

**Representative Mike Schultz** proposes the following substitute bill:

**UTAH INLAND PORT AUTHORITY AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Schultz**

Senate Sponsor: Jerry W. Stevenson

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the Utah Inland Port Authority.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions applicable to code provisions governing the Utah Inland Port Authority, including modifying and expanding the definition of publicly owned infrastructure and improvements to include certain privately owned facilities;
- ▶ modifies provisions relating to the Authority policies and objectives;
- ▶ eliminates language making an intermodal facility owned by the Authority subject to a privilege tax;
- ▶ modifies provisions relating to the Authority board;
- ▶ removes a primary municipality's property tax revenue from property tax differential, upon certain conditions;
- ▶ requires the community development and renewal agency of a primary municipality to create a project area on authority jurisdictional land;
- ▶ requires a primary municipality, the primary agency's municipality, and the Authority to enter into an agreement relating to the sharing of property tax revenue and uses of the revenue;



- 26 ▶ modifies a provision relating to the Authority executive director;
- 27 ▶ modifies allowable uses of property tax differential;
- 28 ▶ authorizes the Authority to use property tax differential for business recruitment
- 29 incentives and establishes provisions governing business recruitment incentives;
- 30 ▶ modifies provisions relating to the Authority budget;
- 31 ▶ authorizes the Authority to use an automatic license plate reader system under
- 32 certain circumstances; and
- 33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **11-58-102**, as last amended by Laws of Utah 2021, Chapter 415

41 **11-58-106**, as enacted by Laws of Utah 2021, Chapter 415

42 **11-58-202**, as last amended by Laws of Utah 2020, Chapters 126 and 263

43 **11-58-203**, as last amended by Laws of Utah 2020, Chapter 126

44 **11-58-205**, as last amended by Laws of Utah 2020, Chapter 126

45 **11-58-302**, as last amended by Laws of Utah 2020, Chapter 126

46 **11-58-303**, as last amended by Laws of Utah 2020, Chapter 126

47 **11-58-304**, as last amended by Laws of Utah 2021, Chapter 415

48 **11-58-305**, as last amended by Laws of Utah 2020, Chapter 126

49 **11-58-601**, as last amended by Laws of Utah 2020, Chapter 126

50 **11-58-602**, as last amended by Laws of Utah 2020, Chapter 126

51 **11-58-801**, as last amended by Laws of Utah 2021, Chapters 84 and 345

52 **17D-4-102**, as last amended by Laws of Utah 2021, Chapter 415 and renumbered and  
53 amended by Laws of Utah 2021, Chapter 314

54 **17D-4-203**, as last amended by Laws of Utah 2021, Chapters 414, 415 and renumbered  
55 and amended by Laws of Utah 2021, Chapter 314

56 **41-6a-2003**, as last amended by Laws of Utah 2020, Chapter 68

57 [59-12-205](#), as last amended by Laws of Utah 2021, Chapter 281

58 [63A-3-401.5](#), as enacted by Laws of Utah 2021, Chapter 415

59 ENACTS:

60 [11-58-603](#), Utah Code Annotated 1953

61 [11-58-604](#), Utah Code Annotated 1953

62 [17C-5-114](#), Utah Code Annotated 1953

63 REPEALS:

64 [11-58-101](#), as enacted by Laws of Utah 2018, Chapter 179



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

67 Section 1. Section [11-58-102](#) is amended to read:

68 **[11-58-102. Definitions.](#)**

69 As used in this chapter:

70 (1) "Authority" means the Utah Inland Port Authority, created in Section [11-58-201](#).

71 (2) "Authority jurisdictional land" means land within the authority boundary

72 delineated:

73 (a) in the electronic shapefile that is the electronic component of H.B. 2001, Utah  
74 Inland Port Authority Amendments, 2018 Second Special Session; and

75 (b) beginning April 1, 2020, as provided in Subsection [11-58-202](#)(3).

76 (3) "Base taxable value" means:

77 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the  
78 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year  
79 2018; and

80 (ii) for an area described in Subsection [11-58-601](#)(5), the taxable value of that area in  
81 calendar year 2017; or

82 (b) for a project area that consists of land outside the authority jurisdictional land, the  
83 taxable value of property within any portion of a project area, as designated by board  
84 resolution, from which the property tax differential will be collected, as shown upon the  
85 assessment roll last equalized before the year in which the authority adopts a project area plan  
86 for that area.

87 (4) "Board" means the authority's governing body, created in Section [11-58-301](#).

88 (5) "Business plan" means a plan designed to facilitate, encourage, and bring about  
89 development of the authority jurisdictional land to achieve the goals and objectives described  
90 in Subsection 11-58-203(1), including the development and establishment of an inland port.

91 (6) "Development" means:

92 (a) the demolition, construction, reconstruction, modification, expansion, or  
93 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
94 recreational amenity, or other facility, including [~~publicly owned~~] public infrastructure and  
95 improvements; and

96 (b) the planning of, arranging for, or participation in any of the activities listed in  
97 Subsection (6)(a).

98 (7) "Development project" means a project for the development of land within a  
99 project area.

100 (8) "Inland port" means one or more sites that:

101 (a) contain multimodal [~~transportation assets and~~] facilities, intermodal facilities, or  
102 other facilities that:

103 (i) are related but may be separately owned and managed; and

104 (ii) together are intended to:

105 (A) allow global trade to be processed and altered by value-added services as goods  
106 move through the supply chain;

107 (B) provide a regional merging point for transportation modes for the distribution of  
108 goods to and from ports and other locations in other regions;

109 (C) provide cargo-handling services to allow freight consolidation and distribution,  
110 temporary storage, customs clearance, and connection between transport modes; and

111 (D) provide international logistics and distribution services, including freight  
112 forwarding, customs brokerage, integrated logistics, and information systems; and

113 (b) may include a satellite customs clearance terminal, an intermodal facility, a  
114 customs pre-clearance for international trade, or other facilities that facilitate, encourage, and  
115 enhance regional, national, and international trade.

116 (9) "Inland port use" means a use of land:

117 (a) for an inland port;

118 (b) that directly implements or furthers the purposes of an inland port, as stated in

119 Subsection (8);

120 (c) that complements or supports the purposes of an inland port, as stated in Subsection  
121 (8); or

122 (d) that depends upon the presence of the inland port for the viability of the use.

123 (10) "Intermodal facility" means a facility for transferring containerized cargo between  
124 rail, truck, air, or other transportation modes.

125 [~~(10) "Intermodal facility"~~] (11) "Multimodal facility" means a hub or other facility for  
126 trade combining any combination of rail, trucking, air cargo, and other transportation services.

127 [~~(11)~~] (12) "Nonvoting member" means an individual appointed as a member of the  
128 board under Subsection 11-58-302[~~(6)~~](3) who does not have the power to vote on matters of  
129 authority business.

130 [~~(12)~~] (13) "Project area" means:

131 (a) the authority jurisdictional land; or

132 (b) land outside the authority jurisdictional land, whether consisting of a single  
133 contiguous area or multiple noncontiguous areas, described in a project area plan or draft  
134 project area plan, where the development project set forth in the project area plan or draft  
135 project area plan takes place or is proposed to take place.

136 [~~(13)~~] (14) "Project area budget" means a multiyear projection of annual or cumulative  
137 revenues and expenses and other fiscal matters pertaining to the project area.

138 [~~(14)~~] (15) "Project area plan" means a written plan that, after its effective date, guides  
139 and controls the development within a project area.

140 [~~(15)~~] (16) "Property tax" includes a privilege tax and each levy on an ad valorem basis  
141 on tangible or intangible personal or real property.

