

**Senator Curtis S. Bramble** proposes the following substitute bill:

**FUNDING RELATING TO AIRPORTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Sales and Use Tax Act and the Transportation Code relating to a local sales and use tax to fund tourism, recreation, cultural, convention, and airport facilities and financing of certain fixed guideways with certain airport revenue.

**Highlighted Provisions:**

This bill:

- ▶ addresses an audit relating to the local sales and use tax to fund tourism, recreation, cultural, convention, and airport facilities;
- ▶ repeals a purpose statement;
- ▶ provides a part title;
- ▶ defines terms;
- ▶ provides that a county legislative body may expend the local sales and use tax revenues for an airport facility in addition to other purposes allowed by statute;
- ▶ provides that an airport operator may not use airport revenue to contribute to constructing, equipping, maintaining, or operating a fixed guideway; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **17-31-5.5**, as last amended by Laws of Utah 2007, Chapter 3

31 **59-12-602**, as last amended by Laws of Utah 1995, Chapter 248

32 **59-12-603**, as last amended by Laws of Utah 2007, Chapters 3, 9, and 219

33 **72-10-102**, as last amended by Laws of Utah 2003, Chapter 183

34 ENACTS:

35 **59-12-601.1**, Utah Code Annotated 1953

36 **72-10-215**, Utah Code Annotated 1953

37 REPEALS:

38 **59-12-601**, as last amended by Laws of Utah 1991, Chapter 265



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

41 Section 1. Section **17-31-5.5** is amended to read:

42 **17-31-5.5. Independent audit -- Report to county legislative body -- Content.**

43 (1) The legislative body of each county imposing the transient room tax provided for in  
44 Section 59-12-301 shall annually engage an independent auditor to perform an audit to verify  
45 that transient room tax funds are used only as authorized by this chapter and to report the  
46 findings of the audit to the county legislative body.

47 (2) Subsection (1) applies to the tourism, recreation, cultural, [~~and~~] convention, and  
48 airport facilities tax provided for in Section 59-12-603, except that the audit verification  
49 required under this Subsection (2) shall be for the uses authorized under Section 59-12-603.

50 (3) The report required under Subsection (1) shall include a breakdown of expenditures  
51 into the following categories:

52 (a) for the transient room tax, identification of expenditures for:

53 (i) establishing and promoting:

54 (A) recreation;

55 (B) tourism;

56 (C) film production; and

- 57 (D) conventions;
- 58 (ii) acquiring, leasing, constructing, furnishing, or operating:
- 59 (A) convention meeting rooms;
- 60 (B) exhibit halls;
- 61 (C) visitor information centers;
- 62 (D) museums; and
- 63 (E) related facilities;
- 64 (iii) acquiring or leasing land required for or related to the purposes listed in
- 65 Subsection (3)(a)(ii);
- 66 (iv) mitigation costs as identified in Subsection 17-31-2(1)(d); and
- 67 (v) making the annual payment of principal, interest, premiums, and necessary reserves
- 68 for any or the aggregate of bonds issued to pay for costs referred to in Subsections
- 69 17-31-2(2)(c) and (3)(a); and
- 70 (b) for the tourism, recreation, cultural, ~~[and]~~ convention, and airport facilities tax,
- 71 identification of expenditures for:
- 72 (i) financing tourism promotion, which means an activity to develop, encourage,
- 73 solicit, or market tourism that attracts transient guests to the county, including planning,
- 74 product development, and advertising;
- 75 (ii) the development, operation, and maintenance of the following facilities as defined
- 76 in Section 59-12-602:
- 77 (A) ~~[tourist facilities]~~ an airport facility;
- 78 (B) ~~[recreation facilities]~~ a convention facility;
- 79 (C) a cultural ~~[facilities; and]~~ facility;
- 80 (D) ~~[convention facilities]~~ a recreation facility; and
- 81 (E) a tourist facility; and
- 82 (iii) a pledge as security for evidences of indebtedness under Subsection 59-12-603 (3).
- 83 (4) A county legislative body shall provide a copy of a report it receives under this
- 84 section to:
- 85 (a) the Governor's Office of Economic Development;
- 86 (b) its tourism tax advisory board; and
- 87 (c) the Office of the Legislative Fiscal Analyst.

