

MILITARY INSTALLATION DEVELOPMENT AUTHORITY

REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill amends provisions governing the Military Installation Development Authority.

Highlighted Provisions:

This bill:

- ▶ exempts the Military Installation Development Authority (authority) from physically posting notice;
- ▶ authorizes an authority subsidiary to:
 - create tax areas;
 - apply different property tax rates to each tax area; and
 - secure a bond from property taxes from one or more tax areas;
- ▶ exempts the authority from Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, in certain circumstances;
- ▶ provides that an official act by an officer who has failed to take the oath of office may not be invalidated due to failure to take the oath;
- ▶ prohibits a person who gives consent for the person's land to be included in a project area from revoking that consent;
- ▶ authorizes the authority to enforce a delinquent annual payment in the same manner as a delinquent property tax;
- ▶ amends provisions governing notice of the authority's public hearing on an annual



28 budget; and
29 ▶ makes conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **59-2-1317**, as last amended by Laws of Utah 2021, Chapter 314
- 37 **63H-1-202**, as last amended by Laws of Utah 2021, Chapter 414
- 38 **63H-1-401**, as last amended by Laws of Utah 2012, Chapter 80
- 39 **63H-1-501**, as last amended by Laws of Utah 2020, Chapter 282
- 40 **63H-1-502**, as last amended by Laws of Utah 2021, Chapter 414
- 41 **63H-1-701**, as last amended by Laws of Utah 2021, Chapters 84 and 345



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

44 Section 1. Section **59-2-1317** is amended to read:

45 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**
46 **providing notice.**

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

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

- 50 (a) collect the taxes and tax notice charges; and
- 51 (b) provide a notice to each taxpayer that contains the following:
 - 52 (i) the kind and value of property assessed to the taxpayer;
 - 53 (ii) the street address of the property, if available to the county;
 - 54 (iii) that the property may be subject to a detailed review in the next year under Section
 - 55 **59-2-303.1**;
 - 56 (iv) the amount of taxes levied;
 - 57 (v) a separate statement of the taxes levied only on a certain kind or class of property
 - 58 for a special purpose;

- 59 (vi) property tax information pertaining to taxpayer relief, options for payment of
60 taxes, and collection procedures;
- 61 (vii) any tax notice charges applicable to the property, including:
- 62 (A) if applicable, a political subdivision lien for road damage that a railroad company
63 causes, as described in Section [10-7-30](#);
- 64 (B) if applicable, a political subdivision lien for municipal water distribution, as
65 described in Section [10-8-17](#), or a political subdivision lien for an increase in supply from a
66 municipal water distribution, as described in Section [10-8-19](#);
- 67 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in
68 Section [10-11-4](#);
- 69 (D) if applicable, a political subdivision lien for the unpaid portion of an assessment
70 assessed in accordance with Title 11, Chapter 42, Assessment Area Act, or Title 11, Chapter
71 42a, Commercial Property Assessed Clean Energy Act, including unpaid costs, charges, and
72 interest as of the date the local entity certifies the unpaid amount to the county treasurer;
- 73 (E) if applicable, for a local district in accordance with Section [17B-1-902](#), a political
74 subdivision lien for an unpaid fee, administrative cost, or interest;
- 75 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge
76 as described in Section [17B-2a-506](#);
- 77 (G) if applicable, a political subdivision lien for a contract assessment under a water
78 contract, as described in Section [17B-2a-1007](#); ~~and~~
- 79 (H) if applicable, a property tax penalty that a public infrastructure district imposes, as
80 described in Section [17D-4-304](#); and
- 81 (I) if applicable, an annual payment to the Military Installation Development Authority
82 or an entity designated by the authority in accordance with Section [63H-1-501](#);
- 83 (viii) if a county's tax notice includes an assessment area charge, a statement that, due
84 to potentially ongoing assessment area charges, costs, penalties, and interest, payment of a tax
85 notice charge may not:
- 86 (A) pay off the full amount the property owner owes to the tax notice entity; or
87 (B) cause a release of the lien underlying the tax notice charge;
- 88 (ix) the date the taxes and tax notice charges are due;
- 89 (x) the street address at which the taxes and tax notice charges may be paid;

- 90 (xi) the date on which the taxes and tax notice charges are delinquent;
- 91 (xii) the penalty imposed on delinquent taxes and tax notice charges;
- 92 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
- 93 payment in accordance with Subsection (9);
- 94 (xiv) other information specifically authorized to be included on the notice under this
- 95 chapter; and
- 96 (xv) other property tax information approved by the commission.

