

**Representative Francis D. Gibson** proposes the following substitute bill:

**INLAND PORT AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ specifies the applicability of the Assessment Area Act to the Utah Inland Port Authority and extends the applicability of the Commercial Property Assessed Clean Energy Act to the Utah Inland Port Authority;
- ▶ modifies definitions applicable to the Utah Inland Port Authority;
- ▶ authorizes the Utah Inland Port Authority to adopt a project area plan for an area outside the authority jurisdictional land under certain conditions and modifies related provisions;
- ▶ authorizes the Utah Inland Port Authority to own and operate a trade hub;
- ▶ prohibits a political subdivision from challenging the creation, existence, funding, powers, project areas, or duties of the Utah Inland Port Authority and prohibits the use of public money for any challenge;
- ▶ modifies a provision relating to the use of authority funds;
- ▶ modifies the date by which an executive director of the Utah Inland Port Authority is to be hired;



- 26           ▶ modifies provisions relating to the adoption of a project area plan;
- 27           ▶ bars an action to a project area or project area plan if not brought within a specified
- 28 time;
- 29           ▶ modifies project area budget provisions;
- 30           ▶ modifies property tax differential provisions, including authorizing the authority to
- 31 be paid property tax differential for an additional period under certain
- 32 circumstances;
- 33           ▶ modifies the amount of property tax differential the authority may use for operating
- 34 expenses;
- 35           ▶ authorizes the Utah Inland Port Authority to be paid certain sales and use tax
- 36 revenue;
- 37           ▶ authorizes the Public Service Commission to provide for a renewable energy tariff
- 38 for certain customers within authority jurisdictional land;
- 39           ▶ extends to the Utah Inland Port Authority the applicability of provisions relating to
- 40 tax credit incentives for economic development; and
- 41           ▶ makes technical changes.

42 **Money Appropriated in this Bill:**

43           None

44 **Other Special Clauses:**

45           This bill provides a special effective date.

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48           11-42-102, as last amended by Laws of Utah 2017, Chapter 470
- 49           11-42a-102, as last amended by Laws of Utah 2018, Chapter 431
- 50           11-58-102, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 51           11-58-201, as enacted by Laws of Utah 2018, Chapter 179
- 52           11-58-202, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 53           11-58-203, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 54           11-58-205, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 55           11-58-206, as enacted by Laws of Utah 2018, Chapter 179
- 56           11-58-305, as enacted by Laws of Utah 2018, Chapter 179

- 57 [11-58-501](#), as enacted by Laws of Utah 2018, Chapter 179
- 58 [11-58-502](#), as enacted by Laws of Utah 2018, Chapter 179
- 59 [11-58-503](#), as enacted by Laws of Utah 2018, Chapter 179
- 60 [11-58-505](#), as enacted by Laws of Utah 2018, Chapter 179
- 61 [11-58-601](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 62 [11-58-602](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 63 [11-58-702](#), as enacted by Laws of Utah 2018, Chapter 179
- 64 [54-17-806](#), as enacted by Laws of Utah 2016, Chapter 393
- 65 [59-12-205](#), as last amended by Laws of Utah 2018, Chapters 258, 312, and 330
- 66 [63N-2-103](#), as last amended by Laws of Utah 2016, Chapter 350



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

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

70 **11-42-102. Definitions.**

71 (1) "Adequate protests" means timely filed, written protests under Section [11-42-203](#)  
 72 that represent at least 40% of the frontage, area, taxable value, fair market value, lots, number  
 73 of connections, or equivalent residential units of the property proposed to be assessed,  
 74 according to the same assessment method by which the assessment is proposed to be levied,  
 75 after eliminating:

- 76 (a) protests relating to:
  - 77 (i) property that has been deleted from a proposed assessment area; or
  - 78 (ii) an improvement that has been deleted from the proposed improvements to be
- 79 provided to property within the proposed assessment area; and
- 80 (b) protests that have been withdrawn under Subsection [11-42-203\(3\)](#).

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

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

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

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

90 (4) "Assessment fund" means a special fund that a local entity establishes under  
91 Section [11-42-412](#).

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

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

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

98 (b) that, when applied to a benefitted property, accounts for an assessment that meets  
99 the requirements of Section [11-42-409](#).

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

102 (8) "Assessment resolution" means a resolution adopted by a local entity under Section  
103 [11-42-404](#) that levies an assessment on benefitted property within an assessment area.

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

107 (10) "Bond anticipation notes" means notes issued under Section [11-42-602](#) in  
108 anticipation of the issuance of assessment bonds.

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

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

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

115 (i) commercial;

116 (ii) mining;

117 (iii) industrial;

118 (iv) manufacturing;

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

150 environmental condition of publicly owned property.

151 (20) "Equivalent residential unit" means a dwelling, unit, or development that is equal  
152 to a single-family residence in terms of the nature of its use or impact on an improvement to be  
153 provided in the assessment area.

154 (21) "Governing body" means:

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

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

157 (c) for a special service district:

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

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

162 (d) for the military installation development authority created in Section 63H-1-201,  
163 the ~~authority~~ board, as defined in Section 63H-1-102~~[-]; and~~

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

166 (22) "Guaranty fund" means the fund established by a local entity under Section  
167 11-42-701.

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

170 (24) "Improvement":

171 (a) (i) means a publicly owned infrastructure, system, or environmental remediation  
172 activity that:

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

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

176 (C) a local entity is requested to provide through an interlocal agreement in accordance  
177 with ~~[Title 11,]~~ Chapter 13, Interlocal Cooperation Act; and

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

180 (A) can be conveniently installed at the same time as an infrastructure, system, or other

181 facility described in Subsection (24)(a)(i); and

182 (B) are requested by a property owner on whose property or for whose benefit the  
183 infrastructure, system, or other facility is being installed; or

184 (b) for a local district created to assess groundwater rights in accordance with Section  
185 17B-1-202, means a system or plan to regulate groundwater withdrawals within a specific  
186 groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.

187 (25) "Improvement revenues":

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

190 (b) does not include revenue from assessments.

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

193 (a) legal and accounting fees;

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

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

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

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

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

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

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

206 (28) "Interim warrant" means a warrant issued by a local entity under Section  
207 11-42-601.

208 (29) "Jurisdictional boundaries" means:

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

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

211 (30) "Local district" means a local district under Title 17B, Limited Purpose Local

212 Government Entities - Local Districts.

213 (31) "Local entity" means:

214 (a) a county, city, town, special service district, or local district<sup>[7]</sup>;

215 (b) an interlocal entity as defined in Section 11-13-103<sup>[7]</sup>;

216 (c) a military installation development authority, created in Section 63H-1-201<sup>[7]</sup>;

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

218 (e) any other political subdivision of the state.

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

221 (33) "Mailing address" means:

222 (a) a property owner's last-known address using the name and address appearing on the  
223 last completed real property assessment roll of the county in which the property is located; and

224 (b) if the property is improved property:

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

226 (ii) the post office box, rural route number, or other mailing address of the property, if  
227 a street number has not been assigned.

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

231 (35) "Operation and maintenance costs":

232 (a) means the costs that a local entity incurs in operating and maintaining  
233 improvements in an assessment area, whether or not those improvements have been financed  
234 under this chapter; and

235 (b) includes service charges, administrative costs, ongoing maintenance charges, and  
236 tariffs or other charges for electrical, water, gas, or other utility usage.

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

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



243 which the prior bonds are payable.

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

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

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

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

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

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

258 (44) "Public agency" means:

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

260 (b) a political subdivision of the state.

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

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

267 (47) "Reserve fund" means a fund established by a local entity under Section  
268 [11-42-702](#).

269 (48) "Service" means:

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

272 (b) economic promotion activities; or

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

274 (49) "Special service district" means the same as that term is defined in Section  
275 17D-1-102.

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

279 (51) "Unimproved property" means property upon which no residential, commercial, or  
280 other building has been built.

281 (52) "Voluntary assessment area" means an assessment area that contains only property  
282 whose owners have voluntarily consented to an assessment.

283 Section 2. Section 11-42a-102 is amended to read:

284 **11-42a-102. Definitions.**

285 (1) (a) "Assessment" means the assessment that a local entity or the C-PACE district  
286 levies on private property under this chapter to cover the costs of an energy efficiency upgrade,  
287 a renewable energy system, or an electric vehicle charging infrastructure.

288 (b) "Assessment" does not constitute a property tax but shares the same priority lien as  
289 a property tax.

290 (2) "Assessment fund" means a special fund that a local entity establishes under  
291 Section 11-42a-206.

292 (3) "Benefitted property" means private property within an energy assessment area that  
293 directly benefits from improvements.

294 (4) "Bond" means an assessment bond and a refunding assessment bond.

