotated at regular intervals with an engine that is attached to the aircraft.

1372 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1373 commission may make rules defining the term "regular intervals."

1374 (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts,
1375 sand, rock, gravel, and all carboniferous materials.

1376 (27) "Part-year residential property" means property that is not residential property on
1377 January 1 of a calendar year but becomes residential property after January 1 of the calendar
1378 year.

1379 (28) "Personal property" includes:

1380 (a) every class of property as defined in Subsection (29) that is the subject of
1381 ownership and is not real estate or an improvement;

1382 (b) any pipe laid in or affixed to land whether or not the ownership of the pipe is
1383 separate from the ownership of the underlying land, even if the pipe meets the definition of an
1384 improvement;

1385 (c) bridges and ferries;

1386 (d) livestock; and

1387 (e) outdoor advertising structures as defined in Section [72-7-502](#).

1388 (29) (a) "Property" means property that is subject to assessment and taxation according
1389 to its value.

1390 (b) "Property" does not include intangible property as defined in this section.

1391 (30) "Public utility" means:

1392 (a) for purposes of this chapter, the operating property of a railroad, gas corporation, oil
1393 or gas transportation or pipeline company, coal slurry pipeline company, electrical corporation,
1394 telephone corporation, sewerage corporation, or heat corporation where the company performs
1395 the service for, or delivers the commodity to, the public generally or companies serving the
1396 public generally, or in the case of a gas corporation or an electrical corporation, where the gas
1397 or electricity is sold or furnished to any member or consumers within the state for domestic,
1398 commercial, or industrial use; and

1399 (b) the operating property of any entity or person defined under Section 54-2-1 except
1400 water corporations.

1401 (31) (a) Subject to Subsection (31)(b), "qualifying exempt primary residential rental
1402 personal property" means household furnishings, furniture, and equipment that:

1403 (i) are used exclusively within a dwelling unit that is the primary residence of a tenant;

1404 (ii) are owned by the owner of the dwelling unit that is the primary residence of a
1405 tenant; and

1406 (iii) after applying the residential exemption described in Section 59-2-103, are exempt
1407 from taxation under this chapter in accordance with Subsection 59-2-1115(2).

1408 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1409 commission may by rule define the term "dwelling unit" for purposes of this Subsection (31)
1410 and Subsection (34).

1411 (32) "Real estate" or "real property" includes:

1412 (a) the possession of, claim to, ownership of, or right to the possession of land;

1413 (b) all mines, minerals, and quarries in and under the land, all timber belonging to
1414 individuals or corporations growing or being on the lands of this state or the United States, and
1415 all rights and privileges appertaining to these; and

1416 (c) improvements.

1417 (33) (a) "Relationship with an owner of the property's land surface rights" means a
1418 relationship described in Subsection 267(b), Internal Revenue Code, except that the term 25%
1419 shall be substituted for the term 50% in Subsection 267(b), Internal Revenue Code.

1420 (b) For purposes of determining if a relationship described in Subsection 267(b),

1421 Internal Revenue Code, exists, the ownership of stock shall be determined using the ownership
1422 rules in Subsection 267(c), Internal Revenue Code.

1423 (34) (a) "Residential property," for purposes of the reductions and adjustments under
1424 this chapter, means any property used for residential purposes as a primary residence.

1425 (b) "Residential property" includes:

1426 (i) except as provided in Subsection (34)(b)(ii), includes household furnishings,
1427 furniture, and equipment if the household furnishings, furniture, and equipment are:

1428 (A) used exclusively within a dwelling unit that is the primary residence of a tenant;

1429 and

1430 (B) owned by the owner of the dwelling unit that is the primary residence of a tenant;

1431 and

1432 (ii) if the county assessor determines that the property will be used for residential
1433 purposes as a primary residence:

1434 (A) property under construction; or

1435 (B) unoccupied property.

1436 (c) "Residential property" does not include property used for transient residential use.

1437 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1438 commission may by rule define the term "dwelling unit" for purposes of Subsection (31) and
1439 this Subsection (34).

1440 (35) "Split estate mineral rights owner" means a person that:

1441 (a) has a legal right to extract a mineral from property;

1442 (b) does not hold more than a 25% interest in:

1443 (i) the land surface rights of the property where the wellhead is located; or

1444 (ii) an entity with an ownership interest in the land surface rights of the property where
1445 the wellhead is located;

1446 (c) is not an entity in which the owner of the land surface rights of the property where
1447 the wellhead is located holds more than a 25% interest; and

1448 (d) does not have a relationship with an owner of the land surface rights of the property
1449 where the wellhead is located.