88 Section 2. Section **59-12-601.1** is enacted to read:

89 **Part 6. Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act**

90 **59-12-601.1. Title.**

91 This part is known as the "Tourism, Recreation, Cultural, Convention, and Airport  
92 Facilities Tax Act."

93 Section 3. Section **59-12-602** is amended to read:

94 **59-12-602. Definitions.**

95 As used in this part:

96 (1) (a) Subject to Subsection (1)(b), "airport facility" means an airport of regional  
97 significance, as defined by the Transportation Commission by rule made in accordance with  
98 Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

99 (b) "Airport facility" includes:

100 (i) an appurtenance to an airport, including a fixed guideway as defined in Section  
101 59-12-1702 that provides transportation service to or from the airport;

102 (ii) a control tower, including a radar system;

103 (iii) a public area of an airport; or

104 (iv) a terminal facility.

105 ~~[(1)]~~ (2) "Convention facility" means any publicly owned or operated convention  
106 center, sports arena, or other facility at which conventions, conferences, and other gatherings  
107 are held and whose primary business or function is to host such conventions, conferences, and  
108 other gatherings.

109 ~~[(2)]~~ (3) "Cultural facility" means any publicly owned or operated museum, theater, art  
110 center, music hall, or other cultural or arts facility.

111 ~~[(3)]~~ (4) "Recreation facility" or "tourist facility" means any publicly owned or  
112 operated park, campground, marina, dock, golf course, water park, historic park, monument,  
113 planetarium, zoo, bicycle trails, and other recreation or tourism-related facility.

114 ~~[(4)]~~ (5) (a) "Restaurant" includes any coffee shop, cafeteria, luncheonette, soda  
115 fountain, or fast-food service where food is prepared for immediate consumption.

116 (b) "Restaurant" does not include:

117 (i) any retail establishment whose primary business or function is the sale of fuel or  
118 food items for off-premise, but not immediate, consumption; and

119 (ii) a theater that sells food items, but not a dinner theater.

120 Section 4. Section **59-12-603** is amended to read:

121 **59-12-603. County tax -- Bases -- Rates -- Use of revenues -- Adoption of**  
122 **ordinance required -- Advisory board -- Administration -- Collection -- Distribution --**  
123 **Enactment or repeal of tax or tax rate change -- Effective date -- Notice requirements.**

124 (1) (a) In addition to any other taxes, a county legislative body may, as provided in this  
125 part, impose a tax as follows:

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

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

136 (ii) a county legislative body of any county may impose a tax of not to exceed 1% of all  
137 sales of the following that are sold by a restaurant:

138 (A) prepared food; or

139 (B) food and food ingredients; and

140 (iii) a county legislative body of a county of the first class may impose a tax of not to  
141 exceed .5% on charges for the accommodations and services described in Subsection  
142 59-12-103(1)(i).

143 (b) A tax imposed under Subsection (1)(a) is subject to the audit provisions of Section  
144 17-31-5.5.

145 (2) (a) Subject to Subsection (2)(b), revenue from the imposition of the taxes provided  
146 for in Subsections (1)(a)(i) through (iii) may be used for ~~[the purposes of]~~:

147 (i) financing tourism promotion; and

148 (ii) the development, operation, and maintenance of ~~[tourist, recreation, cultural, and~~  
149 ~~convention facilities as defined in Section 59-12-602.]~~;

150           (A) an airport facility;

151           (B) a convention facility;

152           (C) a cultural facility;

153           (D) a recreation facility; or

154           (E) a tourist facility.

