

**Representative Kraig Powell** proposes the following substitute bill:

**HEBER VALLEY HISTORIC RAILROAD**

**AUTHORITY**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill re-enacts the Heber Valley Historic Railroad Authority.

**Highlighted Provisions:**

This bill:

- ▶ creates an independent state entity and its membership;
- ▶ creates an executive director;
- ▶ requires disclosure of interests;
- ▶ creates the authority and powers of the railroad authority;
- ▶ provides for obligations of the authority;
- ▶ creates a duty to maintain the rails; and
- ▶ provides for sunset review of the authority.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an effective date and retrospective operation for the provisions related to sales and use tax exemptions.

**Utah Code Sections Affected:**



26 AMENDS:

27 **59-12-104**, as last amended by Laws of Utah 2009, Chapters 31, 203, 212, and 385

28 **63I-1-209**, as renumbered and amended by Laws of Utah 2008, Chapter 382

29 ENACTS:

30 **9-3-501**, Utah Code Annotated 1953

31 **9-3-502**, Utah Code Annotated 1953

32 **9-3-503**, Utah Code Annotated 1953

33 **9-3-504**, Utah Code Annotated 1953

34 **9-3-505**, Utah Code Annotated 1953

35 **9-3-506**, Utah Code Annotated 1953

36 **9-3-507**, Utah Code Annotated 1953

37 **9-3-508**, Utah Code Annotated 1953

38 **9-3-509**, Utah Code Annotated 1953

39 **9-3-510**, Utah Code Annotated 1953

40 **9-3-511**, Utah Code Annotated 1953

41 

---

---

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

43 Section 1. Section **9-3-501** is enacted to read:

44 **Part 5. Heber Valley Historic Railroad Authority**

45 **9-3-501. Title.**

46 This part is known as the "Heber Valley Historic Railroad Authority."

47 Section 2. Section **9-3-502** is enacted to read:

48 **9-3-502. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**  
49 **expenses.**

50 (1) There is created an independent state agency and a body politic and corporate  
51 known as the "Heber Valley Historic Railroad Authority."

52 (2) The authority shall be composed of eight members as follows:

53 (a) one member of the county legislative body of Wasatch County;

54 (b) the mayor of Heber City;

55 (c) the mayor of Midway;

56 (d) the executive director of the Department of Transportation or the executive

57 director's designee;

58 (e) one member from the Board of Parks and Recreation, appointed by the Board of  
59 Parks and Recreation;

60 (f) three public members appointed by the governor with the consent of the Senate,  
61 being private citizens of the state, as follows:

62 (i) two people representing the tourism industry, one each from Wasatch and Utah  
63 counties; and

64 (ii) one person representing the public at large.

65 (3) All members shall be residents of the state.

66 (4) (a) Except as required by Subsection (4)(b), the three public members shall be  
67 appointed for four-year terms beginning July 1, 2010.

68 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
69 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
70 authority members are staggered so that approximately half of the authority is appointed every  
71 two years.

72 (5) Any of the three public members may be removed from office by the governor or  
73 for cause by an affirmative vote of any four members of the authority.

74 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
75 appointed for the unexpired term by the governor with consent of the Senate for the unexpired  
76 term.

77 (7) Each public member shall hold office for the term of appointment and until a  
78 successor has been appointed and qualified.

79 (8) Any public member is eligible for reappointment, but may not serve more than two  
80 full consecutive terms.

81 (9) The governor shall appoint the chair of the authority from among its members.

82 (10) The members shall elect from among their number a vice chair and other officers  
83 they may determine.

84 (11) The powers of the authority shall be vested in its members.

85 (12) Four members constitute a quorum for transaction of authority business. An  
86 affirmative vote of at least four members is necessary for any action to be taken by the  
87 authority.

88 (13) (a) (i) Members who are not government employees shall receive no  
89 compensation or benefits for their services, but may receive per diem and expenses incurred in  
90 the performance of the member's official duties at the rates established by the Division of  
91 Finance under Sections 63A-3-106 and 63A-3-107.

92 (ii) Members may decline to receive per diem and expenses for their service.

93 (b) (i) State government officer and employee members who do not receive salary, per  
94 diem, or expenses from their agency for their service may receive per diem and expenses  
95 incurred in the performance of their official duties from the authority at the rates established by  
96 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

97 (ii) State government officer and employee members may decline to receive per diem  
98 and expenses for their service.

99 (c) (i) Local government members who do not receive salary, per diem, or expenses  
100 from the entity that they represent for their service may receive per diem and expenses incurred  
101 in the performance of their official duties at the rates established by the Division of Finance  
102 under Sections 63A-3-106 and 63A-3-107.

103 (ii) Local government members may decline to receive per diem and expenses for their  
104 service.

105 Section 3. Section **9-3-503** is enacted to read:

106 **9-3-503. Executive director -- Powers and duties.**

107 (1) The members shall appoint an executive director who shall be an employee of the  
108 authority, but who may not be a member of the authority, and who shall serve at the pleasure of  
109 the members and receive compensation as set by the members and approved by the governor.

110 (2) The executive director shall:

111 (a) administer, manage, and direct the affairs and activities of the authority in  
112 accordance with the policies, control, and direction of the members;

113 (b) approve all accounts for allowable expenses of the authority or of any of its  
114 employees and expenses incidental to the operation of the authority;

115 (c) attend the meetings of the authority;

116 (d) keep a record of the proceedings of the authority;

117 (e) maintain and be custodian of all books, documents, and papers filed with the  
118 authority; and

119 (f) perform other duties as directed by the members in carrying out the purposes of this  
120 part.

121 Section 4. Section **9-3-504** is enacted to read:

122 **9-3-504. Member or employee -- Disclosure of interest.**

123 Any member or employee of the authority who has, will have, or later acquires an  
124 interest, direct or indirect, in any transaction with the authority shall immediately disclose the  
125 nature and extent of that interest in writing to the authority as soon as the member or employee  
126 has knowledge of the actual or prospective interest. This disclosure shall be entered upon the  
127 minutes of the authority. Upon this disclosure that member or employee may participate in any  
128 action by the authority authorizing the transaction.