1450 (36) (a) "State-assessed commercial vehicle" means:

1451 (i) any commercial vehicle, trailer, or semitrailer that operates interstate or intrastate to

1452 transport passengers, freight, merchandise, or other property for hire; or

1453 (ii) any commercial vehicle, trailer, or semitrailer that operates interstate and transports
1454 the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

1455 (b) "State-assessed commercial vehicle" does not include vehicles used for hire that are
1456 specified in Subsection (10)(c) as county-assessed commercial vehicles.

1457 (37) "Subdivided lot" means a lot, parcel, or other division of land, that is a division of
1458 a base parcel.

1459 (38) "Tax area" means a geographic area created by the overlapping boundaries of one
1460 or more taxing entities.

1461 (39) "Taxable value" means fair market value less any applicable reduction allowed for
1462 residential property under Section 59-2-103.

1463 (40) "Taxing entity" means any county, city, town, school district, special taxing
1464 district, local district under Title 17B, Limited Purpose Local Government Entities - Local
1465 Districts, or other political subdivision of the state with the authority to levy a tax on property.

1466 (41) (a) "Tax roll" means a permanent record of the taxes charged on property, as
1467 extended on the assessment roll, and may be maintained on the same record or records as the
1468 assessment roll or may be maintained on a separate record properly indexed to the assessment
1469 roll.

1470 (b) "Tax roll" includes tax books, tax lists, and other similar materials.

1471 Section 21. Section 59-2-1317 is amended to read:

1472 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**
1473 **providing notice.**

1474 (1) As used in this section, "political subdivision lien" means the same as that term is
1475 defined in Section 11-60-102.

1476 (2) Subject to the other provisions of this section, the county treasurer shall:

1477 (a) collect the taxes and tax notice charges; and

1478 (b) provide a notice to each taxpayer that contains the following:

1479 (i) the kind and value of property assessed to the taxpayer;

1480 (ii) the street address of the property, if available to the county;

1481 (iii) that the property may be subject to a detailed review in the next year under Section
1482 59-2-303.1;

- 1483 (iv) the amount of taxes levied;
- 1484 (v) a separate statement of the taxes levied only on a certain kind or class of property
1485 for a special purpose;
- 1486 (vi) property tax information pertaining to taxpayer relief, options for payment of
1487 taxes, and collection procedures;
- 1488 (vii) any tax notice charges applicable to the property, including:
- 1489 (A) if applicable, a political subdivision lien for road damage that a railroad company
1490 causes, as described in Section [10-7-30](#);
- 1491 (B) if applicable, a political subdivision lien for municipal water distribution, as
1492 described in Section [10-8-17](#), or a political subdivision lien for an increase in supply from a
1493 municipal water distribution, as described in Section [10-8-19](#);
- 1494 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in
1495 Section [10-11-4](#);
- 1496 (D) if applicable, a political subdivision lien for the unpaid portion of an assessment
1497 assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter
1498 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and
1499 interest as of the date the local entity certifies the unpaid amount to the county treasurer;
- 1500 (E) if applicable, for a local district in accordance with Section [17B-1-902](#), a political
1501 subdivision lien for an unpaid fee, administrative cost, or interest;
- 1502 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge
1503 as described in Section [17B-2a-506](#);
- 1504 (G) if applicable, a political subdivision lien for a contract assessment under a water
1505 contract, as described in Section [17B-2a-1007](#); and
- 1506 (H) if applicable, a property tax penalty that a public infrastructure district imposes, as
1507 described in Section [~~17B-2a-1210~~] [17D-4-304](#);
- 1508 (viii) if a county's tax notice includes an assessment area charge, a statement that, due
1509 to potentially ongoing assessment area charges, costs, penalties, and interest, payment of a tax
1510 notice charge may not:
- 1511 (A) pay off the full amount the property owner owes to the tax notice entity; or
1512 (B) cause a release of the lien underlying the tax notice charge;
- 1513 (ix) the date the taxes and tax notice charges are due;