295 (5) (a) "Commercial or industrial real property" means private real property used  
296 directly or indirectly or held for one of the following purposes or activities, regardless of  
297 whether the purpose or activity is for profit:

298 (i) commercial;

299 (ii) mining;

300 (iii) agricultural;

301 (iv) industrial;

302 (v) manufacturing;

303 (vi) trade;

304 (vii) professional;

- 305 (viii) a private or public club;
- 306 (ix) a lodge;
- 307 (x) a business; or
- 308 (xi) a similar purpose.
- 309 (b) "Commercial or industrial real property" includes:
- 310 (i) private real property that is used as or held for dwelling purposes and contains:
- 311 (A) more than four rental units; or
- 312 (B) one or more owner-occupied or rental condominium units affiliated with a hotel;
- 313 and
- 314 (ii) real property ~~[that]~~ owned by:
- 315 (A) the military installation development authority, created in Section [63H-1-201](#)[-
- 316 ~~owns~~]; or
- 317 (B) the Utah Inland Port Authority, created in Section [11-58-201](#).
- 318 (6) "Contract price" means:
- 319 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an
- 320 improvement, as determined by the owner of the property benefitting from the improvement; or
- 321 (b) the amount payable to one or more contractors for the assessment, design,
- 322 engineering, inspection, and construction of an improvement.
- 323 (7) "C-PACE" means commercial property assessed clean energy.
- 324 (8) "C-PACE district" means the statewide authority established in Section [11-42a-106](#)
- 325 to implement the C-PACE Act in collaboration with governing bodies, under the direction of
- 326 OED.
- 327 (9) "Electric vehicle charging infrastructure" means equipment that is:
- 328 (a) permanently affixed to commercial or industrial real property; and
- 329 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
- 330 plug-in hybrid vehicle, as those terms are defined in Section [59-7-605](#).
- 331 (10) "Energy assessment area" means an area:
- 332 (a) within the jurisdictional boundaries of a local entity that approves an energy
- 333 assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the
- 334 C-PACE district or the state interlocal entity;
- 335 (b) containing only the commercial or industrial real property of owners who have

336 voluntarily consented to an assessment under this chapter for the purpose of financing the costs  
337 of improvements that benefit property within the energy assessment area; and

338 (c) in which the proposed benefitted properties in the area are:

339 (i) contiguous; or

340 (ii) located on one or more contiguous or adjacent tracts of land that would be

341 contiguous or adjacent property but for an intervening right-of-way, including a sidewalk,

342 street, road, fixed guideway, or waterway.

343 (11) "Energy assessment bond" means a bond:

344 (a) issued under Section 11-42a-401; and

345 (b) payable in part or in whole from assessments levied in an energy assessment area.

346 (12) "Energy assessment lien" means a lien on property within an energy assessment

347 area that arises from the levy of an assessment in accordance with Section 11-42a-301.

348 (13) "Energy assessment ordinance" means an ordinance that a local entity adopts

349 under Section 11-42a-201 that:

350 (a) designates an energy assessment area;

351 (b) levies an assessment on benefitted property within the energy assessment area; and

352 (c) if applicable, authorizes the issuance of energy assessment bonds.

353 (14) "Energy assessment resolution" means one or more resolutions adopted by a local

354 entity under Section 11-42a-201 that:

355 (a) designates an energy assessment area;

356 (b) levies an assessment on benefitted property within the energy assessment area; and

357 (c) if applicable, authorizes the issuance of energy assessment bonds.

358 (15) "Energy efficiency upgrade" means an improvement that is:

359 (a) permanently affixed to commercial or industrial real property; and

360 (b) designed to reduce energy or water consumption, including:

361 (i) insulation in:

362 (A) a wall, roof, floor, or foundation; or

363 (B) a heating and cooling distribution system;

364 (ii) a window or door, including:

365 (A) a storm window or door;

366 (B) a multiglazed window or door;

- 367 (C) a heat-absorbing window or door;
- 368 (D) a heat-reflective glazed and coated window or door;
- 369 (E) additional window or door glazing;
- 370 (F) a window or door with reduced glass area; or
- 371 (G) other window or door modifications;
- 372 (iii) an automatic energy control system;
- 373 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
- 374 distribution system;
- 375 (v) caulk or weatherstripping;
- 376 (vi) a light fixture that does not increase the overall illumination of a building, unless
- 377 an increase is necessary to conform with the applicable building code;
- 378 (vii) an energy recovery system;
- 379 (viii) a daylighting system;
- 380 (ix) measures to reduce the consumption of water, through conservation or more
- 381 efficient use of water, including installation of:
  - 382 (A) low-flow toilets and showerheads;
  - 383 (B) timer or timing systems for a hot water heater; or
  - 384 (C) rain catchment systems;
- 385 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
- 386 measure by the governing body or executive of a local entity;
- 387 (xi) measures or other improvements to effect seismic upgrades;
- 388 (xii) structures, measures, or other improvements to provide automated parking or
- 389 parking that reduces land use;
- 390 (xiii) the extension of an existing natural gas distribution company line;
- 391 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
- 392 (xv) any other improvement that the governing body or executive of a local entity
- 393 approves as an energy efficiency upgrade; or
- 394 (xvi) any improvement that relates physically or functionally to any of the
- 395 improvements listed in Subsections (15)(b)(i) through (xv).
- 396 (16) "Governing body" means:
- 397 (a) for a county, city, town, or metro township, the legislative body of the county, city,

398 town, or metro township;

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

400 (c) for a special service district:

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

404 (ii) if an administrative control board has been appointed under Section 17D-1-301, the  
405 administrative control board of the special service district; [~~and~~]

406 (d) for the military installation development authority created in Section 63H-1-201,  
407 the board, as that term is defined in Section 63H-1-102[:]; and

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

410 (17) "Improvement" means a publicly or privately owned energy efficiency upgrade,  
411 renewable energy system, or electric vehicle charging infrastructure that:

412 (a) a property owner has requested; or

413 (b) has been or is being installed on a property for the benefit of the property owner.

414 (18) "Incidental refunding costs" means any costs of issuing a refunding assessment  
415 bond and calling, retiring, or paying prior bonds, including:

416 (a) legal and accounting fees;

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

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

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

421 (e) fees to be paid to the local entity to issue the refunding assessment bond and to  
422 refund the outstanding prior bonds;

423 (f) any other costs that the governing body determines are necessary and proper to incur  
424 in connection with the issuance of a refunding assessment bond; and

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

427 (19) "Installment payment date" means the date on which an installment payment of an  
428 assessment is payable.

- 429 (20) "Jurisdictional boundaries" means:
- 430 (a) for the C-PACE district or any state interlocal entity, the boundaries of the state;
- 431 and
- 432 (b) for each local entity, the boundaries of the local entity.
- 433 (21) "Local district" means a local district under Title 17B, Limited Purpose Local
- 434 Government Entities - Local Districts.
- 435 (22) (a) "Local entity" means:
- 436 (i) a county, city, town, or metro township;
- 437 (ii) a special service district, a local district, or an interlocal entity as that term is
- 438 defined in Section [11-13-103](#);
- 439 (iii) a state interlocal entity;
- 440 (iv) the military installation development authority, created in Section [63H-1-201](#); [~~or~~]
- 441 (v) the Utah Inland Port Authority, created in Section [11-58-201](#); or
- 442 [~~(v)~~] (vi) any political subdivision of the state.
- 443 (b) "Local entity" includes the C-PACE district solely in connection with:
- 444 (i) the designation of an energy assessment area;
- 445 (ii) the levying of an assessment; and
- 446 (iii) the assignment of an energy assessment lien to a third-party lender under Section
- 447 [11-42a-302](#).
- 448 (23) "Local entity obligations" means energy assessment bonds and refunding
- 449 assessment bonds that a local entity issues.
- 450 (24) "OED" means the Office of Energy Development created in Section [63M-4-401](#).
- 451 (25) "Overhead costs" means the actual costs incurred or the estimated costs to be
- 452 incurred in connection with an energy assessment area, including:
- 453 (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;
- 454 (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;
- 455 (c) publishing and mailing costs;
- 456 (d) costs of levying an assessment;
- 457 (e) recording costs; and
- 458 (f) all other incidental costs.
- 459 (26) "Parameters resolution" means a resolution or ordinance that a local entity adopts

460 in accordance with Section [11-42a-201](#).

461 (27) "Prior bonds" means the energy assessment bonds refunded in part or in whole by  
462 a refunding assessment bond.

463 (28) "Prior energy assessment ordinance" means the ordinance levying the assessments  
464 from which the prior bonds are payable.

465 (29) "Prior energy assessment resolution" means the resolution levying the assessments  
466 from which the prior bonds are payable.

467 (30) "Property" includes real property and any interest in real property, including water  
468 rights and leasehold rights.

469 (31) "Public electrical utility" means a large-scale electric utility as that term is defined  
470 in Section [54-2-1](#).