97 (3) (a) Unless expressly allowed under this section or another statutory provision, the

98 treasurer may not add an amount to be collected to the property tax notice.

99 (b) If the county treasurer adds an amount to be collected to the property tax notice

100 under this section or another statutory provision that expressly authorizes the item's inclusion

101 on the property tax notice:

- 102 (i) the amount constitutes a tax notice charge; and
- 103 (ii) (A) the tax notice charge has the same priority as property tax; and
- 104 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
- 105 Section [59-2-1343](#).

106 (4) For any property for which property taxes or tax notice charges are delinquent, the

107 notice described in Subsection (2) shall state, "Prior taxes or tax notice charges are delinquent

108 on this parcel."

109 (5) Except as provided in Subsection (6), the county treasurer shall:

- 110 (a) mail the notice required by this section, postage prepaid; or
- 111 (b) leave the notice required by this section at the taxpayer's residence or usual place of
- 112 business, if known.

113 (6) (a) Subject to the other provisions of this Subsection (6), a county treasurer may, at

114 the county treasurer's discretion, provide the notice required by this section by electronic mail if

115 a taxpayer makes an election, according to procedures determined by the county treasurer, to

116 receive the notice by electronic mail.

117 (b) A taxpayer may revoke an election to receive the notice required by this section by

118 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

119 (c) A revocation of an election under this section does not relieve a taxpayer of the

120 duty to pay a tax or tax notice charge due under this chapter on or before the due date for

121 paying the tax or tax notice charge.

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

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

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

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

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

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

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

136 (8) This section does not apply to property taxed under Section [59-2-1302](#) or
137 [59-2-1307](#).

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

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

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

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

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

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

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

150 (ii) toll or otherwise change any time period related to a remedy described in
151 Subsection (9)(c)(i).

152 Section 2. Section **63H-1-202** is amended to read:

153 **63H-1-202. Applicability of other law.**

154 (1) As used in this section:

155 (a) "Subsidiary" means an authority subsidiary that is a public body as defined in

156 Section [52-4-103](#).

157 (b) "Subsidiary board" means the governing body of a subsidiary.

158 (2) The authority or land within a project area is not subject to:

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

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

161 (c) ordinances or regulations of a county or municipality, including those relating to

162 land use, health, business license, or franchise; or

163 (d) the jurisdiction of a local district under Title 17B, Limited Purpose Local

164 Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1,

165 Special Service District Act.

166 (3) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),

167 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed

168 by Title 63E, Independent Entities Code.

169 (4) (a) The definitions in Section [57-8-3](#) apply to this Subsection (4).

170 (b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership

171 Act, or any other provision of law:

172 (i) if the military is the owner of land in a project area on which a condominium project

173 is constructed, the military is not required to sign, execute, or record a declaration of a

174 condominium project; and

175 (ii) if a condominium unit in a project area is owned by the military or owned by the

176 authority and leased to the military for \$1 or less per calendar year, not including any common

177 charges that are reimbursements for actual expenses:

178 (A) the condominium unit is not subject to any liens under Title 57, Chapter 8,

179 Condominium Ownership Act;

180 (B) condominium unit owners within the same building or commercial condominium

181 project may agree on any method of allocation and payment of common area expenses,

182 regardless of the size or par value of each unit; and

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

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

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

191 (b) Subsection (6)(a) does not apply to a political subdivision that does not have any of
192 a project area located within the boundary of the political subdivision.

