

Representative Stephen E. Sandstrom proposes the following substitute bill:

1 **AMENDMENTS TO CITY OR TOWN SALES AND USE**
2 **TAX TO FUND BOTANICAL, CULTURAL, RECREATIONAL,**
3 **AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES**

4 2008 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Stephen E. Sandstrom**

7 Senate Sponsor: _____

8
9 **LONG TITLE**

10 **General Description:**

11 This bill amends the City or Town Option Funding for Botanical, Cultural,
12 Recreational, and Zoological Organizations or Facilities part.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines "cultural organization";
16 ▶ allows a city or town to retain up to 1.5% of the city or town option tax for
17 botanical, cultural, recreational, and zoological organizations or facilities to
18 administer the tax; and
19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides an effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:



26 59-12-1401, as last amended by Laws of Utah 2004, Chapter 317

27 59-12-1403, as enacted by Laws of Utah 2001, Chapter 192



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

30 Section 1. Section 59-12-1401 is amended to read:

31 **59-12-1401. Purpose statement -- Definitions -- Scope of part.**

32 (1) The purpose of the tax imposed by this part is the same for cities and towns as is
33 stated in Section 59-12-701 for counties.

34 (2) (a) [The] Except as provided in Subsection (2)(b), the definitions of Section
35 59-12-702 are incorporated into this part.

36 (b) As used in this part, "cultural organization" means:

37 (i) a private nonprofit organization or institution as defined in Section 59-12-702
38 having as its primary purpose the advancement and preservation of:

39 (A) natural history;

40 (B) art;

41 (C) music;

42 (D) theater; or

43 (E) dance;

44 (ii) an administrative unit as defined in Section 59-12-702;

45 (iii) a private nonprofit organization or institution as defined in Section 59-12-702

46 having as its primary purpose the advancement and preservation of history;

47 (iv) a municipal cultural council having as its primary purpose the advancement and
48 preservation of:

49 (A) history;

50 (B) natural history;

51 (C) art;

52 (D) music;

53 (E) theater; or

54 (F) dance; or

55 (v) a department or other division of a city or town if the department or other division
56 has as its primary purpose the advancement and preservation of:

- 57 (A) history;
- 58 (B) natural history;
- 59 (C) art;
- 60 (D) music;
- 61 (E) theater; or
- 62 (F) dance.

63 (3) This part applies only to a city or town that is located within a county of the second,
64 third, fourth, fifth, or sixth class as designated in Section 17-50-501.

65 Section 2. Section **59-12-1403** is amended to read:

66 **59-12-1403. Distribution of revenues -- Administrative costs.**

67 (1) (a) [~~The~~] Subject to Subsections (2) and (3), a city or town legislative body shall by
68 ordinance provide for the distribution of the entire amount of the revenues generated by the tax
69 imposed by this part in accordance with this section.

70 (b) A city or town may participate in an interlocal agreement provided for under
71 Section 59-12-704 and distribute the revenues generated by the tax imposed by this part to
72 participants in the interlocal agreement.

73 (c) The revenues generated by the tax shall be used for one or more organizations or
74 facilities defined in Section 59-12-702.

75 (2) The commission may retain an amount not to exceed [~~1-1/2%~~] 1.5% of the tax
76 collected under this part for the cost of administering this part.

77 (3) A city legislative body or town legislative body may retain up to 1.5% of the
78 revenues collected from a tax under this part for the cost of administering this part.

79 Section 3. **Effective date.**

80 (1) Except as provided in Subsection (2), this bill takes effect on May 5, 2008.

81 (2) The amendments to Section 59-12-1403 take effect on July 1, 2008.

Fiscal Note

**H.B. 405 1st Sub. (Buff) - Amendments to City or Town Sales and Use Tax to
Fund Botanical, Cultural, Recreational, and Zoological Organizations or
Facilities**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments could see an increase in restricted revenues of \$54,000.