155           (b) A county of the first class shall expend at least \$450,000 each year of the revenues  
156 from the imposition of a tax authorized by Subsection (1)(a)(iii) within the county to fund a  
157 marketing and ticketing system designed to:

158           (i) promote tourism in ski areas within the county by persons that do not reside within  
159 the state; and

160           (ii) combine the sale of:

161           (A) ski lift tickets; and

162           (B) accommodations and services described in Subsection 59-12-103(1)(i).

163           (3) A tax imposed under this part may be pledged as security for bonds, notes, or other  
164 evidences of indebtedness incurred by a county under Title 11, Chapter 14, Local Government  
165 Bonding Act, to finance [~~tourism, recreation, cultural, and convention facilities.~~];

166           (a) an airport facility;

167           (b) a convention facility;

168           (c) a cultural facility;

169           (d) a recreation facility; or

170           (e) a tourist facility.

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

173           (b) The ordinance under Subsection (4)(a) shall include provisions substantially the  
174 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on  
175 those items and sales described in Subsection (1).

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

179           (5) In order to maintain in effect its tax ordinance adopted under this part, each county  
180 legislative body shall, within 30 days of any amendment of any applicable provisions of Part 1,

181 Tax Collection, adopt amendments to its tax ordinance to conform with the applicable  
182 amendments to Part 1, Tax Collection.

183 (6) (a) Regardless of whether a county of the first class creates a tourism tax advisory  
184 board in accordance with Section 17-31-8, the county legislative body of the county of the first  
185 class shall create a tax advisory board in accordance with this Subsection (6).

186 (b) The tax advisory board shall be composed of nine members appointed as follows:

187 (i) four members shall be appointed by the county legislative body of the county of the  
188 first class as follows:

189 (A) one member shall be a resident of the unincorporated area of the county;

190 (B) two members shall be residents of the incorporated area of the county; and

191 (C) one member shall be a resident of the unincorporated or incorporated area of the  
192 county; and

193 (ii) subject to Subsections (6)(c) and (d), five members shall be mayors of cities or  
194 towns within the county of the first class appointed by an organization representing all mayors  
195 of cities and towns within the county of the first class.

196 (c) Five members of the tax advisory board constitute a quorum.

197 (d) The county legislative body of the county of the first class shall determine:

198 (i) terms of the members of the tax advisory board;

199 (ii) procedures and requirements for removing a member of the tax advisory board;

200 (iii) voting requirements, except that action of the tax advisory board shall be by at  
201 least a majority vote of a quorum of the tax advisory board;

202 (iv) chairs or other officers of the tax advisory board;

203 (v) how meetings are to be called and the frequency of meetings; and

204 (vi) the compensation, if any, of members of the tax advisory board.

205 (e) The tax advisory board under this Subsection (6) shall advise the county legislative  
206 body of the county of the first class on the expenditure of revenues collected within the county  
207 of the first class from the taxes described in Subsection (1)(a).

208 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), a tax authorized under this part  
209 shall be administered, collected, and enforced in accordance with:

210 (A) the same procedures used to administer, collect, and enforce the tax under:

211 (I) Part 1, Tax Collection; or

212 (II) Part 2, Local Sales and Use Tax Act; and  
213 (B) Chapter 1, General Taxation Policies.  
214 (ii) A tax under this part is not subject to Section 59-12-107.1 or Subsections  
215 59-12-205(2) through (7).  
216 (b) Except as provided in Subsection (7)(c):  
217 (i) for a tax under this part other than the tax under Subsection (1)(a)(i)(B), the  
218 commission shall distribute the revenues to the county imposing the tax; and  
219 (ii) for a tax under Subsection (1)(a)(i)(B), the commission shall distribute the revenues  
220 according to the distribution formula provided in Subsection (8).  
221 (c) The commission shall deduct from the distributions under Subsection (7)(b) an  
222 administrative charge for collecting the tax as provided in Section 59-12-206.  
223 (8) The commission shall distribute the revenues generated by the tax under Subsection  
224 (1)(a)(i)(B) to each county collecting a tax under Subsection (1)(a)(i)(B) according to the  
225 following formula:  
226 (a) the commission shall distribute 70% of the revenues based on the percentages  
227 generated by dividing the revenues collected by each county under Subsection (1)(a)(i)(B) by  
228 the total revenues collected by all counties under Subsection (1)(a)(i)(B); and  
229 (b) the commission shall distribute 30% of the revenues based on the percentages  
230 generated by dividing the population of each county collecting a tax under Subsection  
231 (1)(a)(i)(B) by the total population of all counties collecting a tax under Subsection (1)(a)(i)(B).  
232 (9) (a) For purposes of this Subsection (9):  
233 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,  
234 Annexation to County.  
235 (ii) "Annexing area" means an area that is annexed into a county.  
236 (b) (i) Except as provided in Subsection (9)(c), if, on or after July 1, 2004, a county  
237 enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or  
238 change shall take effect:  
239 (A) on the first day of a calendar quarter; and  
240 (B) after a 90-day period beginning on the date the commission receives notice meeting  
241 the requirements of Subsection (9)(b)(ii) from the county.  
242 (ii) The notice described in Subsection (9)(b)(i)(B) shall state:

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

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

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

246 (D) if the county enacts the tax or changes the rate of the tax described in Subsection

247 (9)(b)(ii)(A), the rate of the tax.

248 (c) (i) Notwithstanding Subsection (9)(b)(i), for a transaction described in Subsection

249 (9)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the

250 first billing period:

251 (A) that begins after the effective date of the enactment of the tax or the tax rate

252 increase; and

253 (B) if the billing period for the transaction begins before the effective date of the

254 enactment of the tax or the tax rate increase imposed under Subsection (1).

255 (ii) Notwithstanding Subsection (9)(b)(i), for a transaction described in Subsection

256 (9)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last

257 billing period:

258 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;

259 and

260 (B) if the billing period for the transaction begins before the effective date of the repeal

261 of the tax or the tax rate decrease imposed under Subsection (1).

262 (iii) Subsections (9)(c)(i) and (ii) apply to transactions subject to a tax under:

263 (A) Subsection 59-12-103(1)(e);

264 (B) Subsection 59-12-103(1)(i); or

265 (C) Subsection 59-12-103(1)(k).

266 (d) (i) Except as provided in Subsection (9)(e), if, for an annexation that occurs on or

267 after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a

268 tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

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

270 (B) after a 90-day period beginning on the date the commission receives notice meeting

271 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.

272 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:

273 (A) that the annexation described in Subsection (9)(d)(i) will result in an enactment,

274 repeal, or change in the rate of a tax under this part for the annexing area;

275 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);

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

277 (D) if the county enacts the tax or changes the rate of the tax described in Subsection

278 (9)(d)(ii)(A), the rate of the tax.

279 (e) (i) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection

280 (9)(e)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the

281 first billing period:

282 (A) that begins after the effective date of the enactment of the tax or the tax rate

283 increase; and

284 (B) if the billing period for the transaction begins before the effective date of the

285 enactment of the tax or the tax rate increase imposed under Subsection (1).

286 (ii) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection

287 (9)(e)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last

288 billing period:

289 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;

290 and

291 (B) if the billing period for the transaction begins before the effective date of the repeal

292 of the tax or the tax rate decrease imposed under Subsection (1).

293 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:

294 (A) Subsection 59-12-103(1)(e);

295 (B) Subsection 59-12-103(1)(i); or

296 (C) Subsection 59-12-103(1)(k).

297 Section 5. Section **72-10-102** is amended to read:

298 **72-10-102. Definitions.**

299 As used in this chapter:

300 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air

301 navigation.

302 (2) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair,

303 or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or

304 other air navigation facilities.