471 (32) "Reduced payment obligation" means the full obligation of an owner of property  
472 within an energy assessment area to pay an assessment levied on the property after the local  
473 entity has reduced the assessment because of the issuance of a refunding assessment bond, in  
474 accordance with Section [11-42a-403](#).

475 (33) "Refunding assessment bond" means an assessment bond that a local entity issues  
476 under Section [11-42a-403](#) to refund, in part or in whole, energy assessment bonds.

477 (34) (a) "Renewable energy system" means a product, system, device, or interacting  
478 group of devices that is permanently affixed to commercial or industrial real property not  
479 located in the certified service area of a distribution electrical cooperative, as that term is  
480 defined in Section [54-2-1](#), and:

481 (i) produces energy from renewable resources, including:

482 (A) a photovoltaic system;

483 (B) a solar thermal system;

484 (C) a wind system;

485 (D) a geothermal system, including a generation system, a direct-use system, or a  
486 ground source heat pump system;

487 (E) a microhydro system;

488 (F) a biofuel system; or

489 (G) any other renewable source system that the governing body of the local entity  
490 approves;



491 (ii) stores energy, including:  
492 (A) a battery storage system; or  
493 (B) any other energy storing system that the governing body or chief executive officer  
494 of a local entity approves; or

495 (iii) any improvement that relates physically or functionally to any of the products,  
496 systems, or devices listed in Subsection (34)(a)(i) or (ii).

497 (b) "Renewable energy system" does not include a system described in Subsection  
498 (34)(a)(i) if the system provides energy to property outside the energy assessment area, unless  
499 the system:

500 (i) (A) existed before the creation of the energy assessment area; and  
501 (B) beginning before January 1, 2017, provides energy to property outside of the area  
502 that became the energy assessment area; or

503 (ii) provides energy to property outside the energy assessment area under an agreement  
504 with a public electrical utility that is substantially similar to agreements for other renewable  
505 energy systems that are not funded under this chapter.

506 (35) "Special service district" means the same as that term is defined in Section  
507 [17D-1-102](#).

508 (36) "State interlocal entity" means:

509 (a) an interlocal entity created under [~~Title 11;~~] Chapter 13, Interlocal Cooperation Act,  
510 by two or more counties, cities, towns, or metro townships that collectively represent at least a  
511 majority of the state's population; or

512 (b) an entity that another state authorized, before January 1, 2017, to issue bonds,  
513 notes, or other obligations or refunding obligations to finance or refinance projects in the state.

514 (37) "Third-party lender" means a trust company, savings bank, savings and loan  
515 association, bank, credit union, or any other entity that provides loans directly to property  
516 owners for improvements authorized under this chapter.

517 Section 3. Section **11-58-102** is amended to read:

518 **11-58-102. Definitions.**

519 As used in this chapter:

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

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

522 in the electronic shapefile that:

523 (a) is the electronic component of H.B. 2001, Utah Inland Port Authority Amendments,  
524 2018 Second Special Session; and

525 (b) may be accessed via the Utah Legislature's website.

526 (3) "Base taxable value" means:

527 (a) (i) except as provided in Subsection (3)(a)(ii), for a project area that consists of the  
528 authority jurisdictional land, the taxable value of authority jurisdictional land in calendar year  
529 2018; and

530 (ii) for an area described in Subsection 11-58-601(1)(c), the taxable value of that area  
531 in calendar year 2017; or

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

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

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

541 (6) "Development" means:

542 (a) the demolition, construction, reconstruction, modification, expansion, or  
543 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
544 recreational amenity, or other facility, including publicly owned infrastructure and  
545 improvements; and

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

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

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

551 (a) contain multimodal transportation assets and other facilities that:

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

553 (ii) together are intended to:

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

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

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

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

562 (b) may include a satellite customs clearance terminal, an intermodal [~~distribution~~]  
563 facility, a customs pre-clearance for international trade, or other facilities that facilitate,  
564 encourage, and enhance regional, national, and international trade.

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

566 (a) for an inland port;

567 (b) that directly implements or furthers the purposes of an inland port, as stated in  
568 Subsection (8);

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

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

572 (10) "Intermodal facility" means a hub or other facility for trade combining any  
573 combination of rail, trucking, air cargo, and other transportation services.

574 [~~(11)~~] (11) "Nonvoting member" means an individual appointed as a member of the  
575 board under Subsection 11-58-302(6) who does not have the power to vote on matters of  
576 authority business.

577 [~~(12)~~] (12) "Project area" means:

578 (a) the authority jurisdictional land~~;~~; or

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

583 [~~(13)~~] (13) "Project area budget" means a multiyear projection of annual or cumulative

584 revenues and expenses and other fiscal matters pertaining to ~~[a]~~ the project area.

585 ~~[(13)]~~ (14) "Project area plan" means a written plan that, after its effective date, guides  
586 and controls the development within a project area.

587 ~~[(14)]~~ (15) "Property tax" includes a privilege tax and each levy on an ad valorem basis  
588 on tangible or intangible personal or real property.

589 ~~[(15)]~~ (16) "Property tax differential":

590 (a) means the difference between:

591 ~~[(a)]~~ (i) the amount of property tax revenues generated each tax year by all taxing  
592 entities from a project area, using the current assessed value of the property; and

593 ~~[(b)]~~ (ii) the amount of property tax revenues that would be generated from that same  
594 area using the base taxable value of the property~~[-];~~ and

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

596 (i) a county additional property tax or multicounty assessing and collecting levy  
597 imposed in accordance with Section [59-2-1602](#);

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

599 or

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

602 ~~[(16)]~~ (17) "Public entity" means:

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

604 (b) a county, city, town, metro township, school district, local district, special service  
605 district, interlocal cooperation entity, community reinvestment agency, or other political  
606 subdivision of the state.

607 ~~[(17)]~~ (18) "Publicly owned infrastructure and improvements":

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

609 (i) benefit the public; and

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

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

612 (b) includes:

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

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

615 (B) sewer, storm drainage, natural gas, electricity, or telecommunications service; and  
616 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking  
617 facilities, and public transportation facilities.

618 [~~(18)~~] (19) "Shapefile" means the digital vector storage format for storing geometric  
619 location and associated attribute information.

620 [~~(19)~~] (20) "Taxable value" means the value of property as shown on the last equalized  
621 assessment roll as certified by the county assessor.

622 [~~(20)~~] (21) "Taxing entity" means a public entity that levies a tax on property within a  
623 project area.

624 [~~(21)~~] (22) "Voting member" means an individual appointed or designated as a member  
625 of the board under Subsection 11-58-302(2).

626 Section 4. Section 11-58-201 is amended to read:

627 **11-58-201. Creation of Utah Inland Port Authority -- Status and purposes.**

628 (1) Under the authority of Article XI, Section 8 of the Utah Constitution, there is  
629 created the Utah Inland Port Authority.

630 (2) The authority is:

631 (a) an independent, nonprofit, separate body corporate and politic, with perpetual  
632 succession;

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

634 (c) a public corporation, as defined in Section 63E-1-102.

635 (3) (a) The purpose of the authority is to fulfill the statewide public purpose of working  
636 in concert with applicable state and local government entities, property owners and other  
637 private parties, and other stakeholders to encourage and facilitate development of the authority  
638 jurisdictional land and land in other authority project areas to maximize the long-term  
639 economic and other benefit for the state, consistent with the strategies, policies, and objectives  
640 described in this chapter, including:

641 (i) the development of inland port uses on the authority jurisdictional land and on land  
642 in other authority project areas;

643 (ii) the development of infrastructure to support inland port uses and associated uses on  
644 the authority jurisdictional land and on land in other authority project areas; and

645 (iii) other development on the authority jurisdictional land and on land in other

646 authority project areas.

647 (b) The duties and responsibilities of the authority under this chapter are beyond the  
648 scope and capacity of a municipality, which has many other responsibilities and functions that  
649 appropriately command the attention and resources of the municipality, and are not municipal  
650 functions of purely local concern but are matters of regional and statewide concern,  
651 importance, interest, and impact, due to multiple factors, including:

652 (i) the strategic location of the authority jurisdictional land in proximity to significant  
653 existing and potential transportation infrastructure, including infrastructure provided and  
654 maintained by the state, conducive to facilitating regional, national, and international trade and  
655 the businesses and facilities that promote and complement that trade;

656 (ii) the enormous potential for regional and statewide economic and other benefit that  
657 can come from the appropriate development of the authority jurisdictional land, including the  
658 establishment of a thriving inland port;

659 (iii) the regional and statewide impact that the development of the authority  
660 jurisdictional land will have; and

661 (iv) the considerable investment the state is making in connection with the  
662 development of the new correctional facility and associated infrastructure located on the  
663 authority jurisdictional land.

664 (c) The authority is the mechanism the state chooses to focus resources and efforts on  
665 behalf of the state to ensure that the regional and statewide interests, concerns, and purposes  
666 described in this Subsection (3) are properly addressed from more of a statewide perspective  
667 than any municipality can provide.

