

TOURISM MARKETING AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Sheryl L. Allen

This act modifies provisions of the Utah Code relating to tourism marketing. The act defines certain terms. The act increases the money in the Tourism Marketing Performance Fund. The act modifies the Tourism Marketing Performance Fund Committee to include members of the tourism industry. The act allows the Division of Travel Development to consult with counties and travel regions about effective tourism promotion. The act clarifies the purposes of the transient room tax and the tourism, recreation, cultural, and convention facilities tax. The act requires counties with no existing tourism tax advisory boards to create and utilize a tourism tax advisory board. The act makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

- 9-2-1702**, as enacted by Chapter 301, Laws of Utah 1997
- 9-2-1703**, as enacted by Chapter 301, Laws of Utah 1997
- 9-2-1704**, as enacted by Chapter 301, Laws of Utah 1997
- 9-2-1705**, as enacted by Chapter 301, Laws of Utah 1997
- 9-3-204**, as last amended by Chapter 109, Laws of Utah 1994
- 17-31-2**, as last amended by Chapter 146, Laws of Utah 1998
- 59-12-603**, as last amended by Chapter 319, Laws of Utah 2000

ENACTS:

- 9-2-1703.5**, Utah Code Annotated 1953
- 9-2-1706**, Utah Code Annotated 1953
- 17-31-8**, Utah Code Annotated 1953

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

Section 1. Section **9-2-1702** is amended to read:



28 **9-2-1702. Definitions.**

29 As used in this part:

30 [~~(1) "Administrator" means the Department of Community and Economic Development.~~]31 [~~(2) "Commissioners" means the board of commissioners on the Division of Travel~~32 ~~Development.~~]33 [~~(3)~~ (1) "Committee" means the Tourism Marketing Performance Fund Committee as

34 created in Section 9-2-1705.

35 [~~(4)~~ (2) "Department" means the Department of Community and Economic Development.

36 (3) "Division" means the Division of Travel Development created in Section 9-3-204.

37 [~~(5)~~ (4) "Fund" means the restricted account known as the Tourism Marketing

38 Performance Fund created in Section 9-2-1703.

39 [~~(6)~~ (5) "Industry" means the following travel and tourism industry groups [~~as described~~40 ~~in Subsections 9-2-1703(2)(c)(ii)(A) through (E).~~];41 (a) retail/eating and drinking;42 (b) services/hotels and lodging;43 (c) services/automotive rental;44 (d) services amusement and recreation; and45 (e) transportation.46 [~~(7) "Institutional advertising" means advertising of Utah's cultural, historical, recreational,~~
47 ~~scenic, and tourist attractions to consumers outside of Utah.~~]48 [~~(8) "Performance measurement" means a standard to measure the economic growth in the~~49 ~~travel and tourism industry in comparison with the previous year's sales tax receipts based on~~50 ~~criteria as provided in Section 9-2-1703.~~]51 (6) "h STATE h Tourism marketing" means an activity to develop, encourage, solicit, or
51a promote52 tourism within this state that attracts transient guests to the state, including:53 (a) planning;54 (b) product development; and55 (c) advertising directed to out of state consumers that promotes leisure travel products or
56 attractions specific to Utah.57 (7) "Tourism oriented sales and use taxes" means a state sales and use tax imposed under
58 Section 59-12-103 for amounts paid or charged for taxable items or services:

- 59 (a) described under Subsection 59-12-103(1); and
 60 (b) provided by a person described by the following SIC Codes of the 1987 Standard
 61 Industrial Classification Manual of the federal Executive Office of the President, Office of
 62 Management and Budget:
 63 (i) SIC Codes 4011 through 4789;
 64 (ii) SIC Codes 5812 and 5813;
 65 (iii) SIC Codes 7011 through 7041;
 66 (iv) SIC Codes 7513 through 7519; and
 67 (v) SIC Codes 7812 through 7999.
 68 (8) "Utah Tourism Industry Coalition" means the private nonprofit corporation created
 69 under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, composed of tourism-related
 70 businesses, organizations, and associations authorized to nominate committee members under
 71 Section 9-2-1705.

72 Section 2. Section **9-2-1703** is amended to read:

73 **9-2-1703. Creation and administration of fund.**

74 (1) (a) There is created within the General Fund a restricted account known as the
 75 "Tourism Marketing Performance Fund."

76 (b) The fund shall be administered by the ~~[administrator upon the advice and~~
 77 ~~recommendations of the committee]~~ department in accordance with Section 9-2-1704.