129 Section 5. Section **9-3-505** is enacted to read:

130 **9-3-505. Officer or employee -- No forfeiture of office or employment.**

131 Notwithstanding the provisions of any other law, no officer or employee of this state  
132 shall be considered to have forfeited or shall forfeit an officer's or employee's office or  
133 employment by reason of acceptance of membership on the authority or service on it.

134 Section 6. Section **9-3-506** is enacted to read:

135 **9-3-506. Authority -- Powers.**

136 (1) The authority shall operate and maintain a scenic and historic railroad in and  
137 around the Heber Valley.

138 (2) The authority has perpetual succession as a body politic and corporate and may:

139 (a) adopt, amend, and repeal rules, policies, and procedures for the regulation of its  
140 affairs and the conduct of its business;

141 (b) sue and be sued in its own name;

142 (c) maintain an office at any place or places within this state it may designate;

143 (d) adopt, amend, and repeal bylaws and rules, not inconsistent with this part, to carry  
144 into effect the powers and purposes of the authority and the conduct of its business;

145 (e) purchase, lease, sell, and otherwise dispose of property and rights-of-way;

146 (f) employ experts and other professionals it considers necessary;

147 (g) employ and retain independent legal counsel;

148 (h) make and execute contracts and all other instruments necessary or convenient for  
149 the performance of its duties and the exercise of its duties under this part to operate and

150 maintain a scenic railroad in and around the Heber Valley;

151 (i) procure insurance for liability and against any loss in connection with its property  
152 and other assets in amounts and from insurers it considers desirable;

153 (j) receive appropriation from the Legislature and receive other public moneys and  
154 accept aid or contributions from any source of money, property, labor, or other things of value  
155 to be held, used, and applied to carry out the purposes of this part subject to the conditions  
156 upon which the grants and contributions are made, including, but not limited to, gifts or grants  
157 from any department, agency, or instrumentality of the United States or of this state for any  
158 purpose consistent with this part;

159 (k) enter into agreements with any department, agency, or instrumentality of the United  
160 States or this state for the purpose of providing for the operation and maintenance of a scenic  
161 railway in and around the Heber Valley; and

162 (l) do any act necessary or convenient to the exercise of the powers granted by this part.

163 (3) All monies received by the authority under Subsection (2)(j) and from any other  
164 source shall be for the exclusive use of the authority to operate, maintain, improve, and provide  
165 for a scenic and historic railway in and around the Heber Valley. The monies received by the  
166 authority may not be used for any other purpose or by any other entity.

167 Section 7. Section **9-3-507** is enacted to read:

168 **9-3-507. Notes, bonds, other obligation -- Not debt liability -- Expenses payable**  
169 **from funds provided -- Agency without authority to incur liability on behalf of state.**

170 (1) An obligation or liability of the authority does not constitute a debt or liability of  
171 this state or of any of its political subdivisions nor does any obligation or liability constitute the  
172 loaning of credit of the state or of any of its political subdivisions nor may any obligation or  
173 liability of the authority be payable from funds other than those of the authority. All  
174 obligations of the authority shall contain a statement to the effect that the authority is obligated  
175 to pay them solely from the revenues or other funds of the authority and that this state or its  
176 political subdivisions are not obligated to pay them and that neither the faith and credit nor the  
177 taxing power of this state or any of its political subdivisions is pledged to the payment of them.

178 (2) All expenses incurred in carrying out this part shall be payable solely from funds of  
179 the authority provided under this part, and nothing in this part may be construed to authorize  
180 the authority to incur indebtedness or liability on behalf of or payable by this state or any of its

181 political subdivisions.

182 Section 8. Section **9-3-508** is enacted to read:

183 **9-3-508. Relation to certain acts.**

184 (1) The authority is exempt from:

185 (a) Title 51, Chapter 5, Funds Consolidation Act;

186 (b) Title 63A, Utah Administrative Services Code;

187 (c) Title 63G, Chapter 6, Utah Procurement Code;

188 (d) Title 63J, Chapter 1, Budgetary Procedures Act; and

189 (e) Title 67, Chapter 19, Utah State Personnel Management Act.

190 (2) The authority shall be subject to audit by the state auditor pursuant to Title 67,

191 Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15.

192 Section 9. Section **9-3-509** is enacted to read:

193 **9-3-509. Duty to maintain rails.**

194 The authority shall maintain the rails, bed, right-of-way, and related property upon

195 which the authority's train shall operate in compliance with state and federal statutes, rules, and

196 regulations.

197 Section 10. Section **9-3-510** is enacted to read:

198 **9-3-510. Lease of rails from Department of Transportation and Division of Parks**  
199 **and Recreation.**

200 The Department of Transportation and the Division of Parks and Recreation shall

201 jointly lease the rails, bed, right-of-way, and related property for not more than \$1 per year to

202 the authority.

203 Section 11. Section **9-3-511** is enacted to read:

204 **9-3-511. Sales tax exemption.**

205 The authority and its operators are exempt from sales and use tax imposed under Title

206 59, Chapter 12, Sales and Use Tax Act, for their purchases and sales.