305 (3) "Aeronautics instructor" means any individual engaged in giving or offering to give  
306 instruction in aeronautics, flying, or ground subjects, either with or without:

- 307 (a) compensation or other reward;
- 308 (b) advertising the occupation;
- 309 (c) calling his facilities an air school, or any equivalent term; or
- 310 (d) employing or using other instructors.

311 (4) "Aircraft" means any contrivance now known or in the future invented, used, or  
312 designed for navigation of or flight in the air.

313 (5) "Air instruction" means the imparting of aeronautical information by any aviation  
314 instructor or in any air school or flying club.

315 (6) "Airport" means any area of land, water, or both, that:

- 316 (a) is used or is made available for landing and takeoff;
- 317 (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of  
318 passengers and cargo; ~~and~~

319 (c) meets the minimum requirements established by the division as to size and design,  
320 surface, marking, equipment, and operation; and

321 (d) includes all areas shown as part of the airport in the current airport layout plan as  
322 approved by the Federal Aviation Administration.

323 (7) "Airport authority" means a political subdivision of the state, other than a county or  
324 municipality, that is authorized by statute to operate an airport.

325 (8) "Airport operator" means a municipality, county, or airport authority that owns or  
326 operates a commercial airport.

327 (9) (a) "Airport revenue" means:

328 (i) all fees, charges, rents, or other payments received by or accruing to an airport  
329 operator for any of the following reasons:

330 (A) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport  
331 permittees making use of airport property and services, and other parties;

332 (B) revenue received from the activities of others or the transfer of rights to others  
333 relating to the airport, including revenue received:

334 (I) for the right to conduct an activity on the airport or to use or occupy airport  
335 property;

336 (II) for the sale, transfer, or disposition of airport real or personal property, or any  
337 interest in that property, including transfer through a condemnation proceeding;

338 (III) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural  
339 products or water owned by the airport operator to be taken from the airport; and

340 (IV) for the right to conduct an activity on, or for the use or disposition of, real or  
341 personal property or any interest in real or personal property owned or controlled by the airport  
342 operator and used for an airport-related purpose but not located on the airport;

343 (C) revenue received from activities conducted by the airport operator whether on or  
344 off the airport, which is directly connected to the airport operator's ownership or operation of  
345 the airport; and

346 (ii) state and local taxes on aviation fuel.

347 (b) "Airport revenue" does not include amounts received by an airport operator as  
348 passenger facility fees pursuant to 49 U.S.C. Sec. 40117.

349 ~~[(8)]~~ (10) "Air school" means any person engaged in giving, offering to give, or  
350 advertising, representing, or holding himself out as giving, with or without compensation or  
351 other reward, instruction in aeronautics, flying, or ground subjects, or in more than one of these  
352 subjects.

353 ~~[(9)]~~ (11) "Airworthiness" means conformity with requirements prescribed by the  
354 Federal Aviation Administration regarding the structure or functioning of aircraft, engine,  
355 parts, or accessories.

356 ~~[(10)]~~ (12) "Antique aircraft" means a civil aircraft that is:

357 (a) 30 years old or older, calculated as to include the current year;

358 (b) primarily a collector's item and used solely for recreational or display purposes;

359 (c) not used for daily or regular transportation; and

360 (d) not used for commercial operations.

361 ~~[(11)]~~ (13) "Civil aircraft" means any aircraft other than a public aircraft.

362 ~~[(12)]~~ (14) "Commercial aircraft" means aircraft used for commercial purposes.

363 ~~[(13)]~~ (15) "Commercial airport" means a landing area, landing strip, or airport that  
364 may be used for commercial operations.

365 ~~[(14)]~~ (16) "Commercial flight operator" means a person who conducts commercial  
366 operations.