78 (2) The fund shall be funded by appropriations made to the fund by the Legislature in
 79 accordance with Section 9-2-1703.5.

80 (3) (a) The fund shall earn interest.

81 (b) All interest earned on fund monies shall be deposited into the fund.

82 (4) Any undistributed monies in the fund at the end of the fiscal year are nonlapsing except
 83 that any balance greater than \$3,000,000 at the end of the fiscal year shall lapse to the General
 84 Fund.

85 ~~[(2) (a) The annual appropriation for the fund shall be determined by measuring the~~
 86 ~~economic growth in the travel and tourism industry in excess of the previous year's taxable sales.~~
 87 ~~In no event shall the annual appropriation exceed \$200,000.]~~

88 ~~[(b) If the economic growth in the travel and tourism industry exceeds 4% growth, as~~
 89 ~~measured by taxable sales, based on the previous year's taxable sales, the administrator may~~

90 receive funding through distribution of revenues from the fund.]

91 [~~(c) The department shall utilize this criteria to qualify for an annual appropriation;~~]

92 [~~(i) the expenditures by the industry for promoting and marketing Utah's cultural,~~
93 recreational, and scenic attractions to consumers outside of Utah in the previous fiscal year;]

94 [~~(A) as reported to the State Tax Commission on a form designed by the State Tax~~
95 Commission;]

96 [~~(B) for the year beginning July 1 and ending June 30; and]~~

97 [~~(C) filed with the State Tax Commission prior to July 31 of each year; and]~~

98 [~~(ii) the amount of sales tax collected from the following industry groups:]~~

99 [~~(A) retail/eating and drinking;~~]

100 [~~(B) services/hotels and lodging;~~]

101 [~~(C) services/automotive rental;~~]

102 [~~(D) services/amusement and recreation; and]~~

103 [~~(E) transportation.]~~

104 [~~(d) If the department determines the industry's economic growth exceeds the previous~~
105 year's taxable sales by 4%, the Legislature shall appropriate \$200,000 for the upcoming fiscal year.
106 The appropriation shall be the amount determined under Subsection (2)(c)(i) or (ii), whichever is
107 the lesser amount.]

108 Section 3. Section **9-2-1703.5** is enacted to read:

109 **9-2-1703.5. Appropriations to the fund.**

110 (1) The Legislature shall appropriate \$3,000,000 to the fund each fiscal year for which the
111 State Tax Commission finds that the industry growth for the prior fiscal year equals or exceeds 4%.

112 (2) To determine the prior fiscal year industry growth the State Tax Commission shall:

113 (a) calculate the tourism-oriented sales and use taxes for the fiscal year two years
114 preceding the fiscal year of appropriation;

115 (b) calculate the tourism-oriented sales and use taxes for the fiscal year three years
116 preceding the fiscal year of the appropriation; and

117 (c) determine whether the tourism-oriented sales and use taxes calculated in Subsection
118 (2)(a) increased from the tourism-oriented sales and use taxes calculated under Subsection (2)(b).

119 (3) The State Tax Commission shall report its determination under Subsection (2) to the
120 State Budget Office by no later than September 30, of each year.

121 Section 4. Section **9-2-1704** is amended to read:

122 **9-2-1704. Distribution of fund monies -- Determination of recipients.**

123 The appropriation to the [~~Tourism Marketing Performance Fund~~] fund required by Section
 124 9-2-1703.5 shall be distributed [~~in the following manner: (1) the administrator shall distribute the~~
 125 ~~monies in the fund~~] by the department to the [Division of Travel Development] division to be used
 126 for the tourism marketing purposes [as provided in Section 9-3-204, with 75% of the funds
 127 allocated to marketing and 25% of the funds allocated to infrastructure ; and] designated by the
 128 committee in accordance with Section 9-2-1706.

129 [~~(2) any undistributed appropriation at the end of the fiscal year shall be nonlapsing except~~
 130 ~~any balance greater than \$200,000 shall lapse to the General Fund.]~~

131 Section 5. Section **9-2-1705** is amended to read:

132 **9-2-1705. Creation of Tourism Marketing Performance Fund Committee -- Members**
 133 **-- Appointment -- Qualifications -- Terms -- Quorum -- Per diem and expenses -- Staff.**

134 (1) There is created a Tourism Marketing Performance Fund Committee which shall
 135 consist of [~~21~~] 11 members.