668 Section 5. Section **11-58-202** is amended to read:

669 **11-58-202. Port authority powers and duties.**

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

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

- 677 (i) emissions monitoring and reporting; and  
678 (ii) strategies that use the best available technology to mitigate environmental impacts  
679 from development and uses on the authority jurisdictional land;
- 680 (b) plan and facilitate the development of inland port uses on authority jurisdictional  
681 land and on land in other authority project areas;
- 682 (c) manage any inland port located on land owned or leased by the authority; and  
683 (d) establish a foreign trade zone, as provided under federal law, covering some or all  
684 of the authority jurisdictional land or land in other authority project areas.
- 685 (2) The authority may:
- 686 (a) facilitate and bring about the development of inland port uses on land that is part of  
687 the authority jurisdictional land or that is in other authority project areas, including engaging in  
688 marketing and business recruitment activities and efforts to encourage and facilitate:
- 689 (i) the development of an inland port on the authority jurisdictional land; and  
690 (ii) other development of the authority jurisdictional land consistent with the policies  
691 and objectives described in Subsection [11-58-203\(1\)](#);
- 692 (b) facilitate and provide funding for the development of the authority jurisdictional  
693 land and land in other authority project areas, including the development of publicly owned  
694 infrastructure and improvements and other infrastructure and improvements on or related to the  
695 authority jurisdictional land;
- 696 (c) engage in marketing and business recruitment activities and efforts to encourage  
697 and facilitate development of the authority jurisdictional land;
- 698 (d) apply for and take all other necessary actions for the establishment of a foreign  
699 trade zone, as provided under federal law, covering some or all of the authority jurisdictional  
700 land;
- 701 (e) as the authority considers necessary or advisable to carry out any of its duties or  
702 responsibilities under this chapter:
- 703 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal  
704 property;
- 705 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or  
706 personal property; or  
707 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;

- 708 (f) sue and be sued;
- 709 (g) enter into contracts generally;
- 710 (h) provide funding for the development of publicly owned infrastructure and
- 711 improvements or other infrastructure and improvements on or related to the authority
- 712 jurisdictional land or other authority project areas;
- 713 (i) exercise powers and perform functions under a contract, as authorized in the
- 714 contract;
- 715 (j) receive the property tax differential, as provided in this chapter;
- 716 (k) accept financial or other assistance from any public or private source for the
- 717 authority's activities, powers, and duties, and expend any funds so received for any of the
- 718 purposes of this chapter;
- 719 (l) borrow money, contract with, or accept financial or other assistance from the federal
- 720 government, a public entity, or any other source for any of the purposes of this chapter and
- 721 comply with any conditions of the loan, contract, or assistance;
- 722 (m) issue bonds to finance the undertaking of any development objectives of the
- 723 authority, including bonds under [~~Title H;~~] Chapter 17, Utah Industrial Facilities and
- 724 Development Act, [~~and~~] bonds under [~~Title H;~~] Chapter 42, Assessment Area Act, and bonds
- 725 under Chapter 42a, Commercial Property Assessed Clean Energy Act;
- 726 (n) hire employees, including contract employees;
- 727 (o) transact other business and exercise all other powers provided for in this chapter;
- 728 (p) engage one or more consultants to advise or assist the authority in the performance
- 729 of the authority's duties and responsibilities;
- 730 (q) enter into an agreement with a taxing entity to share property tax differential for
- 731 services that the taxing entity provides within the authority jurisdictional land;
- 732 (r) work with other political subdivisions and neighboring property owners and
- 733 communities to mitigate potential negative impacts from the development of authority
- 734 jurisdictional land; [~~and~~]
- 735 (s) own and operate an intermodal facility if the authority considers the authority's
- 736 ownership and operation of an intermodal facility to be necessary or desirable; and
- 737 (t) own and operate publicly owned infrastructure and improvements in a project area
- 738 outside the authority jurisdictional land;



739            [~~s~~] (u) exercise powers and perform functions that the authority is authorized by  
740 statute to exercise or perform.

741            (3) Beginning January 1, 2020, the authority shall:

742            (a) be the repository of the official delineation of the boundary of the authority  
743 jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic  
744 component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special  
745 Session, subject to any later changes to the boundary enacted by the Legislature; and

746            (b) maintain an accurate digital file of the boundary that is easily accessible by the  
747 public.

748            (4) An intermodal facility owned by the authority is subject to a privilege tax under  
749 Title 59, Chapter 4, Privilege Tax.

750            Section 6. Section **11-58-203** is amended to read:

751            **11-58-203. Policies and objectives of the port authority -- Additional duties of the**  
752 **port authority.**

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

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

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

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

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

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

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

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

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

769            (ii) businesses that complement businesses engaged in regional, national, or

770 international trade;

771 (h) facilitate the transportation of goods;

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

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

777 (k) establish a project of regional significance;

778 (l) facilitate [~~a hub for trade combining rail, trucking, air cargo, and other~~  
779 ~~transportation services~~] an intermodal facility;

780 (m) support uses of the authority jurisdictional land for inland port uses, including  
781 warehousing, light manufacturing, and distribution facilities;

782 (n) facilitate an increase in trade in the region and in global commerce; and

783 (o) promote the development of facilities that help connect local businesses to potential  
784 foreign markets for exporting or that increase foreign direct investment.

785 (2) In fulfilling its duties and responsibilities relating to the development of the  
786 authority jurisdictional land and land in other authority project areas and to achieve and  
787 implement the development policies and objectives under Subsection (1), the authority shall:

788 (a) work to identify funding sources, including federal, state, and local government  
789 funding and private funding, for capital improvement projects in and around the authority  
790 jurisdictional land and land in other authority project areas and for an inland port;

791 (b) review and identify land use and zoning policies and practices to recommend to  
792 municipal land use policymakers and administrators that are consistent with and will help to  
793 achieve:

794 (i) the policies and objectives stated in Subsection (1); and

795 (ii) the mutual goals of the state and local governments that have authority  
796 jurisdictional land with their boundaries with respect to the authority jurisdictional land; and

797 (c) consult and coordinate with other applicable governmental entities to improve and  
798 enhance transportation and other infrastructure and facilities in order to maximize the potential  
799 of the authority jurisdictional land to attract, retain, and service users who will help maximize  
800 the long-term economic benefit to the state.

801 Section 7. Section 11-58-205 is amended to read:

802 **11-58-205. Applicability of other law -- Cooperation of state and local**  
803 **governments -- Municipality to consider board input -- Prohibition relating to natural**  
804 **resources -- Inland port as permitted or conditional use -- Municipal services -- Sharing**  
805 **property tax differential.**

806 (1) Except as provided in Part 4, Appeals to Appeals Panel, the authority does not have  
807 and may not exercise any powers relating to the regulation of land uses on the authority  
808 jurisdictional land.

809 (2) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
810 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
811 by Title 63E, Independent Entities Code.

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

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

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

822 (i) determined by the municipality; and  
823 (ii) consistent with the policies and objectives stated in Subsection 11-58-203(1).

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

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

829 (7) (a) (i) A municipality whose boundary includes authority jurisdictional land shall  
830 provide the same municipal services to the area of the municipality that is within the authority  
831 jurisdictional land as the municipality provides to other areas of the municipality with similar

832 zoning and a similar development level.

833 (ii) The level and quality of municipal services that a municipality provides within  
834 authority jurisdictional land shall be fairly and reasonably consistent with the level and quality  
835 of municipal services that the municipality provides to other areas of the municipality with  
836 similar zoning and a similar development level.

837 (b) (i) The board shall negotiate and enter into an agreement with a municipality  
838 providing municipal services, as described in Subsection (7)(a), with respect to the appropriate  
839 amount of property tax differential the authority should share with the municipality to cover the  
840 cost of providing those municipal services.

841 (ii) Under an agreement described in Subsection (7)(b)(i), the board and municipality  
842 shall establish a method of determining the amount of property tax differential the authority  
843 shares over time with a municipality to cover the cost of providing municipal services, taking  
844 into account:

845 (A) the cost of those services as documented in the audited financial statements under  
846 Subsection (7)(c); and

847 (B) the variable level of need for those services within the authority jurisdictional land  
848 depending on the level, amount, and location of development and other relevant factors.

849 (c) A municipality providing municipal services, as described in Subsection (7)(a),  
850 shall, as requested by the board, provide the board audited financial statements documenting  
851 the cost of the municipal services the municipality provides within the authority jurisdictional  
852 land.

853 (8) (a) The board shall negotiate and enter into an agreement with a municipality or  
854 other taxing entity in which the authority jurisdictional land is located to share some of the  
855 increase in property tax differential that occurs over time as development occurs and the  
856 amount of property tax revenues increases.

