

Utah legislature introduces bill to take control of the Utah Inland Port Authority Board - House Bill 443 violates Utah's constitution

Salt Lake City— New legislation introduced by the House Majority Leader, Representative Mike Schultz, would hand control of the Utah Inland Port Authority to Utah's legislative leaders. [House Bill 443](#) violates Utah's constitution. It will be heard in the House Transportation Committee, Wednesday, February 23, at 8 am.

Under current law, the Board that controls the Utah Inland Port Authority consists of 11 voting members, the majority representing local governments most impacted by Inland Port development.

HB 443, "Utah Inland Port Amendments", proposes to turn this semi-independent Board on its head, making existing issues of inadequate representation worse. It would wrest majority control from the representatives of the impacted local populations and give it to three individuals appointed by two leaders of the state legislature. Because those two legislators could replace the majority of the Board at any time without any reason, those legislators would effectively gain day-to-day control of the Inland Port.

Right now, the current statute establishing the Inland Port already violates Utah's Constitution by delegating expenditures of Salt Lake City's municipal tax revenue to an unelected and unaccountable Board. This is forbidden by Article VI of the Utah Constitution. While HB 443 allows Salt

Lake City to enter into a “contract” with the Inland Port Authority concerning the allocation of the City’s own tax revenue within the Port boundaries, the new Inland Port Board would have no legal obligation to accommodate any of the City’s requests. HB 443, in short, would remove local government control of, and involvement in, the Inland Port’s tax revenue and land use decisions.

Under HB 443, two legislators would usurp the Governor’s exclusive constitutional duty to execute the laws that the legislature enacts. The bill thereby violates the bedrock Constitutional principle of the separation of powers. This Constitutional overreach must be rejected.

HB 443 violates the very idea of representative government. The Utah Inland Port Authority receives the lion’s share of the property tax on new development within its jurisdiction, money which is normally collected by local governments to fund schools, libraries and other services. Under HB 443, taxes paid by the residents of Salt Lake City, Magna and West Valley City will be spent by the Port Authority with no voting representation of these residents on its Board. It effectively gives total control over these public funds to two people, the President of the Utah State Senate and the Speaker of the Utah House of Representatives. This is taxation without representation, as offensive today as it was to the American colonies in the years before the Revolution.

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