136 (2) (a) The members of the committee shall include:

137 [~~(a) five members appointed by the Board of Commissioners of the Division of Travel~~
 138 ~~Development, three of whom are members of the Board of Commissioners, and]~~

139 [~~(b) 16 members of a private coalition of the industry known as the Utah Tourism Industry~~
 140 ~~Coalition recommended by the board of directors of the coalition:]~~

141 (i) one member from the restaurant industry;

142 (ii) one member from the hotel and lodging industry;

143 (iii) one member from the automobile rental industry;

144 (iv) one member from the amusement and recreation industry;

145 (v) one member from the transportation industry;

146 (vi) one member from the ski industry;

147 (vii) one member representing county tourism, selected by the Utah Association of

148 Counties and nominated in accordance with Subsection (3);

149 (viii) one member representing public lands;

150 (ix) one member from the division, selected by the Board of Travel Development and

151 nominated in accordance with Subsection (3);

152 (x) one member representing Utah Travel Regions; and

153 (xi) one at large member representing the Utah tourism industry.

154 (b) Members of the committee shall be nominated to provide geographic balance in
 155 representation on the committee.

156 (3) The Utah Tourism Industry Coalition shall nominate qualified individuals to fill each
 157 of the committee positions in Subsection (2) and the governor shall appoint the committee
 158 members [in Subsection (2)(b)] from the list of individuals nominated by the Utah Tourism
 159 Industry Coalition.

160 (4) (a) The first committee appointments shall be for terms as follows:

161 [(a) seven] (i) five members shall be appointed for terms of [two years] one year; and

162 [(b) seven] (ii) six members shall be appointed for terms of [three] two years[; and].

163 [(c) seven members shall be appointed for terms of four years.]

164 (b) All subsequent appointments shall be for terms of two years.

165 (c) A member may not serve more than two full consecutive terms unless the governor
 166 determines that an additional term is in the best interest of the state.

167 (5) If a vacancy occurs, the [Board of Commissioners or the governor] Utah Tourism
 168 Industry Coalition shall nominate three qualified individuals **h FROM THE INDUSTRY GROUPS**
 168a **SPECIFIED IN SUBSECTION (2) h** and the governor shall appoint a
 169 qualified replacement to fill the unexpired term from the list of individuals nominated by the Utah
 170 Tourism Industry Coalition.

171 (6) The committee shall elect a chair and a vice chair from its membership.

172 (7) [Eleven] Six members of the committee shall constitute a quorum.

173 [(8) The committee shall advise the administrator on the recommended allocation of the
 174 monies in the fund as provided in Section 9-2-1704. The administrator shall distribute the monies
 175 in the fund to the Division of Travel Development.]

176 [(9) The committee shall determine the time and place of meetings and any other
 177 procedural matter not specified in this chapter.]

178 [(10)] (8) Members shall receive no compensation or benefits for their services, and shall
 179 receive no per diem and expenses incurred in the performance of the member's official duties.

180 (9) Staff services to the committee shall be provided by the division.

181 (10) The terms of the members who are serving on the committee on April 30, 2001, shall
 182 terminate on that date. The governor shall appoint members to the committee in accordance with

183 this section as in effect on May 1, 2001.

184 Section 6. Section **9-2-1706** is enacted to read:

185 **9-2-1706. Duties of Tourism Marketing Performance Fund Committee.**

186 (1) The committee shall develop a tourism marketing plan to determine the best use of the
187 funds in the Tourism Marketing Performance Fund.

188 (2) Any plan provided for under Subsection (1) shall address:

189 (a) enhancing the state's image;

190 (b) promoting Utah as a year-round destination; ~~h~~ **[and]** ~~h~~

191 (c) encouraging expenditures by visitors to the state ~~h~~ ; **AND**

191a **(d) THE DIVERSITY OF THE STATE'S TRAVEL REGIONS ~~h~~ .**

192 (3) The committee shall direct the distribution by the division of the money in the fund for
193 the tourism marketing purposes outlined in the plan created under Subsection (1).

194 (4) The committee shall submit an annual report to the Economic Development and
195 Human Resources Appropriations Subcommittee of the Legislature:

196 (a) specifying the amount of each disbursement from the fund;

197 (b) identifying the recipient of each disbursement; and

198 (c) describing the project for which money was disbursed.

199 (5) The committee shall comply with Title 52, Chapter 4, Open and Public Meetings, in
200 determining and giving notice of the time and place of any meetings.

201 (6) The committee may not perform any function not authorized by this Section 9-2-1706.