857 (b) In an agreement described in Subsection (8)(a), the board and municipality or other  
858 taxing entity shall establish a method of determining the amount of property tax differential the  
859 authority shares over time to allow the municipality or other taxing entity to share in the benefit  
860 from increasing property tax revenues.

861 [~~8~~] (9) The board may consult with other taxing entities, in addition to a municipality  
862 under Subsection (7), for the purpose of receiving input from those taxing entities on the

863 appropriate allocation of property tax differential, considering the needs of the authority and  
864 the needs of the other taxing entities.

865 ~~[(9)]~~ (10) (a) The board shall review and reassess the amount of property tax  
866 differential the authority retains and the amount the authority shares with other taxing entities  
867 so that the authority retains property tax differential it reasonably needs to meet its  
868 responsibilities and purposes and adjusts the amount the authority shares with other taxing  
869 entities accordingly.

870 (b) The board shall meet with taxing entities to review and reassess, as provided in  
871 Subsection ~~[(9)]~~ (10)(a):

872 (i) before December 31, 2020; and

873 (ii) at least every other year after 2020.

874 (11) A political subdivision may not, without the approval of the political subdivision's  
875 legislative or governing body:

876 (a) bring a legal action or other challenge to dispute the creation, existence, funding,  
877 powers, project areas, or duties of the authority; or

878 (b) use public money from any source to fund a legal action or other challenge by any  
879 person to dispute the creation, existence, funding, powers, project areas, or duties of the  
880 authority.

881 (12) (a) As used in this Subsection (12):

882 (i) "Direct financial benefit" means the same as that term is defined in Section  
883 [11-58-304](#).

884 (ii) "Non-authority governing body member" means a member of the board or other  
885 body that has authority to make decisions for a non-authority government owner.

886 (iii) "Non-authority government owner" mean a state agency or non-authority local  
887 government entity that owns land that is part of the authority jurisdictional land.

888 (iv) "Non-authority local government entity":

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

891 (B) excludes the authority.

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

894 (b) A non-authority governing body member who owns or has a financial interest in  
895 land that is part of the authority jurisdictional land or who reasonably expects to receive a  
896 direct financial benefit from development of authority jurisdictional land shall submit a written  
897 disclosure to the authority board and the non-authority government owner.

898 (c) A written disclosure under Subsection (12)(b) shall describe, as applicable:

899 (i) the non-authority governing body member's ownership or financial interest in  
900 property that is part of the authority jurisdictional land; and

901 (ii) the direct financial benefit the non-authority governing body member expects to  
902 receive from development of authority jurisdictional land.

903 (d) A non-authority governing body member required under Subsection (12)(b) to  
904 submit a written disclosure shall submit the disclosure no later than 30 days after:

905 (i) the non-authority governing body member:

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

908 (B) first knows that the non-authority governing body member expects to receive a  
909 direct financial benefit from the development of authority jurisdictional land; or

910 (ii) the effective date of this Subsection (12), if that date is later than the period  
911 described in Subsection (12)(d)(i).

912 (e) A written disclosure submitted under this Subsection (12) is a public record.

913 Section 8. Section **11-58-206** is amended to read:

914 **11-58-206. Port authority funds.**

915 The authority may use authority funds for any purpose authorized under this chapter,  
916 including:

917 (1) promoting, facilitating, and advancing inland port uses; ~~and~~

918 (2) owning and operating an intermodal facility; and

919 ~~[(2)] (3) paying any consulting fees and staff salaries and other administrative,~~  
920 ~~overhead, legal, and operating expenses of the authority.~~

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

922 **11-58-305. Executive director.**

923 (1) On or before ~~[November 1, 2018]~~ July 1, 2019, the board shall hire a full-time  
924 executive director to manage and oversee the day-to-day operations of the authority and to

925 perform other functions, as directed by the board.

926 (2) The executive director shall have the education, experience, and training necessary  
927 to perform the executive director's duties in a way that maximizes the potential for successfully  
928 achieving and implementing the strategies, policies, and objectives stated in Subsection  
929 11-58-203(1).

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

932 (4) The board shall establish the duties, compensation, and benefits of an executive  
933 director.

934 Section 10. Section 11-58-501 is amended to read:

935 **11-58-501. Preparation of project area plan -- Required contents of project area**  
936 **plan.**

937 (1) (a) The authority jurisdictional land constitutes a single project area.

938 (b) The authority is not required to adopt a project area plan for a project area  
939 consisting of the authority jurisdictional land.

940 ~~[(+)]~~ (2) (a) The board may adopt a project area plan for land that is outside the  
941 authority jurisdictional land, as provided in this part[-], if the board receives written consent to  
942 include the land in the project area described in the project area plan from:

943 (i) as applicable:

944 (A) the legislative body of the county in whose unincorporated area the land is located;

945 or

946 (B) the legislative body of the municipality in which the land is located; and

947 (ii) the owner of the land.

948 (b) Land included or to be included within a project area need not be contiguous or in  
949 close proximity to the authority jurisdictional land.

950 ~~[(b)]~~ (c) In order to adopt a project area plan, the board shall:

951 (i) prepare a draft project area plan;

952 (ii) give notice as required under Subsection 11-58-502(2);

953 (iii) hold at least one public meeting, as required under Subsection 11-58-502(1); and

954 (iv) after holding at least one public meeting and subject to Subsection ~~[(+)(c)]~~ (2)(d),

955 adopt the draft project area plan as the project area plan.

956            [~~(e)~~] (d) Before adopting a draft project area plan as the project area plan, the board  
957 may make modifications to the draft project area plan that the board considers necessary or  
958 appropriate.

959            [~~(2)~~] (3) Each project area plan and draft project area plan shall contain:

960            (a) a legal description of the boundary of the project area;

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

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

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

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

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

966 and

967            (iv) carrying out the project area plan will promote the goals and objectives stated in

968 Subsection 11-58-203(1).

969            Section 11. Section 11-58-502 is amended to read:

970            **11-58-502. Public meeting to consider and discuss draft project area plan --**

971 **Notice -- Adoption of plan.**

972            (1) The board shall hold at least one public meeting to consider and discuss a draft  
973 project area plan.

974            (2) At least 10 days before holding a public meeting under Subsection (1), the board  
975 shall give notice of the public meeting:

976            (a) to each taxing entity;

977            (b) to a municipality in which the proposed project area is located or that is located  
978 within one-half mile of the proposed project area; and

979            (c) on the Utah Public Notice Website created in Section 63F-1-701.

980            (3) Following consideration and discussion of the draft project area plan, and any  
981 modification of the project area plan under Subsection 11-58-501[~~(1)(e)~~](2)(d), the board may  
982 adopt the draft project area plan or modified draft project area plan as the project area plan.

983            Section 12. Section 11-58-503 is amended to read:

984            **11-58-503. Notice of project area plan adoption -- Effective date of plan -- Time**  
985 **for challenging a project area plan or project area.**

986            (1) Upon the board's adoption of a project area plan, the board shall provide notice as



987 provided in Subsection (2) by publishing or causing to be published legal notice:

988 (a) in a newspaper of general circulation within or near the project area; and

989 (b) as required by Section 45-1-101.

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

991 ~~[(a)]~~ (i) the board resolution adopting the project area plan or a summary of the  
992 resolution; and

993 ~~[(b)]~~ (ii) a statement that the project area plan is available for general public inspection  
994 and the hours for inspection.

995 (b) The statement required under Subsection (2)(a)(ii) may be included within the  
996 board resolution adopting the project area plan or within the summary of the resolution.

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

999 (4) The authority shall make the adopted project area plan available to the general  
1000 public at its offices during normal business hours.

1001 (5) Within 10 days after the day on which a project area plan is adopted that establishes  
1002 a project area, or after an amendment to a project area plan is adopted under which the  
1003 boundary of a project area is modified, the authority shall send notice of the establishment or  
1004 modification of the project area and an accurate map or plat of the project area to:

1005 (a) the State Tax Commission;

1006 (b) the Automated Geographic Reference Center created in Section 63F-1-506; and

1007 (c) the assessor and recorder of each county where the project area is located.

1008 (6) (a) A legal action or other challenge to a project area plan or a project area  
1009 described in a project area plan is barred unless brought within 30 days after the effective date  
1010 of the project area plan.

1011 (b) A legal action or other challenge to a project area that consists of authority  
1012 jurisdictional land is barred unless brought within 30 days after the board adopts a business  
1013 plan under Subsection 11-58-202(1)(a) for the authority jurisdictional land.

1014 Section 13. Section 11-58-505 is amended to read:

1015 **11-58-505. Project area budget.**

1016 (1) Before the authority may ~~[receive or]~~ use the property tax differential from a project  
1017 area, the board shall prepare and adopt a project area budget.