- 1514 (x) the street address at which the taxes and tax notice charges may be paid;
- 1515 (xi) the date on which the taxes and tax notice charges are delinquent;
- 1516 (xii) the penalty imposed on delinquent taxes and tax notice charges;
- 1517 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
- 1518 payment in accordance with Subsection (9);
- 1519 (xiv) other information specifically authorized to be included on the notice under this
- 1520 chapter; and
- 1521 (xv) other property tax information approved by the commission.
- 1522 (3) (a) Unless expressly allowed under this section or another statutory provision, the
- 1523 treasurer may not add an amount to be collected to the property tax notice.
- 1524 (b) If the county treasurer adds an amount to be collected to the property tax notice
- 1525 under this section or another statutory provision that expressly authorizes the item's inclusion
- 1526 on the property tax notice:
- 1527 (i) the amount constitutes a tax notice charge; and
- 1528 (ii) (A) the tax notice charge has the same priority as property tax; and
- 1529 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
- 1530 Section [59-2-1343](#).
- 1531 (4) For any property for which property taxes or tax notice charges are delinquent, the
- 1532 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent
- 1533 on this parcel."
- 1534 (5) Except as provided in Subsection (6), the county treasurer shall:
- 1535 (a) mail the notice required by this section, postage prepaid; or
- 1536 (b) leave the notice required by this section at the taxpayer's residence or usual place of
- 1537 business, if known.
- 1538 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at
- 1539 the county treasurer's discretion, provide the notice required by this section by electronic mail if
- 1540 a taxpayer makes an election, according to procedures determined by the county treasurer, to
- 1541 receive the notice by electronic mail.
- 1542 (b) A taxpayer may revoke an election to receive the notice required by this section by
- 1543 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.
- 1544 (c) A revocation of an election under this section does not relieve a taxpayer of the

1545 duty to pay a tax or tax notice charge due under this chapter on or before the due date for
1546 paying the tax or tax notice charge.

1547 (d) A county treasurer shall provide the notice required by this section using a method
1548 described in Subsection (5), until a taxpayer makes a new election in accordance with this
1549 Subsection (6), if:

1550 (i) the taxpayer revokes an election in accordance with Subsection (6)(b) to receive the
1551 notice required by this section by electronic mail; or

1552 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

1553 (e) A person is considered to be a taxpayer for purposes of this Subsection (6)
1554 regardless of whether the property that is the subject of the notice required by this section is
1555 exempt from taxation.

1556 (7) (a) The county treasurer shall provide the notice required by this section to a
1557 taxpayer on or before November 1.

1558 (b) The county treasurer shall keep on file in the county treasurer's office the
1559 information set forth in the notice.

1560 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

1561 (8) This section does not apply to property taxed under Section 59-2-1302 or
1562 59-2-1307.

1563 (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's property tax
1564 notice may, on a form provided by the county treasurer, direct how the county treasurer
1565 allocates the partial payment between:

1566 (i) the total amount due for property tax;

1567 (ii) the amount due for assessments, past due local district fees, and other tax notice
1568 charges; and

1569 (iii) any other amounts due on the property tax notice.

1570 (b) The county treasurer shall comply with a direction submitted to the county treasurer
1571 in accordance with Subsection (9)(a).

1572 (c) The provisions of this Subsection (9) do not:

1573 (i) affect the right or ability of a local entity to pursue any available remedy for
1574 non-payment of any item listed on a taxpayer's property tax notice; or

1575 (ii) toll or otherwise change any time period related to a remedy described in

1576 Subsection (9)(c)(i).

1577 Section 22. Section **63H-1-102** is amended to read:

1578 **63H-1-102. Definitions.**

1579 As used in this chapter:

1580 (1) "Authority" means the Military Installation Development Authority, created under
1581 Section **63H-1-201**.

1582 (2) "Base taxable value" means:

1583 (a) for military land or other land that was exempt from a property tax at the time that a
1584 project area was created that included the military land or other land, a taxable value of zero; or

1585 (b) for private property that is included in a project area, the taxable value of the
1586 property within any portion of the project area, as designated by board resolution, from which
1587 the property tax allocation will be collected, as shown upon the assessment roll last equalized:

1588 (i) before the year in which the authority creates the project area; or

1589 (ii) before the year in which the project area plan is amended, for property added to a
1590 project area by an amendment to a project area plan.

1591 (3) "Board" means the governing body of the authority created under Section
1592 **63H-1-301**.