207 Section 12. Section **59-12-104** is amended to read:

208 **59-12-104. Exemptions.**

209 The following sales and uses are exempt from the taxes imposed by this chapter:

210 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax

211 under Chapter 13, Motor and Special Fuel Tax Act;

212 (2) sales to the state, its institutions, and its political subdivisions; however, this  
213 exemption does not apply to sales of:  
214 (a) construction materials except:  
215 (i) construction materials purchased by or on behalf of institutions of the public  
216 education system as defined in Utah Constitution Article X, Section 2, provided the  
217 construction materials are clearly identified and segregated and installed or converted to real  
218 property which is owned by institutions of the public education system; and  
219 (ii) construction materials purchased by the state, its institutions, or its political  
220 subdivisions which are installed or converted to real property by employees of the state, its  
221 institutions, or its political subdivisions; or  
222 (b) tangible personal property in connection with the construction, operation,  
223 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities  
224 providing additional project capacity, as defined in Section 11-13-103;  
225 (3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:  
226 (i) the proceeds of each sale do not exceed \$1; and  
227 (ii) the seller or operator of the vending machine reports an amount equal to 150% of  
228 the cost of the item described in Subsection (3)(b) as goods consumed; and  
229 (b) Subsection (3)(a) applies to:  
230 (i) food and food ingredients; or  
231 (ii) prepared food;  
232 (4) (a) sales of the following to a commercial airline carrier for in-flight consumption:  
233 (i) alcoholic beverages;  
234 (ii) food and food ingredients; or  
235 (iii) prepared food;  
236 (b) sales of tangible personal property or a product transferred electronically:  
237 (i) to a passenger;  
238 (ii) by a commercial airline carrier; and  
239 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or  
240 (c) services related to Subsection (4)(a) or (b);  
241 (5) (a) (i) beginning on July 1, 2008, and ending on September 30, 2008, sales of parts  
242 and equipment:

243 (A) (I) by an establishment described in NAICS Code 336411 or 336412 of the 2002  
244 North American Industry Classification System of the federal Executive Office of the  
245 President, Office of Management and Budget; and

246 (II) for:

247 (Aa) installation in an aircraft, including services relating to the installation of parts or  
248 equipment in the aircraft;

249 (Bb) renovation of an aircraft; or

250 (Cc) repair of an aircraft; or

251 (B) for installation in an aircraft operated by a common carrier in interstate or foreign  
252 commerce; or

253 (ii) beginning on October 1, 2008, sales of parts and equipment for installation in an  
254 aircraft operated by a common carrier in interstate or foreign commerce; and

255 (b) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,  
256 a person may claim the exemption allowed by Subsection (5)(a)(i)(B) for a sale by filing for a  
257 refund:

258 (i) if the sale is made on or after July 1, 2008, but on or before September 30, 2008;

259 (ii) as if Subsection (5)(a)(i)(B) were in effect on the day on which the sale is made;

260 (iii) if the person did not claim the exemption allowed by Subsection (5)(a)(i)(B) for  
261 the sale prior to filing for the refund;

262 (iv) for sales and use taxes paid under this chapter on the sale;

263 (v) in accordance with Section 59-1-1410; and

264 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if  
265 the person files for the refund on or before September 30, 2011;

266 (6) sales of commercials, motion picture films, prerecorded audio program tapes or  
267 records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture  
268 exhibitor, distributor, or commercial television or radio broadcaster;

269 (7) (a) subject to Subsection (7)(b), sales of cleaning or washing of tangible personal  
270 property if the cleaning or washing of the tangible personal property is not assisted cleaning or  
271 washing of tangible personal property;

272 (b) if a seller that sells at the same business location assisted cleaning or washing of  
273 tangible personal property and cleaning or washing of tangible personal property that is not

274 assisted cleaning or washing of tangible personal property, the exemption described in  
275 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning  
276 or washing of the tangible personal property; and

277 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3,  
278 Utah Administrative Rulemaking Act, the commission may make rules:

279 (i) governing the circumstances under which sales are at the same business location;  
280 and

281 (ii) establishing the procedures and requirements for a seller to separately account for  
282 sales of assisted cleaning or washing of tangible personal property;

283 (8) sales made to or by religious or charitable institutions in the conduct of their regular  
284 religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are  
285 fulfilled;

286 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of  
287 this state if the vehicle is:

288 (a) not registered in this state; and

289 (b) (i) not used in this state; or

290 (ii) used in this state:

291 (A) if the vehicle is not used to conduct business, for a time period that does not  
292 exceed the longer of:

293 (I) 30 days in any calendar year; or

294 (II) the time period necessary to transport the vehicle to the borders of this state; or

295 (B) if the vehicle is used to conduct business, for the time period necessary to transport  
296 the vehicle to the borders of this state;

297 (10) (a) amounts paid for an item described in Subsection (10)(b) if:

298 (i) the item is intended for human use; and

299 (ii) (A) a prescription was issued for the item; or

300 (B) the item was purchased by a hospital or other medical facility; and

301 (b) (i) Subsection (10)(a) applies to:

302 (A) a drug;

303 (B) a syringe; or

304 (C) a stoma supply; and

305 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
306 commission may by rule define the terms:

307 (A) "syringe"; or

308 (B) "stoma supply";

309 (11) sales or use of property, materials, or services used in the construction of or  
310 incorporated in pollution control facilities allowed by Sections 19-2-123 through 19-2-127;

311 (12) (a) sales of an item described in Subsection (12)(c) served by:

312 (i) the following if the item described in Subsection (12)(c) is not available to the  
313 general public:

314 (A) a church; or

315 (B) a charitable institution;

316 (ii) an institution of higher education if:

317 (A) the item described in Subsection (12)(c) is not available to the general public; or

318 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan  
319 offered by the institution of higher education; or

320 (b) sales of an item described in Subsection (12)(c) provided for a patient by:

321 (i) a medical facility; or

322 (ii) a nursing facility; and

323 (c) Subsections (12)(a) and (b) apply to:

324 (i) food and food ingredients;

325 (ii) prepared food; or

326 (iii) alcoholic beverages;

327 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property  
328 or a product transferred electronically by a person:

329 (i) regardless of the number of transactions involving the sale of that tangible personal  
330 property or product transferred electronically by that person; and

331 (ii) not regularly engaged in the business of selling that type of tangible personal  
332 property or product transferred electronically;

333 (b) this Subsection (13) does not apply if:

334 (i) the sale is one of a series of sales of a character to indicate that the person is  
335 regularly engaged in the business of selling that type of tangible personal property or product

336 transferred electronically;

337 (ii) the person holds that person out as regularly engaged in the business of selling that  
338 type of tangible personal property or product transferred electronically;