1018 (2) A project area budget shall include:  
1019 (a) the base taxable value of property in the project area;  
1020 (b) the projected property tax differential expected to be generated within the project  
1021 area;  
1022 (c) the amount of the property tax differential expected to be shared with other taxing  
1023 entities;  
1024 (d) the amount of the property tax differential expected to be used to implement the  
1025 project area plan, including the estimated amount of the property tax differential to be used for  
1026 land acquisition, public improvements, infrastructure improvements, and loans, grants, or other  
1027 incentives to private and public entities;  
1028 (e) the property tax differential expected to be used to cover the cost of administering  
1029 the project area plan; and  
1030 ~~[(f) if the property tax differential is to be collected at different times or from different~~  
1031 ~~portions of the project area, or both:]~~  
1032 ~~[(i) (A) the tax identification numbers of the parcels from which the property tax~~  
1033 ~~differential will be collected; or]~~  
1034 ~~[(B) a legal description of the portion of the project area from which the property tax~~  
1035 ~~differential will be collected; and]~~  
1036 ~~[(ii) an estimate of when other portions of the project area will become subject to~~  
1037 ~~collection of the property tax differential; and]~~  
1038 ~~[(g)]~~ (f) for property that the authority owns or leases and expects to sell or sublease,  
1039 the expected total cost of the property to the authority and the expected selling price or lease  
1040 payments.  
1041 (3) The board may amend an adopted project area budget as and when the board  
1042 considers it appropriate.  
1043 (4) ~~[If a project area plan defines the project area as all]~~ For a project area that consists  
1044 of the authority jurisdictional land, the budget requirements of this part are met by the authority  
1045 complying with the budget requirements of Part 8, Port Authority Budget, Reporting, and  
1046 Audits.  
1047 Section 14. Section **11-58-601** is amended to read:  
1048 **11-58-601. Port authority receipt and use of property tax differential --**

1049 **Distribution of property tax differential.**1050 (1) (a) The authority [~~may~~]:1051 (i) subject to Subsections (1)(b), (c), and (d)[~~receive up to~~];1052 (A) shall be paid 100% of the property tax differential, as provided in Subsection (3),1053 for a period [~~ending up to~~] of 25 years after a certificate of occupancy is issued with respect to  
1054 improvements on a parcel, as determined by the board and as provided in this part; and1055 (B) may be paid up to 100% of the property tax differential, as provided in Subsection  
1056 (3), for a period of 15 additional years beyond the period stated in Subsection (1)(a)(i)(A) if the  
1057 board determines that the additional years of property tax differential will produce a significant  
1058 benefit; and1059 (ii) may use the property tax differential before, during, and after the period described  
1060 in Subsection (1)(a)(i).1061 (b) With respect to a parcel located within a project area, the [~~25-year~~] period described  
1062 in Subsection (1)(a)(i) begins on the day on which the authority receives the first property tax  
1063 differential from that parcel.

1064 (c) The authority may not receive property tax differential from:

1065 (i) an area included within a community reinvestment project area, as defined in  
1066 Section 17C-1-102, under a community reinvestment project area plan, as defined in Section  
1067 17C-1-102, adopted before [March] October 1, 2018, from a taxing entity that has, before  
1068 [March] October 1, 2018, entered into a fully executed, legally binding agreement under which  
1069 the taxing entity agrees to the use of its tax increment, as defined in Section 17C-1-102, under  
1070 the community reinvestment project area plan[-]; or1071 (ii) a parcel of land for which a certificate of occupancy was issued before December 1,  
1072 2018.1073 [~~(d) The authority shall pay to a community reinvestment agency 10% of the property~~  
1074 ~~tax differential generated from land located within that community reinvestment agency, to be~~  
1075 ~~used for affordable housing as provided in Section 17C-1-412.;~~]1076 (d) (i) As used in this Subsection (1)(d):1077 (A) "Agency land" means authority jurisdictional land that is within the boundary of an  
1078 eligible community reinvestment agency and from which the authority is paid property tax  
1079 differential.

1080 (B) "Eligible community reinvestment agency" means the community reinvestment  
1081 agency in which agency land is located.

1082 (ii) The authority shall pay 10% of the property tax differential generated from agency  
1083 land to the eligible community reinvestment agency, to be used for affordable housing as  
1084 provided in Section [17C-1-412](#).

1085 (2) A county that collects property tax on property within a project area shall pay and  
1086 distribute to the authority the property tax differential that the authority is entitled to collect  
1087 under this title, in the manner and at the time provided in Section [59-2-1365](#).

1088 ~~[(3)(a) The board shall determine by resolution when the entire project area or an~~  
1089 ~~individual parcel within a project area is subject to property tax differential.]~~

1090 ~~[(b) The board shall amend the project area budget to reflect whether a parcel within a~~  
1091 ~~project area is subject to property tax differential.]~~

1092 (3) Until the end of the period described in Subsection (1)(a)(i), the county shall pay to  
1093 the authority all property tax differential collected from a parcel within a project area,  
1094 beginning:

1095 (a) for a parcel that is part of the authority jurisdictional land, November 2019; and

1096 (b) for a parcel in any other project area, November of the year following the year that  
1097 forms the basis of the base taxable value calculation.

1098 Section 15. Section **11-58-602** is amended to read:

1099 **11-58-602. Allowable uses of property tax differential and other funds.**

1100 (1) The authority may use the property tax differential, money the authority receives  
1101 from the state, money the authority receives under Subsection [59-12-205\(2\)\(b\)\(iii\)](#), and other  
1102 funds available to the authority:

1103 (a) for any purpose authorized under this chapter;

1104 (b) subject to Subsection (4), for administrative, overhead, legal, consulting, and other  
1105 operating expenses of the authority;

1106 (c) to pay for, including financing or refinancing, all or part of the development of land  
1107 within ~~[the]~~ a project area ~~[from which the property tax differential or other funds were~~  
1108 ~~collected]~~, including assisting the ongoing operation of a development or facility within the  
1109 project area;

1110 (d) to pay the cost of the installation and construction of publicly owned infrastructure

1111 and improvements within the project area from which the property tax differential funds were  
1112 collected;

1113 (e) to pay the cost of the installation of publicly owned infrastructure and  
1114 improvements outside ~~the~~ a project area if the board determines by resolution that the  
1115 infrastructure and improvements are of benefit to the project area;

1116 (f) to pay for municipal services that a municipality provides within the authority  
1117 jurisdictional land;

1118 (g) to pay for other services that a taxing entity provides within the authority  
1119 jurisdictional land; ~~and~~

1120 (h) to share growth in the amount of property tax differential over time with other  
1121 taxing entities;

1122 (i) to pay to a community reinvestment agency for affordable housing, as provided in  
1123 Subsection 11-58-601(1)(d); and

1124 ~~(h)~~ (j) to pay the principal and interest on bonds issued by the authority.

1125 (2) The authority may use revenue generated from the operation of publicly owned  
1126 infrastructure operated by the authority or improvements, including an intermodal facility,  
1127 operated by the authority to:

1128 (a) operate and maintain the infrastructure or improvements; and

1129 (b) pay for authority operating expenses, including administrative, overhead, and legal  
1130 expenses.

1131 (3) The determination of the board under Subsection (1)(e) regarding benefit to the  
1132 project area is final.

1133 (4) The authority may not use more than ~~2%~~ 5% of property tax differential revenue  
1134 collected during the period described in Subsection 11-58-601(1)(a)(i) to pay for authority  
1135 operating expenses, including:

1136 (a) administrative and overhead expenses; and

1137 (b) legal expenses, except legal fees and expenses with respect to potential or pending  
1138 litigation involving the authority.

1139 (5) The authority may not use property tax differential revenue collected from one  
1140 project area for a development project within another project area.

1141 (6) Until the authority adopts a business plan under Subsection 11-58-202(1)(a), the

1142 authority may not spend property tax differential revenue collected from authority jurisdictional  
1143 land.

1144 (7) (a) As used in this Subsection (7):

1145 (i) "Authority sales and use tax revenue" means money distributed to the authority  
1146 under Subsection 59-12-205(2)(b)(iii).

1147 (ii) "Eligible county" means a county that would be entitled to receive sales and use tax  
1148 revenue under Subsection 59-12-205(2)(b)(i) in the absence of Subsection 59-12-205(2)(b)(iii).

1149 (iii) "Eligible municipality" means a municipality that would be entitled to receive  
1150 sales and use tax revenue under Subsection 59-12-205(2)(b)(i) in the absence of Subsection  
1151 59-12-205(2)(b)(iii).

1152 (iv) "Point of sale portion" means:

1153 (A) for an eligible county, the amount of sales and use tax revenue the eligible county  
1154 would have received under Subsection 59-12-205(2)(b)(i) in the absence of Subsection  
1155 59-12-205(2)(b)(iii), excluding the retail sales portion; and

1156 (B) for an eligible municipality, the amount of sales and use tax revenue the eligible  
1157 municipality would have received under Subsection 59-12-205(2)(b)(i) in the absence of  
1158 Subsection 59-12-205(2)(b)(iii), excluding the retail sales portion.