142 [~~(16)~~] (17) "Property tax differential":

143 (a) means the difference between:

144 (i) the amount of property tax revenues generated each tax year by all taxing entities  
145 from a project area, using the current assessed value of the property; and

146 (ii) the amount of property tax revenues that would be generated from that same area  
147 using the base taxable value of the property; and

148 (b) does not include property tax revenue from:

149 (i) a county additional property tax or multicounty assessing and collecting levy

150 imposed in accordance with Section [59-2-1602](#);

151 (ii) a judgment levy imposed by a taxing entity under Section [59-2-1328](#) or [59-2-1330](#);

152 or

153 (iii) a levy imposed by a taxing entity under Section [11-14-310](#) to pay for a general  
154 obligation bond.

155 ~~[(+7)]~~ (18) "Public entity" means:

156 (a) the state, including each department, division, or other agency of the state; or

157 (b) a county, city, town, metro township, school district, local district, special service  
158 district, interlocal cooperation entity, community reinvestment agency, or other political  
159 subdivision of the state, including the authority.

160 ~~[(18) "Publicly owned"]~~ (19) "Public infrastructure and improvements":

161 (a) means infrastructure, improvements, facilities, or buildings that:

162 (i) benefit the public; and

163 (ii) (A) are owned by a public entity or a utility; or

164 (B) are publicly maintained or operated by a public entity;

165 (b) includes:

166 (i) facilities, lines, or systems that provide:

167 (A) water, chilled water, or steam; or

168 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
169 microgrids, or telecommunications service; ~~[and]~~

170 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking  
171 facilities, ~~[and]~~ rail lines, intermodal facilities, multimodal facilities, and other public  
172 transportation facilities[-];

173 (iii) an inland port; and

174 (iv) infrastructure, improvements, facilities or buildings that:

175 (A) are privately owned;

176 (B) benefit the public;

177 (C) as determined by the board, provide a substantial benefit to the development and  
178 operation of a project area; and

179 (D) are built according to the applicable county or municipal design and safety  
180 standards for public infrastructure.

181           ~~[(19)]~~ (20) "Shapefile" means the digital vector storage format for storing geometric  
182 location and associated attribute information.

183           ~~[(20)]~~ (21) "Taxable value" means the value of property as shown on the last equalized  
184 assessment roll.

185           ~~[(21)]~~ (22) "Taxing entity":

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

187           (b) does not include a public infrastructure district that the authority creates under Title  
188 17D, Chapter 4, Public Infrastructure District Act.

189           ~~[(22)]~~ (23) "Voting member" means an individual appointed or designated as a member  
190 of the board under Subsection 11-58-302(2).

191           Section 2. Section 11-58-106 is amended to read:

192           **11-58-106. Loan approval committee -- Approval of infrastructure loans.**

193           (1) As used in this section:

194           (a) "Borrower" means the same as that term is defined in Section 63A-3-401.5.

195           (b) "Infrastructure loan" means the same as that term is defined in Section  
196 63A-3-401.5.

197           (c) "Infrastructure project" means the same as that term is defined in Section  
198 63A-3-401.5.

199           ~~[(d) "Inland port fund" means the same as that term is defined in Section 63A-3-401.5.]~~

200           ~~[(e)]~~ (d) "Loan approval committee" means a committee consisting of~~[-]~~ the individuals  
201 who are the voting members of the board.

202           ~~[(i) the two board members appointed by the governor;]~~

203           ~~[(ii) the board member appointed by the president of the Senate;]~~

204           ~~[(iii) the board member appointed by the speaker of the House of Representatives; and]~~

205           ~~[(iv) the board member appointed by the chair of the Permanent Community Impact~~  
206 ~~Fund Board.]~~

207           (2) The loan approval committee may approve an infrastructure loan from the inland  
208 port fund, as defined in Section 63A-3-401.5, to a borrower for an infrastructure project  
209 undertaken by the borrower.

210           (3) (a) The loan approval committee shall establish the terms of an infrastructure loan  
211 in accordance with Section 63A-3-404.

212 (b) The loan approval committee shall require the terms of an infrastructure loan  
213 secured by property tax differential to include a requirement that money from the infrastructure  
214 loan be used only for an infrastructure project within the project area that generates the  
215 property tax differential.

216 (c) The terms of an infrastructure loan that the loan approval committee approves may  
217 include provisions allowing for the infrastructure loan to be forgiven if:

- 218 (i) the infrastructure loan is to a public university in the state;
- 219 (ii) the infrastructure loan is to fund a vehicle electrification pilot project;
- 220 (iii) the amount of the infrastructure loan does not exceed \$15,000,000; and
- 221 (iv) the public university receives matching funds for the vehicle electrification pilot  
222 project from another source.

223 (4) (a) The loan approval committee shall establish policies and guidelines with respect  
224 to prioritizing requests for infrastructure loans and approving infrastructure loans.

225 (b) With respect to infrastructure loan requests for an infrastructure project on authority  
226 jurisdictional land, the policies and guidelines established under Subsection (4)(a) shall give  
227 priority to an infrastructure loan request that furthers the policies and best practices  
228 incorporated into the environmental sustainability component of the authority's business plan  
229 under Subsection 11-58-202(1)(a).

230 (5) Within 60 days after the execution of an infrastructure loan, the loan approval  
231 committee shall report the infrastructure loan, including the loan amount, terms, and security,  
232 to the Executive Appropriations Committee.

233 (6) (a) Salaries and expenses of committee members who are legislators shall be paid  
234 in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
235 Compensation.

236 (b) A committee member who is not a legislator may not receive compensation or  
237 benefits for the member's service on the committee, but may receive per diem and  
238 reimbursement for travel expenses incurred as a committee member at the rates established by  
239 the Division of Finance under:

- 240 (i) Sections 63A-3-106 and 63A-3-107; and
- 241 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
242 63A-3-107.



243 Section 3. Section **11-58-202** is amended to read:

244 **11-58-202. Authority powers and duties.**

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

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

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

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

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

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

260 (2) The authority may:

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

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

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

267 (b) facilitate and provide funding for the development of [~~the authority jurisdictional~~  
268 ~~land and land in other authority project areas~~] land in a project area, including the development  
269 of [~~publicly owned~~] public infrastructure and improvements and other infrastructure and  
270 improvements on or related to [~~the authority jurisdictional land~~] land in a project area;

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

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

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

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

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

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

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

283 (f) sue and be sued;

284 (g) enter into contracts generally;

285 (h) provide funding for the development of [~~publicly owned~~] public infrastructure and  
286 improvements or other infrastructure and improvements on or related to the authority  
287 jurisdictional land or other authority project areas;

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

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

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

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

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

301 (n) hire employees, including contract employees;

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

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

305 (q) work with other political subdivisions and neighboring property owners and  
306 communities to mitigate potential negative impacts from the development of authority  
307 jurisdictional land;

308 ~~[(r) own and operate an intermodal facility if the authority considers the authority's~~  
309 ~~ownership and operation of an intermodal facility to be necessary or desirable;]~~

310 ~~[(s) own and operate publicly owned]~~ (r) own, lease, operate, or otherwise control  
311 public infrastructure and improvements in a project area ~~[outside the authority jurisdictional~~  
312 ~~land]; [and]~~

313 ~~[(t)]~~ (s) exercise powers and perform functions that the authority is authorized by  
314 statute to exercise or perform[.];

315 (t) develop and implement world-class, state-of-the-art, zero-emissions logistics to:

316 (i) support continued growth of the state's economy;

317 (ii) promote the state as the global center of efficient and sustainable supply chain  
318 logistics;

319 (iii) facilitate the efficient movement of goods on roads and rails and through the air;

320 (iv) benefit the commercial viability of developers, landowners, tenants, and users; and

321 (u) attract capital and expertise in pursuit of the next generation of logistics solutions.

322 (3) (a) Beginning April 1, 2020, the authority shall:

323 (i) be the repository of the official delineation of the boundary of the authority  
324 jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic  
325 component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special  
326 Session, subject to Subsection (3)(b) and any later changes to the boundary enacted by the  
327 Legislature; and

328 (ii) maintain an accurate digital file of the boundary that is easily accessible by the  
329 public.