339 (iii) the person sells an item of tangible personal property or product transferred  
340 electronically that the person purchased as a sale that is exempt under Subsection (25); or

341 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of  
342 this state in which case the tax is based upon:

343 (A) the bill of sale or other written evidence of value of the vehicle or vessel being  
344 sold; or

345 (B) in the absence of a bill of sale or other written evidence of value, the fair market  
346 value of the vehicle or vessel being sold at the time of the sale as determined by the  
347 commission; and

348 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
349 commission shall make rules establishing the circumstances under which:

350 (i) a person is regularly engaged in the business of selling a type of tangible personal  
351 property or product transferred electronically;

352 (ii) a sale of tangible personal property or a product transferred electronically is one of  
353 a series of sales of a character to indicate that a person is regularly engaged in the business of  
354 selling that type of tangible personal property or product transferred electronically; or

355 (iii) a person holds that person out as regularly engaged in the business of selling a type  
356 of tangible personal property or product transferred electronically;

357 (14) (a) except as provided in Subsection (14)(b), amounts paid or charged on or after  
358 July 1, 2006, for a purchase or lease by a manufacturing facility except for a cogeneration  
359 facility, for the following:

360 (i) machinery and equipment that:

361 (A) are used:

362 (I) for a manufacturing facility except for a manufacturing facility that is a scrap  
363 recycler described in Subsection 59-12-102(52)(b):

364 (Aa) in the manufacturing process;

365 (Bb) to manufacture an item sold as tangible personal property; and

366 (Cc) beginning on July 1, 2009, in a manufacturing facility described in this Subsection

367 (14)(a)(i)(A)(I) in the state; or  
368 (II) for a manufacturing facility that is a scrap recycler described in Subsection  
369 59-12-102(52)(b):  
370 (Aa) to process an item sold as tangible personal property; and  
371 (Bb) beginning on July 1, 2009, in a manufacturing facility described in this Subsection  
372 (14)(a)(i)(A)(II) in the state; and  
373 (B) have an economic life of three or more years; and  
374 (ii) normal operating repair or replacement parts that:  
375 (A) have an economic life of three or more years; and  
376 (B) are used:  
377 (I) for a manufacturing facility except for a manufacturing facility that is a scrap  
378 recycler described in Subsection 59-12-102(52)(b):  
379 (Aa) in the manufacturing process; and  
380 (Bb) in a manufacturing facility described in this Subsection (14)(a)(ii)(B)(I) in the  
381 state; or  
382 (II) for a manufacturing facility that is a scrap recycler described in Subsection  
383 59-12-102(52)(b):  
384 (Aa) to process an item sold as tangible personal property; and  
385 (Bb) in a manufacturing facility described in this Subsection (14)(a)(ii)(B)(II) in the  
386 state;  
387 (b) amounts paid or charged on or after July 1, 2005, for a purchase or lease by a  
388 manufacturing facility that is a cogeneration facility placed in service on or after May 1, 2006,  
389 for the following:  
390 (i) machinery and equipment that:  
391 (A) are used:  
392 (I) in the manufacturing process;  
393 (II) to manufacture an item sold as tangible personal property; and  
394 (III) beginning on July 1, 2009, in a manufacturing facility described in this Subsection  
395 (14)(b) in the state; and  
396 (B) have an economic life of three or more years; and  
397 (ii) normal operating repair or replacement parts that:

398 (A) are used:  
399 (I) in the manufacturing process; and  
400 (II) in a manufacturing facility described in this Subsection (14)(b) in the state; and  
401 (B) have an economic life of three or more years;  
402 (c) amounts paid or charged for a purchase or lease made on or after January 1, 2008,  
403 by an establishment described in NAICS Subsector 212, Mining (except Oil and Gas), or  
404 NAICS Code 213113, Support Activities for Coal Mining, 213114, Support Activities for  
405 Metal Mining, or 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining,  
406 of the 2002 North American Industry Classification System of the federal Executive Office of  
407 the President, Office of Management and Budget:  
408 (i) machinery and equipment that:  
409 (A) are used:  
410 (I) (Aa) in the production process, other than the production of real property; or  
411 (Bb) in research and development; and  
412 (II) beginning on July 1, 2009, in an establishment described in this Subsection (14)(c)  
413 in the state; and  
414 (B) have an economic life of three or more years; and  
415 (ii) normal operating repair or replacement parts that:  
416 (A) have an economic life of three or more years; and  
417 (B) are used in:  
418 (I) (Aa) the production process, except for the production of real property; and  
419 (Bb) an establishment described in this Subsection (14)(c) in the state; or  
420 (II) (Aa) research and development; and  
421 (Bb) in an establishment described in this Subsection (14)(c) in the state;  
422 (d) for purposes of this Subsection (14) and in accordance with Title 63G, Chapter 3,  
423 Utah Administrative Rulemaking Act, the commission:  
424 (i) shall by rule define the term "establishment"; and  
425 (ii) may by rule define what constitutes:  
426 (A) processing an item sold as tangible personal property;  
427 (B) the production process, except for the production of real property; or  
428 (C) research and development; and

429 (e) on or before October 1, 2011, and every five years after October 1, 2011, the  
430 commission shall:

431 (i) review the exemptions described in this Subsection (14) and make  
432 recommendations to the Revenue and Taxation Interim Committee concerning whether the  
433 exemptions should be continued, modified, or repealed; and

434 (ii) include in its report:

435 (A) an estimate of the cost of the exemptions;

436 (B) the purpose and effectiveness of the exemptions; and

437 (C) the benefits of the exemptions to the state;

438 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:

439 (i) tooling;

440 (ii) special tooling;

441 (iii) support equipment;

442 (iv) special test equipment; or

443 (v) parts used in the repairs or renovations of tooling or equipment described in

444 Subsections (15)(a)(i) through (iv); and

445 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

446 (i) the tooling, equipment, or parts are used or consumed exclusively in the

447 performance of any aerospace or electronics industry contract with the United States