1159 (v) "Retail sales portion" means the amount of sales and use tax revenue collected  
1160 under Subsection 59-12-205(2)(b)(i) from retail sales transactions that occur on authority  
1161 jurisdictional land.

1162 (b) Within 45 days after receiving authority sales and use tax revenue, the authority  
1163 shall:

1164 (i) distribute half of the point of sale portion to each eligible county and eligible  
1165 municipality; and

1166 (ii) distribute all of the retail sales portion to each eligible county and eligible  
1167 municipality.

1168 Section 16. Section **11-58-702** is amended to read:

1169 **11-58-702. Sources from which bonds may be made payable -- Port authority**  
1170 **powers regarding bonds.**

1171 (1) The principal and interest on bonds issued by the authority may be made payable  
1172 from:

1173 (a) the income and revenues of the projects financed with the proceeds of the bonds;

1174 (b) the income and revenues of certain designated projects whether or not they were  
1175 financed in whole or in part with the proceeds of the bonds;

1176 (c) the income, proceeds, revenues, property, and funds the authority derives from or  
1177 holds in connection with its undertaking and carrying out development of authority  
1178 jurisdictional land;

1179 (d) property tax differential funds;

1180 (e) authority revenues generally;

1181 (f) a contribution, loan, grant, or other financial assistance from the federal government  
1182 or a public entity in aid of the [~~development of military land~~] authority; or

1183 (g) funds derived from any combination of the methods listed in Subsections (1)(a)  
1184 through (f).

1185 (2) In connection with the issuance of authority bonds, the authority may:

1186 (a) pledge all or any part of its gross or net rents, fees, or revenues to which its right  
1187 then exists or may thereafter come into existence;

1188 (b) encumber by mortgage, deed of trust, or otherwise all or any part of its real or  
1189 personal property, then owned or thereafter acquired; and

1190 (c) make the covenants and take the action that may be necessary, convenient, or  
1191 desirable to secure its bonds, or, except as otherwise provided in this chapter, that will tend to  
1192 make the bonds more marketable, even though such covenants or actions are not specifically  
1193 enumerated in this chapter.

1194 Section 17. Section **54-17-806** is amended to read:

1195 **54-17-806. Qualified utility renewable energy tariff.**

1196 (1) The commission may authorize a qualified utility to implement a renewable energy  
1197 tariff in accordance with this section if the commission determines the tariff that the qualified  
1198 utility proposes is reasonable and in the public interest.

1199 (2) [~~ff~~] The commission may authorize a tariff [~~is authorized~~] under Subsection (1)[;]  
1200 to apply to:

1201 (a) a qualified utility customer with an aggregated electrical load of at least five  
1202 megawatts [~~and who agrees to~~]; or

1203 (b) a combination of qualified utility customers who are separately metered if:

1204           (i) the aggregated electrical load of the qualified utility customers is at least five  
1205 megawatts; and

1206           (ii) each of the qualified utility customers and the renewable energy source are located  
1207 within authority jurisdictional land, as defined in Section 11-58-102.

1208           (3) A customer who agrees to take service that is subject to the renewable energy tariff  
1209 under this section shall pay:

1210           (a) the customer's normal tariff rate;

1211           (b) an incremental charge in an amount equal to the difference between the cost to the  
1212 qualified utility to supply renewable generation to the renewable energy tariff customer and the  
1213 qualified utility's avoided costs as defined in Subsection 54-2-1(1), or a different methodology  
1214 recommended by the qualified utility; and

1215           (c) an administrative fee in an amount approved by the commission.

1216           ~~[(3)]~~ (4) The commission shall allow a qualified utility to recover the qualified utility's  
1217 prudently incurred cost of renewable generation procured pursuant to the tariff established in  
1218 this section that is not otherwise recovered from the proceeds of the tariff paid by customers  
1219 agreeing to service that is subject to the renewable energy tariff.

1220           Section 18. Section 59-12-205 is amended to read:

1221           **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
1222 **tax revenue -- Determination of population.**

1223           (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
1224 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's  
1225 sales and use tax ordinances:

1226           (a) within 30 days of the day on which the state makes an amendment to an applicable  
1227 provision of Part 1, Tax Collection; and

1228           (b) as required to conform to the amendments to Part 1, Tax Collection.

1229           (2) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

1230           (a) 50% of each dollar collected from the sales and use tax authorized by this part shall  
1231 be distributed to each county, city, and town on the basis of the percentage that the population  
1232 of the county, city, or town bears to the total population of all counties, cities, and towns in the  
1233 state; and

1234           (b) (i) except as provided in ~~[Subsection]~~ Subsections (2)(b)(ii) and (iii), 50% of each



1235 dollar collected from the sales and use tax authorized by this part shall be distributed to each  
1236 county, city, and town on the basis of the location of the transaction as determined under  
1237 Sections [59-12-211](#) through [59-12-215](#); ~~and~~

1238 (ii) 50% of each dollar collected from the sales and use tax authorized by this part  
1239 within a project area described in a project area plan adopted by the military installation  
1240 development authority under Title 63H, Chapter 1, Military Installation Development  
1241 Authority Act, shall be distributed to the military installation development authority created in  
1242 Section [63H-1-201](#)~~[-];~~ and

1243 (iii) 50% of each dollar collected from the sales and use tax authorized by this part  
1244 within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be  
1245 distributed to the Utah Inland Port Authority, created in Section [11-58-201](#).

1246 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall  
1247 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

1248 (i) the county, city, or town is a:

1249 (A) county of the third, fourth, fifth, or sixth class;

1250 (B) city of the fifth class; or

1251 (C) town;

1252 (ii) the county, city, or town received a distribution under this section for the calendar  
1253 year beginning on January 1, 2008, that was less than the distribution under this section that the  
1254 county, city, or town received for the calendar year beginning on January 1, 2007;

1255 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located  
1256 within the unincorporated area of the county for one or more days during the calendar year  
1257 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,  
1258 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North  
1259 American Industry Classification System of the federal Executive Office of the President,  
1260 Office of Management and Budget; or

1261 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1262 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during  
1263 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry  
1264 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the  
1265 2002 North American Industry Classification System of the federal Executive Office of the

1266 President, Office of Management and Budget; and

1267 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment  
1268 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for  
1269 one or more days during the calendar year beginning on January 1, 2008, was not the holder of  
1270 a direct payment permit under Section 59-12-107.1; or

1271 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1272 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a  
1273 city or town for one or more days during the calendar year beginning on January 1, 2008, was  
1274 not the holder of a direct payment permit under Section 59-12-107.1.

1275 (b) The commission shall make the distribution required by this Subsection (3) to a  
1276 county, city, or town described in Subsection (3)(a):

1277 (i) from the distribution required by Subsection (2)(a); and

1278 (ii) before making any other distribution required by this section.

1279 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by  
1280 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

1281 (ii) For purposes of Subsection (3)(c)(i):

1282 (A) the numerator of the fraction is the difference calculated by subtracting the  
1283 distribution a county, city, or town described in Subsection (3)(a) received under this section  
1284 for the calendar year beginning on January 1, 2008, from the distribution under this section that  
1285 the county, city, or town received for the calendar year beginning on January 1, 2007; and

1286 (B) the denominator of the fraction is \$333,583.

1287 (d) A distribution required by this Subsection (3) is in addition to any other distribution  
1288 required by this section.

1289 (4) (a) As used in this Subsection (4):

1290 (i) "Eligible county, city, or town" means a county, city, or town that:

1291 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)  
1292 equal to the amount described in Subsection (4)(b)(ii); and

1293 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,  
1294 2016.

1295 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue  
1296 distributions an eligible county, city, or town received from a tax imposed in accordance with

1297 this part for fiscal year 2004-05.

1298 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax  
1299 imposed in accordance with this part equal to the greater of:

1300 (i) the payment required by Subsection (2); or

1301 (ii) the minimum tax revenue distribution.

1302 (5) (a) For purposes of this Subsection (5):

1303 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to  
1304 1.8% of the participating local government's tax revenue distribution amount under Subsection  
1305 (2)(a) for the previous fiscal year.

1306 (ii) "Participating local government" means a county or municipality, as defined in  
1307 Section 10-1-104, that is not an eligible municipality or grant eligible entity certified in  
1308 accordance with Section 35A-8-609.

1309 (b) For revenue collected from the tax authorized by this part that is distributed on or  
1310 after January 1, 2019, the commission, before making a tax revenue distribution under  
1311 Subsection (2)(a) to a participating local government, shall:

1312 (i) subtract one-twelfth of the annual local contribution for each participating local  
1313 government from the participating local government's tax revenue distribution under  
1314 Subsection (2)(a); and

1315 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter  
1316 Cities Mitigation Restricted Account created in Section 35A-8a-606.