193 (7) (a) The authority and a subsidiary are subject to Title 52, Chapter 4, Open and
194 Public Meetings Act, except that:

195 ~~[(a)]~~ (i) notwithstanding Section 54-2-104, the timing and nature of training to
196 authority board members or subsidiary board members on the requirements of Title 52, Chapter
197 4, Open and Public Meetings Act, may be determined by:

198 ~~[(i)]~~ (A) the board chair, for the authority board; or

199 ~~[(ii)]~~ (B) the subsidiary board chair, for a subsidiary board;

200 ~~[(b)]~~ (ii) authority staff may adopt a rule governing the use of electronic meetings
201 under Section 52-4-207, if, under Subsection 63H-1-301(3), the board delegates to authority
202 staff the power to adopt the rule; and

203 ~~[(c)]~~ (iii) for an electronic meeting of the authority board or subsidiary board that
204 otherwise complies with Section 52-4-207, the authority board or subsidiary board,
205 respectively:

206 ~~[(i)]~~ (A) is not required to establish an anchor location; and

207 ~~[(ii)]~~ (B) may convene and conduct the meeting without the written determination
208 otherwise required under Subsection 52-4-207(4).

209 (b) Except as provided in Subsection (7)(c), the authority is not required to physically
210 post notice notwithstanding any other provision of law.

211 (c) The authority shall physically post notice in accordance with Subsection
212 52-4-202(3)(a)(i).

213 (8) The authority and a subsidiary are subject to Title 63G, Chapter 2, Government

214 Records Access and Management Act, except that:

215 (a) notwithstanding Section 63G-2-701:

216 (i) the authority may establish an appeals board consisting of at least three members;

217 (ii) an appeals board established under Subsection (8)(a)(i) shall include:

218 (A) one of the authority board members appointed by the governor;

219 (B) the authority board member appointed by the president of the Senate; and

220 (C) the authority board member appointed by the speaker of the House of

221 Representatives; and

222 (iii) an appeal of a decision of an appeals board is to district court, as provided in

223 Section 63G-2-404, except that the State Records Committee is not a party; and

224 (b) a record created or retained by the authority or a subsidiary acting in the role of a
225 facilitator under Subsection 63H-1-201(3)(v) is a protected record under Title 63G, Chapter 2,
226 Government Records Access and Management Act.

227 (9) The authority or a subsidiary acting in the role of a facilitator under Subsection
228 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership
229 that results from the facilitator's work as a facilitator.

230 (10) (a) (i) A subsidiary created as a public infrastructure district under [~~Title 17B;~~
231 ~~Chapter 2a, Part 12, Public Infrastructure District Act~~] Title 17D, Chapter 4, Public
232 Infrastructure District Act, may, subject to limitations of [~~Title 17B, Chapter 2a, Part 12, Public~~
233 ~~Infrastructure District Act~~] Title 17D, Chapter 4, Public Infrastructure District Act, levy a
234 property tax for the operations and maintenance of the public infrastructure district's financed
235 infrastructure and related improvements, subject to a maximum rate of .015.

236 (ii) A levy under Subsection (10)(a)(i) may be separate from a public infrastructure
237 district property tax levy for a bond.

238 (b) If a subsidiary created as a public infrastructure district issues a bond:

239 (i) the subsidiary may:

240 (A) delay the effective date of the property tax levy for the bond until after the period
241 of capitalized interest payments; and

242 (B) covenant with bondholders not to reduce or impair the property tax levy; and

243 (ii) notwithstanding a provision to the contrary in [~~Title 17B, Chapter 2a, Part 12,~~
244 ~~Public Infrastructure District Act,~~] Title 17D, Chapter 4, Public Infrastructure District Act, the

245 tax rate for the property tax levy for the bond may not exceed a rate that generates more
246 revenue than required to pay the annual debt service of the bond plus administrative costs,
247 subject to a maximum of .02.

248 (c) (i) A subsidiary created as a public infrastructure district under Title 17D, Chapter
249 4, Public Infrastructure District Act, may create tax areas, as defined in Section 59-2-102,
250 within the public infrastructure district and apply a different property tax rate to each tax area,
251 subject to the maximum rate limitations described in Subsections (10)(a)(i) and (10)(b)(ii).

252 (ii) If a subsidiary created by a public infrastructure district issues bonds, the subsidiary
253 may issue bonds secured by property taxes from:

254 (A) the entire public infrastructure district; or

255 (B) one or more tax areas within the public infrastructure district.

256 (11) (a) Terms defined in Section 57-11-2 apply to this Subsection (11).