448 government or any subcontract under that contract; and

449 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),

450 title to the tooling, equipment, or parts is vested in the United States government as evidenced

451 by:

452 (A) a government identification tag placed on the tooling, equipment, or parts; or

453 (B) listing on a government-approved property record if placing a government

454 identification tag on the tooling, equipment, or parts is impractical;

455 (16) sales of newspapers or newspaper subscriptions;

456 (17) (a) except as provided in Subsection (17)(b), tangible personal property or a

457 product transferred electronically traded in as full or part payment of the purchase price, except

458 that for purposes of calculating sales or use tax upon vehicles not sold by a vehicle dealer,

459 trade-ins are limited to other vehicles only, and the tax is based upon:

460 (i) the bill of sale or other written evidence of value of the vehicle being sold and the  
461 vehicle being traded in; or

462 (ii) in the absence of a bill of sale or other written evidence of value, the then existing  
463 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the  
464 commission; and

465 (b) notwithstanding Subsection (17)(a), Subsection (17)(a) does not apply to the  
466 following items of tangible personal property or products transferred electronically traded in as  
467 full or part payment of the purchase price:

468 (i) money;

469 (ii) electricity;

470 (iii) water;

471 (iv) gas; or

472 (v) steam;

473 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property  
474 or a product transferred electronically used or consumed primarily and directly in farming  
475 operations, regardless of whether the tangible personal property or product transferred  
476 electronically:

477 (A) becomes part of real estate; or

478 (B) is installed by a:

479 (I) farmer;

480 (II) contractor; or

481 (III) subcontractor; or

482 (ii) sales of parts used in the repairs or renovations of tangible personal property or a  
483 product transferred electronically if the tangible personal property or product transferred  
484 electronically is exempt under Subsection (18)(a)(i); and

485 (b) notwithstanding Subsection (18)(a), amounts paid or charged for the following are  
486 subject to the taxes imposed by this chapter:

487 (i) (A) subject to Subsection (18)(b)(i)(B), the following if used in a manner that is  
488 incidental to farming:

489 (I) machinery;

490 (II) equipment;

491 (III) materials; or  
492 (IV) supplies; and  
493 (B) tangible personal property that is considered to be used in a manner that is  
494 incidental to farming includes:  
495 (I) hand tools; or  
496 (II) maintenance and janitorial equipment and supplies;  
497 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product  
498 transferred electronically if the tangible personal property or product transferred electronically  
499 is used in an activity other than farming; and  
500 (B) tangible personal property or a product transferred electronically that is considered  
501 to be used in an activity other than farming includes:  
502 (I) office equipment and supplies; or  
503 (II) equipment and supplies used in:  
504 (Aa) the sale or distribution of farm products;  
505 (Bb) research; or  
506 (Cc) transportation; or  
507 (iii) a vehicle required to be registered by the laws of this state during the period  
508 ending two years after the date of the vehicle's purchase;  
509 (19) sales of hay;  
510 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or  
511 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or  
512 garden, farm, or other agricultural produce is sold by:  
513 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other  
514 agricultural produce;  
515 (b) an employee of the producer described in Subsection (20)(a); or  
516 (c) a member of the immediate family of the producer described in Subsection (20)(a);  
517 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued  
518 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;;  
519 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,  
520 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,  
521 wholesaler, or retailer for use in packaging tangible personal property to be sold by that

522 manufacturer, processor, wholesaler, or retailer;

523 (23) a product stored in the state for resale;

524 (24) (a) purchases of a product if:

525 (i) the product is:

526 (A) purchased outside of this state;

527 (B) brought into this state:

528 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and

529 (II) by a nonresident person who is not living or working in this state at the time of the

530 purchase;

531 (C) used for the personal use or enjoyment of the nonresident person described in

532 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state; and

533 (D) not used in conducting business in this state; and

534 (ii) for:

535 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use of

536 the product for a purpose for which the product is designed occurs outside of this state;

537 (B) a boat, the boat is registered outside of this state; or

538 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered

539 outside of this state;

540 (b) the exemption provided for in Subsection (24)(a) does not apply to:

541 (i) a lease or rental of a product; or

542 (ii) a sale of a vehicle exempt under Subsection (33); and

543 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for

544 purposes of Subsection (24)(a), the commission may by rule define what constitutes the

545 following:

546 (i) conducting business in this state if that phrase has the same meaning in this

547 Subsection (24) as in Subsection (63);

548 (ii) the first use of a product if that phrase has the same meaning in this Subsection (24)

549 as in Subsection (63); or

550 (iii) a purpose for which a product is designed if that phrase has the same meaning in

551 this Subsection (24) as in Subsection (63);

552 (25) a product purchased for resale in this state, in the regular course of business, either

553 in its original form or as an ingredient or component part of a manufactured or compounded  
554 product;

555 (26) a product upon which a sales or use tax was paid to some other state, or one of its  
556 subdivisions, except that the state shall be paid any difference between the tax paid and the tax  
557 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if  
558 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax  
559 Act;

560 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a  
561 person for use in compounding a service taxable under the subsections;

562 (28) purchases made in accordance with the special supplemental nutrition program for  
563 women, infants, and children established in 42 U.S.C. Sec. 1786;

564 (29) beginning on July 1, 1999, through June 30, 2014, sales or leases of rolls, rollers,  
565 refractory brick, electric motors, or other replacement parts used in the furnaces, mills, or ovens  
566 of a steel mill described in SIC Code 3312 of the 1987 Standard Industrial Classification  
567 Manual of the federal Executive Office of the President, Office of Management and Budget;

568 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State  
569 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard motor is:

570 (a) not registered in this state; and

571 (b) (i) not used in this state; or

572 (ii) used in this state:

573 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for a  
574 time period that does not exceed the longer of:

575 (I) 30 days in any calendar year; or

576 (II) the time period necessary to transport the boat, boat trailer, or outboard motor to  
577 the borders of this state; or

578 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the time  
579 period necessary to transport the boat, boat trailer, or outboard motor to the borders of this  
580 state;