1317 (c) The commission shall make the calculation and distribution described in this  
1318 Subsection (5) after making the distributions described in Subsections (3) and (4).

1319 (6) (a) Population figures for purposes of this section shall be based on the most recent  
1320 official census or census estimate of the United States Bureau of the Census.

1321 (b) If a needed population estimate is not available from the United States Bureau of  
1322 the Census, population figures shall be derived from the estimate from the Utah Population  
1323 Committee.

1324 (c) The population of a county for purposes of this section shall be determined only  
1325 from the unincorporated area of the county.

1326 Section 19. Section 63N-2-103 is amended to read:

1327 **63N-2-103. Definitions.**

1328 As used in this part:

1329 (1) "Authority project area" means a project area of the inland port authority.

1330 ~~[(1)]~~ (2) "Business entity" means a person that enters into an agreement with the office  
1331 to initiate a new commercial project in Utah that will qualify the person to receive a tax credit  
1332 under Section [59-7-614.2](#) or [59-10-1107](#).

1333 ~~[(2)]~~ (3) "Community reinvestment agency" ~~[has]~~ means the same ~~[meaning]~~ as that  
1334 term is defined in Section [17C-1-102](#).

1335 ~~[(3)]~~ (4) "Development zone" means an economic development zone created under  
1336 Section [63N-2-104](#).

1337 (5) "Gross wages" does not include healthcare or other paid or unpaid benefits.

1338 ~~[(4)]~~ (6) "High paying jobs" means:

1339 (a) with respect to a business entity, the aggregate average annual gross wages ~~[-not~~  
1340 ~~including healthcare or other paid or unpaid benefits,];~~

1341 (i) of newly created full-time employment positions in a business entity; and

1342 (ii) that are at least 110% of the average wage of a community in which the  
1343 employment positions will exist;

1344 (b) with respect to a county, the aggregate average annual gross wages ~~[-not including~~  
1345 ~~healthcare or other paid or unpaid benefits,];~~

1346 (i) of newly created full-time employment positions in a new commercial project  
1347 within the county; and

1348 (ii) that are at least 110% of the average wage of the county in which the employment  
1349 positions will exist; ~~[or]~~

1350 (c) with respect to a city or town, the aggregate average annual gross wages ~~[-not~~  
1351 ~~including healthcare or other paid or unpaid benefits];~~

1352 (i) of newly created full-time employment positions in a new commercial project  
1353 within the city or town; and

1354 (ii) that are at least 110% of the average wages of the city or town in which the  
1355 employment positions will exist ~~[-];~~ or

1356 (d) with respect to the inland port authority, the aggregate average annual gross wages:

1357 (i) of newly created full-time employment positions in a new commercial project  
1358 within the city or town that is closest to the location of the authority project area; and

- 1359           (ii) that are at least 110% of the average wages of the city or town.
- 1360           (7) "Inland port authority" means the Utah Inland Port Authority, created in Section
- 1361 11-58-201.
- 1362           ~~[(5)]~~ (8) "Local government entity" means a county, city, ~~[or] town,~~ or inland port
- 1363 authority that enters into an agreement with the office to have a new commercial project that:
- 1364           (a) is initiated within ~~[the county's, city's, or town's boundaries; and];~~
- 1365           (i) the boundary of the county, city, or town; or
- 1366           (ii) a project area of the inland port authority; and
- 1367           (b) qualifies the county, city, ~~[or] town,~~ or inland port authority to receive a tax credit
- 1368 under Section 59-7-614.2.
- 1369           ~~[(6)]~~ (9) (a) "New commercial project" means an economic development opportunity
- 1370 that involves new or expanded industrial, manufacturing, distribution, or business services in
- 1371 Utah.
- 1372           (b) "New commercial project" does not include retail business.
- 1373           ~~[(7)]~~ (10) (a) "New incremental jobs" means full-time employment positions that are
- 1374 filled by employees who work at least 30 hours per week and that are:
- 1375           (i) with respect to a business entity, created in addition to the baseline count of
- 1376 employment positions that existed within the business entity before the new commercial
- 1377 project;
- 1378           (ii) with respect to a county, created as a result of a new commercial project with
- 1379 respect to which the county or a community development and renewal agency seeks to claim a
- 1380 tax credit under Section 59-7-614.2; or
- 1381           (iii) with respect to a city or town or the inland port authority, created as a result of a
- 1382 new commercial project with respect to which the city, town, or a community development and
- 1383 renewal agency, or inland port authority seeks to claim a tax credit under Section 59-7-614.2.
- 1384           (b) "New incremental jobs" may include full-time equivalent positions that are filled by
- 1385 more than one employee, if each employee who works less than 30 hours per week is provided
- 1386 benefits comparable to a full-time employee.
- 1387           (c) "New incremental jobs" does not include jobs that are shifted from one jurisdiction
- 1388 in the state to another jurisdiction in the state.
- 1389           ~~[(8)]~~ (11) "New state revenues" means:

- 1390 (a) with respect to a business entity:
- 1391 (i) incremental new state sales and use tax revenues that a business entity pays under
- 1392 Title 59, Chapter 12, Sales and Use Tax Act, as a result of a new commercial project in a
- 1393 development zone;
- 1394 (ii) incremental new state tax revenues that a business entity pays as a result of a new
- 1395 commercial project in a development zone under:
- 1396 (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 1397 (B) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
- 1398 Information;
- 1399 (C) Title 59, Chapter 10, Part 2, Trusts and Estates;
- 1400 (D) Title 59, Chapter 10, Part 4, Withholding of Tax; or
- 1401 (E) a combination of Subsections [~~(8)~~] (11)(a)(ii)(A) through (D);
- 1402 (iii) incremental new state tax revenues paid as individual income taxes under Title 59,
- 1403 Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, by
- 1404 employees of a new or expanded industrial, manufacturing, distribution, or business service
- 1405 within a new commercial project as evidenced by payroll records that indicate the amount of
- 1406 employee income taxes withheld and transmitted to the State Tax Commission by the new or
- 1407 expanded industrial, manufacturing, distribution, or business service within the new
- 1408 commercial project; or
- 1409 (iv) a combination of Subsections [~~(8)~~] (11)(a)(i) through (iii); or
- 1410 (b) with respect to a local government entity:
- 1411 (i) incremental new state sales and use tax revenues that are collected under Title 59,
- 1412 Chapter 12, Sales and Use Tax Act, as a result of a new commercial project in a development
- 1413 zone;
- 1414 (ii) incremental new state tax revenues that are collected as a result of a new
- 1415 commercial project in a development zone under:
- 1416 (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 1417 (B) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
- 1418 Information;
- 1419 (C) Title 59, Chapter 10, Part 2, Trusts and Estates;
- 1420 (D) Title 59, Chapter 10, Part 4, Withholding of Tax; or

1421 (E) a combination of Subsections [~~(8)~~] (11)(b)(ii)(A) through (D);  
1422 (iii) incremental new state tax revenues paid as individual income taxes under Title 59,  
1423 Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, by  
1424 employees of a new or expanded industrial, manufacturing, distribution, or business service  
1425 within a new commercial project as evidenced by payroll records that indicate the amount of  
1426 employee income taxes withheld and transmitted to the State Tax Commission by the new or  
1427 expanded industrial, manufacturing, distribution, or business service within the new  
1428 commercial project; or

1429 (iv) a combination of Subsections [~~(8)~~] (11)(b)(i) through (iii).

1430 [~~(9)~~] (12) "Significant capital investment" means an amount of at least \$10,000,000 to  
1431 purchase capital or fixed assets, which may include real property, personal property, and other  
1432 fixtures related to a new commercial project:

1433 (a) that represents an expansion of existing operations in the state; or

1434 (b) that maintains or increases the business entity's existing work force in the state.

1435 [~~(10)~~] (13) "Tax credit" means an economic development tax credit created by Section  
1436 [59-7-614.2](#) or [59-10-1107](#).

1437 [~~(11)~~] (14) "Tax credit amount" means the amount the office lists as a tax credit on a  
1438 tax credit certificate for a taxable year.

1439 [~~(12)~~] (15) "Tax credit certificate" means a certificate issued by the office that:

1440 (a) lists the name of the business entity, local government entity, or community  
1441 development and renewal agency to which the office authorizes a tax credit;

1442 (b) lists the business entity's, local government entity's, or community development and  
1443 renewal agency's taxpayer identification number;

1444 (c) lists the amount of tax credit that the office authorizes the business entity, local  
1445 government entity, or community development and renewal agency for the taxable year; and

1446 (d) may include other information as determined by the office.

1447 Section 20. **Effective date.**

1448 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members  
1449 elected to each house, this bill takes effect upon approval by the governor, or the day following  
1450 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's  
1451 signature, or in the case of a veto, the date of veto override.

1452

(2) The amendments to Section [59-12-205](#) take effect January 1, 2020.