257 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, does not apply to an
258 offer or disposition of an interest in land if the interest in land lies within the boundaries of the
259 project area and the authority:

260 (i) (A) has a development review committee using at least one professional planner;

261 (B) enacts standards and guidelines that require approval of planning, land use, and
262 plats, including the approval of plans for streets, culinary water, sanitary sewer, and flood
263 control; and

264 (C) will have the improvements described in Subsection (11)(b)(i)(B) plus
265 telecommunications and electricity; and

266 (ii) if at the time of the offer or disposition, the subdivider furnishes satisfactory
267 assurance of completion of the improvements described in Subsection (11)(b)(i)(C).

268 (12) (a) As used in this Subsection (12), "officer" means the same as an officer within
269 the meaning of the Utah Constitution Article IV, Section 10.

270 (b) An official act of an officer may not be invalidated for the reason that the officer
271 failed to take the oath of office.

272 Section 3. Section **63H-1-401** is amended to read:

273 **63H-1-401. Preparation of project area plan -- Required contents of project area**
274 **plan.**

275 (1) (a) The authority board shall adopt a project area plan as provided in this part.

276 (b) In order to adopt a project area plan, the authority board shall:
277 (i) prepare a draft project area plan;
278 (ii) give notice as required under Subsection 63H-1-402(2);
279 (iii) hold at least one public meeting, as required under Subsection 63H-1-402(1); and
280 (iv) after holding at least one public meeting and subject to Subsection (1)(c), adopt the
281 draft project area plan as the project area plan.

282 (c) Before adopting a draft project area plan as the project area plan, the authority
283 board may make modifications to the draft project area plan that the board considers necessary
284 or appropriate.

285 (d) (i) A lease or development agreement that the authority enters before the creation of
286 a project area shall provide that the board is not required to create a project area.

287 (ii) An authority may not be required to pay any amount or incur any loss or penalty for
288 the board's failure to create a project area.

289 (2) Each project area plan and draft project area plan shall contain:

290 (a) a legal description of the boundary of the project area that is the subject of the
291 project area plan;

292 (b) the authority's purposes and intent with respect to the project area; and

293 (c) the board's findings and determination that:

294 (i) there is a need to effectuate a public purpose;

295 (ii) there is a public benefit to the proposed development project;

296 (iii) it is economically sound and feasible to adopt and carry out the project area plan;

297 and

298 (iv) carrying out the project area plan will promote the public peace, health, safety, and
299 welfare of the community in which the project area is located.

300 (3) (a) A project area described in a project area plan:

301 [~~(a)~~] (i) shall include military land; and

302 [~~(b)~~] (ii) may include public or private land, whether or not it is contiguous to military
303 land, if:

304 [(~~t~~)] (A) the legislative body of the county in which the public or private land is
305 located, if the public land or private land is located in an unincorporated county, passes a
306 resolution consenting to the inclusion of the land in the project area;

307 [(ii)] (B) the legislative body of an included municipality passes a resolution
308 consenting to the inclusion of the land in the project area; and

309 [(iii)] (C) the owner of the public or private land consents to the inclusion of the land
310 in the project area.

311 (b) (i) Consent provided under Subsection (3)(a)(ii)(A), (B), or (C) is irrevocable.

312 (ii) The authority may rely on a consent provided under Subsection (3)(a)(ii)(A), (B),
313 or (C) for long-term planning, contractual commitments, and issuing bonds or other
314 indebtedness.

315 Section 4. Section **63H-1-501** is amended to read:

316 **63H-1-501. Authority receipt and use of property tax allocation -- Contractual**
317 **annual payment -- Distribution of property tax allocation.**

318 (1) (a) The authority may:

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

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

322 (B) after the time period described in Subsection (1)(a)(i)(A) expires, receive up to
323 75% of the property tax allocation for up to 15 years, if the board determines the additional
324 years will produce significant benefit; and

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

327 (b) With respect to a parcel located within a project area, the 25-year period described
328 in Subsection (1)(a)(i)(A) begins on the day on which the authority receives the first property
329 tax allocation from that parcel.

330 (2) (a) For purposes of Subsection (1)(b), the authority may designate an improved
331 portion of a parcel in a project area as a separate parcel.