202 Section 7. Section **9-3-204** is amended to read:

203 **9-3-204. Division of Travel Development -- Powers and duties -- Travel development**
204 **plan.**

205 (1) There is created within the department the Division of Travel Development under the
206 administration and general supervision of the director.

207 (2) The division shall be under the policy direction of the director.

208 (3) The division shall:

209 (a) be the travel development authority of the state;

210 (b) develop a travel promotion program for the state;

211 (c) develop a plan to increase the economic contribution by tourists visiting the state;

212 (d) plan and conduct a program of information, advertising, and publicity relating to the
213 recreational, scenic, historic, highway, and tourist advantages and attractions of the state at large;

214 and

215 (e) encourage and assist in the coordination of the activities of persons, firms, associations,
216 corporations, and governmental agencies engaged in publicizing, developing, and promoting the
217 scenic attractions and tourist advantages of the state.

218 (4) Any plan provided for under Subsection (3) shall address, but not be limited to,
219 enhancing the state's image, promoting Utah as a year-round destination, encouraging expenditures
220 by visitors to the state, and expanding the markets where the state is promoted.

221 (5) For purposes of Subsection (3)(e), governmental entities include:

222 (a) counties; and

223 (b) travel regions.

224 Section 8. Section 17-31-2 is amended to read:

225 **17-31-2. Purposes of transient room tax -- Purchase or lease of facilities -- Mitigating**
226 **impacts of recreation, tourism, or conventions -- Issuance of bonds.**

227 (1) Any county legislative body may impose the transient room tax provided for in Section
228 59-12-301 for the purposes of:

229 (a) establishing and ~~h~~ [f] ~~promoting~~ [t] ~~marketing~~ ~~h~~ recreation, tourism, film production,
229a and
230 conventions;

231 (b) acquiring, leasing, constructing, furnishing, or operating convention meeting rooms,
232 exhibit halls, visitor information centers, museums, and related facilities;

233 (c) acquiring or leasing land required for or related to the purposes listed in Subsection
234 (1)(b); and

235 (d) as required to mitigate the impacts of recreation, tourism, or conventions in counties
236 of the fourth, fifth, and sixth class, paying for:

237 (i) solid waste disposal operations;

238 (ii) emergency medical services;

239 (iii) search and rescue activities; and

240 (iv) law enforcement activities.

241 (2) ~~Counties~~ A county may use not more than 1/3 of the proceeds of the transient room
242 tax provided in Section 59-12-301 ~~either~~ for any combination of the following purposes:

243 (a) ~~(i) [to acquire, lease, construct, furnish, maintain, or operate]~~ acquiring, leasing,
244 constructing, furnishing, maintaining, or operating:

- 245 (A) convention meeting rooms[;];
 246 (B) exhibit halls[;];
 247 (C) visitor information centers[;];
 248 (D) museums[;]; and
 249 (E) related facilities[;]; and [~~to acquire or lease~~]
 250 (ii) acquiring or leasing land required for or related to [these] the purposes[; or] described

251 in Subsection (2)(a)(i);

252 (b) as required to mitigate the impacts of recreation, tourism, or conventions in counties
 253 of the fourth, fifth, and sixth class, to pay for:

- 254 (i) solid waste disposal operations;
 255 (ii) emergency medical services;
 256 (iii) search and rescue activities; and
 257 (iv) law enforcement activities[;]; or

258 (c) making the annual payment of principal, interest, premiums, and necessary reserves
 259 for any or the aggregate of bonds authorized under Subsection (3).

260 (3) (a) The county legislative body may[~~-(i)~~] issue bonds or cause bonds to be issued, as
 261 permitted by law, to pay all or part of any costs incurred for the purposes set forth in [~~Subsection~~]
 262 Subsection (2)(a) or (b) that are permitted to be paid from bond proceeds[~~and~~].

263 [~~(ii) use up to 1/3 of the proceeds of the transient room tax as provided in Section~~
 264 ~~59-12-301 to make the annual payment of principal, interest, premiums, and necessary reserves~~
 265 ~~for any or the aggregate of bonds issued.]~~

266 (b) When the proceeds of the transient room tax provided in Section 59-12-301 are not
 267 needed for payment of principal, interest, premiums, and reserves on bonds issued as provided in
 268 Subsection [~~(3)~~] (2)(c), the county legislative body shall use those proceeds as provided in
 269 [~~Subsections~~] Subsection (1) [and], subject to the limitation of Subsection (2).

