

30 59-12-1604, as enacted by Chapter 296, Laws of Utah 2005



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section 17-31-2 is amended to read:

34 **17-31-2. Purposes of transient room tax and expenditure of revenues -- Purchase**
35 **or lease of facilities -- Mitigating impacts of recreation, tourism, or conventions --**
36 **Issuance of bonds.**

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

39 (a) establishing and promoting recreation, tourism, film production, and conventions;

40 (b) acquiring, leasing, constructing, furnishing, maintaining, or operating:

41 (i) convention meeting rooms[;];

42 (ii) exhibit halls[;];

43 (iii) visitor information centers[;];

44 (iv) museums[;];

45 (v) sports and recreation facilities including practice fields, stadiums, and arenas; and

46 (vi) related facilities;

47 (c) acquiring [~~or~~] land, leasing land, or making payments for construction or
48 infrastructure improvements required for or related to the purposes listed in Subsection (1)(b);
49 and

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

52 (i) solid waste disposal operations;

53 (ii) emergency medical services;

54 (iii) search and rescue activities; and

55 (iv) law enforcement activities.

56 (2) [~~A~~] Except as provided in Subsection (4), a county may [~~use~~] not expend more than
57 1/3 of the [~~proceeds of~~] revenues generated by the transient room tax provided in Section

58 59-12-301 for any combination of the following purposes:

59 (a) (i) acquiring, leasing, constructing, furnishing, maintaining, or operating:

60 (A) convention meeting rooms;

61 (B) exhibit halls;

62 (C) visitor information centers;

63 (D) museums;

64 (E) sports and recreation facilities including practice fields, stadiums, and arenas; and

65 ~~[(E)]~~ (F) related facilities; and

66 (ii) acquiring ~~or~~ land, leasing land, or making payments for construction or

67 infrastructure improvements required for or related to the purposes described in Subsection

68 (2)(a)(i);

69 (b) as required to mitigate the impacts of recreation, tourism, or conventions in

70 counties of the fourth, fifth, and sixth class, to pay for:

71 (i) solid waste disposal operations;

72 (ii) emergency medical services;

73 (iii) search and rescue activities; and

74 (iv) law enforcement activities; or

75 (c) making the annual payment of principal, interest, premiums, and necessary reserves

76 for any or the aggregate of bonds authorized under Subsection (3).

77 (3) (a) The county legislative body may issue bonds or cause bonds to be issued, as

78 permitted by law, to pay all or part of any costs incurred for the purposes set forth in

79 Subsection (2)(a) or (b) that are permitted to be paid from bond proceeds.

80 (b) ~~[When the proceeds of]~~ Except as provided in Subsection (4), if the revenues

81 generated by the transient room tax provided in Section 59-12-301 are not needed for payment

82 of principal, interest, premiums, and reserves on bonds issued as provided in Subsection (2)(c),

83 the county legislative body shall ~~[use]~~ expend those ~~[proceeds]~~ revenues as provided in

84 Subsection (1), subject to the limitation of Subsection (2).

85 (4) If, on or after October 1, 2006, a county legislative body imposes a tax or increases

86 the rate of a tax in accordance with Section 59-12-301 at a rate that exceeds 3%, the county
87 legislative body:

88 (a) may expend revenues generated by the portion of the rate that exceeds 3% for any
89 purpose described in Subsections (1) through (3); and

90 (b) is not subject to any limits on the amount of revenues that may be expended for a
91 purpose described in Subsection (2).

92 Section 2. Section **59-12-301** is amended to read:

93 **59-12-301. Transient room tax -- Rate -- Enactment or repeal of tax -- Tax rate**
94 **change -- Effective date -- Notice requirements.**

95 (1) (a) Any county legislative body may impose a tax [~~of not to exceed 3%~~] on charges
96 for the accommodations and services described in Subsection 59-12-103(1)(i)[:] at a rate of not
97 to exceed:

98 (i) 3% beginning on or after May 13, 1975, and ending on September 30, 2006; or

99 (ii) 4.25% beginning on or after October 1, 2006.

100 (b) The revenues raised from the tax imposed under Subsection (1)(a) shall be used for
101 the purposes listed in Section 17-31-2.

102 (c) The tax imposed under Subsection (1)(a) shall be in addition to the tax imposed
103 under Part 6, Tourism, Recreation, Cultural, and Convention Facilities Tax.

104 (2) Subject to Subsection (3), a county legislative body:

105 (a) may increase or decrease the tax authorized under this part; and

106 (b) shall regulate the tax authorized under this part by ordinance.

107 (3) (a) For purposes of this Subsection (3):

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

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

111 (b) (i) Except as provided in Subsection (3)(c), if, on or after July 1, 2004, a county
112 enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or
113 change shall take effect:

114 (A) on the first day of a calendar quarter; and
115 (B) after a 90-day period beginning on the date the commission receives notice meeting
116 the requirements of Subsection (3)(b)(ii) from the county.

117 (ii) The notice described in Subsection (3)(b)(i)(B) shall state:
118 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;
119 (B) the statutory authority for the tax described in Subsection (3)(b)(ii)(A);
120 (C) the effective date of the tax described in Subsection (3)(b)(ii)(A); and
121 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
122 (3)(b)(ii)(A), the rate of the tax.

123 (c) (i) Notwithstanding Subsection (3)(b)(i), for a transaction described in Subsection
124 (3)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the
125 first billing period:
126 (A) that begins after the effective date of the enactment of the tax or the tax rate
127 increase; and
128 (B) if the billing period for the transaction begins before the effective date of the
129 enactment of the tax or the tax rate increase imposed under this section.

130 (ii) Notwithstanding Subsection (3)(b)(i), for a transaction described in Subsection
131 (3)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last
132 billing period:
133 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;
134 and
135 (B) if the billing period for the transaction begins before the effective date of the repeal
136 of the tax or the tax rate decrease imposed under this section.

137 (iii) Subsections (3)(c)(i) and (ii) apply to transactions subject to a tax under
138 Subsection 59-12-103(1)(i).

139 (d) (i) Except as provided in Subsection (3)(e), if, for an annexation that occurs on or
140 after July 1, 2004, the annexation will result in the enactment, repeal, or a change in the rate of
141 a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

142 (A) on the first day of a calendar quarter; and
143 (B) after a 90-day period beginning on the date the commission receives notice meeting
144 the requirements of Subsection (3)(d)(ii) from the county that annexes the annexing area.
145 (ii) The notice described in Subsection (3)(d)(i)(B) shall state:
146 (A) that the annexation described in Subsection (3)(d)(i) will result in an enactment,
147 repeal, or change in the rate of a tax under this part for the annexing area;
148 (B) the statutory authority for the tax described in Subsection (3)(d)(ii)(A);
149 (C) the effective date of the tax described in Subsection (3)(d)(ii)(A); and
150 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
151 (3)(d)(ii)(A), the rate of the tax.
152 (e) (i) Notwithstanding Subsection (3)(d)(i), for a transaction described in Subsection
153 (3)(e)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the
154 first billing period:
155 (A) that begins after the effective date of the enactment of the tax or the tax rate
156 increase; and
157 (B) if the billing period for the transaction begins before the effective date of the
158 enactment of the tax or the tax rate increase imposed under this section.
159 (ii) Notwithstanding Subsection (3)(d)(i), for a transaction described in Subsection
160 (3)(e)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last
161 billing period:
162 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;
163 and
164 (B) if the billing period for the transaction begins before the effective date of the repeal
165 of the tax or the tax rate decrease imposed under this section.
166 (iii) Subsections (3)(e)(i) and (ii) apply to transactions subject to a tax under
167 Subsection 59-12-103(1)(i).
168 **Section 3. Repealer.**
169 This bill repeals:

170 Section **59-12-1601, Title.**
171 Section **59-12-1602, Definitions.**
172 Section **59-12-1603, Tax -- Rate -- Purposes for which tax revenues may be**
173 **expended -- Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice**
174 **requirements.**
175 Section **59-12-1604, Administration, collection, and enforcement of tax --**
176 **Administrative fee.**
177 Section 4. **Effective date.**
178 (1) The amendments in this bill to Sections 17-31-2 and 59-12-301 take effect on May
179 1, 2006.
180 (2) The repeal of Sections 59-12-1601 through 59-12-1604 takes effect on October 1,
181 2006.