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

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

337 (3) Improvements on a parcel within a project area become subject to property tax on

338 January 1 immediately following the day on which the authority or an entity designated by the
339 authority issues a certificate of occupancy with respect to those improvements.

340 (4) (a) If the authority or an entity designated by the authority has not issued a
341 certificate of occupancy for a private parcel within a project area, the private parcel owner shall
342 make an annual payment to the authority:

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

345 (ii) until the parcel becomes subject to the property tax described in Subsection (3).

346 (b) The authority may use the revenue from payments described in Subsection (4)(a)
347 for any purpose described in Subsection 63H-1-502(1).

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

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

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

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

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

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

359 (ii) prorated between the previous owner and the owner who acquires title from the
360 previous owner.

361 (f) A person who fails to pay or is delinquent in paying an annual payment described in
362 Subsection (4)(a) is subject to the same penalties and interest as the failure or delinquent
363 payment of a property tax in accordance with Title 59, Chapter 2, Property Tax Act.

364 (g) If requested by the authority, a county treasurer shall:

365 (i) include the annual payment described in Subsection (4)(a) on a county property tax
366 notice in accordance with Section 59-2-1317; and

367 (ii) collect the annual payment as part of the property tax collection.

368 (5) Each county that collects property tax on property within a project area shall pay

369 and distribute to the authority the property tax allocation and dedicated tax collections that the
370 authority is entitled to collect under this title, in the manner and at the time provided in Section
371 [59-2-1365](#).

372 (6) (a) The board shall determine by resolution when the entire project area or an
373 individual parcel within a project area is subject to property tax allocation.

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

376 (7) The following property owned by the authority is not subject to any property tax
377 under Title 59, Chapter 2, Property Tax Act, or any privilege tax under Title 59, Chapter 4,
378 Privilege Tax, regardless of whether the authority enters into a long-term operating agreement
379 with a privately owned entity under which the privately owned entity agrees to operate the
380 property:

381 (a) a hotel;

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

384 (c) a commercial condominium unit in a condominium project, as defined in Section
385 [57-8-3](#).

386 Section 5. Section **63H-1-502** is amended to read:

387 **63H-1-502. Allowable uses of property tax allocation and other funds.**

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

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

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

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

395 (d) to pay the cost of the installation and construction of public infrastructure and
396 improvements within the project area from which the property tax allocation funds were
397 collected;

398 (e) to pay the cost of the installation and construction of public infrastructure and
399 improvements, including a passenger ropeway, as defined in Section [72-11-102](#), outside the

400 project area if:

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

403 ~~(i)~~ (B) for a passenger ropeway, at least one end of the ropeway is located within the
404 project area; or

405 (ii) (A) the funds expended are appropriated by the Legislature; and

406 (B) the authority is directed to expend the funds, and the project or purpose is directed,
407 by the Legislature;

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

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

411 (h) to pay for the promotion of:

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

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

415 (2) The authority may use revenue generated from the authority's operation of public
416 infrastructure and improvements to:

417 (a) operate and maintain the public infrastructure and improvements; and

418 (b) pay for authority operating expenses, including administrative, overhead, and legal
419 expenses.

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

421 (a) tax revenue received under Subsection [59-12-205\(2\)\(b\)\(ii\)](#);

422 (b) resort communities tax revenue;

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

425 (d) MIDA accommodations tax revenue, received under Section [63H-1-205](#);

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

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

430 (g) payments received under Subsection [63H-1-501\(4\)](#).

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

433 Section 6. Section **63H-1-701** is amended to read:

434 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
435 **Auditor forms -- Requirement to file form.**

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

438 (2) Each annual authority budget shall be adopted before June 30.

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

440 (4) (a) Before adopting an annual budget, the authority board shall hold a public
441 hearing on the annual budget.

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

444 (i) at least once in a newspaper of general circulation within the state, at least one week
445 before the public hearing; and

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

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

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

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

453 (b) legal fees; and

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

456 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
457 copy of the annual budget with the auditor of each county in which a project area of the
458 authority is located, the State Tax Commission, the state auditor, the State Board of Education,
459 and each taxing entity that levies a tax on property from which the authority collects property
460 tax allocation.

461 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the

462 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
463 the state auditor.