270 Section 9. Section **17-31-8** is enacted to read:

271 **17-31-8. Tourism tax advisory boards.**

272 (1) (a) Except as provided in Subsection (1)(b), any county that collects the following
 273 taxes shall operate a tourism tax advisory board:

- 274 (i) the transient room tax allowed under Section 59-12-301; or
 275 (ii) the tourism, recreation, cultural, and convention facilities tax allowed under Section

276 59-12-603.

277 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the
 278 county has an existing board, council, committee, **h** CONVENTION VISITOR'S BUREAU, **h** or body
 278a that substantially conforms with

279 Subsections (2), (3), and (4).

280 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least five
 281 members.

282 (3) A tourism tax advisory board shall be composed of any of the following members that:

283 (a) are residents of the county; and

284 (b) represent the local:

285 (i) hotel and lodging industry;

286 (ii) restaurant industry;

287 (iii) recreational facilities;

288 (iv) convention facilities;

289 (v) museums;

290 (vi) cultural attractions; or

291 (vii) other tourism-related industries.

292 (4) A tourism tax advisory board shall advise the county legislative body on the best use
 293 of revenues collected from:

294 (a) the transient room tax allowed under Section 59-12-301; and

295 (b) the tourism, recreation, cultural, and convention facilities tax allowed under Section
 296 59-12-603.

297 (5) A member of any county tourism tax advisory board **h** [may not] **h** :

298 (a) **h** MAY NOT **h** receive compensation or benefits for the member's services; and

299 (b) **h** MAY **h** receive per diem and expenses incurred in the performance of the member's
 299a official

300 duties.

301 Section 10. Section **59-12-603** is amended to read:

302 **59-12-603. County tax -- Bases -- Rates -- Ordinance required -- Collection --**

303 **Administration -- Distribution -- Imposition of tax -- Tax rate change -- Effective date --**

304 **Notice requirements.**

305 (1) In addition to any other taxes, a county legislative body may, as provided in this part,
 306 impose a tourism, recreation, cultural, and convention tax as follows:

307 (a) (i) a county legislative body of any county may impose a tax of not to exceed 3% on
308 all short-term leases and rentals of motor vehicles not exceeding 30 days, except for leases and
309 rentals of motor vehicles made for the purpose of temporarily replacing a person's motor vehicle
310 that is being repaired pursuant to a repair or an insurance agreement;

311 (ii) beginning on or after January 1, 1999, a county legislative body of any county
312 imposing a tax under Subsection (1)(a)(i) may, in addition to imposing the tax under Subsection
313 (1)(a)(i), impose a tax of not to exceed 4% on all short-term leases and rentals of motor vehicles
314 not exceeding 30 days, except for leases and rentals of motor vehicles made for the purpose of
315 temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair or an
316 insurance agreement;

317 (b) a county legislative body of any county may impose a tax of not to exceed 1% of all
318 sales of prepared foods and beverages that are sold by restaurants; and

319 (c) a county legislative body of any county may impose a tax of not to exceed 1/2% of the
320 rent for every occupancy of a suite, room, or rooms on all persons, companies, corporations, or
321 other similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns,
322 or similar public accommodations.

323 (2) The revenue from the imposition of the taxes provided for in Subsections (1)(a)
324 through (c) may be used for the purposes of financing~~[, in whole or in part,]~~ tourism promotion,
325 and the development, operation, and maintenance of tourist, recreation, cultural, and convention
326 facilities as defined in Section 59-12-602.

327 (3) The tax imposed under Subsection (1)(c) shall be in addition to the transient room tax
328 imposed under Part 3, Transient Room Tax, and may be imposed only by a county of the first class.

329 (4) (a) A tax imposed under this part shall be levied at the same time and collected in the
330 same manner as provided in Part 2, Local Sales and Use Tax Act, except that the collection and
331 distribution of the tax revenue is not subject to the provisions of Subsection 59-12-205(2).

332 (b) A tax imposed under this part may be pledged as security for bonds, notes, or other
333 evidences of indebtedness incurred by a county under Title 11, Chapter 14, Utah Municipal Bond
334 Act, to finance tourism, recreation, cultural, and convention facilities.

335 (5) (a) In order to impose the tax under Subsection (1), each county legislative body shall
336 annually adopt an ordinance imposing the tax.

337 (b) (i) The ordinance under Subsection (5)(a) shall include provisions substantially the

338 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on
339 those items and sales described in Subsection (1).