1593 (4) (a) "Dedicated tax collections" means the property tax that remains after the
1594 authority is paid the property tax allocation the authority is entitled to receive under Subsection
1595 **63H-1-501**(1), for a property tax levied by:

1596 (i) a county, including a district the county has established under Subsection **17-34-3**(2)
1597 to levy a property tax under Title 17, Chapter 34, Municipal-Type Services to Unincorporated
1598 Areas; or

1599 (ii) an included municipality.

1600 (b) "Dedicated tax collections" does not include a county additional property tax or
1601 multicounty assessing and collecting levy imposed in accordance with Section **59-2-1602**.

1602 (5) (a) "Development" means an activity occurring:

1603 (i) on land within a project area that is owned or operated by the military, the authority,
1604 another public entity, or a private entity; or

1605 (ii) on military land associated with a project area.

1606 (b) "Development" includes the demolition, construction, reconstruction, modification,

1607 expansion, or improvement of a building, facility, utility, landscape, parking lot, park, trail, or
1608 recreational amenity.

1609 (6) "Development project" means a project to develop land within a project area.

1610 (7) "Elected member" means a member of the authority board who:

1611 (a) is a mayor or member of a legislative body appointed under Subsection

1612 [63H-1-302](#)(2)(b); or

1613 (b) (i) is appointed to the authority board under Subsection [63H-1-302](#)(2)(a) or (3); and

1614 (ii) concurrently serves in an elected state, county, or municipal office.

1615 (8) "Included municipality" means a municipality, some or all of which is included
1616 within a project area.

1617 (9) (a) "Military" means a branch of the armed forces of the United States, including
1618 the Utah National Guard.

1619 (b) "Military" includes, in relation to property, property that is occupied by the military
1620 and is owned by the government of the United States or the state.

1621 (10) "Military Installation Development Authority accommodations tax" or "MIDA
1622 accommodations tax" means the tax imposed under Section [63H-1-205](#).

1623 (11) "Military Installation Development Authority energy tax" or "MIDA energy tax"
1624 means the tax levied under Section [63H-1-204](#).

1625 (12) "Military land" means land or a facility, including leased land or a leased facility,
1626 that is part of or affiliated with a base, camp, post, station, yard, center, or installation under the
1627 jurisdiction of the United States Department of Defense, the United States Department of
1628 Veterans Affairs, or the Utah National Guard.

1629 (13) "Municipal energy tax" means a municipal energy sales and use tax under Title
1630 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.

1631 (14) "Municipal services revenue" means revenue that the authority:

1632 (a) collects from the authority's:

1633 (i) levy of a municipal energy tax;

1634 (ii) levy of a MIDA energy tax;

1635 (iii) levy of a telecommunications tax;

1636 (iv) imposition of a transient room tax; and

1637 (v) imposition of a resort communities tax;

- 1638 (b) receives under Subsection 59-12-205(2)(b)(ii); and
- 1639 (c) receives as dedicated tax collections.
- 1640 (15) "Municipal tax" means a municipal energy tax, MIDA energy tax, MIDA
- 1641 accommodations tax, telecommunications tax, transient room tax, or resort communities tax.
- 1642 (16) "Project area" means the land, including military land, whether consisting of a
- 1643 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft
- 1644 project area plan, where the development project set forth in the project area plan or draft
- 1645 project area plan takes place or is proposed to take place.
- 1646 (17) "Project area budget" means a multiyear projection of annual or cumulative
- 1647 revenues and expenses and other fiscal matters pertaining to a project area that includes:
- 1648 (a) the base taxable value of property in the project area;
- 1649 (b) the projected property tax allocation expected to be generated within the project
- 1650 area;
- 1651 (c) the amount of the property tax allocation expected to be shared with other taxing
- 1652 entities;
- 1653 (d) the amount of the property tax allocation expected to be used to implement the
- 1654 project area plan, including the estimated amount of the property tax allocation to be used for
- 1655 land acquisition, public improvements, infrastructure improvements, and loans, grants, or other
- 1656 incentives to private and public entities;
- 1657 (e) the property tax allocation expected to be used to cover the cost of administering
- 1658 the project area plan;
- 1659 (f) if the property tax allocation is to be collected at different times or from different
- 1660 portions of the project area, or both:
- 1661 (i) (A) the tax identification numbers of the parcels from which the property tax
- 1662 allocation will be collected; or
- 1663 (B) a legal description of the portion of the project area from which the property tax
- 1664 allocation will be collected; and
- 1665 (ii) an estimate of when other portions of the project area will become subject to
- 1666 collection of the property tax allocation; and
- 1667 (g) for property that the authority owns or leases and expects to sell or sublease, the
- 1668 expected total cost of the property to the authority and the expected selling price or lease

1669 payments.

1670 (18) "Project area plan" means a written plan that, after the plan's effective date, guides
1671 and controls the development within a project area.

1672 (19) (a) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4,
1673 Privilege Tax, except as described in Subsection (19)(b), and each levy on an ad valorem basis
1674 on tangible or intangible personal or real property.

1675 (b) "Property tax" does not include a privilege tax on the taxable value:

1676 (i) attributable to a portion of a facility leased to the military for a calendar year when:

1677 (A) a lessee of military land has constructed a facility on the military land that is part of
1678 a project area;

1679 (B) the lessee leases space in the facility to the military for the entire calendar year; and

1680 (C) the lease rate paid by the military for the space is \$1 or less for the entire calendar
1681 year, not including any common charges that are reimbursements for actual expenses; or

1682 (ii) of the following property owned by the authority, regardless of whether the
1683 authority enters into a long-term operating agreement with a privately owned entity under
1684 which the privately owned entity agrees to operate the property:

1685 (A) a hotel;

1686 (B) a hotel condominium unit in a condominium project, as defined in Section 57-8-3;

1687 and

1688 (C) a commercial condominium unit in a condominium project, as defined in Section
1689 57-8-3.

1690 (20) "Property tax allocation" means the difference between:

1691 (a) the amount of property tax revenues generated each tax year by all taxing entities
1692 from the area within a project area designated in the project area plan as the area from which
1693 the property tax allocation is to be collected, using the current assessed value of the property;
1694 and

1695 (b) the amount of property tax revenues that would be generated from that same area
1696 using the base taxable value of the property.

1697 (21) "Public entity" means:

1698 (a) the state, including each department or agency of the state; or

1699 (b) a political subdivision of the state, including a county, city, town, school district,

1700 local district, special service district, or interlocal cooperation entity.

1701 (22) (a) "Publicly owned infrastructure and improvements" means infrastructure,
1702 improvements, facilities, or buildings that benefit the public, the authority, the military, or
1703 military-related entities and are:

1704 (i) publicly owned by the military, the authority, a public infrastructure district under
1705 [~~Title 17B, Chapter 2a, Part 12~~] Title 17D, Chapter 4, Public Infrastructure District Act, or
1706 another public entity;

1707 (ii) owned by a utility; or

1708 (iii) publicly maintained or operated by the military, the authority, or another public
1709 entity.

1710 (b) "Publicly owned infrastructure and improvements" includes:

1711 (i) facilities, lines, or systems that harness geothermal energy or provide water, chilled
1712 water, steam, sewer, storm drainage, natural gas, electricity, or telecommunications;

1713 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
1714 facilities, public transportation facilities, and parks, trails, and other recreational facilities;

1715 (iii) snowmaking equipment and related improvements that can also be used for water
1716 storage or fire suppression purposes; and

1717 (iv) a building and related improvements for occupancy by the public, the authority, the
1718 military, or military-related entities.

1719 (23) "Remaining municipal services revenue" means municipal services revenue that
1720 the authority has not:

1721 (a) spent during the authority's fiscal year for municipal services as provided in
1722 Subsection [63H-1-503](#)(1); or

1723 (b) redirected to use in accordance with Subsection [63H-1-502](#)(3).

1724 (24) "Resort communities tax" means a sales and use tax imposed under Section
1725 [59-12-401](#).

1726 (25) "Taxable value" means the value of property as shown on the last equalized
1727 assessment roll.

1728 (26) "Taxing entity":

1729 (a) means a public entity that levies a tax on property within a project area; and

1730 (b) does not include a public infrastructure district that the authority creates under

- 1731 [~~Title 17B, Chapter 2a, Part 12~~] Title 17D, Chapter 4, Public Infrastructure District Act.
- 1732 (27) "Telecommunications tax" means a telecommunications license tax under Title
- 1733 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.
- 1734 (28) "Transient room tax" means a tax under Section [59-12-352](#).