581 (31) sales of aircraft manufactured in Utah;

582 (32) amounts paid for the purchase of telecommunications service for purposes of  
583 providing telecommunications service;

- 584 (33) sales, leases, or uses of the following:
- 585 (a) a vehicle by an authorized carrier; or
- 586 (b) tangible personal property that is installed on a vehicle:
- 587 (i) sold or leased to or used by an authorized carrier; and
- 588 (ii) before the vehicle is placed in service for the first time;
- 589 (34) (a) 45% of the sales price of any new manufactured home; and
- 590 (b) 100% of the sales price of any used manufactured home;
- 591 (35) sales relating to schools and fundraising sales;
- 592 (36) sales or rentals of durable medical equipment if:
- 593 (a) a person presents a prescription for the durable medical equipment; and
- 594 (b) the durable medical equipment is used for home use only;
- 595 (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
- 596 Section 72-11-102; and
- 597 (b) the commission shall by rule determine the method for calculating sales exempt
- 598 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;
- 599 (38) sales to a ski resort of:
- 600 (a) snowmaking equipment;
- 601 (b) ski slope grooming equipment;
- 602 (c) passenger ropeways as defined in Section 72-11-102; or
- 603 (d) parts used in the repairs or renovations of equipment or passenger ropeways
- 604 described in Subsections (38)(a) through (c);
- 605 (39) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use;
- 606 (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
- 607 amusement, entertainment, or recreation an unassisted amusement device as defined in Section
- 608 59-12-102;
- 609 (b) if a seller that sells or rents at the same business location the right to use or operate
- 610 for amusement, entertainment, or recreation one or more unassisted amusement devices and
- 611 one or more assisted amusement devices, the exemption described in Subsection (40)(a)
- 612 applies if the seller separately accounts for the sales or rentals of the right to use or operate for
- 613 amusement, entertainment, or recreation for the assisted amusement devices; and
- 614 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3,

615 Utah Administrative Rulemaking Act, the commission may make rules:

616 (i) governing the circumstances under which sales are at the same business location;

617 and

618 (ii) establishing the procedures and requirements for a seller to separately account for  
619 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for  
620 assisted amusement devices;

621 (41) (a) sales of photocopies by:

622 (i) a governmental entity; or

623 (ii) an entity within the state system of public education, including:

624 (A) a school; or

625 (B) the State Board of Education; or

626 (b) sales of publications by a governmental entity;

627 (42) amounts paid for admission to an athletic event at an institution of higher  
628 education that is subject to the provisions of Title IX of the Education Amendments of 1972,  
629 20 U.S.C. Sec. 1681 et seq.;

630 (43) (a) sales made to or by:

631 (i) an area agency on aging; or

632 (ii) a senior citizen center owned by a county, city, or town; or

633 (b) sales made by a senior citizen center that contracts with an area agency on aging;

634 (44) sales or leases of semiconductor fabricating, processing, research, or development  
635 materials regardless of whether the semiconductor fabricating, processing, research, or  
636 development materials:

637 (a) actually come into contact with a semiconductor; or

638 (b) ultimately become incorporated into real property;

639 (45) an amount paid by or charged to a purchaser for accommodations and services  
640 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section  
641 59-12-104.2;

642 (46) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary  
643 sports event registration certificate in accordance with Section 41-3-306 for the event period  
644 specified on the temporary sports event registration certificate;

645 (47) sales or uses of electricity, if the sales or uses are:

646 (a) made under a tariff adopted by the Public Service Commission of Utah only for  
647 purchase of electricity produced from a new wind, geothermal, biomass, or solar power energy  
648 source, as designated in the tariff by the Public Service Commission of Utah; and

649 (b) for an amount of electricity that is:

650 (i) unrelated to the amount of electricity used by the person purchasing the electricity  
651 under the tariff described in Subsection (47)(a); and

652 (ii) equivalent to the number of kilowatthours specified in the tariff described in  
653 Subsection (47)(a) that may be purchased under the tariff described in Subsection (47)(a);

654 (48) sales or rentals of mobility enhancing equipment if a person presents a  
655 prescription for the mobility enhancing equipment;

656 (49) sales of water in a:

657 (a) pipe;

658 (b) conduit;

659 (c) ditch; or

660 (d) reservoir;

661 (50) sales of currency or coinage that constitute legal tender of the United States or of a  
662 foreign nation;

663 (51) (a) sales of an item described in Subsection (51)(b) if the item:

664 (i) does not constitute legal tender of any nation; and

665 (ii) has a gold, silver, or platinum content of 80% or more; and

666 (b) Subsection (51)(a) applies to a gold, silver, or platinum:

667 (i) ingot;

668 (ii) bar;

669 (iii) medallion; or

670 (iv) decorative coin;

671 (52) amounts paid on a sale-leaseback transaction;

672 (53) sales of a prosthetic device:

673 (a) for use on or in a human; and

674 (b) (i) for which a prescription is required; or

675 (ii) if the prosthetic device is purchased by a hospital or other medical facility;

676 (54) (a) except as provided in Subsection (54)(b), purchases, leases, or rentals of

677 machinery or equipment by an establishment described in Subsection (54)(c) if the machinery  
678 or equipment is primarily used in the production or postproduction of the following media for  
679 commercial distribution:

- 680 (i) a motion picture;
- 681 (ii) a television program;
- 682 (iii) a movie made for television;
- 683 (iv) a music video;
- 684 (v) a commercial;
- 685 (vi) a documentary; or
- 686 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the

687 commission by administrative rule made in accordance with Subsection (54)(d); or

- 688 (b) notwithstanding Subsection (54)(a), purchases, leases, or rentals of machinery or  
689 equipment by an establishment described in Subsection (54)(c) that is used for the production  
690 or postproduction of the following are subject to the taxes imposed by this chapter:

- 691 (i) a live musical performance;
- 692 (ii) a live news program; or
- 693 (iii) a live sporting event;
- 694 (c) the following establishments listed in the 1997 North American Industry  
695 Classification System of the federal Executive Office of the President, Office of Management  
696 and Budget, apply to Subsections (54)(a) and (b):

- 697 (i) NAICS Code 512110; or
  - 698 (ii) NAICS Code 51219; and
  - 699 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
700 commission may by rule:
- 701 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);
  - 702 or
  - 703 (ii) define:
- 704 (A) "commercial distribution";
  - 705 (B) "live musical performance";
  - 706 (C) "live news program"; or
  - 707 (D) "live sporting event";

708 (55) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on  
709 or before June 30, 2019, of machinery or equipment that:

710 (i) is leased or purchased for or by a facility that:

711 (A) is a renewable energy production facility;

712 (B) is located in the state; and

713 (C) (I) becomes operational on or after July 1, 2004; or

714 (II) has its generation capacity increased by one or more megawatts on or after July 1,  
715 2004 as a result of the use of the machinery or equipment;

716 (ii) has an economic life of five or more years; and

717 (iii) is used to make the facility or the increase in capacity of the facility described in

718 Subsection (55)(a)(i) operational up to the point of interconnection with an existing

719 transmission grid including:

720 (A) a wind turbine;

721 (B) generating equipment;

722 (C) a control and monitoring system;

723 (D) a power line;

724 (E) substation equipment;

725 (F) lighting;

726 (G) fencing;

727 (H) pipes; or

728 (I) other equipment used for locating a power line or pole; and

729 (b) this Subsection (55) does not apply to:

730 (i) machinery or equipment used in construction of:

731 (A) a new renewable energy production facility; or

732 (B) the increase in the capacity of a renewable energy production facility;

733 (ii) contracted services required for construction and routine maintenance activities;

734 and

735 (iii) unless the machinery or equipment is used or acquired for an increase in capacity

736 of the facility described in Subsection (55)(a)(i)(C)(II), machinery or equipment used or

737 acquired after:

738 (A) the renewable energy production facility described in Subsection (55)(a)(i) is

739 operational as described in Subsection (55)(a)(iii); or  
740 (B) the increased capacity described in Subsection (55)(a)(i) is operational as described  
741 in Subsection (55)(a)(iii);  
742 (56) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on  
743 or before June 30, 2019, of machinery or equipment that:  
744 (i) is leased or purchased for or by a facility that:  
745 (A) is a waste energy production facility;  
746 (B) is located in the state; and  
747 (C) (I) becomes operational on or after July 1, 2004; or  
748 (II) has its generation capacity increased by one or more megawatts on or after July 1,  
749 2004 as a result of the use of the machinery or equipment;  
750 (ii) has an economic life of five or more years; and  
751 (iii) is used to make the facility or the increase in capacity of the facility described in  
752 Subsection (56)(a)(i) operational up to the point of interconnection with an existing  
753 transmission grid including:  
754 (A) generating equipment;  
755 (B) a control and monitoring system;  
756 (C) a power line;  
757 (D) substation equipment;  
758 (E) lighting;  
759 (F) fencing;  
760 (G) pipes; or  
761 (H) other equipment used for locating a power line or pole; and  
762 (b) this Subsection (56) does not apply to:  
763 (i) machinery or equipment used in construction of:  
764 (A) a new waste energy facility; or  
765 (B) the increase in the capacity of a waste energy facility;  
766 (ii) contracted services required for construction and routine maintenance activities;  
767 and  
768 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
769 described in Subsection (56)(a)(i)(C)(II), machinery or equipment used or acquired after:

770 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as  
771 described in Subsection (56)(a)(iii); or

772 (B) the increased capacity described in Subsection (56)(a)(i) is operational as described  
773 in Subsection (56)(a)(iii);

774 (57) (a) leases of five or more years or purchases made on or after July 1, 2004 but on  
775 or before June 30, 2019, of machinery or equipment that:

776 (i) is leased or purchased for or by a facility that:

777 (A) is located in the state;

778 (B) produces fuel from biomass energy including:

779 (I) methanol; or

780 (II) ethanol; and

781 (C) (I) becomes operational on or after July 1, 2004; or

782 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004 as  
783 a result of the installation of the machinery or equipment;

784 (ii) has an economic life of five or more years; and

785 (iii) is installed on the facility described in Subsection (57)(a)(i);

786 (b) this Subsection (57) does not apply to:

787 (i) machinery or equipment used in construction of:

788 (A) a new facility described in Subsection (57)(a)(i); or

789 (B) the increase in capacity of the facility described in Subsection (57)(a)(i); or

790 (ii) contracted services required for construction and routine maintenance activities;

791 and

792 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
793 described in Subsection (57)(a)(i)(C)(II), machinery or equipment used or acquired after:

794 (A) the facility described in Subsection (57)(a)(i) is operational; or

795 (B) the increased capacity described in Subsection (57)(a)(i) is operational;

796 (58) (a) subject to Subsection (58)(b) or (c), sales of tangible personal property or a  
797 product transferred electronically to a person within this state if that tangible personal property  
798 or product transferred electronically is subsequently shipped outside the state and incorporated  
799 pursuant to contract into and becomes a part of real property located outside of this state;

800 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other

801 state or political entity to which the tangible personal property is shipped imposes a sales, use,  
802 gross receipts, or other similar transaction excise tax on the transaction against which the other  
803 state or political entity allows a credit for sales and use taxes imposed by this chapter; and

804 (c) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,  
805 a person may claim the exemption allowed by this Subsection (58) for a sale by filing for a  
806 refund:

807 (i) if the sale is made on or after July 1, 2004, but on or before June 30, 2008;

808 (ii) as if this Subsection (58) as in effect on July 1, 2008, were in effect on the day on  
809 which the sale is made;

810 (iii) if the person did not claim the exemption allowed by this Subsection (58) for the  
811 sale prior to filing for the refund;

812 (iv) for sales and use taxes paid under this chapter on the sale;

813 (v) in accordance with Section 59-1-1410; and

814 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if  
815 the person files for the refund on or before June 30, 2011;

816 (59) purchases:

817 (a) of one or more of the following items in printed or electronic format:

818 (i) a list containing information that includes one or more:

819 (A) names; or

820 (B) addresses; or

821 (ii) a database containing information that includes one or more:

822 (A) names; or

823 (B) addresses; and

824 (b) used to send direct mail;

825 (60) redemptions or repurchases of a product by a person if that product was:

826 (a) delivered to a pawnbroker as part of a pawn transaction; and

827 (b) redeemed or repurchased within the time period established in a written agreement  
828 between the person and the pawnbroker for redeeming or repurchasing the product;

829 (61) (a) purchases or leases of an item described in Subsection (61)(b) if the item:

830 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;

831 and

832 (ii) has a useful economic life of one or more years; and  
833 (b) the following apply to Subsection (61)(a):  
834 (i) telecommunications enabling or facilitating equipment, machinery, or software;  
835 (ii) telecommunications equipment, machinery, or software required for 911 service;  
836 (iii) telecommunications maintenance or repair equipment, machinery, or software;  
837 (iv) telecommunications switching or routing equipment, machinery, or software; or  
838 (v) telecommunications transmission equipment, machinery, or software;  
839 (62) (a) beginning on July 1, 2006, and ending on June 30, 2016, purchases of tangible  
840 personal property or a product transferred electronically that are used in the research and  
841 development of coal-to-liquids, oil shale, or tar sands technology; and  
842 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
843 commission may, for purposes of Subsection (62)(a), make rules defining what constitutes  
844 purchases of tangible personal property or a product transferred electronically that are used in  
845 the research and development of coal-to-liquids, oil shale, and tar sands technology;  
846 (63) (a) purchases of tangible personal property or a product transferred electronically  
847 if:  
848 (i) the tangible personal property or product transferred electronically is:  
849 (A) purchased outside of this state;  
850 (B) brought into this state at any time after the purchase described in Subsection  
851 (63)(a)(i)(A); and  
852 (C) used in conducting business in this state; and  
853 (ii) for:  
854 (A) tangible personal property or a product transferred electronically other than the  
855 tangible personal property described in Subsection (63)(a)(ii)(B), the first use of the property  
856 for a purpose for which the property is designed occurs outside of this state; or  
857 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered  
858 outside of this state;  
859 (b) the exemption provided for in Subsection (63)(a) does not apply to:  
860 (i) a lease or rental of tangible personal property or a product transferred electronically;  
861 or  
862 (ii) a sale of a vehicle exempt under Subsection (33); and

863 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for  
864 purposes of Subsection (63)(a), the commission may by rule define what constitutes the  
865 following:

866 (i) conducting business in this state if that phrase has the same meaning in this  
867 Subsection (63) as in Subsection (24);

868 (ii) the first use of tangible personal property or a product transferred electronically if  
869 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or

870 (iii) a purpose for which tangible personal property or a product transferred  
871 electronically is designed if that phrase has the same meaning in this Subsection (63) as in  
872 Subsection (24);

873 (64) sales of disposable home medical equipment or supplies if:

874 (a) a person presents a prescription for the disposable home medical equipment or  
875 supplies;

876 (b) the disposable home medical equipment or supplies are used exclusively by the  
877 person to whom the prescription described in Subsection (64)(a) is issued; and

878 (c) the disposable home medical equipment and supplies are listed as eligible for  
879 payment under:

880 (i) Title XVIII, federal Social Security Act; or

881 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;

882 (65) sales:

883 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit  
884 District Act; or

885 (b) of tangible personal property to a subcontractor of a public transit district, if the  
886 tangible personal property is:

887 (i) clearly identified; and

888 (ii) installed or converted to real property owned by the public transit district;

889 (66) sales of construction materials:

890 (a) purchased on or after July 1, 2010;

891 (b) purchased by, on behalf of, or for the benefit of an international airport:

892 (i) located within a county of the first class; and

893 (ii) that has a United States customs office on its premises; and

894 (c) if the construction materials are:  
895 (i) clearly identified;  
896 (ii) segregated; and  
897 (iii) installed or converted to real property:  
898 (A) owned or operated by the international airport described in Subsection (66)(b); and  
899 (B) located at the international airport described in Subsection (66)(b);  
900 (67) sales of construction materials:  
901 (a) purchased on or after July 1, 2008;  
902 (b) purchased by, on behalf of, or for the benefit of a new airport:  
903 (i) located within a county of the second class; and  
904 (ii) that is owned or operated by a city in which an airline as defined in Section  
905 59-2-102 is headquartered; and  
906 (c) if the construction materials are:  
907 (i) clearly identified;  
908 (ii) segregated; and  
909 (iii) installed or converted to real property:  
910 (A) owned or operated by the new airport described in Subsection (67)(b);  
911 (B) located at the new airport described in Subsection (67)(b); and  
912 (C) as part of the construction of the new airport described in Subsection (67)(b); ~~and~~  
913 (68) sales of fuel to a common carrier that is a railroad for use in a locomotive  
914 engine~~[-]; and~~  
915 (69) sales described in Section 9-3-511.  
916 Section 13. Section **63I-1-209** is amended to read:  
917 **63I-1-209. Repeal dates, Title 9.**  
918 (1) Title 9, Chapter 1, Part 8, Commission on National and Community Service Act, is  
919 repealed July 1, 2014.  
920 (2) Title 9, Chapter 3, Part ~~[3]~~ 5, Heber Valley Historic Railroad Authority, is repealed  
921 July 1, ~~[2009]~~ 2020.  
922 (3) Title 9, Chapter 4, Part 9, Utah Housing Corporation Act, is repealed July 1, 2016.  
923 Section 14. **Effective date -- Retrospective operation.**  
924 (1) This bill takes effect on May 11, 2010.

925           (2) The amendments to Sections 9-3-511 and 59-12-104 shall have retrospective  
926 operation for taxable periods beginning on or after July 1, 2009.