367            [~~(15)~~] (17) "Commercial operations" means:

368            (a) any operations of an aircraft for compensation or hire or any services performed  
369 incidental to the operation of any aircraft for which a fee is charged or compensation is  
370 received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of  
371 aircraft, the operation of flight or ground schools, the operation of aircraft for the application or  
372 distribution of chemicals or other substances, and the operation of aircraft for hunting and  
373 fishing; or

374            (b) the brokering or selling of any of these services; but

375            (c) does not include any operations of aircraft as common carriers certificated by the  
376 federal government or the services incidental to those operations.

377            [~~(16)~~] (18) "Dealer" means any person who is actively engaged in the business of flying  
378 for demonstration purposes, or selling or exchanging aircraft, and who has an established place  
379 of business.

380            [~~(17)~~] (19) "Division" means the Operations Division in the Department of  
381 Transportation, created in Section 72-1-204.

382            [~~(18)~~] (20) "Experimental aircraft" means:

383            (a) any aircraft designated by the Federal Aviation Administration or the military as  
384 experimental and used solely for the purpose of experiments, or tests regarding the structure or  
385 functioning of aircraft, engines, or their accessories; and

386            (b) any aircraft designated by the Federal Aviation Administration as:

387            (i) being custom or amateur built; and

388            (ii) used for recreational, educational, or display purposes.

389            [~~(19)~~] (21) "Flight" means any kind of locomotion by aircraft while in the air.

390            [~~(20)~~] (22) "Flying club" means five or more persons who for neither profit nor reward  
391 own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

392            [~~(21)~~] (23) "Glider" means an aircraft heavier than air, similar to an airplane, but  
393 without a power plant.

394            [~~(22)~~] (24) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or  
395 overhauls aircraft, engines, or accessories.

396            [~~(23)~~] (25) "Parachute jumper" means any person who has passed the required test for  
397 jumping with a parachute from an aircraft, and has passed an examination showing that he

398 possesses the required physical and mental qualifications for the jumping.

399           ~~[(24)]~~ (26) "Parachute rigger" means any person who has passed the required test for  
400 packing, repairing, and maintaining parachutes.

401           ~~[(25)]~~ (27) "Passenger aircraft" means aircraft used for transporting persons, in  
402 addition to the pilot or crew, with or without their necessary personal belongings.

403           ~~[(26)]~~ (28) "Person" means any individual, corporation, limited liability company, or  
404 association of individuals.

405           ~~[(27)]~~ (29) "Pilot" means any person who operates the controls of an aircraft while  
406 in-flight.

407           ~~[(28)]~~ (30) "Primary glider" means any glider that has a gliding angle of less than ten to  
408 one.

409           ~~[(29)]~~ (31) "Public aircraft" means an aircraft used exclusively in the service of any  
410 government or of any political subdivision, including the government of the United States, of  
411 the District of Columbia, and of any state, territory, or insular possession of the United States,  
412 but not including any government-owned aircraft engaged in carrying persons or goods for  
413 commercial purposes.

414           ~~[(30)]~~ (32) "Reckless flying" means the operation or piloting of any aircraft recklessly,  
415 or in a manner as to endanger the property, life, or body of any person, due regard being given  
416 to the prevailing weather conditions, field conditions, and to the territory being flown over.

417           ~~[(31)]~~ (33) "Registration number" means the number assigned by the Federal Aviation  
418 Administration to any aircraft, whether or not the number includes a letter or letters.

419           ~~[(32)]~~ (34) "Secondary glider" means any glider that has a gliding angle between ten to  
420 one and 16 to one, inclusive.

421           ~~[(33)]~~ (35) "Soaring glider" means any glider that has a gliding angle of more than 16  
422 to one.

423           Section 6. Section **72-10-215** is enacted to read:

424           **72-10-215. Restrictions on use of airport revenue to finance a fixed guideway.**

425           An airport operator may not use airport revenue to contribute to the cost of  
426 constructing, equipping, maintaining, or operating any portion of a fixed guideway as defined  
427 in Section 59-12-1702.

428           Section 7. **Repealer.**

429           This bill repeals:  
430           Section **59-12-601, Purpose statement.**