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

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

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

334 (ii) With the consent of the mayor of the municipality in which the split property is  
335 located, the executive director may adjust the boundary of the authority jurisdictional land to

336 include an excluded portion of a split property or exclude an included portion of a split  
337 property.

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

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

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

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

352 (4) (a) The authority may establish a community enhancement program designed to  
353 address the impacts that development or inland port uses within project areas have on adjacent  
354 communities.

355 (b) (i) The authority may use authority money to support the community enhancement  
356 program and to pay for efforts to address the impacts described in Subsection (4)(a).

357 (ii) Authority money designated for use under Subsection (4)(b)(i) is exempt from  
358 execution or any other process in the collection of a judgment against or debt or other  
359 obligation of the authority arising out of the authority's activities with respect to the community  
360 enhancement program.

361 (c) On or before October 31, 2020, the authority shall report on the authority's actions  
362 under this Subsection (4) to:

363 (i) the Business, Economic Development, and Labor Appropriations Subcommittee of  
364 the Legislature;

365 (ii) the Economic Development and Workforce Services Interim Committee of the  
366 Legislature; and

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

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

370 Section 4. Section **11-58-203** is amended to read:

371 **11-58-203. Policies and objectives of the authority -- Additional duties of the**  
372 **authority.**

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

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

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

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

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

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

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

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

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

389 (ii) businesses that complement businesses engaged in regional, national, or  
390 international trade;

391 (h) facilitate the transportation of goods;

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

394 (j) support and promote land uses on the authority jurisdictional land and land in other  
395 authority project areas that generate economic development, including rural economic  
396 development;

397 (k) establish a project of regional significance;

- 398 (l) facilitate an intermodal facility;
- 399 (m) support uses of the authority jurisdictional land for inland port uses, including
- 400 warehousing, light manufacturing, and distribution facilities;
- 401 (n) facilitate an increase in trade in the region and in global commerce;
- 402 (o) promote the development of facilities that help connect local businesses to potential
- 403 foreign markets for exporting or that increase foreign direct investment;
- 404 (p) encourage all class 5 through 8 designated truck traffic entering the authority
- 405 jurisdictional land to meet the heavy-duty highway compression-ignition diesel engine and
- 406 urban bus exhaust emission standards for year 2007 and later; [~~and~~]
- 407 (q) encourage the development and use of cost-efficient renewable energy in project
- 408 areas[-];
- 409 (r) aggressively pursue world-class businesses that employ cutting-edge technologies to
- 410 locate within a project area; and
- 411 (s) pursue land remediation and development opportunities for publicly owned land to
- 412 add value to a project area.
- 413 (2) In fulfilling its duties and responsibilities relating to the development of the
- 414 authority jurisdictional land and land in other authority project areas and to achieve and
- 415 implement the development policies and objectives under Subsection (1), the authority shall:
- 416 (a) work to identify funding sources, including federal, state, and local government
- 417 funding and private funding, for capital improvement projects in and around the authority
- 418 jurisdictional land and land in other authority project areas and for an inland port;
- 419 (b) review and identify land use and zoning policies and practices to recommend to
- 420 municipal land use policymakers and administrators that are consistent with and will help to
- 421 achieve:
- 422 (i) the policies and objectives stated in Subsection (1); and
- 423 (ii) the mutual goals of the state and local governments that have authority
- 424 jurisdictional land with their boundaries with respect to the authority jurisdictional land;
- 425 (c) consult and coordinate with other applicable governmental entities to improve and
- 426 enhance transportation and other infrastructure and facilities in order to maximize the potential
- 427 of the authority jurisdictional land to attract, retain, and service users who will help maximize
- 428 the long-term economic benefit to the state; and

429 (d) pursue policies that the board determines are designed to avoid or minimize  
430 negative environmental impacts of development.

431 ~~[(3)(a) The authority may use property tax differential and other authority money to  
432 encourage, incentivize, or require development that:]~~

433 ~~[(i) mitigates noise, air pollution, light pollution, surface and groundwater pollution,  
434 and other negative environmental impacts;]~~

435 ~~[(ii) mitigates traffic congestion; or]~~

436 ~~[(iii) uses high efficiency building construction and operation.]~~

437 ~~[(b)(i) In consultation with the municipality in which development is expected to  
438 occur, the authority shall establish minimum mitigation and environmental standards that a  
439 landowner is required to meet to qualify for the use of property tax differential in the  
440 landowner's development.]~~

441 ~~[(ii) The authority may not use property tax differential for a landowner's development  
442 in a project area unless the minimum mitigation and environmental standards are followed with  
443 respect to that landowner's development.]~~

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

446 ~~[(i) promote the state as the global center of efficient and sustainable supply chain  
447 logistics;]~~

448 ~~[(ii) facilitate the efficient movement of goods on roads and rails and through the air;]~~

449 ~~[(iii) benefit the commercial viability of developers, landowners, and tenants and users;  
450 and]~~

451 ~~[(iv) attract capital and expertise in pursuit of the next generation of logistics  
452 solutions.]~~

453 Section 5. Section **11-58-205** is amended to read:

454 **11-58-205. Applicability of other law -- Cooperation of state and local**  
455 **governments -- Municipality to consider board input -- Prohibition relating to natural**  
456 **resources -- Inland port as permitted or conditional use -- Municipal services --**  
457 **Disclosure by nonauthority governing body member.**

458 (1) Except as otherwise provided in this chapter, the authority does not have and may  
459 not exercise any powers relating to the regulation of land uses on the authority jurisdictional

460 land.

461 (2) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),  
462 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed  
463 by Title 63E, Independent Entities Code.

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

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

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

- 474 (i) determined by the municipality; and
- 475 (ii) consistent with the policies and objectives stated in Subsection [11-58-203](#)(1).

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

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

481 (7) (a) A municipality whose boundary includes authority jurisdictional land shall  
482 provide the same municipal services to the area of the municipality that is within the authority  
483 jurisdictional land as the municipality provides to other areas of the municipality with similar  
484 zoning and a similar development level.

485 (b) The level and quality of municipal services that a municipality provides within  
486 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality  
487 of municipal services that the municipality provides to other areas of the municipality with  
488 similar zoning and a similar development level.

489 (8) (a) As used in this Subsection (8):

- 490 (i) "Direct financial benefit" means the same as that term is defined in Section



491 11-58-304.

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

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

496 (iv) "Nonauthority local government entity":

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

499 (B) excludes the authority.

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

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

506 (c) A written disclosure under Subsection (8)(b) shall describe, as applicable:

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

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

511 (d) A nonauthority governing body member required under Subsection (8)(b) to submit  
512 a written disclosure shall submit the disclosure no later than 30 days after:

513 (i) the nonauthority governing body member:

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

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

518 (ii) the effective date of this Subsection (8), if that date is later than the period  
519 described in Subsection (8)(d)(i).

520 (e) A written disclosure submitted under this Subsection (8) is a public record.

521 (9) No later than January 1, 2023, a primary municipality, as defined in Section

522 11-58-601, shall enter into an agreement with the authority under which the primary  
523 municipality will agree to facilitate the efficient processing of land use applications, as defined  
524 in Section 10-9a-103, relating to land within a project area, including providing for at least one  
525 full-time employee as a single point of contact for the processing of those land use  
526 applications.

527 Section 6. Section **11-58-302** is amended to read:

528 **11-58-302. Number of board members -- Appointment -- Vacancies.**

529 (1) The authority's board shall consist of [~~11~~] five voting members, as provided in  
530 Subsection (2).

531 (2) (a) The governor shall appoint [~~two~~] as board members two individuals who are not  
532 elected government officials:

533 (i) one of whom shall be an individual engaged in statewide economic development or  
534 corporate recruitment and retention; and

535 (ii) one of whom shall be an individual engaged in statewide trade, import and export  
536 activities, [~~or~~] foreign direct investment, or public-private partnerships.

537 (b) The president of the Senate shall appoint [~~one~~] as a board member one individual  
538 with relevant business expertise.

539 (c) The speaker of the House of Representatives shall appoint [~~one~~] as a board member  
540 one individual with relevant business expertise.

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

543 [~~(e) The chair of the Permanent Community Impact Fund Board, created in Section~~  
544 ~~35A-8-304, shall appoint one board member from among the members of the Permanent~~  
545 ~~Community Impact Fund Board.~~]

546 [~~(f) The mayor of Salt Lake City, or the mayor's designee, shall serve as a board~~  
547 ~~member.~~]

548 [~~(g) A member of the Salt Lake City council, selected by the Salt Lake City council,~~  
549 ~~shall serve as a board member.~~]

550 [~~(h) The city manager of West Valley City, with the consent of the city council of West~~  
551 ~~Valley City, shall appoint one board member.~~]

552 [~~(i) The director of the Salt Lake County office of Regional Economic Development~~

553 shall serve as a board member.]

554 ~~[(j) The mayor of the Magna metro township, or the mayor's designee, shall serve as a~~  
555 ~~board member.]~~

556 (d) The president of the Senate and speaker of the House of Representatives shall  
557 jointly appoint as a board member one individual with relevant business expertise.

558 (3) (a) The board shall include three nonvoting board members.

559 (b) The board shall appoint as nonvoting board members two individuals with  
560 expertise in transportation and logistics.

561 (c) One of the nonvoting board members shall be a member of the Salt Lake City  
562 Council, designated by the Salt Lake City Council, who represents a council district whose  
563 boundary includes authority jurisdictional land.

564 (d) The board may set the term of office for nonvoting board members appointed under  
565 Subsection (3)(b).

566 ~~[(3)]~~ (4) An individual required under Subsection (2) to appoint a board member shall  
567 appoint each initial board member the individual is required to appoint no later than June 1,  
568 [2018] 2022.

569 ~~[(4)]~~ (5) (a) A vacancy in the board shall be filled in the same manner under this  
570 section as the appointment of the member whose vacancy is being filled.

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

573 ~~[(5)]~~ (6) A member of the board appointed [by the governor, president of the Senate, or  
574 speaker of the House of Representatives] under Subsection (2) serves at the pleasure of and  
575 may be removed and replaced at any time, with or without cause, by the [governor, president of  
576 the Senate, or speaker of the House of Representatives, respectively] individual or individuals  
577 who appointed the member.

578 ~~[(6) The authority may appoint nonvoting members of the board and set terms for those~~  
579 ~~nonvoting members.]~~

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

582 ~~[(8) (a) An individual designated as a board member under Subsection (2)(g), (i), or (j)~~  
583 ~~who would be precluded from serving as a board member because of Subsection~~

584 ~~11-58-304(2):]~~

585 [~~(i) may serve as a board member notwithstanding Subsection 11-58-304(2); and]~~

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

588 [~~(b) A written disclosure under Subsection (8)(a)(ii) is a public record under Title 63G,~~  
589 ~~Chapter 2, Government Records Access and Management Act.]~~

590 ~~[(9)]~~ (8) The board may appoint one or more advisory committees that may include  
591 individuals from impacted public entities, community organizations, environmental  
592 organizations, business organizations, or other organizations or associations.

593 Section 7. Section **11-58-303** is amended to read:

594 **11-58-303. Term of board members -- Quorum -- Compensation.**

595 (1) The term of a board member appointed under Subsection ~~11-58-302(2)[(a), (b), (c),~~  
596 ~~(e), (g), or (h)]~~ is four years, except that the initial term of one of the two members appointed  
597 under Subsection ~~11-58-302(2)(a) and of the [members] member~~ appointed under ~~[Subsections~~  
598 ~~11-58-302(2)(e) and (g)]~~ Subsection 11-58-302(2)(d) is two years.

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

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

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

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

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

608 (ii) rules made by the Division of Finance according to Sections 63A-3-106 and  
609 63A-3-107.

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

612 Section 8. Section **11-58-304** is amended to read:

613 **11-58-304. Limitations on board members and executive director.**

614 (1) As used in this section:

- 615 (a) "Direct financial benefit":  
616 (i) means any form of financial benefit that accrues to an individual directly, including:  
617 (A) compensation, commission, or any other form of a payment or increase of money;  
618 and  
619 (B) an increase in the value of a business or property; and  
620 (ii) does not include a financial benefit that accrues to the public generally.  
621 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.  
622 (2) An individual may not serve as a voting member of the board or as executive  
623 director if:  
624 (a) the individual owns real property, other than a personal residence in which the  
625 individual resides, within a project area, whether or not the ownership interest is a recorded  
626 interest;  
627 (b) a family member of the individual owns an interest in real property, other than a  
628 personal residence in which the family member resides, located within a project area; or  
629 (c) the individual or a family member of the individual owns an interest in, is directly  
630 affiliated with, or is an employee or officer of a private firm, private company, or other private  
631 entity that the individual reasonably believes is likely to:  
632 (i) participate in or receive a direct financial benefit from the development of the  
633 authority jurisdictional land; or  
634 (ii) acquire an interest in or locate a facility within a project area.  
635 (3) Before taking office as a voting member of the board or accepting employment as  
636 executive director, an individual shall submit to the authority[~~-(a)~~] a statement verifying that  
637 the individual's service as a board member or employment as executive director does not  
638 violate Subsection (2)[~~;-or~~].  
639 [~~(b) for an individual to whom Subsection 11-58-302(8) applies, the disclosure~~  
640 ~~required under that subsection.~~]  
641 (4) (a) An individual may not, at any time during the individual's service as a voting  
642 member or employment with the authority, acquire, or take any action to initiate, negotiate, or  
643 otherwise arrange for the acquisition of, an interest in real property located within a project  
644 area, if:  
645 (i) the acquisition is in the individual's personal capacity or in the individual's capacity

646 as an employee or officer of a private firm, private company, or other private entity; and  
647 (ii) the acquisition will enable the individual to receive a direct financial benefit as a  
648 result of the development of the project area.

649 (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to  
650 initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is  
651 a personal residence in which the individual will reside upon acquisition of the real property.

652 (5) (a) A voting member or nonvoting member of the board or an employee of the  
653 authority may not receive a direct financial benefit from the development of a project area.

654 (b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

655 (i) expense reimbursements;

656 (ii) per diem pay for board member service, if applicable; or

657 (iii) an employee's compensation or benefits from employment with the authority.

658 (6) Nothing in this section may be construed to affect the application or effect of any  
659 other code provision applicable to a board member or employee relating to ethics or conflicts  
660 of interest.

661 Section 9. Section **11-58-305** is amended to read:

662 **11-58-305. Executive director.**

663 (1) [~~On or before July 1, 2019, the~~] The board shall hire and oversee a full-time  
664 executive director.

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

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

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

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

669 and

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

671 (3) The executive director shall have the education, experience, and training necessary  
672 to perform the executive director's duties in a way that maximizes the potential for successfully  
673 achieving and implementing the strategies, policies, and objectives stated in Subsection  
674 **11-58-203(1)**.

675 (4) An executive director is an at-will employee who serves at the pleasure of the board  
676 and may be removed by the board at any time.

677 (5) The board shall establish the duties, compensation, and benefits of an executive  
678 director.

679 Section 10. Section 11-58-601 is amended to read:

680 **11-58-601. Port authority receipt and use of property tax differential --**  
681 **Distribution of property tax differential.**

682 (1) As used in this section:

683 (a) "Designation resolution" means a resolution adopted by the board that designates a  
684 transition date for the parcel specified in the resolution.

685 (b) "Exempt area" means the authority jurisdictional land, excluding areas described in  
686 Subsection (5)(a) and parcels of land described in Subsection (5)(b).

687 ~~[(b)]~~ (c) "Post-designation differential" means 75% of property tax differential  
688 generated from a post-designation parcel.

689 ~~[(c)]~~ (d) "Post-designation parcel" means a parcel within a project area after the  
690 transition date for that parcel.

691 ~~[(d)]~~ (e) "Pre-designation differential" means 75% of property tax differential  
692 generated from all pre-designation parcels within a project area.

693 ~~[(e)]~~ (f) "Pre-designation parcel" means a parcel within a project area before the  
694 transition date for that parcel.

695 (g) "Primary municipality" means the municipality that has more authority jurisdictional  
696 land within the municipality's boundary than is included within the boundary of any other  
697 municipality.

698 ~~[(f)]~~ (h) "Transition date" means the date after which the authority is to be paid  
699 post-designation differential for the parcel that is the subject of a designation resolution.

700 (2) (a) The authority shall be paid pre-designation differential generated within the  
701 authority jurisdictional land:

702 (i) for the period beginning November 2019 and ending November 2044; and

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

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

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

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

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

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

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

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

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

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

726 (5) The authority may not receive:

727 (a) a taxing entity's portion of property tax differential generated from an area included  
728 within a community reinvestment project area under a community reinvestment project area  
729 plan, as defined in Section 17C-1-102, adopted before October 1, 2018, if the taxing entity has,  
730 before October 1, 2018, entered into a fully executed, legally binding agreement under which  
731 the taxing entity agrees to the use of its tax increment, as defined in Section 17C-1-102, under  
732 the community reinvestment project area plan; or

733 (b) property tax differential from a parcel of land:

734 (i) that was substantially developed before December 1, 2018;

735 (ii) for which a certificate of occupancy was issued before December 1, 2018; and

736 (iii) that is identified in a list that the municipality in which the land is located provides  
737 to the authority and the county assessor by April 1, 2020.

738 (6) (a) Notwithstanding Subsections (2) and (3), beginning with the first tax year that



739 begins on or after January 1, 2023, the authority may not receive a primary municipality's  
740 portion of property tax differential generated from the exempt area, if:

741 (i) the primary municipality, the primary municipality's agency, as defined in Section  
742 17C-5-114, and the authority have entered into the agreement described in Subsection  
743 17C-5-114(3); and

744 (ii) the primary municipality and the authority have entered into the agreement  
745 described in Subsection 11-58-205(9).

746 (b) If the authority ceases to receive a primary municipality's portion of property tax  
747 differential because of Subsection (6)(a), the primary municipality may retain and use all  
748 property tax revenue generated from the exempt area for municipal operations, subject to the  
749 requirements of Section 17C-5-114.

750 [~~(6)~~] (7) (a) As used in this Subsection [~~(6)~~] (7):

751 (i) "Agency land" means authority jurisdictional land that is within the boundary of an  
752 eligible community reinvestment agency and from which the authority is paid property tax  
753 differential.

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

756 (iii) "Eligible community reinvestment agency" means the community reinvestment  
757 agency in which agency land is located.

758 (b) The authority shall pay 10% of applicable differential to the eligible community  
759 reinvestment agency, to be used for affordable housing as provided in Section 17C-1-412.

760 [~~(7)~~] (8) (a) Subject to Subsection [~~(7)~~] (8)(b), a county that collects property tax on  
761 property within a project area shall pay and distribute to the authority the property tax  
762 differential that the authority is entitled to collect under this chapter, in the manner and at the  
763 time provided in Section 59-2-1365.

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

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

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

769 Section 11. Section 11-58-602 is amended to read:

770 **11-58-602. Allowable uses of property tax differential and other funds.**

771 (1) (a) The authority may use ~~[the]~~ money from property tax differential, money the  
772 authority receives from the state, money the authority receives under Subsection  
773 59-12-205(2)(b)(iii), and other ~~[funds]~~ money available to the authority:

774 ~~[(a)]~~ (i) for any purpose authorized under this chapter;

775 ~~[(b)]~~ (ii) for administrative, overhead, legal, consulting, and other operating expenses of  
776 the authority;

777 ~~[(c)]~~ (iii) to pay for, including financing or refinancing, all or part of the development  
778 of land within a project area, including assisting the ongoing operation of a development or  
779 facility within the project area;

780 ~~[(d)]~~ (iv) to pay the cost of the installation and construction of ~~[publicly-owned]~~ public  
781 infrastructure and improvements within the project area from which the property tax  
782 differential funds were collected;

783 ~~[(e)]~~ (v) to pay the cost of the installation of ~~[publicly-owned]~~ public infrastructure and  
784 improvements outside a project area if the board determines by resolution that the  
785 infrastructure and improvements are of benefit to the project area;

786 ~~[(f)]~~ (vi) to pay to a community reinvestment agency for affordable housing, as  
787 provided in Subsection 11-58-601~~[(6)](7)~~; ~~[and]~~

788 ~~[(g)]~~ (vii) to pay the principal and interest on bonds issued by the authority[-]; and  
789 (viii) subject to Subsection (1)(b), to encourage, incentivize, or require development  
790 that:

791 (A) mitigates noise, air pollution, light pollution, surface and groundwater pollution,  
792 and other negative environmental impacts;

793 (B) mitigates traffic congestion; or

794 (C) uses high efficiency building construction and operation.

795 (b) (i) In consultation with the municipality in which development is expected to occur,  
796 the authority shall establish minimum mitigation and environmental standards that a landowner  
797 is required to meet to qualify for the use of property tax differential under Subsection  
798 (1)(a)(viii) in the landowner's development.

799 (ii) The authority may not use property tax differential under Subsection (1)(a)(viii) for  
800 a landowner's development in a project area unless the minimum mitigation and environmental

801 standards are followed with respect to that landowner's development.

802 (2) The authority may use revenue generated from the operation of [~~publicly owned~~]  
803 public infrastructure operated by the authority or improvements, including an intermodal  
804 facility, operated by the authority to:

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

806 (b) pay for authority operating expenses, including administrative, overhead, and legal  
807 expenses.

808 (3) The determination of the board under Subsection [~~(1)(e)~~] (1)(a)(v) regarding benefit  
809 to the project area is final.

810 (4) The authority may not use property tax differential revenue collected from one  
811 project area for a development project within another project area.

812 (5) Until the authority adopts a business plan under Subsection 11-58-202(1)(a), the  
813 authority may not spend property tax differential revenue collected from authority jurisdictional  
814 land.

815 (6) (a) As used in this Subsection (6):

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

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

820 (iii) "Eligible municipality" means a municipality that would be entitled to receive  
821 sales and use tax revenue under Subsection 59-12-205(2)(b)(i) in the absence of Subsection  
822 59-12-205(2)(b)(iii).

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

824 (A) for an eligible county, the amount of sales and use tax revenue the eligible county  
825 would have received under Subsection 59-12-205(2)(b)(i) in the absence of Subsection  
826 59-12-205(2)(b)(iii), excluding the retail sales portion; and

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

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

832 jurisdictional land.

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

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

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

839 Section 12. Section **11-58-603** is enacted to read:

840 **11-58-603. Use of authority money for business recruitment incentive.**

841 (1) As used in this section:

842 (a) "Business recruitment incentive" means the post-performance payment of property  
843 tax differential as an incentive for a capital expenditure or for the creation of high-paying jobs  
844 within a project area, as provided in this section.

845 (b) "Capital expenditure" means an expenditure of money, other than property tax  
846 differential:

847 (i) by an applicant under an incentive application; and

848 (ii) for the development of capital facilities that are:

849 (A) constructed within a project area; and

850 (B) focused on value-added manufacturing that optimizes the use of rail facilities.

851 (c) "High-paying job" means a job:

852 (i) created because of development activity within a project area; and

853 (ii) that pays at least 130% of the average for all wages within the county in which the  
854 project area is located for the year during which an incentive application is submitted.

855 (d) "Incentive application" means an application for a business recruitment incentive.

856 (e) "Tax differential parcel" means a parcel of land:

857 (i) on which capital facilities are constructed from a capital expenditure; or

858 (ii) where development activity occurs that results in the creation of high-paying jobs.

859 (2) The authority may use property tax differential as a business recruitment incentive  
860 as provided in this section.

861 (3) The board shall establish the application timeline, documentation requirements, and  
862 approval criteria applicable to an incentive application and approval of an incentive

863 application, consistent with this section.

864 (4) (a) Subject to Subsection (4)(b), a person may qualify for a business recruitment  
865 incentive if:

866 (i) the person submits an incentive application according to requirements established  
867 by the board;

868 (ii) the person meets the requirements under Subsection (5) or (6) for a business  
869 recruitment incentive; and

870 (iii) the board approves the incentive application.

871 (b) A person may not qualify for a business recruitment incentive if the person's  
872 development project relates primarily to retail operations or the distribution of goods.

873 (5) The authority may pay a person, on a post-performance basis:

874 (a) up to 20% of the property tax differential generated from a tax differential parcel  
875 for a period of 20 years, if the person demonstrates that at least \$1,000,000,000 of capital  
876 expenditure will occur on the tax differential parcel due to the person's development project;

877 (b) up to 15% of the property tax differential generated from a tax differential parcel  
878 for a period of 15 years, if the person demonstrates that at least \$500,000,000 of capital  
879 expenditure will occur on the tax differential parcel due to the person's development project; or

880 (c) up to 10% of the property tax differential generated from a tax differential parcel  
881 for a period of 10 years, if the person demonstrates that at least \$100,000,000 of capital  
882 expenditure will occur on the tax differential parcel due to the person's development project.

883 (6) The authority may pay a person, on a post-performance basis:

884 (a) up to 10% of the property tax differential generated from a tax differential parcel  
885 for a period of 20 years, if the person demonstrates that the person's development activity on  
886 the tax differential parcel will result in the creation of at least 1,000 high-paying jobs;

887 (b) up to 8% of the property tax differential generated from a tax differential parcel for  
888 a period of 15 years, if the person demonstrates that the person's development activity on the  
889 tax differential parcel will result in the creation of at least 500 high-paying jobs; or

890 (c) up to 5% of the property tax differential generated from a tax differential parcel for  
891 a period of 10 years, if the person demonstrates that the person's development activity on the  
892 tax differential parcel will result in the creation of at least 250 high-paying jobs.

893 (7) Subject to the limits stated in Subsections (5) and (6), the amount of property tax

894 differential to be paid under this section and the timing of any payment are at the discretion of  
895 the board.

896 (8) A person may not receive a business recruitment incentive under both Subsection  
897 (5) and Subsection (6).

898 Section 13. Section **11-58-604** is enacted to read:

899 **11-58-604. Authority's uses of shared property tax revenue.**

900 (1) As used in this section:

901 (a) "Primary municipality" means the same as that term is defined in Section  
902 11-58-601.

903 (b) "Shared property tax revenue" means property tax revenue the authority receives  
904 under Section 17C-5-114.

905 (2) Of the shared property tax revenue the authority receives, the authority shall use:

906 (a) 40% for environmental mitigation projects within the authority jurisdictional land;

907 (b) 40% for mitigation projects, which may include a regional traffic study and an  
908 environmental impact mitigation analysis, for communities within the primary municipality  
909 that are adjacent to the authority jurisdictional land; and

910 (c) 20% for economic development activities on the authority jurisdictional land.

911 Section 14. Section **11-58-801** is amended to read:

912 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**  
913 **-- Auditor forms -- Requirement to file annual budget.**

914 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
915 expenditures for the authority for each fiscal year.

916 (2) Each annual authority budget shall be adopted before June [~~22~~] 30, except that the  
917 authority's initial budget shall be adopted as soon as reasonably practicable after the  
918 organization of the board and the beginning of authority operations.

919 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

920 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the  
921 annual budget.

922 (b) The authority shall provide notice of the public hearing on the annual budget by  
923 publishing notice:

924 (i) at least once in a newspaper of general circulation within the state, at least one week

925 before the public hearing; and

926 (ii) on the Utah Public Notice Website created in Section [63A-16-601](#), [for] at least  
927 one week immediately before the public hearing.

928 (c) The authority shall make the annual budget available for public inspection at least  
929 three days before the date of the public hearing.

930 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
931 in each authority budget, including:

932 (a) revenues and expenditures for the budget year;

933 (b) legal fees; and

934 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
935 authority personnel.

936 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of  
937 the annual budget with the auditor of each county in which the authority jurisdictional land is  
938 located, the State Tax Commission, the state auditor, the State Board of Education, and each  
939 taxing entity that levies a tax on property from which the authority collects property tax  
940 differential.

941 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
942 state as a taxing entity is met if the authority files a copy with the State Tax Commission and  
943 the state auditor.

944 Section 15. Section [17C-5-114](#) is enacted to read:

945 **[17C-5-114](#). Project area for inland port area -- Use of property tax revenue from**  
946 **the area.**

947 (1) As used in this section:

948 (a) "Exempt area" means the same as that term is defined in Section [11-58-601](#).

949 (b) "Exempt area property tax" means all annual property tax revenue generated from a  
950 primary municipality's property tax levy on property within the exempt area.

951 (c) "Port authority" means the Utah Inland Port Authority, created in Section  
952 [11-58-201](#).

953 (d) "Primary municipality" means the same as that term is defined in Section  
954 [11-58-601](#).

955 (e) "Primary municipality's agency" means the agency created by a primary

956 municipality.

957 (2) No later than January 1, 2023, the primary municipality's agency shall create a  
958 project area consisting of the exempt area.

959 (3) No later than January 1, 2023, the primary municipality, the primary municipality's  
960 agency, and the port authority shall enter into an agreement requiring:

961 (a) the primary municipality's agency to be paid the exempt area property tax;

962 (b) the primary municipality's agency to distribute the exempt area property tax in the  
963 amounts and for the purposes provided in this Subsection (3);

964 (c) the primary municipality's agency to pay, beginning with the first tax year that  
965 begins on or after January 1, 2023, 25% of the exempt area property tax to the port authority:

966 (i) for the port authority's use as provided in Section [11-58-604](#); and

967 (ii) (A) for a period of 25 years beginning January 1, 2023; and

968 (B) for a period of an additional 15 years beyond the period stated in Subsection

969 (3)(c)(ii)(A) if the board of the port authority determines by resolution, adopted before the  
970 expiration of the 25-year period under Subsection (3)(c)(ii)(A), that the additional years will

971 produce a significant benefit to the uses described in Section [11-58-604](#) and if the primary  
972 municipality's agency amends the applicable project area plan, in accordance with Section

973 [17C-5-112](#), to reflect the additional period of time for the payment of exempt area property tax;

974 (d) the primary municipality's agency to pay, beginning the first tax year that begins on  
975 or after January 1, 2023 and in addition to the amounts under Subsection (3)(c), a percentage,

976 as defined in Subsection (4), of the exempt area property tax to the port authority for the port  
977 authority's use as provided in Section [11-58-604](#);

978 (e) the port authority to consult with the primary municipality concerning the  
979 mitigation projects described in Subsections [11-58-604\(2\)\(a\)](#) and (b); and

980 (f) the primary municipality's agency to use 10% of exempt area property tax for  
981 affordable housing as provided in Section [17C-1-412](#).

982 (4) The percentage of the exempt area property tax to be paid to the port authority as  
983 provided in Subsection (3)(d):

984 (a) shall be 40% for the first tax year that begins on or after January 1, 2023;

985 (b) shall decrease 2% each year after the 2023 tax year, so that in 2029 the percentage  
986 is 28;



- 987 (c) beginning January 1, 2030, and for a period of seven years, shall be 10%;
- 988 (d) beginning January 1, 2037, and for a period of 11 years, shall be 8%; and
- 989 (e) after 2047, shall be 0%.

990 Section 16. Section **17D-4-102** is amended to read:

991 **17D-4-102. Definitions.**

992 As used in this chapter:

- 993 (1) "Board" means the board of trustees of a public infrastructure district.
- 994 (2) "Creating entity" means the county, municipality, or development authority that
- 995 approves the creation of a public infrastructure district.
- 996 (3) "Development authority" means:
- 997 (a) the Utah Inland Port Authority created in Section [11-58-201](#); or
- 998 (b) the military installation development authority created in Section [63H-1-201](#).
- 999 (4) "District applicant" means the person proposing the creation of a public
- 1000 infrastructure district.

1001 (5) "Division" means a division of a public infrastructure district:

- 1002 (a) that is relatively equal in number of eligible voters or potential eligible voters to all
- 1003 other divisions within the public infrastructure district, taking into account existing or potential
- 1004 developments which, when completed, would increase or decrease the population within the
- 1005 public infrastructure district; and
- 1006 (b) which a member of the board represents.

1007 (6) "Governing document" means the document governing a public infrastructure  
1008 district to which the creating entity agrees before the creation of the public infrastructure  
1009 district, as amended from time to time, and subject to the limitations of Title 17B, Chapter 1,  
1010 Provisions Applicable to All Local Districts, and this chapter.

1011 (7) (a) "Limited tax bond" means a bond:

- 1012 (i) that is directly payable from and secured by ad valorem property taxes that are
- 1013 levied:
- 1014 (A) by a public infrastructure district that issues the bond; and
- 1015 (B) on taxable property within the district;
- 1016 (ii) that is a general obligation of the public infrastructure district; and
- 1017 (iii) for which the ad valorem property tax levy for repayment of the bond does not

1018 exceed the property tax levy rate limit established under Section 17D-4-303 for any fiscal year,  
1019 except as provided in Subsection 17D-4-301(8).

1020 (b) "Limited tax bond" does not include:

1021 (i) a short-term bond;

1022 (ii) a tax and revenue anticipation bond; or

1023 (iii) a special assessment bond.

1024 (8) "Public infrastructure and improvements" means:

1025 (a) [~~publicly owned infrastructure and improvements, as~~] the same as that term is  
1026 defined in Section 11-58-102, for a public infrastructure district created by the Utah Inland Port  
1027 Authority created in Section 11-58-201; and

1028 (b) the same as that term is defined in Section 63H-1-102, for a public infrastructure  
1029 district created by the military installation development authority created in Section 63H-1-201.

1030 Section 17. Section 17D-4-203 is amended to read:

1031 **17D-4-203. Public infrastructure district powers.**

1032 A public infrastructure district shall have all of the authority conferred upon a local  
1033 district under Section 17B-1-103, and in addition a public infrastructure district may:

1034 (1) issue negotiable bonds to pay:

1035 (a) all or part of the costs of acquiring, acquiring an interest in, improving, or extending  
1036 any of the improvements, facilities, or property allowed under Section 11-14-103;

1037 (b) capital costs of improvements in an energy assessment area, as defined in Section  
1038 11-42a-102, and other related costs, against the funds that the public infrastructure district will  
1039 receive because of an assessment in an energy assessment area, as defined in Section  
1040 11-42a-102;

1041 (c) public improvements related to the provision of housing;

1042 (d) capital costs related to public transportation; and

1043 (e) for a public infrastructure district created by a development authority, the cost of  
1044 acquiring or financing public infrastructure and improvements[~~, as defined in Section~~  
1045 63H-1-102];

1046 (2) enter into an interlocal agreement in accordance with Title 11, Chapter 13,  
1047 Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers  
1048 of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal

- 1049 Cooperation Act, without the consent of the creating entity;
- 1050 (3) acquire completed or partially completed improvements for fair market value as
- 1051 reasonably determined by:
- 1052 (a) the board;
- 1053 (b) the creating entity, if required in the governing document; or
- 1054 (c) a surveyor or engineer that a public infrastructure district employs or engages to
- 1055 perform the necessary engineering services for and to supervise the construction or installation
- 1056 of the improvements;
- 1057 (4) contract with the creating entity for the creating entity to provide administrative
- 1058 services on behalf of the public infrastructure district, when agreed to by both parties, in order
- 1059 to achieve cost savings and economic efficiencies, at the discretion of the creating entity; and
- 1060 (5) for a public infrastructure district created by a development authority:
- 1061 (a) (i) operate and maintain public infrastructure and improvements the district
- 1062 acquires or finances; and
- 1063 (ii) use fees, assessments, or taxes to pay for the operation and maintenance of those
- 1064 public infrastructure and improvements; and
- 1065 (b) issue bonds under Title 11, Chapter 42, Assessment Area Act.
- 1066 Section 18. Section **41-6a-2003** is amended to read:
- 1067 **41-6a-2003. Automatic license plate reader systems -- Restrictions.**
- 1068 (1) Except as provided in Subsection (2), a governmental entity may not use an
- 1069 automatic license plate reader system.
- 1070 (2) An automatic license plate reader system may be used:
- 1071 (a) by a law enforcement agency for the purpose of protecting public safety, conducting
- 1072 criminal investigations, or ensuring compliance with local, state, and federal laws;
- 1073 (b) by a governmental parking enforcement entity for the purpose of enforcing state
- 1074 and local parking laws;
- 1075 (c) by a parking enforcement entity for regulating the use of a parking facility;
- 1076 (d) for the purpose of controlling access to a secured area;
- 1077 (e) for the purpose of collecting an electronic toll;
- 1078 (f) for the purpose of enforcing motor carrier laws;
- 1079 (g) by a public transit district for the purpose of assessing parking needs and

1080 conducting a travel pattern analysis; ~~[or]~~

1081 (h) by an institution of higher education within the state system of higher education as  
1082 described in Section [53B-1-102](#):

1083 (i) for a purpose described in Subsections (2)(a) through (d); or

1084 (ii) if the data collected is anonymized, for research and educational purposes~~[-]~~; or

1085 (i) by the Utah Inland Port Authority, created in Section [11-58-201](#), or by a contractor  
1086 of the Utah Inland Port Authority with the approval of the board of the Utah Inland Port  
1087 Authority, if:

1088 (i) the automatic license plate reader system is used only within a project area, as  
1089 defined in Section [11-58-102](#), of the Utah Inland Port Authority;

1090 (ii) the purpose of using the automatic license plate reader system is to improve supply  
1091 chain efficiency or the efficiency of the movement of goods by analyzing and researching data  
1092 related to commercial vehicle traffic; and

1093 (iii) specific license plate information is anonymized.

1094 Section 19. Section **59-12-205** is amended to read:

1095 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
1096 **tax revenue -- Determination of population.**

1097 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
1098 [59-12-204](#), a county, city, or town shall adopt amendments to the county's, city's, or town's  
1099 sales and use tax ordinances:

1100 (a) within 30 days of the day on which the state makes an amendment to an applicable  
1101 provision of Part 1, Tax Collection; and

1102 (b) as required to conform to the amendments to Part 1, Tax Collection.

1103 (2) (a) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

1104 ~~[(a)]~~ (i) 50% of each dollar collected from the sales and use tax authorized by this part  
1105 shall be distributed to each county, city, and town on the basis of the percentage that the  
1106 population of the county, city, or town bears to the total population of all counties, cities, and  
1107 towns in the state; and

1108 ~~[(b)-(i)]~~ (ii) (A) except as provided in Subsections (2)(b)(ii) and (iii), 50% of each  
1109 dollar collected from the sales and use tax authorized by this part shall be distributed to each  
1110 county, city, and town on the basis of the location of the transaction as determined under

1111 Sections 59-12-211 through 59-12-215;

1112        [(ii)] (B) 50% of each dollar collected from the sales and use tax authorized by this part  
1113 within a project area described in a project area plan adopted by the military installation  
1114 development authority under Title 63H, Chapter 1, Military Installation Development  
1115 Authority Act, shall be distributed to the military installation development authority created in  
1116 Section 63H-1-201; and

1117        [(iii)] (C) beginning July 1, 2022 50% of each dollar collected from the sales and use  
1118 tax authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port  
1119 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section  
1120 11-58-201.

1121        (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before  
1122 July 1, 2022.

1123        (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall  
1124 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

1125        (i) the county, city, or town is a:

1126            (A) county of the third, fourth, fifth, or sixth class;

1127            (B) city of the fifth class; or

1128            (C) town;

1129        (ii) the county, city, or town received a distribution under this section for the calendar  
1130 year beginning on January 1, 2008, that was less than the distribution under this section that the  
1131 county, city, or town received for the calendar year beginning on January 1, 2007;

1132        (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located  
1133 within the unincorporated area of the county for one or more days during the calendar year  
1134 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,  
1135 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North  
1136 American Industry Classification System of the federal Executive Office of the President,  
1137 Office of Management and Budget; or

1138        (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1139 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during  
1140 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry  
1141 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the

1142 2002 North American Industry Classification System of the federal Executive Office of the  
1143 President, Office of Management and Budget; and

1144 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment  
1145 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for  
1146 one or more days during the calendar year beginning on January 1, 2008, was not the holder of  
1147 a direct payment permit under Section [59-12-107.1](#); or

1148 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1149 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a  
1150 city or town for one or more days during the calendar year beginning on January 1, 2008, was  
1151 not the holder of a direct payment permit under Section [59-12-107.1](#).

1152 (b) The commission shall make the distribution required by this Subsection (3) to a  
1153 county, city, or town described in Subsection (3)(a):

1154 (i) from the distribution required by Subsection (2)(a); and  
1155 (ii) before making any other distribution required by this section.

1156 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by  
1157 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

1158 (ii) For purposes of Subsection (3)(c)(i):

1159 (A) the numerator of the fraction is the difference calculated by subtracting the  
1160 distribution a county, city, or town described in Subsection (3)(a) received under this section  
1161 for the calendar year beginning on January 1, 2008, from the distribution under this section that  
1162 the county, city, or town received for the calendar year beginning on January 1, 2007; and  
1163 (B) the denominator of the fraction is \$333,583.

1164 (d) A distribution required by this Subsection (3) is in addition to any other distribution  
1165 required by this section.

1166 (4) (a) As used in this Subsection (4):

1167 (i) "Eligible county, city, or town" means a county, city, or town that:

1168 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)  
1169 equal to the amount described in Subsection (4)(b)(ii); and  
1170 (B) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,  
1171 2016.

1172 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue

1173 distributions an eligible county, city, or town received from a tax imposed in accordance with  
1174 this part for fiscal year 2004-05.

1175 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax  
1176 imposed in accordance with this part equal to the greater of:

1177 (i) the payment required by Subsection (2); or

1178 (ii) the minimum tax revenue distribution.

1179 (5) (a) For purposes of this Subsection (5):

1180 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to  
1181 1.8% of the participating local government's tax revenue distribution amount under Subsection  
1182 (2)(a) for the previous fiscal year.

1183 (ii) "Participating local government" means a county or municipality, as defined in  
1184 Section [10-1-104](#), that is not an eligible municipality or grant eligible entity certified in  
1185 accordance with Section [35A-16-307](#).

1186 (b) For revenue collected from the tax authorized by this part that is distributed on or  
1187 after January 1, 2019, the commission, before making a tax revenue distribution under  
1188 Subsection (2)(a) to a participating local government, shall:

1189 (i) subtract one-twelfth of the annual local contribution for each participating local  
1190 government from the participating local government's tax revenue distribution under  
1191 Subsection (2)(a); and

1192 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter  
1193 Cities Mitigation Restricted Account created in Section [35A-16-304](#).

1194 (c) For a participating local government that qualifies to receive a distribution  
1195 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection  
1196 (5) after the commission applies the provisions of Subsections (3) and (4).

1197 (6) (a) Population figures for purposes of this section shall be based on the most recent  
1198 official census or census estimate of the United States Bureau of the Census.

1199 (b) If a needed population estimate is not available from the United States Bureau of  
1200 the Census, population figures shall be derived from the estimate from the Utah Population  
1201 Committee.

1202 (c) The population of a county for purposes of this section shall be determined only  
1203 from the unincorporated area of the county.

1204 Section 20. Section **63A-3-401.5** is amended to read:

1205 **63A-3-401.5. Definitions.**

1206 As used in this part:

1207 (1) "Borrower" means a person who borrows money from an infrastructure fund for an  
1208 infrastructure project.

1209 (2) "Independent political subdivision" means:

1210 (a) the Utah Inland Port Authority created in Section [11-58-201](#);

1211 (b) the Point of the Mountain State Land Authority created in Section [11-59-201](#); or

1212 (c) the Military Installation Development Authority created in Section [63H-1-201](#).

1213 (3) "Infrastructure fund" means a fund created in Subsection [63A-3-402\(1\)](#).

1214 (4) "Infrastructure loan" means a loan of infrastructure fund money to finance an  
1215 infrastructure project.

1216 (5) "Infrastructure project" means a project to acquire, construct, reconstruct,  
1217 rehabilitate, equip, or improve public infrastructure and improvements:

1218 (a) within a project area; or

1219 (b) outside a project area, if the respective loan approval committee determines by  
1220 resolution that the public infrastructure and improvements are of benefit to the project area.

1221 (6) "Inland port" means the same as that term is defined in Section [11-58-102](#).

1222 (7) "Inland port fund" means the infrastructure fund created in Subsection  
1223 [63A-3-402\(1\)\(a\)](#).

1224 (8) "Military development fund" means the infrastructure fund created in Subsection  
1225 [63A-3-402\(1\)\(c\)](#).

1226 (9) "Point of the mountain fund" means the infrastructure fund created in Subsection  
1227 [63A-3-402\(1\)\(b\)](#).

1228 (10) "Project area" means:

1229 (a) the same as that term is defined in Section [11-58-102](#), for purposes of an  
1230 infrastructure loan from the inland port fund;

1231 (b) the point of the mountain state land, as defined in Section [11-59-102](#), for purposes  
1232 of an infrastructure loan from the point of the mountain fund; and

1233 (c) the same as that term is defined in Section [63H-1-102](#), for purposes of an  
1234 infrastructure loan from the military development fund.



1235 (11) "Property tax revenue" means:

1236 (a) property tax differential, as defined in Section 11-58-102, for purposes of an  
1237 infrastructure loan from the inland port fund; or

1238 (b) property tax allocation, as defined in Section 63H-1-102, for purposes of an  
1239 infrastructure loan from the military development fund.

1240 (12) "Public infrastructure and improvements":

1241 (a) means the same as that term is defined in Section 11-58-102, for purposes of an  
1242 infrastructure loan from the inland port fund[:]; and

1243 ~~[(i) means publicly owned infrastructure and improvements, as defined in Section~~  
1244 ~~11-58-102; and]~~

1245 ~~[(ii) includes an inland port facility; and]~~

1246 (b) means the same as that term is defined in Section 63H-1-102, for purposes of an  
1247 infrastructure loan from the military development fund.

1248 (13) "Respective loan approval committee" means:

1249 (a) the committee created in Section 11-58-106, for purposes of an infrastructure loan  
1250 from the inland port fund;

1251 (b) the committee created in Section 11-59-104, for purposes of an infrastructure loan  
1252 from the point of the mountain fund; and

1253 (c) the committee created in Section 63H-1-104, for purposes of an infrastructure loan  
1254 from the military development fund.

1255 Section 21. **Repealer.**

1256 This bill repeals:

1257 Section 11-58-101, Title.

1258 Section 22. **Effective date.**

1259 If approved by two-thirds of all the members elected to each house, this bill takes effect  
1260 upon approval by the governor, or the day following the constitutional time limit of Utah  
1261 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
1262 the date of veto override.