340 (ii) A county legislative body imposing a tax under this part shall impose the tax as
341 provided in this section on the leases, rentals, and sales described in Subsection (1) relating to the
342 Olympic Winter Games of 2002 made to or by an organization exempt from federal income
343 taxation under Section 501(c)(3), Internal Revenue Code, except for leases, rentals, and sales
344 described in Subsection (1):

345 (A) paid for in full by the Salt Lake Organizing Committee for the Olympic Winter Games
346 of 2002;

347 (B) exclusively used by:

348 (I) an officer, a trustee, or an employee of the Salt Lake Organizing Committee for the
349 Olympic Winter Games of 2002; or

350 (II) a volunteer supervised by the Salt Lake Organizing Committee for the Olympic Winter
351 Games of 2002; and

352 (C) for which the Salt Lake Organizing Committee for the Olympic Winter Games of 2002
353 does not receive reimbursement.

354 (c) The name of the county as the taxing agency shall be substituted for that of the state
355 where necessary, and an additional license is not required if one has been or is issued under
356 Section 59-12-106.

357 (6) In order to maintain in effect its tax ordinance adopted under this part, each county
358 legislative body shall, within 30 days of any amendment of any applicable provisions of Part 1,
359 Tax Collection, adopt amendments to its tax ordinance to conform with the applicable amendments
360 to Part 1, Tax Collection.

361 (7) The commission shall:

362 (a) administer, collect, and enforce the tax authorized under this part pursuant to:

363 (i) the same procedures used to administer, collect, and enforce the sales and use tax under
364 Part 1, Tax Collection; and

365 (ii) Chapter 1, General Taxation Policies;

366 (b) (i) except as provided in Subsection (7)(c), for a tax under this part other than the tax
367 under Subsection (1)(a)(ii), distribute the revenues to the county imposing the tax; and

368 (ii) except as provided in Subsection (7)(c), for a tax under Subsection (1)(a)(ii), distribute

369 the revenues according to the distribution formula provided in Subsection (8); and

370 (c) deduct from the distributions under Subsection (7)(b) an administrative charge for
371 collecting the tax as provided in Section 59-12-206.

372 (8) The commission shall distribute the revenues generated by the tax under Subsection
373 (1)(a)(ii) to each county collecting a tax under Subsection (1)(a)(ii) according to the following
374 formula:

375 (a) the commission shall distribute 70% of the revenues based on the percentages
376 generated by dividing the revenues collected by each county under Subsection (1)(a)(ii) by the total
377 revenues collected by all counties under Subsection (1)(a)(ii); and

378 (b) the commission shall distribute 30% of the revenues based on the percentages
379 generated by dividing the population of each county collecting a tax under Subsection (1)(a)(ii)
380 by the total population of all counties collecting a tax under Subsection (1)(a)(ii).

381 (9) (a) For purposes of this Subsection (9):

382 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Annexation
383 to County.

384 (ii) "Annexing area" means an area that is annexed into a county.

385 (b) (i) If, on or after May 1, 2000, a county enacts or repeals a tax or changes the rate of
386 a tax under this part, the enactment, repeal, or change shall take effect:

387 (A) on the first day of a calendar quarter; and

388 (B) after a 75-day period beginning on the date the commission receives notice meeting
389 the requirements of Subsection (9)(b)(ii) from the county.

390 (ii) The notice described in Subsection (9)(b)(i)(B) shall state:

391 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;

392 (B) the statutory authority for the tax described in Subsection (9)(b)(ii)(A);

393 (C) the effective date of the tax described in Subsection (9)(b)(ii)(A); and

394 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
395 (9)(b)(ii)(A), the new rate of the tax.

396 (c) (i) If, for an annexation that occurs on or after May 1, 2000, the annexation will result
397 in a change in the rate of a tax under this part for an annexing area, the change shall take effect:

398 (A) on the first day of a calendar quarter; and

399 (B) after a 75-day period beginning on the date the commission receives notice meeting

400 the requirements of Subsection (9)(c)(ii) from the county that annexes the annexing area.
401 (ii) The notice described in Subsection (9)(c)(i)(B) shall state:
402 (A) that the annexation described in Subsection (9)(c)(i) will result in a change in the rate
403 of a tax under this part for the annexing area;
404 (B) the statutory authority for the tax described in Subsection (9)(c)(ii)(A);
405 (C) the effective date of the tax described in Subsection (9)(c)(ii)(A); and
406 (D) the new rate of the tax described in Subsection (9)(c)(ii)(A).

Legislative Review Note
as of 1-17-01 4:40 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel