

Utah Fairpark Area Investment and Restoration District Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill modifies provisions relating to the Utah Fairpark Area Investment and Restoration District.

Highlighted Provisions:

This bill:

- defines terms and modifies definitions;
- broadens permissible uses for a fair park land lease;
- modifies taxing authority provisions related to the fairpark district or a host municipality;
- modifies land use authority provisions relating to land located within the fairpark district;
- enables a public infrastructure district created by the fairpark district to:
 - levy property taxes;
 - use bond proceeds for the development and maintenance of public utility infrastructure; and
 - pay for specified development and improvements;
- provides funding for the fairpark district;
- establishes a process for a member of the fairpark board to annually file a conflict of interest disclosure;
- designates the fairpark district as a qualifying jurisdiction that can receive tax information from the State Tax Commission;
- includes a coordination clause to merge the changes to Section 59-12-103 in this bill and S.B. 27, Motor Vehicle Division Amendments, if both pass and become law; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:**AMENDS:**

11-68-201 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 53, 419

11-70-101 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

11-70-202 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

11-70-204 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

11-70-206 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

11-70-207 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

11-70-304 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

11-70-401 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

11-70-502 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 419

17D-4-203 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 15, 259

51-9-902 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 41

59-1-403 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 25, 35

59-12-103 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapters 88, 501

59-12-352 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 413,
419

59-12-1201 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 274

Utah Code Sections affected by Coordination Clause:

59-12-103, as last amended by Laws of Utah 2024, Chapters 88, 501

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

Section 1. Section **11-68-201** is amended to read:

11-68-201 (Effective 05/07/25). State Fair Park Authority -- Legal status --

Powers.

(1) There is created the State Fair Park Authority.

(2) The authority is:

(a) an independent, nonprofit, separate body corporate and politic, with perpetual succession;

(b) a political subdivision of the state; and

(c) a public corporation, as defined in Section 63E-1-102.

- 62 (3)(a) The fair corporation is dissolved and ceases to exist, subject to any winding down
63 and other actions necessary for a transition to the authority.
- 64 (b) The authority:
- 65 (i) replaces and is the successor to the fair corporation;
- 66 (ii) succeeds to all rights, obligations, privileges, immunities, and assets of the fair
67 corporation; and
- 68 (iii) shall fulfill and perform all contractual and other obligations of the fair
69 corporation.
- 70 (c) The board shall take all actions necessary and appropriate to wind down the affairs of
71 the fair corporation as quickly as practicable and to make a transition from the fair
72 corporation to the authority.
- 73 (4) The authority shall:
- 74 (a) manage, supervise, and control:
- 75 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and
- 76 (ii) except as otherwise provided by statute, all state expositions, including setting the
77 time, place, and purpose of any state exposition;
- 78 (b) for public entertainment, displays, and exhibits or similar events held on fair park
79 land:
- 80 (i) provide, sponsor, or arrange the events;
- 81 (ii) publicize and promote the events; and
- 82 (iii) secure funds to cover the cost of the exhibits from:
- 83 (A) private contributions;
- 84 (B) public appropriations;
- 85 (C) admission charges; and
- 86 (D) other lawful means;
- 87 (c) acquire and designate exposition sites;
- 88 (d) use generally accepted accounting principles in accounting for the authority's assets,
89 liabilities, and operations;
- 90 (e) seek corporate sponsorships for the state fair park or for individual buildings or
91 facilities on fair park land;
- 92 (f) work with county and municipal governments, the Salt Lake Convention and
93 Visitor's Bureau, the Utah Office of Tourism, and other entities to develop and
94 promote expositions and the use of fair park land;
- 95 (g) develop and maintain a marketing program to promote expositions and the use of fair

- 96 park land;
- 97 (h) in accordance with provisions of this chapter, operate and maintain state-owned
- 98 buildings and facilities on fair park land, including the physical appearance and
- 99 structural integrity of those buildings and facilities;
- 100 (i) prepare an economic development plan for the fair park land;
- 101 (j) hold an annual exhibition on fair park land that:
- 102 (i) is called the state fair or a similar name;
- 103 (ii) promotes and highlights agriculture throughout the state;
- 104 (iii) includes expositions of livestock, poultry, agricultural, domestic science,
- 105 horticultural, floricultural, mineral and industrial products, manufactured articles,
- 106 and domestic animals that, in the board's opinion, will best stimulate agricultural,
- 107 industrial, artistic, and educational pursuits and the sharing of talents among the
- 108 people of the state;
- 109 (iv) includes the award of premiums for the best specimens of the exhibited articles
- 110 and animals;
- 111 (v) permits competition by livestock exhibited by citizens of other states and
- 112 territories of the United States; and
- 113 (vi) is arranged according to plans approved by the board;
- 114 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j); and
- 115 (l) publish a list of premiums that will be awarded at the annual exhibition described in
- 116 Subsection (4)(j) for the best specimens of exhibited articles and animals.
- 117 (5) In addition to the annual exhibition described in Subsection (4)(j), the authority may
- 118 hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural,
- 119 floricultural, mineral and industrial products, manufactured articles, and domestic
- 120 animals that, in the authority's opinion, will best stimulate agricultural, industrial,
- 121 artistic, and educational pursuits and the sharing of talents among the people of the state.
- 122 (6) The authority may:
- 123 (a) employ advisers, consultants, and agents, including financial experts and
- 124 independent legal counsel, and fix their compensation;
- 125 (b)(i) participate in the state's Risk Management Fund created under Section
- 126 63A-4-201 or any captive insurance company created by the risk manager; or
- 127 (ii) procure insurance against any loss in connection with the authority's property and
- 128 other assets;
- 129 (c) receive and accept aid or contributions of money, property, labor, or other things of

- 130 value from any source, including any grants or appropriations from any department,
131 agency, or instrumentality of the United States or the state;
- 132 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the
133 purposes of the authority, subject to the conditions, if any, upon which the aid and
134 contributions are made;
- 135 (e) enter into management agreements with any person or entity for the performance of
136 the authority's functions or powers;
- 137 (f) establish accounts and procedures that are necessary to budget, receive, disburse,
138 account for, and audit all funds received, appropriated, or generated;
- 139 (g) subject to Subsection (8) and subject to the powers and responsibilities of the Utah
140 Fairpark Area Investment and Restoration District, created in Section 11-70-201,
141 lease any of the state-owned buildings or facilities located on fair park land;
- 142 (h) sponsor events as approved by the board;
- 143 (i) subject to Subsection (11), acquire any interest in real property that the board
144 considers necessary or advisable to further a purpose of the authority or facilitate the
145 authority's fulfillment of a duty under this chapter;[~~and~~]
- 146 (j) in accordance with [~~Title 11,~~]Chapter 42a, Commercial Property Assessed Clean
147 Energy Act, provide for or finance an energy efficiency upgrade, a clean energy
148 system, or electric vehicle charging infrastructure, as those terms are defined in
149 Section 11-42a-102; and
- 150 (k) enter into one or more agreements with the Utah Fairpark Area Investment and
151 Restoration District, created in Section 11-70-201.
- 152 (7) The authority shall comply with:
- 153 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 154 (b) Title 51, Chapter 7, State Money Management Act;
- 155 (c) Title 52, Chapter 4, Open and Public Meetings Act;
- 156 (d) Title 63G, Chapter 2, Government Records Access and Management Act;
- 157 (e) the provisions of Section 67-3-12;
- 158 (f) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:
- 159 (i) entertainment provided at the state fair park;
- 160 (ii) judges for competitive exhibits; or
- 161 (iii) sponsorship of an event on fair park land; and
- 162 (g) the legislative approval requirements for capital development projects established in
163 Section 63A-5b-404.

(8)(a)~~[(i)]~~ Before the authority executes a lease described in Subsection (6)(g) with a term of 10 or more years and subject to the powers and responsibilities of the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, the authority shall:

~~[(A)]~~ (i) submit the proposed lease to the division for the division's approval or rejection; and

~~[(B)]~~ (ii) if the division approves the proposed lease, submit the proposed lease to the Executive Appropriations Committee for the Executive ~~[Appropriation]~~ Appropriations Committee's review and recommendation in accordance with Subsection (8)(b).

~~[(ii) The authority may not execute a lease under Subsection (6)(g) for any part of fair park land on or after May 1, 2024 unless the lease relates to the agricultural and related exhibit facilities on fair park land.]~~

(b) The Executive Appropriations Committee shall review a proposed lease submitted in accordance with Subsection (8)(a) and recommend to the authority that the authority:

- (i) execute the proposed lease, either as proposed or with changes recommended by the Executive Appropriations Committee; or
- (ii) reject the proposed lease.

(9)(a) Subject to Subsection (9)(b), a department, division, or other instrumentality of the state and a political subdivision of the state shall cooperate with the authority to the fullest extent possible to provide whatever support, information, or other assistance the authority requests that is reasonably necessary to help the authority fulfill the authority's duties and responsibilities under this chapter.

(b) The division shall provide assistance and resources to the authority as the division director determines is appropriate.

(10) The authority may share authority revenue with a municipality in which the fair park land is located, as provided in an agreement between the authority and the municipality, to pay for municipal services provided by the municipality.

(11)(a) As used in this Subsection (11), "new land" means land that, if acquired by the authority, would result in the authority having acquired over three acres of land more than the land described in Subsection 11-68-101(9)(a).

(b) In conjunction with the authority's acquisition of new land, the authority shall enter an agreement with the municipality in which the new land is located.

(c) To provide funds for the cost of increased municipal services that the municipality

will provide to the new land, an agreement under Subsection (11)(b) shall:

(i) provide for:

(A) the payment of impact fees to the municipality for development activity on the new land; and

(B) the authority's sharing with the municipality tax revenue generated from the new land; and

(ii) be structured in a way that recognizes the needs of the authority and furthers mutual goals of the authority and the municipality.

Section 2. Section **11-70-101** is amended to read:

11-70-101 (Effective 05/07/25). Definitions.

As used in this chapter:

- (1) "Base taxable value" means the taxable value of land within the fairpark district boundary as of January 1, 2024, as determined under Subsection 11-70-206(9).
- (2) "Board" means the fairpark district's governing body, created in Section 11-70-301.
- (3) "Designated parcel" means a parcel of land specified in a designation resolution.
- (4) "Designation resolution" means a resolution adopted by the board that designates a transition date for the parcel specified in the resolution.
- (5) "Development" means:
 - (a) the demolition, construction, reconstruction, modification, expansion, or improvement of a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or other facility, including public infrastructure and improvements; and
 - (b) the planning of, arranging for, or participation in any of the activities listed in Subsection (5)(a).
- (6) "Development project" means a project for the development of land within a project area.
- (7) "District sales tax area" means an area described in and established as provided in Subsection 11-70-206(10).
- (8) "Enhanced property tax revenue":
 - (a) means the amount of money that is equal to the difference between:
 - (i) the amount of property tax revenues generated in a tax year by all taxing entities from privately owned land, using the current assessed value of the property; and
 - (ii) the amount of property tax revenues that would be generated in the same tax year by all taxing entities from that same area using the base taxable value of the

- 232 property; and
- 233 (b) does not include property tax revenue from:
- 234 (i) a county additional property tax or multicounty assessing and collecting levy
- 235 imposed in accordance with Section 59-2-1602;
- 236 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330;
- 237 or
- 238 (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general
- 239 obligation bond.
- 240 (9) "Facilities division" means the Division of Facilities Construction and Management,
- 241 created in Section 63A-5b-301.
- 242 (10) "Fair park authority" means the State Fair Park Authority created in Section 11-68-201.
- 243 (11) "Fairpark district" means the Utah Fairpark Area Investment and Restoration District,
- 244 created in Section 11-70-201.
- 245 (12) "Fairpark district boundary" means a line or set of lines that:
- 246 (a) defines the geographic boundary of the fairpark district, consisting of the interior
- 247 space within each polygon described by the line or set of lines; and
- 248 (b) is delineated in the electronic shapefile that is the electronic component of H.B. 562,
- 249 Utah Fairpark Area Investment and Restoration District, 2024 General Session.
- 250 (13) "Fairpark district funds" means money the fairpark district receives from any source,
- 251 including money the fairpark district receives under:
- 252 (a) Sections 10-1-304 and 11-70-205;
- 253 (b) Section 10-1-403;
- 254 (c) Section 11-70-203;
- 255 (d) Section 11-70-204;
- 256 (e) Section 51-9-902;
- 257 (f) Section 59-12-103;
- 258 ~~[(e)]~~ (g) Sections 59-12-352 and 59-12-354;
- 259 ~~[(f)]~~ (h) Section 59-12-401;
- 260 (i) Section 59-12-402.5;
- 261 ~~[(g)]~~ (j) Section 59-12-402; and
- 262 ~~[(h)]~~ (k) Section 59-12-1201.
- 263 (14) "Fair park land" means the same as that term is defined in Section 11-68-101.
- 264 (15) "Franchise agreement" means a legally binding and valid agreement under which:
- 265 (a) a franchise is confirmed for a major league sports team that before January 1, 2024,

266 had not been located in the state; and

267 (b) the major league sports team agrees to play home games in a stadium to be
268 constructed within the fairpark district boundary.

269 (16) "Franchise agreement date" means the date that a franchise agreement is fully executed
270 and in effect.

271 (17) "Host municipality" means the municipality whose boundary includes the land within
272 the fairpark district boundary.

273 (18)(a) "Major league sports team" means a team:

274 [(a)] (i) consisting of professional athletes;

275 [(b)] (ii) that is part of a professional sports league; and

276 [(c)] (iii) that is engaged in the business of presenting live sporting events before
277 primarily a paying audience.

278 (b) "Major league sports team" does not include a team organized and operated by an
279 institution of higher education as described in Section 53B-2-101.

280 (19) "Other state land" means:

281 (a) land within the fairpark district boundary, other than fair park land, that is owned by
282 the state on January 1, 2024; and

283 (b) except for land acquired under Subsection 11-70-502(3)(a)(ii), land within the
284 fairpark district boundary that is acquired by the fairpark district or the state on or
285 after May 1, 2024[; within the fairpark district boundary].

286 (20) "Payment period" means a period of up to 35 years, as specified in a designation
287 resolution, beginning on the transition date, during which enhanced property tax revenue
288 under Section 11-70-401 is to be paid.

289 (21) "Post-designation parcel" means a parcel within a project area after the transition date
290 for that parcel.

291 (22) "Pre-designation parcel" means a parcel within a project area before the transition date
292 for that parcel.

293 (23) "Professional sports league" means a group of major league sports teams that have
294 formed a league[;]

295 [(a)] for the major league sports teams to compete against one another[; and] .

296 [(b) ~~in which the combined average annual payroll for the major league sports teams in~~
297 ~~the league on the franchise agreement date is not less than \$100,000,000.]~~

298 (24) "Project area" means land described in a project area plan or draft project area plan,
299 where the development project set forth in the project area plan or draft project area plan

takes place or is proposed to take place.

(25) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to the project area.

(26) "Project area plan" means a written plan that, after [its] the plan's effective date, guides and controls the development within a project area.

(27) "Property tax" includes each levy on an ad valorem basis on tangible or intangible personal or real property.

(28) "Public entity" means:

(a) the state, including each department, division, or other agency of the state; or

(b) a county, city, town, school district, special district, special service district, interlocal cooperation entity, community reinvestment agency, or other political subdivision of the state, including the fairpark district.

(29)(a) "Public infrastructure and improvements" means infrastructure, improvements, facilities, or buildings that:

(i)(A) benefit the public and are owned by a public entity or a utility; or

(B) benefit the public and are publicly maintained or operated by a public entity; or

(ii)(A) are privately owned;

(B) benefit the public;

(C) as determined by the board, provide a substantial benefit to the development and operation of a project area; and

(D) are built according to applicable design and safety standards.

(b) "Public infrastructure and improvements" includes:

(i) facilities, lines, or systems that provide:

(A) water, chilled water, or steam; or

(B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy, microgrids, or telecommunications service;

(ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation facilities;

(iii) a qualified stadium;

(iv) public trails and pathways associated with and rehabilitation of and improvements to the Jordan River;[~~and~~]

(v) agricultural and related exhibit facilities on fair park land[~~;~~] ; and

(vi) hotels, hospitality facilities, eating establishments, convention facilities, and

- 334 other related facilities.
- 335 (30) "Qualified owner" means an owner of at least 65 contiguous acres of privately owned
336 land within the fairpark district boundary, or the owner's affiliate.
- 337 (31)(a) "Qualified stadium" means a stadium:
- 338 (i) within the fairpark district boundary;
- 339 (ii) with a minimum capacity of 30,000 spectators; and
- 340 (iii) that will primarily be used as the home of a major league sports team.
- 341 (b) "Qualified stadium" includes parking structures or facilities, lighting facilities,
342 plazas, and open space associated with a stadium described in Subsection (31)(a).
- 343 (32) "Shapefile" means the digital vector storage format for storing geometric location and
344 associated attribute information.
- 345 (33) "Stadium contribution" means the principal amount of bonds that the district issues to
346 pay for the development and construction of a qualified stadium, plus any other amount
347 the district pays toward the development and construction of a qualified stadium.
- 348 (34) "State fair purposes" means the purposes for the use of fair park land related to the fair
349 park authority's management, supervision, and control over a state fair and related events
350 and activities.
- 351 (35) "State-owned land" means:
- 352 (a) fair park land; and
- 353 (b) other state land.
- 354 (36) "Taxable value" means the value of property as shown on the last equalized assessment
355 roll.
- 356 (37) "Taxing entity" means the same as that term is defined in Section 59-2-102, excluding
357 a public infrastructure district that the fairpark district creates under Title 17D, Chapter
358 4, Public Infrastructure District Act.
- 359 (38) "Transition date" means the date indicated in a designation resolution after which the
360 parcel that is the subject of the designation resolution becomes a post-designation parcel.
- 361 Section 3. Section **11-70-202** is amended to read:
- 362 **11-70-202 (Effective 05/07/25). Fairpark district powers and duties.**
- 363 (1) The fairpark district may:
- 364 (a) facilitate and bring about the development of land within the fairpark district
365 boundary, including the development of a qualified stadium to house a major league
366 sports team;
- 367 (b) enter into a lease agreement with an affiliate of a major league sports team to lease a

- 368 qualified stadium to a major league sports team and receive lease payments on behalf
369 of the state;
- 370 (c) facilitate and provide funding for the development of land in a project area, including
371 the development of public infrastructure and improvements and other infrastructure
372 and improvements on or related to land in a project area;
- 373 (d) engage in marketing and business recruitment activities and efforts to encourage and
374 facilitate development of land within the fairpark district boundary;
- 375 (e) as the fairpark district considers necessary or advisable to carry out any of the
376 fairpark district's duties or responsibilities under this chapter:
- 377 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal
378 property;
- 379 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real
380 or personal property; or
- 381 (iii) enter into a lease agreement on real or personal property, as lessee or lessor;
- 382 (f) sue and be sued;
- 383 (g) enter into contracts generally;
- 384 (h) exercise powers and perform functions under a contract, as authorized in the contract;
- 385 (i) receive and spend enhanced property tax revenue, as provided in this chapter;
- 386 (j) accept financial or other assistance from any public or private source for the fairpark
387 district's activities, powers, and duties, and expend any funds so received for any of
388 the purposes of this chapter;
- 389 (k) borrow money, contract with, or accept financial or other assistance from the federal
390 government, a public entity, or any other source for any of the purposes of this
391 chapter and comply with any conditions of the loan, contract, or assistance;
- 392 (l) issue bonds to finance the undertaking of any development objectives of the fairpark
393 district, including bonds under Chapter 17, Utah Industrial Facilities and
394 Development Act, bonds under Chapter 42, Assessment Area Act, and bonds under
395 Chapter 42a, Commercial Property Assessed Clean Energy Act;
- 396 (m) hire employees, including independent contractors;
- 397 (n) transact other business and exercise all other powers provided for in this chapter;
- 398 (o) engage one or more consultants to advise or assist the fairpark district in the
399 performance of the fairpark district's duties and responsibilities;
- 400 (p) enter into an agreement with a private contractor to provide a municipal service
401 within a project area that is not being provided by a municipality or other

- 402 governmental service provider;
- 403 (q) provide public safety services in the area within the fairpark district boundary,
- 404 including under a contract, approved by the board, with an existing governmental
- 405 provider of public safety services;
- 406 (r) finance, develop, own, lease, operate, or otherwise control public infrastructure and
- 407 improvements in a project area; and
- 408 (s) exercise powers and perform functions that the fairpark district is authorized by
- 409 statute to exercise or perform.
- 410 (2)(a) The fairpark district is responsible for and has jurisdiction over any development
- 411 that occurs on fair park land, including the funding of that development.
- 412 (b) The fairpark district shall consult and coordinate with the fair park authority with
- 413 respect to any development activities anticipated for or that occur on fair park land.
- 414 (c) Any development of fair park land shall be:
- 415 (i) subject to and compatible with the use of fair park land for state fair purposes and
- 416 related and other activities under the jurisdiction of the fair park authority; and
- 417 (ii) as far as practicable, consistent with the master plan for fair park land approved
- 418 by the fair park authority.
- 419 (3) With respect to state land other than fair park land, the fairpark district and the facilities
- 420 division shall consult with each other and with agencies occupying the land with respect
- 421 to any potential change of use or development of the land.
- 422 (4) The total amount of the fairpark district's stadium contribution may not exceed
- 423 \$900,000,000.
- 424 (5) Beginning April 1, 2025, the fairpark district shall:
- 425 (a) be the repository of the official delineation of the fairpark district boundary, identical
- 426 to the fairpark district boundary as delineated in the shapefile that is the electronic
- 427 component of H.B. 562, Utah Fairpark Area Investment and Restoration District,
- 428 2024 General Session, subject to:
- 429 (i) any later changes to the boundary enacted by the Legislature; and
- 430 (ii) any additions of land to the fairpark district boundary under Subsection (6); and
- 431 (b) maintain an accurate digital file of the boundary that is easily accessible by the
- 432 public.
- 433 (6) The fairpark district boundary may be expanded to include land outside the fairpark
- 434 district boundary if:
- 435 (a) the land is owned by a qualified owner;

(b) the qualified owner consents to including the land within the fairpark district boundary; and

(c) the land is:

(i) contiguous to the fairpark district boundary; or

(ii) within 200 feet of the fairpark district boundary.

Section 4. Section **11-70-204** is amended to read:

11-70-204 (Effective 05/07/25). Fairpark district accommodations tax.

(1) As used in this section:

(a)[(i)] "Accommodations and services" means an accommodation or service described in Subsection 59-12-103(1)(i).

~~[(ii) "Accommodations and services" does not include an accommodation or service for which amounts paid or charged are not part of a rental room rate.]~~

(b) "Accommodations tax" means a tax imposed as provided in this section.

(2) By resolution, the fairpark district board may impose an accommodations tax on a provider for amounts paid or charged for accommodations and services, if the place of accommodation is located within the district sales tax area.

(3) The maximum rate of an accommodations tax is 15% of the amounts paid to or charged by the provider for accommodations and services.

(4) A provider may recover an amount equal to the accommodations tax from customers, if the provider includes the amount as a separate billing line item.

(5) If the fairpark district imposes an accommodations tax, a public entity~~[, including]~~ other than the fairpark district, may not impose, on the amounts paid or charged for accommodations and services within the district sales tax area, any other tax described in:

(a) Title 59, Chapter 12, Sales and Use Tax Act; or

(b) Title 59, Chapter 28, State Transient Room Tax Act.

(6) Except as provided in Subsection ~~[(7)]~~ (8) or ~~[(8)]~~ (9), an accommodations tax shall be administered, collected, and enforced in accordance with:

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

(i) Title 59, Chapter 12, Part 1, Tax Collection; or

(ii) Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act; and

(b) Title 59, Chapter 1, General Taxation Policies.

(7) The location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.

- 470 (8)(a) An accommodations tax is not subject to Section 59-12-107.1 or 59-12-123 or
471 Subsections 59-12-205(2) through (5).
- 472 (b) The exemptions described in Sections 59-12-104, 59-12-104.1, and 59-12-104.6 do
473 not apply to an accommodations tax.
- 474 (9) The State Tax Commission shall:
- 475 (a) except as provided in Subsection (9)(b), distribute the revenue collected from an
476 accommodations tax to the fairpark district; and
- 477 (b) retain and deposit an administrative charge in accordance with Section 59-1-306
478 from revenue the commission collects from an accommodations tax.
- 479 (10)(a) If the fairpark district imposes, repeals, or changes the rate of an
480 accommodations tax, the implementation, repeal, or change takes effect:
- 481 (i) on the first day of a calendar quarter; and
- 482 (ii) after a 90-day period beginning on the date the State Tax Commission receives
483 the notice described in Subsection (10)(b) from the fairpark district.
- 484 (b) The notice required in Subsection (10)(a)(ii) shall state:
- 485 (i) that the fairpark district will impose, repeal, or change the rate of an
486 accommodations tax;
- 487 (ii) the effective date of the implementation, repeal, or change of the accommodations
488 tax; and
- 489 (iii) the rate of the accommodations tax.
- 490 (11) In addition to the uses permitted under Section 11-70-207, the fairpark district may
491 allocate revenue from an accommodations tax to a county in which a place of
492 accommodation that is subject to the accommodations tax is located, if:
- 493 (a) the county had a transient room tax described in Section 59-12-301 in effect at the
494 time the fairpark district board imposed an accommodations tax; and
- 495 (b) the revenue replaces revenue that the county received from a county transient room
496 tax described in Section 59-12-301 for the county's general operations and
497 administrative expenses.
- 498 Section 5. Section **11-70-206** is amended to read:
- 499 **11-70-206 (Effective 05/07/25). Applicability of other law -- Cooperation of state**
500 **and local governments -- Municipal services -- Services from state agencies --**
501 **Procurement policy -- Public infrastructure district.**
- 502 (1) With respect to the use or development of state-owned land, the fairpark district is not
503 subject to:

- (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
- (b) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, except to the extent that:
- (i) some or all of the state land is, on January 1, 2024, included within the boundary of a special district or special service district; and
- (ii) the fairpark district elects to receive service from the special district or special service district for the state land that is included within the boundary of the special district or special service district, respectively.
- (2) The fairpark district has and may exercise all powers relating to the regulation of land uses on state-owned land.
- (3)(a) Subject to ~~[Subsection]~~ Subsections (3)(b) and (c), the fairpark district has and may exercise all powers relating to the regulation of land uses on privately owned land within the fairpark district boundary.
- (b)(i) ~~[Land]~~ Except as provided in Subsection (3)(d), land owned by a qualified owner is subject to a host municipality's land use authority under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, if the qualified owner and the host municipality enter into an agreement, as provided in Subsection (3)(b)(ii), no later than December 31, 2024.
- (ii)(A) An agreement under Subsection (3)(b)(i) shall require the host municipality to provide an expedited process for the review and approval of a qualified owner's completed land use application that complies with adopted land use regulations.
- (B) In an agreement under Subsection (3)(b)(i), the host municipality shall agree to vest the qualified owner in any approved land use for a qualified stadium and related uses.
- (c)(i) If the board approves the addition of land owned by a qualified owner to the fairpark district boundary, the host municipality shall, within six months after the day of the board's approval, approve an amendment to the agreement established under Subsection (3)(b) to include the additional land.
- (ii) A host municipality may not unreasonably withhold, delay, or condition approving the amendment described in Subsection (3)(c)(i).
- (iii) If a host municipality fails to approve an amendment described in Subsection (3)(c)(i) within the time frame described in Subsection (3)(c)(i), the fairpark

- 538 district shall become the land use authority for the additional land.
- 539 (d) If an agreement under Subsection (3)(b) terminates for any reason described in the
540 agreement or by operation of law, the fairpark district shall become the land use
541 authority for the land that was subject to the agreement immediately upon
542 termination of the agreement.
- 543 (e) Upon expiration of the agreement described in Subsection (3)(b), the host
544 municipality shall remain the sole land use authority for the land that was subject to
545 the expired agreement.
- 546 [(e)] (f) A host municipality may not prohibit or condition the use of a qualified owner's
547 land for a qualified stadium.
- 548 [(d)] (g) In making land use decisions affecting land within the fairpark district boundary
549 that is subject to a host municipality's land use authority under this Subsection (3),
550 the legislative body of the host municipality shall consider input from the board.
- 551 (4)(a) No later than December 31, 2024, the host municipality and the host
552 municipality's community reinvestment agency shall take all necessary actions to
553 withdraw from the fairpark district boundary any area that is within a project area of
554 the community reinvestment agency.
- 555 (b) If land is added to the fairpark district boundary, the host municipality and the
556 community reinvestment agency shall take all necessary actions to withdraw from the
557 fairpark district boundary any area that is within a project area of the community
558 reinvestment agency.
- 559 (5) A department, division, or other agency of the state and a political subdivision of the
560 state shall cooperate with the fairpark district to the fullest extent possible to provide
561 whatever support, information, or other assistance the board requests that is reasonably
562 necessary to help the fairpark district fulfill [its] the fairpark district's duties and
563 responsibilities under this chapter.
- 564 (6)(a) A host municipality shall provide the same municipal services to the area of the
565 municipality that is within the fairpark district boundary as the municipality provides
566 to other areas of the municipality with similar zoning and a similar development level.
- 567 (b) The level and quality of municipal services that a host municipality provides within
568 the fairpark district boundary shall be fairly and reasonably consistent with the level
569 and quality of municipal services that the municipality provides to other areas of the
570 municipality with similar zoning and a similar development level.
- 571 (c) No later than December 31, 2024, the fairpark district and host municipality shall

enter into an agreement providing for the fairpark district to reimburse the host municipality for services the host municipality provides to a project area.

(7)(a) The fairpark district may request and, upon request, shall receive:

- (i) fuel dispensing and motor pool services provided by the Division of Fleet Operations;
- (ii) surplus property services provided by the Division of Purchasing and General Services;
- (iii) information technology services provided by the Division of Technology Services;
- (iv) archive services provided by the Division of Archives and Records Service;
- (v) financial services provided by the Division of Finance;
- (vi) human resources services provided by the Division of Human Resource Management;
- (vii) legal services provided by the Office of the Attorney General; and
- (viii) banking services provided by the Office of the State Treasurer.

(b) Nothing in Subsection [~~(6)(a) may be construed to relieve~~] (7)(a) relieves the fairpark district of the obligation to pay the applicable fee for the service provided.

(8)(a) To govern fairpark district procurements, the board shall adopt a procurement policy that the board reasonably determines to substantially fulfill the purposes described in Section 63G-6a-102.

(b) The board may delegate to the executive director the responsibility to adopt a procurement policy.

(c) The board's determination under Subsection [~~(7)(a)~~] (8)(a) is final and conclusive.

(9) No later than December 31, 2024, the board and the assessor of the county in which the fairpark district is located shall together determine the base taxable value of privately owned property within the fairpark district boundary.

(10)(a) As used in this Subsection (10):

- (i) "District ZIP area" means a ZIP area a majority of which includes land within the fairpark district boundary.
- (ii) "ZIP area" means an area defined by the ZIP Code, as defined in Section 59-12-102, plus the four-digit deliver route extension.

(b) No later than June 1, 2024, the State Tax Commission shall:

- (i) define the area that consists of all district zip areas; and
- (ii) provide a description of the area under Subsection [~~(9)(b)(i)~~] (10)(b)(i) to the host

- 606 municipality and the board.
- 607 (c) The State Tax Commission shall annually:
- 608 (i) update the definition of the area under Subsection (10)(b)(i); and
- 609 (ii) provide the updated description to the host municipality and the board.
- 610 (11)(a)(i) A public infrastructure district created by the fairpark district under Title
- 611 17D, Chapter 4, Public Infrastructure District Act, may, subject to limitations of
- 612 that chapter, levy a property tax for the operations and maintenance of the public
- 613 infrastructure district's financed public infrastructure and improvements, subject to
- 614 a maximum rate of .015.
- 615 (ii) A levy under Subsection (11)(a)(i) may be separate from a public infrastructure
- 616 district property tax levy for a bond.
- 617 (b) If a public infrastructure district created by the fairpark district issues a bond:
- 618 (i) the public infrastructure district may:
- 619 (A) delay the effective date of the property tax levy for the bond until after the
- 620 period of capitalized interest payments; and
- 621 (B) covenant with bondholders not to reduce or impair the property tax levy; and
- 622 (ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public
- 623 Infrastructure District Act, the tax rate for the property tax levy for the bond may
- 624 not exceed a rate that generates more revenue than required to pay the annual debt
- 625 service of the bond plus administrative costs, subject to a maximum rate of .015.
- 626 (c)(i) A public infrastructure district created by the fairpark district under Title 17D,
- 627 Chapter 4, Public Infrastructure District Act, may create tax areas, as defined in
- 628 Section 59-2-102, within the public infrastructure district and apply a different
- 629 property tax rate to each tax area, subject to the maximum rate limitations
- 630 described in Subsections (11)(a)(i) and (11)(b)(ii).
- 631 (ii) If a public infrastructure district created by the fairpark district issues bonds, the
- 632 public infrastructure district may issue bonds secured by property taxes from:
- 633 (A) the entire public infrastructure district; or
- 634 (B) one or more tax areas within the public infrastructure district.
- 635 (d) A public infrastructure district created by the fairpark district may use bond proceeds
- 636 to:
- 637 (i) pay for public infrastructure and improvements; and
- 638 (ii) pay costs related to the development, operation, or maintenance of infrastructure
- 639 described in Subsection (11)(d)(i).

Section 6. Section **11-70-207** is amended to read:

11-70-207 (Effective 05/07/25). Use of fairpark district funds.

- (1)(a) Subject to Subsection (2), the fairpark district may use fairpark district funds for any purpose authorized under this chapter, including to pay for:
- (i) the development and construction of a qualified stadium;
 - (ii) administrative, overhead, legal, consulting, and other operating expenses of the fairpark district;
 - (iii) all or part of the development of land within a project area, including:
 - (A) financing or refinancing; and
 - (B) assisting the ongoing operation of a development or facility within the project area;
 - (iv) the cost of the installation of public infrastructure and improvements outside a project area if the board determines by resolution that the infrastructure and improvements are of benefit to the project area;
 - (v) the principal and interest on bonds issued by the fairpark district;
 - (vi) the payment of an infrastructure loan, as defined in Section 11-70-104, according to the terms of the infrastructure loan; and
 - (vii) the costs of promoting, facilitating, and implementing other development of land within the fairpark district boundary.
- (b) The determination of the board under Subsection (1)(a)(iv) regarding benefit to the project area is final.
- (2)(a) The fairpark district may use money [it] the fairpark district receives under Subsection 59-12-1201(2)(a)(ii) and Subsection 59-12-103(16) only for[-] :
- (i) the development and construction of a qualified stadium, including parking structures or facilities, lighting facilities, plazas, or open space associated with the qualified stadium; and
 - (ii) [paying for] the payment of bonds issued to pay for the development and construction of a qualified stadium.
- (b) If the amount of money the fairpark district receives under Subsection (2)(a) exceeds the amount required to pay the annual debt service on bonds issued to pay for the development and construction of a qualified stadium, the fairpark district shall use the excess amount received to pay down the principal on those bonds.
- (c) The fairpark district may use money described in Subsection (2)(a) before or after a franchise agreement date.

- 674 (3) The fairpark district may share enhanced property tax revenue with a taxing entity that
675 levies a property tax on land within the project area from which the enhanced property
676 tax revenue is generated.

677 Section 7. Section **11-70-304** is amended to read:

678 **11-70-304 (Effective 05/07/25). Limitations on board members and executive**
679 **director -- Annual conflict of interest disclosure statement -- Penalties.**

- 680 (1) As used in this section:

681 (a) "Direct financial benefit":

682 (i) means any form of financial benefit that accrues to an individual directly,
683 including:

684 (A) compensation, commission, or any other form of a payment or increase of
685 money; and

686 (B) an increase in the value of a business or property; and

687 (ii) does not include a financial benefit that accrues to the public generally.

688 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.

- 689 (2) An individual may not serve as a member of the board or as executive director if:

690 (a) the individual owns real property, other than a personal residence in which the
691 individual resides, within the fairpark district boundary, whether or not the ownership
692 interest is a recorded interest;

693 (b) a family member of the individual owns an interest in real property, other than a
694 personal residence in which the family member resides, located within the fairpark
695 district boundary; or

696 (c) the individual or a family member of the individual owns an interest in, is directly
697 affiliated with, or is an employee or officer of a private firm, private company, or
698 other private entity that the individual reasonably believes is likely to:

699 (i) participate in or receive a direct financial benefit from the development of land
700 within the fairpark district boundary; or

701 (ii) acquire an interest in or locate a facility within the fairpark district boundary.

- 702 (3) Before taking office as a board member or accepting employment as executive director,
703 an individual shall submit to the fairpark district a statement verifying that the
704 individual's service as a board member or employment as executive director does not
705 violate Subsection (2).

- 706 (4)(a) An individual may not, at any time during the individual's service as a board
707 member or employment with the fairpark district, acquire, or take any action to

initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property located within the fairpark district boundary, if:

- (i) the acquisition is in the individual's personal capacity or in the individual's capacity as an employee or officer of a private firm, private company, or other private entity; and
- (ii) the acquisition will enable the individual to receive a direct financial benefit as a result of the development of land within the fairpark district boundary.

(b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is a personal residence in which the individual will reside upon acquisition of the real property.

(5)(a) A board member or an employee of the fairpark district may not receive a direct financial benefit from development within the fairpark district boundary.

(b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

- (i) expense reimbursements;
- (ii) per diem pay for board member service, if applicable; or
- (iii) an employee's compensation or benefits from employment with the fairpark district.

(6)(a) In addition to any other limitation on a board member described in this section, and except as provided in Subsection (7), a voting member or nonvoting advisory member of the board shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the board:

- (i) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (ii) submit the written disclosure statement to the administrator or clerk of the board.

(b) No later than 10 business days after the day on which the board member submits the written disclosure statement described in Subsection (6)(a) to the administrator or clerk of the board, the administrator or clerk shall:

- (i)(A) post an electronic copy of the written disclosure statement on the fairpark district website; or
- (B) if the fairpark district does not have a website, post an electronic copy of the disclosure statement on the Utah Public Notice Website created in Section 63A-16-601; and
- (ii) provide the lieutenant governor with a link to the posting described in Subsection

- 742 (6)(b)(i).
- 743 (c) The administrator or clerk of the board shall ensure that the board member's written
744 disclosure statement remains posted on the website described in Subsection (6)(b)(i)
745 until the board member leaves office.
- 746 (d) The administrator or clerk of the board shall take the action described in Subsection
747 (6)(e) if:
- 748 (i) a board member fails to timely submit the written disclosure statement described
749 in Subsection (6)(a); or
- 750 (ii) a submitted written disclosure statement does not comply with the requirements
751 of Subsection 20A-11-1604(6).
- 752 (e) If a circumstance described in Subsection (6)(d) occurs, the administrator or clerk of
753 the board shall, within five days after the day on which the administrator or clerk
754 determines that a violation occurred, notify the board member of the violation and
755 direct the board member to submit an amended written disclosure statement
756 correcting the problem.
- 757 (f)(i) It is unlawful for a board member to fail to submit or amend a written
758 disclosure statement within seven days after the day on which the board member
759 receives the notice described in Subsection (6)(e).
- 760 (ii) A board member who violates Subsection (6)(f)(i) is guilty of a class B
761 misdemeanor.
- 762 (iii) The administrator or clerk of the board shall report a violation of Subsection
763 (6)(f)(i) to the attorney general.
- 764 (iv) In addition to the criminal penalty described in Subsection (6)(f)(ii), the
765 administrator or clerk of the board shall impose a civil fine of \$100 against a
766 board member who violates Subsection (6)(f)(i).
- 767 (g) The administrator or clerk of the board shall deposit a fine collected under this
768 section into the board's account to pay for the costs of administering this section.
- 769 (7) For a board member who is also a state legislator, a member of a county or municipal
770 legislative body, or who is otherwise required to make the written disclosure statement
771 described in Subsection (6)(a) under another provision of law:
- 772 (a) Subsection (6) does not apply; and
- 773 (b) the administrator or clerk of the board shall, instead:
- 774 (i) post an electronic link, on the website described in Subsection (6)(b)(i), to the
775 written disclosure statement the board member made in the board member's

capacity as:

(A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest

Disclosures;

(B) an elected officer of a county, under Section 17-16a-13;

(C) an elected officer of a municipality, under Section 10-3-1313; or

(D) an individual who is required to make the written disclosure statement

described in Subsection (6)(a) under another provision of law; and

(ii) provide the lieutenant governor with a link to the electronic posting described in

Subsection (7)(b)(i).

[~~(6)~~] (8) Nothing in this section may be construed to affect the application or effect of any other code provision applicable to a board member or employee relating to ethics or conflicts of interest.

Section 8. Section **11-70-401** is amended to read:

11-70-401 (Effective 05/07/25). Enhanced property tax revenue to be paid to fairpark district.

(1) Subject to Subsection (5), the fairpark district shall be paid 90% of enhanced property tax revenue generated from each parcel of privately owned land within the fairpark district boundary:

(a) beginning the tax year that begins on January 1, 2025; and

(b) until the transition date for that parcel.

(2) Subject to Subsection (5), during the payment period the fairpark district shall be paid up to 100% of enhanced property tax revenue:

(a) generated from designated parcels of privately owned land within a project area; and

(b) as the board specifies in a designation resolution adopted in consultation with a qualified owner.

(3) For purposes of the payment of enhanced property tax revenue under this section, a payment period shall begin, as specified in the designation resolution, on January 1 of a year that begins after the designation resolution is adopted.

(4)(a) For purposes of this section, the fairpark district may designate an improved portion of a parcel in a project area as a separate parcel.

(b) A fairpark district designation of an improved portion of a parcel as a separate parcel under Subsection (4)(a) does not constitute a subdivision, as defined in Section 10-9a-103 or Section 17-27a-103.

(c) A county recorder shall assign a separate tax identification number to the improved

portion of a parcel designated by the fairpark district as a separate parcel under Subsection (4)(a).

- (5) A host municipality shall be paid a minimum of 25% of the enhanced property tax revenue generated by a property tax imposed by the host municipality to reimburse the host municipality for services the host municipality provides to a project area in accordance with Subsection 11-70-206(6)(c), with the exact amount determined in an agreement between the host municipality and the fairpark district.

Section 9. Section **11-70-502** is amended to read:

11-70-502 (Effective 05/07/25). Qualified stadium under project area plan.

- (1) A project area plan may provide for the development and construction of a qualified stadium on land that, until conveyed to the fairpark district as provided in Subsection [(3)(b)] (3)(a)(ii), is owned by a qualified owner.
- (2) A project area plan under Subsection (1) shall include a requirement that the qualified owner and fairpark district enter an agreement relating to:
- (a) the development, construction, operation, and ownership of a qualified stadium; and
 - (b) the development of other land owned by the qualified owner within the fairpark district boundary.
- (3)(a) An agreement under Subsection (2) shall:
- (i) limit the stadium contribution to the lesser of:
 - (A) half the actual cost of developing and constructing the qualified stadium; or
 - (B) \$900,000,000;
 - (ii) require the qualified owner to convey to the fairpark district, as soon as practicable after the franchise agreement date, title to the property on which the qualified stadium will be constructed;
 - (iii) require the qualified owner, if the major league sports team leaves the qualified stadium before 30 years after the franchise agreement date, to[;] :
 - (A) pay the remaining outstanding balance of bonds issued by the fairpark district for the development and construction of the qualified stadium; and
 - (B) pay to the fairpark district the difference between the stadium contribution and the amount paid under Subsection (3)(a)(iii)(A);
 - (iv) provide for the fairpark district to possess full ownership rights to the qualified stadium;
 - (v) provide for the qualified owner to sell and control sponsorship rights relating to the qualified stadium;

- (vi) provide for the fairpark district to lease the qualified stadium to the major league sports team for lease payments of \$150,000 per month for 360 months;
- (vii) require the qualified owner to operate and maintain the qualified stadium and to pay for all operation and maintenance costs;
- (viii) require the qualified owner to cooperate and coordinate with the fairpark district to allow events other than events of the major league sports team to occur at the qualified stadium if those other events do not interfere with the use of the qualified stadium for events of the major league sports team;
- (ix) include negotiated terms that are fair and reasonable;
- (x) establish the timing and process for the development of the qualified owner's property within the fairpark district boundary, based on the qualified owner's development plan;
- (xi) establish the timing and process for assisting the fair park authority to complete the fair park authority's master plan; and
- (xii) require the major league sports team to be given a name that includes "Utah."
- (b) Before approving an agreement under Subsection (3)(a), the board shall:
 - (i) hold at least one public meeting to consider and discuss the draft agreement; and
 - (ii) provide notice of the public meeting as provided in Subsection 11-70-503(2).
- (c) A legal action or other challenge to an agreement under Subsection (3)(a) by a person other than a party to the agreement is barred unless brought within 30 days after the execution of the agreement.

~~[(4) The fairpark district shall pay to the Division of Finance, for deposit into the General Fund, all lease payments the fairpark district receives under a lease agreement for the qualified stadium.]~~

Section 10. Section **17D-4-203** is amended to read:

17D-4-203 (Effective 05/07/25). Public infrastructure district powers.

- (1) A public infrastructure district~~[-]~~
 - ~~[(1)]~~ has all of the authority conferred upon a special district under Section 17B-1-103~~[-]~~ ~~and~~ .
- (2) A public infrastructure district may:
 - (a) issue negotiable bonds to pay:
 - (i) all or part of the costs of acquiring, acquiring an interest in, improving, or extending any of the improvements, facilities, or property allowed under Section 11-14-103;
 - (ii) capital costs of improvements in an energy assessment area, as defined in Section

- 878 11-42a-102, and other related costs, against the funds that the public infrastructure
879 district will receive because of an assessment in an energy assessment area, as
880 defined in Section 11-42a-102;
- 881 (iii) public improvements related to the provision of housing;
- 882 (iv) capital costs related to public transportation;
- 883 (v) for a public infrastructure district created by a development authority, the cost of
884 acquiring or financing public infrastructure and improvements; and
- 885 (vi) for a public infrastructure district that is a subsidiary of the Utah Inland Port
886 Authority, the costs associated with a remediation project, as defined in Section
887 11-58-102;
- 888 (b) enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal
889 Cooperation Act, provided that the interlocal agreement may not expand the powers
890 of the public infrastructure district, within the limitations of Title 11, Chapter 13,
891 Interlocal Cooperation Act, without the consent of the creating entity;
- 892 (c) acquire completed or partially completed improvements for fair market value as
893 reasonably determined by:
- 894 (i) the board;
- 895 (ii) the creating entity, if required in the governing document; or
- 896 (iii) a surveyor or engineer that a public infrastructure district employs or engages to
897 perform the necessary engineering services for and to supervise the construction
898 or installation of the improvements;
- 899 (d) contract with the creating entity for the creating entity to provide administrative
900 services on behalf of the public infrastructure district, when agreed to by both parties,
901 in order to achieve cost savings and economic efficiencies, at the discretion of the
902 creating entity; and
- 903 (e) for a public infrastructure district created by a development authority:
- 904 (i)(A) operate and maintain public infrastructure and improvements the district
905 acquires or finances; and
- 906 (B) use fees, assessments, or taxes to pay for the operation and maintenance of
907 those public infrastructure and improvements; and
- 908 (ii) issue bonds under Title 11, Chapter 42, Assessment Area Act; and
- 909 (f) for a public infrastructure district that is a subsidiary of the Utah Inland Port
910 Authority, pay for costs associated with a remediation project, as defined in Section
911 11-58-102, of the Utah Inland Port Authority.

(3) A public infrastructure district created by the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, may:

(a) pay for the cost of the development and construction of a qualified stadium, as defined in Section 11-70-101; and

(b) pay for the cost of public infrastructure and improvements.

Section 11. Section **51-9-902** is amended to read:

51-9-902 (Effective 07/01/25). Outdoor Adventure Infrastructure Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Outdoor Adventure Infrastructure Restricted Account."

(2) The account shall consist of:

(a) money deposited into the account under Subsection 59-12-103(15); and

(b) interest and earnings on money in the account.

(3) Subject to appropriation from the Legislature, money from the account shall be used for:

(a) new construction of outdoor recreation infrastructure;

(b) upgrades of outdoor recreation infrastructure;

(c) the replacement of or structural improvements to outdoor recreation infrastructure;

(d) the acquisition of land, a right-of-way, or easement used in relationship to outdoor recreation infrastructure;

(e) providing access from state highways, as defined in Section 72-1-102, to outdoor recreation infrastructure;

(f) the costs associated with bringing new construction or upgrades of outdoor recreation infrastructure into environmental compliance;

(g) strategic planning related to the development of outdoor recreation infrastructure;~~[-or]~~

(h) facilitating avalanche safety forecasting to protect the public in relation to outdoor recreation infrastructure~~[-]~~ ; or

(i) clean up or security relating to outdoor recreation infrastructure.

(4) For each fiscal year, beginning with fiscal year ~~[2023-2024]~~ 2025-2026, the Division of Finance shall, subject to appropriation by the Legislature, distribute money from the Outdoor Adventure Infrastructure Restricted Account as follows:

(a) at least 15% to the Department of Natural Resources - Division of State Parks - Capital, to be expended using the department's existing prioritization process for capital projects in state parks described in Subsection (3);

(b) at least 22% to the Department of Natural Resources - Division of Outdoor

Recreation - Capital, to be expended for competitive Recreation Restoration Infrastructure grants or Outdoor Recreational Infrastructure grants for outdoor recreation capital projects and related maintenance expenses, where maintenance expenses do not exceed 15% of the appropriation;[and]

(c) at least 53% to the Department of Natural Resources - Division of Outdoor Recreation - Capital, to be expended for larger outdoor recreation infrastructure projects described in Subsection (3) as recommended to the Legislature by the Outdoor Adventure Commission[-] ; and

(d) at least 10% to the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201 for the development and operation of the district.

(5) If the Legislature appropriates money to the Department of Transportation from the account, the Transportation Commission, created in Section 72-1-301, shall prioritize projects and determine funding levels in accordance with Subsection 72-1-303(1)(a) based on recommendations of the Department of Transportation.

Section 12. Section **59-1-403** is amended to read:

59-1-403 (Effective 05/07/25). Confidentiality -- Exceptions -- Penalty -- Application to property tax.

(1) As used in this section:

(a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

(i) the commission administers under:

(A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

(B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

(C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

(D) Section 19-6-805;

(E) Section 63H-1-205; or

(F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; and

(ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge to a qualifying jurisdiction.

(b) "GOEO" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

~~(b)~~ (c) "Qualifying jurisdiction" means:

(i) a county, city, or town;

- 980 (ii) the military installation development authority created in Section 63H-1-201;~~[-or]~~
981 (iii) the Utah Inland Port Authority created in Section 11-58-201; or
982 (iv) the Utah Fairpark Area Investment and Restoration District created in Section
983 11-70-201.

984 (2)(a) Any of the following may not divulge or make known in any manner any
985 information gained by that person from any return filed with the commission:

- 986 (i) a tax commissioner;
987 (ii) an agent, clerk, or other officer or employee of the commission; or
988 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
989 town.

990 (b) An official charged with the custody of a return filed with the commission is not
991 required to produce the return or evidence of anything contained in the return in any
992 action or proceeding in any court, except:

- 993 (i) in accordance with judicial order;
994 (ii) on behalf of the commission in any action or proceeding under:
995 (A) this title; or
996 (B) other law under which persons are required to file returns with the
997 commission;
998 (iii) on behalf of the commission in any action or proceeding to which the
999 commission is a party; or

1000 (iv) on behalf of any party to any action or proceeding under this title if the report or
1001 facts shown by the return are directly involved in the action or proceeding.

1002 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may
1003 admit in evidence, any portion of a return or of the facts shown by the return, as are
1004 specifically pertinent to the action or proceeding.

1005 (3) This section does not prohibit:

- 1006 (a) a person or that person's duly authorized representative from receiving a copy of any
1007 return or report filed in connection with that person's own tax;
1008 (b) the publication of statistics as long as the statistics are classified to prevent the
1009 identification of particular reports or returns; and
1010 (c) the inspection by the attorney general or other legal representative of the state of the
1011 report or return of any taxpayer:
1012 (i) who brings action to set aside or review a tax based on the report or return;
1013 (ii) against whom an action or proceeding is contemplated or has been instituted

1014 under this title; or

1015 (iii) against whom the state has an unsatisfied money judgment.

1016 (4)(a) Notwithstanding Subsection (2) and for purposes of administration, the
1017 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah
1018 Administrative Rulemaking Act, provide for a reciprocal exchange of information
1019 with:

1020 (i) the United States Internal Revenue Service; or

1021 (ii) the revenue service of any other state.

1022 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and
1023 corporate franchise tax, the commission may by rule, made in accordance with Title
1024 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered
1025 from returns and other written statements with the federal government, any other
1026 state, any of the political subdivisions of another state, or any political subdivision of
1027 this state, except as limited by Sections 59-12-209 and 59-12-210, if the political
1028 subdivision, other state, or the federal government grant substantially similar
1029 privileges to this state.

1030 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
1031 corporate franchise tax, the commission may by rule, in accordance with Title 63G,
1032 Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of
1033 information concerning the identity and other information of taxpayers who have
1034 failed to file tax returns or to pay any tax due.

1035 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the
1036 Division of Environmental Response and Remediation, as defined in Section
1037 19-6-402, as requested by the director of the Division of Environmental Response
1038 and Remediation, any records, returns, or other information filed with the
1039 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section
1040 19-6-410.5 regarding the environmental assurance program participation fee.

1041 (e) Notwithstanding Subsection (2), at the request of any person the commission shall
1042 provide that person sales and purchase volume data reported to the commission on a
1043 report, return, or other information filed with the commission under:

1044 (i) Chapter 13, Part 2, Motor Fuel; or

1045 (ii) Chapter 13, Part 4, Aviation Fuel.

1046 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,
1047 as defined in Section 59-22-202, the commission shall report to the manufacturer:

- 1048 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1049 manufacturer and reported to the commission for the previous calendar year under
1050 Section 59-14-407; and
- 1051 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1052 manufacturer for which a tax refund was granted during the previous calendar
1053 year under Section 59-14-401 and reported to the commission under Subsection
1054 59-14-401(1)(a)(v).
- 1055 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
1056 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is
1057 prohibited from selling cigarettes to consumers within the state under Subsection
1058 59-14-210(2).
- 1059 (h) Notwithstanding Subsection (2), the commission may:
- 1060 (i) provide to the Division of Consumer Protection within the Department of
1061 Commerce and the attorney general data:
1062 (A) reported to the commission under Section 59-14-212; or
1063 (B) related to a violation under Section 59-14-211; and
- 1064 (ii) upon request, provide to any person data reported to the commission under
1065 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 1066 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee
1067 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's
1068 Office of Planning and Budget, provide to the committee or office the total amount of
1069 revenues collected by the commission under Chapter 24, Radioactive Waste Facility
1070 Tax Act, for the time period specified by the committee or office.
- 1071 (j) Notwithstanding Subsection (2), the commission shall make the directory required by
1072 Section 59-14-603 available for public inspection.
- 1073 (k) Notwithstanding Subsection (2), the commission may share information with federal,
1074 state, or local agencies as provided in Subsection 59-14-606(3).
- 1075 (l)(i) Notwithstanding Subsection (2), the commission shall provide the Office of
1076 Recovery Services within the Department of Health and Human Services any
1077 relevant information obtained from a return filed under Chapter 10, Individual
1078 Income Tax Act, regarding a taxpayer who has become obligated to the Office of
1079 Recovery Services.
- 1080 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office
1081 of Recovery Services to any other state's child support collection agency involved

1082 in enforcing that support obligation.

1083 (m)(i) Notwithstanding Subsection (2), upon request from the state court
1084 administrator, the commission shall provide to the state court administrator, the
1085 name, address, telephone number, county of residence, and social security number
1086 on resident returns filed under Chapter 10, Individual Income Tax Act.

1087 (ii) The state court administrator may use the information described in Subsection
1088 (4)(m)(i) only as a source list for the master jury list described in Section
1089 78B-1-106.

1090 (n)(i) As used in this Subsection (4)(n):

1091 [~~(A) "GOEO" means the Governor's Office of Economic Opportunity created in~~
1092 ~~Section 63N-1a-301.~~]

1093 [~~(B)~~] (A) "Income tax information" means information gained by the commission
1094 that is required to be attached to or included in a return filed with the
1095 commission under Chapter 7, Corporate Franchise and Income Taxes, or
1096 Chapter 10, Individual Income Tax Act.

1097 [~~(C)~~] (B) "Other tax information" means information gained by the commission
1098 that is required to be attached to or included in a return filed with the
1099 commission except for a return filed under Chapter 7, Corporate Franchise and
1100 Income Taxes, or Chapter 10, Individual Income Tax Act.

1101 [~~(D)~~] (C) "Tax information" means income tax information or other tax
1102 information.

1103 (ii)(A) Notwithstanding Subsection (2) and except as provided in Subsection
1104 (4)(n)(ii)(B) or (C), the commission shall at the request of GOEO provide to
1105 GOEO all income tax information.

1106 (B) For purposes of a request for income tax information made under Subsection
1107 (4)(n)(ii)(A), GOEO may not request and the commission may not provide to
1108 GOEO a person's address, name, social security number, or taxpayer
1109 identification number.

1110 (C) In providing income tax information to GOEO, the commission shall in all
1111 instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

1112 (iii)(A) Notwithstanding Subsection (2) and except as provided in Subsection
1113 (4)(n)(iii)(B), the commission shall at the request of GOEO provide to GOEO
1114 other tax information.

1115 (B) Before providing other tax information to GOEO, the commission shall redact

or remove any name, address, social security number, or taxpayer identification number.

(iv) GOEO may provide tax information received from the commission in accordance with this Subsection (4)(n) only:

(A) as a fiscal estimate, fiscal note information, or statistical information; and

(B) if the tax information is classified to prevent the identification of a particular return.

(v)(A) A person may not request tax information from GOEO under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if GOEO received the tax information from the commission in accordance with this Subsection (4)(n).

(B) GOEO may not provide to a person that requests tax information in accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information GOEO provides in accordance with Subsection (4)(n)(iv).

(o) Notwithstanding Subsection (2), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

(i) the following relating to an agreement sales and use tax:

(A) information contained in a return filed with the commission;

(B) information contained in a report filed with the commission;

(C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

(D) a document filed with the commission; or

(ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

(p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:

(i) requests the information; and

(ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.

(q) Notwithstanding Subsection (2), the commission shall provide to the Utah Communications Authority, or a division of the Utah Communications Authority, the information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and 63H-7a-502.

- (r) Notwithstanding Subsection (2), the commission shall provide to the Utah Educational Savings Plan information related to a resident or nonresident individual's contribution to a Utah Educational Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.
- (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with the Department of Health and Human Services or its designee with the adjusted gross income of an individual if:
- (i) an eligibility worker with the Department of Health and Human Services or its designee requests the information from the commission; and
 - (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.
- (t) Notwithstanding Subsection (2), the commission may provide to a county, as determined by the commission, information declared on an individual income tax return in accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption authorized under Section 59-2-103.
- (u) Notwithstanding Subsection (2), the commission shall provide a report regarding any access line provider that is over 90 days delinquent in payment to the commission of amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges, to the board of the Utah Communications Authority created in Section 63H-7a-201.
- (v) Notwithstanding Subsection (2), the commission shall provide the Department of Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar year under Section 59-24-103.5.
- (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.
- (x) Notwithstanding Subsection (2), the commission may provide the Public Service Commission or the Division of Public Utilities information related to a seller that collects and remits to the commission a charge described in Subsection 69-2-405(2), including the seller's identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

- 1184 (y)(i) Notwithstanding Subsection (2), the commission shall provide to each
1185 qualifying jurisdiction the collection data necessary to verify the revenue collected
1186 by the commission for a distributed tax, fee, or charge collected within the
1187 qualifying jurisdiction.
- 1188 (ii) In addition to the information provided under Subsection (4)(y)(i), the
1189 commission shall provide a qualifying jurisdiction with copies of returns and other
1190 information relating to a distributed tax, fee, or charge collected within the
1191 qualifying jurisdiction.
- 1192 (iii)(A) To obtain the information described in Subsection (4)(y)(ii), the chief
1193 executive officer or the chief executive officer's designee of the qualifying
1194 jurisdiction shall submit a written request to the commission that states the
1195 specific information sought and how the qualifying jurisdiction intends to use
1196 the information.
- 1197 (B) The information described in Subsection (4)(y)(ii) is available only in official
1198 matters of the qualifying jurisdiction.
- 1199 (iv) Information that a qualifying jurisdiction receives in response to a request under
1200 this subsection is:
- 1201 (A) classified as a private record under Title 63G, Chapter 2, Government Records
1202 Access and Management Act; and
- 1203 (B) subject to the confidentiality requirements of this section.
- 1204 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic
1205 Beverage Services Commission, upon request, with taxpayer status information
1206 related to state tax obligations necessary to comply with the requirements described
1207 in Section 32B-1-203.
- 1208 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of
1209 Workforce Services, as soon as practicable, whether an individual claimed and is
1210 entitled to claim a federal earned income tax credit for the year requested by the
1211 Department of Workforce Services if:
- 1212 (i) the Department of Workforce Services requests this information; and
- 1213 (ii) the commission has received the information release described in Section
1214 35A-9-604.
- 1215 (bb)(i) As used in this Subsection (4)(bb), "unclaimed property administrator" means
1216 the administrator or the administrator's agent, as those terms are defined in Section
1217 67-4a-102.

- 1218 (ii)(A) Notwithstanding Subsection (2), upon request from the unclaimed property
1219 administrator and to the extent allowed under federal law, the commission shall
1220 provide the unclaimed property administrator the name, address, telephone
1221 number, county of residence, and social security number or federal employer
1222 identification number on any return filed under Chapter 7, Corporate Franchise
1223 and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 1224 (B) The unclaimed property administrator may use the information described in
1225 Subsection (4)(bb)(ii)(A) only for the purpose of returning unclaimed property
1226 to the property's owner in accordance with Title 67, Chapter 4a, Revised
1227 Uniform Unclaimed Property Act.
- 1228 (iii) The unclaimed property administrator is subject to the confidentiality provisions
1229 of this section with respect to any information the unclaimed property
1230 administrator receives under this Subsection (4)(bb).
- 1231 (cc) Notwithstanding Subsection (2), the commission may, upon request, disclose a
1232 taxpayer's state individual income tax information to a program manager of the Utah
1233 Fits All Scholarship Program under Section 53F-6-402 if:
- 1234 (i) the taxpayer consents in writing to the disclosure;
1235 (ii) the taxpayer's written consent includes the taxpayer's name, social security
1236 number, and any other information the commission requests that is necessary to
1237 verify the identity of the taxpayer; and
1238 (iii) the program manager provides the taxpayer's written consent to the commission.
- 1239 (dd) Notwithstanding Subsection (2), the commission may provide to the Division of
1240 Finance within the Department of Government Operations any information necessary
1241 to facilitate a payment from the commission to a taxpayer, including:
- 1242 (i) the name of the taxpayer entitled to the payment or any other person legally
1243 authorized to receive the payment;
1244 (ii) the taxpayer identification number of the taxpayer entitled to the payment;
1245 (iii) the payment identification number and amount of the payment;
1246 (iv) the tax year to which the payment applies and date on which the payment is due;
1247 (v) a mailing address to which the payment may be directed; and
1248 (vi) information regarding an account at a depository institution to which the
1249 payment may be directed, including the name of the depository institution, the
1250 type of account, the account number, and the routing number for the account.
- 1251 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of

revenues collected by the commission under Subsection 59-5-202(5):

- (i) at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning and Budget, to the committee or office for the time period specified by the committee or office; and
- (ii) to the Division of Finance for purposes of the Division of Finance administering Subsection 59-5-202(5).

(ff) Notwithstanding Subsection (2), the commission may provide the Department of Agriculture and Food with information from a return filed in accordance with Chapter 31, Cannabinoid Licensing and Tax Act.

(5)(a) Each report and return shall be preserved for at least three years.

(b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or return.

(6)(a) Any individual who violates this section is guilty of a class A misdemeanor.

(b) If the individual described in Subsection (6)(a) is an officer or employee of the state, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.

(c) Notwithstanding Subsection (6)(a) or (b), GOEO, when requesting information in accordance with Subsection (4)(n)(iii), or an individual who requests information in accordance with Subsection (4)(n)(v):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an individual described in Subsection (2):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

The following section is affected by a coordination clause at the end of this bill.

Section 13. Section **59-12-103** is amended to read:

59-12-103 (Effective 07/01/25). Sales and use tax base -- Rates -- Effective dates

-- Use of sales and use tax revenue.

(1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales price for amounts paid or charged for the following transactions:

(a) retail sales of tangible personal property made within the state;

(b) amounts paid for:

(i) telecommunications service, other than mobile telecommunications service, that originates and terminates within the boundaries of this state;

(ii) mobile telecommunications service that originates and terminates within the boundaries of one state only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

(iii) an ancillary service associated with a:

(A) telecommunications service described in Subsection (1)(b)(i); or

(B) mobile telecommunications service described in Subsection (1)(b)(ii);

(c) sales of the following for commercial use:

(i) gas;

(ii) electricity;

(iii) heat;

(iv) coal;

(v) fuel oil; or

(vi) other fuels;

(d) sales of the following for residential use:

(i) gas;

(ii) electricity;

(iii) heat;

(iv) coal;

(v) fuel oil; or

(vi) other fuels;

(e) sales of prepared food;

(f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling

1320 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
1321 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
1322 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
1323 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
1324 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
1325 activity;

1326 (g) amounts paid or charged for services for repairs or renovations of tangible personal
1327 property, unless Section 59-12-104 provides for an exemption from sales and use tax
1328 for:

1329 (i) the tangible personal property; and

1330 (ii) parts used in the repairs or renovations of the tangible personal property described
1331 in Subsection (1)(g)(i), regardless of whether:

1332 (A) any parts are actually used in the repairs or renovations of that tangible
1333 personal property; or

1334 (B) the particular parts used in the repairs or renovations of that tangible personal
1335 property are exempt from a tax under this chapter;

1336 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted
1337 cleaning or washing of tangible personal property;

1338 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer
1339 court accommodations and services;

1340 (j) amounts paid or charged for laundry or dry cleaning services;

1341 (k) amounts paid or charged for leases or rentals of tangible personal property if within
1342 this state the tangible personal property is:

1343 (i) stored;

1344 (ii) used; or

1345 (iii) otherwise consumed;

1346 (l) amounts paid or charged for tangible personal property if within this state the tangible
1347 personal property is:

1348 (i) stored;

1349 (ii) used; or

1350 (iii) consumed;

1351 (m) amounts paid or charged for a sale:

1352 (i)(A) of a product transferred electronically; or

1353 (B) of a repair or renovation of a product transferred electronically; and

- 1354 (ii) regardless of whether the sale provides:
- 1355 (A) a right of permanent use of the product; or
- 1356 (B) a right to use the product that is less than a permanent use, including a right:
- 1357 (I) for a definite or specified length of time; and
- 1358 (II) that terminates upon the occurrence of a condition; and
- 1359 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 1360 state.
- 1361 (2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are
- 1362 imposed on a transaction described in Subsection (1) equal to the sum of:
- 1363 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1364 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 1365 (B)(I) the tax rate the state imposes in accordance with Part 18, Additional
- 1366 State Sales and Use Tax Act, if the location of the transaction as determined
- 1367 under Sections 59-12-211 through 59-12-215 is in a county in which the
- 1368 state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
- 1369 and
- 1370 (II) the tax rate the state imposes in accordance with Part 20, Supplemental
- 1371 State Sales and Use Tax Act, if the location of the transaction as determined
- 1372 under Sections 59-12-211 through 59-12-215 is in a city, town, or the
- 1373 unincorporated area of a county in which the state imposes the tax under
- 1374 Part 20, Supplemental State Sales and Use Tax Act; and
- 1375 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 1376 transaction under this chapter other than this part.
- 1377 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state
- 1378 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal
- 1379 to the sum of:
- 1380 (i) a state tax imposed on the transaction at a tax rate of 2%; and
- 1381 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 1382 transaction under this chapter other than this part.
- 1383 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed
- 1384 on amounts paid or charged for food and food ingredients equal to the sum of:
- 1385 (i) a state tax imposed on the amounts paid or charged for food and food ingredients
- 1386 at a tax rate of 1.75%; and
- 1387 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the

amounts paid or charged for food and food ingredients under this chapter other than this part.

(d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at a rate of 4.85%.

(e)(i)(A) If a shared vehicle owner certifies to the commission, on a form prescribed by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle owner.

(B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is required once during the time that the shared vehicle owner owns the shared vehicle.

(C) The commission shall verify that a shared vehicle is an individual-owned shared vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the purchase of the shared vehicle.

(D) The exception under Subsection (2)(e)(i)(A) applies to a certified individual-owned shared vehicle shared through a car-sharing program even if non-certified shared vehicles are also available to be shared through the same car-sharing program.

(ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

(iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i).

(B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

(iv) If all shared vehicles shared through a car-sharing program are certified as described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

(v) A car-sharing program is not required to list or otherwise identify an

individual-owned shared vehicle on a return or an attachment to a return.

(vi) A car-sharing program shall:

(A) retain tax information for each car-sharing program transaction; and

(B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the commission's request.

(f)(i) For a bundled transaction that is attributable to food and food ingredients and tangible personal property other than food and food ingredients, a state tax and a local tax is imposed on the entire bundled transaction equal to the sum of:

(A) a state tax imposed on the entire bundled transaction equal to the sum of:

(I) the tax rate described in Subsection (2)(a)(i)(A); and

(II)(Aa) the tax rate the state imposes in accordance with Part 18,

Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

(Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

(B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).

(ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.

(iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):

(A) if the sales price of the bundled transaction is attributable to tangible personal property, a product, or a service that is subject to taxation under this chapter and tangible personal property, a product, or service that is not subject to taxation under this chapter, the entire bundled transaction is subject to taxation under this chapter unless:

- 1456 (I) the seller is able to identify by reasonable and verifiable standards the
1457 tangible personal property, product, or service that is not subject to taxation
1458 under this chapter from the books and records the seller keeps in the seller's
1459 regular course of business; or
1460 (II) state or federal law provides otherwise; or
1461 (B) if the sales price of a bundled transaction is attributable to two or more items
1462 of tangible personal property, products, or services that are subject to taxation
1463 under this chapter at different rates, the entire bundled transaction is subject to
1464 taxation under this chapter at the higher tax rate unless:
1465 (I) the seller is able to identify by reasonable and verifiable standards the
1466 tangible personal property, product, or service that is subject to taxation
1467 under this chapter at the lower tax rate from the books and records the seller
1468 keeps in the seller's regular course of business; or
1469 (II) state or federal law provides otherwise.
1470 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1471 seller's regular course of business includes books and records the seller keeps in
1472 the regular course of business for nontax purposes.
1473 (g)(i) Except as otherwise provided in this chapter and subject to Subsections
1474 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
1475 personal property, a product, or a service that is subject to taxation under this
1476 chapter, and the sale, lease, or rental of tangible personal property, other property,
1477 a product, or a service that is not subject to taxation under this chapter, the entire
1478 transaction is subject to taxation under this chapter unless the seller, at the time of
1479 the transaction:
1480 (A) separately states the portion of the transaction that is not subject to taxation
1481 under this chapter on an invoice, bill of sale, or similar document provided to
1482 the purchaser; or
1483 (B) is able to identify by reasonable and verifiable standards, from the books and
1484 records the seller keeps in the seller's regular course of business, the portion of
1485 the transaction that is not subject to taxation under this chapter.
1486 (ii) A purchaser and a seller may correct the taxability of a transaction if:
1487 (A) after the transaction occurs, the purchaser and the seller discover that the
1488 portion of the transaction that is not subject to taxation under this chapter was
1489 not separately stated on an invoice, bill of sale, or similar document provided

- 1490 to the purchaser because of an error or ignorance of the law; and
- 1491 (B) the seller is able to identify by reasonable and verifiable standards, from the
- 1492 books and records the seller keeps in the seller's regular course of business, the
- 1493 portion of the transaction that is not subject to taxation under this chapter.
- 1494 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller
- 1495 keeps in the seller's regular course of business includes books and records the
- 1496 seller keeps in the regular course of business for nontax purposes.
- 1497 (h)(i) If the sales price of a transaction is attributable to two or more items of tangible
- 1498 personal property, products, or services that are subject to taxation under this
- 1499 chapter at different rates, the entire purchase is subject to taxation under this
- 1500 chapter at the higher tax rate unless the seller, at the time of the transaction:
- 1501 (A) separately states the items subject to taxation under this chapter at each of the
- 1502 different rates on an invoice, bill of sale, or similar document provided to the
- 1503 purchaser; or
- 1504 (B) is able to identify by reasonable and verifiable standards the tangible personal
- 1505 property, product, or service that is subject to taxation under this chapter at the
- 1506 lower tax rate from the books and records the seller keeps in the seller's regular
- 1507 course of business.
- 1508 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
- 1509 seller's regular course of business includes books and records the seller keeps in
- 1510 the regular course of business for nontax purposes.
- 1511 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
- 1512 imposed under the following shall take effect on the first day of a calendar quarter:
- 1513 (i) Subsection (2)(a)(i)(A);
- 1514 (ii) Subsection (2)(b)(i);
- 1515 (iii) Subsection (2)(c)(i); or
- 1516 (iv) Subsection (2)(f)(i)(A)(I).
- 1517 (j)(i) A tax rate increase takes effect on the first day of the first billing period that
- 1518 begins on or after the effective date of the tax rate increase if the billing period for
- 1519 the transaction begins before the effective date of a tax rate increase imposed
- 1520 under:
- 1521 (A) Subsection (2)(a)(i)(A);
- 1522 (B) Subsection (2)(b)(i);
- 1523 (C) Subsection (2)(c)(i); or

- 1524 (D) Subsection (2)(f)(i)(A)(I).
- 1525 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
- 1526 statement for the billing period is rendered on or after the effective date of the
- 1527 repeal of the tax or the tax rate decrease imposed under:
- 1528 (A) Subsection (2)(a)(i)(A);
- 1529 (B) Subsection (2)(b)(i);
- 1530 (C) Subsection (2)(c)(i); or
- 1531 (D) Subsection (2)(f)(i)(A)(I).
- 1532 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
- 1533 is computed on the basis of sales and use tax rates published in the catalogue, a
- 1534 tax rate repeal or change in a tax rate takes effect:
- 1535 (A) on the first day of a calendar quarter; and
- 1536 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
- 1537 change.
- 1538 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 1539 (A) Subsection (2)(a)(i)(A);
- 1540 (B) Subsection (2)(b)(i);
- 1541 (C) Subsection (2)(c)(i); or
- 1542 (D) Subsection (2)(f)(i)(A)(I).
- 1543 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1544 the commission may by rule define the term "catalogue sale."
- 1545 (l)(i) For a location described in Subsection (2)(l)(ii), the commission shall determine
- 1546 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel
- 1547 based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other
- 1548 fuel at the location.
- 1549 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
- 1550 or other fuel is furnished through a single meter for two or more of the following
- 1551 uses:
- 1552 (A) a commercial use;
- 1553 (B) an industrial use; or
- 1554 (C) a residential use.
- 1555 (3)(a) The following state taxes shall be deposited into the General Fund:
- 1556 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1557 (ii) the tax imposed by Subsection (2)(b)(i);

- 1558 (iii) the tax imposed by Subsection (2)(c)(i); and
1559 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1560 (b) The following local taxes shall be distributed to a county, city, or town as provided
1561 in this chapter:
- 1562 (i) the tax imposed by Subsection (2)(a)(ii);
1563 (ii) the tax imposed by Subsection (2)(b)(ii);
1564 (iii) the tax imposed by Subsection (2)(c)(ii); and
1565 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1566 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1567 (4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1568 2003, the lesser of the following amounts shall be expended as provided in
1569 Subsections (4)(b) through (g):
- 1570 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
1571 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
1572 (B) for the fiscal year; or
1573 (ii) \$17,500,000.
- 1574 (b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
1575 described in Subsection (4)(a) shall be transferred each year as designated sales
1576 and use tax revenue to the Division of Wildlife Resources to:
- 1577 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d)
1578 to protect sensitive plant and animal species; or
1579 (B) award grants, up to the amount authorized by the Legislature in an
1580 appropriations act, to political subdivisions of the state to implement the
1581 measures described in Subsections 23A-3-214(3)(a) through (d) to protect
1582 sensitive plant and animal species.
- 1583 (ii) Money transferred to the Division of Wildlife Resources under Subsection
1584 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or
1585 any other person to list or attempt to have listed a species as threatened or
1586 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et
1587 seq.
- 1588 (iii) At the end of each fiscal year:
- 1589 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
1590 the Water Resources Conservation and Development Fund created in Section
1591 73-10-24;

(B) 25% of any unexpended designated sales and use tax revenue shall lapse to the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

(C) 25% of any unexpended designated sales and use tax revenue shall lapse to the Drinking Water Loan Program Subaccount created in Section 73-10c-5.

(c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund created in Section 4-18-106.

(d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of water rights.

(ii) At the end of each fiscal year:

(A) 50% of any unexpended designated sales and use tax revenue shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24;

(B) 25% of any unexpended designated sales and use tax revenue shall lapse to the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

(C) 25% of any unexpended designated sales and use tax revenue shall lapse to the Drinking Water Loan Program Subaccount created in Section 73-10c-5.

(e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

(ii) In addition to the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24, the Water Resources Conservation and Development Fund may also be used to:

(A) conduct hydrologic and geotechnical investigations by the Division of Water Resources in a cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface and ground water resources and describing the hydrologic systems of an area in sufficient detail so as to enable local and state resource managers to plan for and accommodate growth in water use without jeopardizing the resource;

(B) fund state required dam safety improvements; and

(C) protect the state's interest in interstate water compact allocations, including the

1626 hiring of technical and legal staff.

1627 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in
1628 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program
1629 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund
1630 wastewater projects.

1631 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1632 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program
1633 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:

- 1634 (i) provide for the installation and repair of collection, treatment, storage, and
1635 distribution facilities for any public water system, as defined in Section 19-4-102;
1636 (ii) develop underground sources of water, including springs and wells; and
1637 (iii) develop surface water sources.

1638 (5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1639 2006, the difference between the following amounts shall be expended as provided in
1640 this Subsection (5), if that difference is greater than \$1:

- 1641 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
1642 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);
1643 and
1644 (ii) \$17,500,000.

1645 (b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1646 (A) transferred each fiscal year to the Department of Natural Resources as
1647 designated sales and use tax revenue; and

1648 (B) expended by the Department of Natural Resources for watershed rehabilitation
1649 or restoration.

1650 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1651 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
1652 Conservation and Development Fund created in Section 73-10-24.

1653 (c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1654 remaining difference described in Subsection (5)(a) shall be:

1655 (A) transferred each fiscal year to the Division of Water Resources as designated
1656 sales and use tax revenue; and

1657 (B) expended by the Division of Water Resources for cloud-seeding projects
1658 authorized by Title 73, Chapter 15, Modification of Weather.

1659 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use

- 1660 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
1661 Conservation and Development Fund created in Section 73-10-24.
- 1662 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1663 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1664 Resources Conservation and Development Fund created in Section 73-10-24 for use
1665 by the Division of Water Resources for:
- 1666 (i) preconstruction costs:
- 1667 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
1668 Chapter 26, Bear River Development Act; and
- 1669 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1670 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 1671 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
1672 73, Chapter 26, Bear River Development Act;
- 1673 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
1674 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
1675 Act; and
- 1676 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1677 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)
1678 through (iii).
- 1679 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
1680 remaining difference described in Subsection (5)(a) shall be deposited each year into
1681 the Water Rights Restricted Account created by Section 73-2-1.6.
- 1682 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each
1683 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
1684 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
1685 rate on the transactions described in Subsection (1) for the fiscal year.
- 1686 (7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d),
1687 for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into
1688 the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of
1689 the taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from
1690 the following sales and use taxes:
- 1691 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1692 (ii) the tax imposed by Subsection (2)(b)(i);
- 1693 (iii) the tax imposed by Subsection (2)(c)(i); and

- 1694 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1695 (b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
- 1696 annually reduce the deposit under Subsection (7)(a) into the Transportation
- 1697 Investment Fund of 2005 by an amount equal to .44% of the revenue collected
- 1698 from the following sales and use taxes:
- 1699 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1700 (B) the tax imposed by Subsection (2)(b)(i);
- 1701 (C) the tax imposed by Subsection (2)(c)(i); and
- 1702 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1703 (ii) The commission shall annually deposit the amount described in Subsection
- 1704 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in
- 1705 Section 72-2-124.
- 1706 (c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
- 1707 2023, the commission shall annually reduce the deposit into the Transportation
- 1708 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
- 1709 equal to 5% of:
- 1710 (A) the amount of revenue generated in the current fiscal year by the portion of
- 1711 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
- 1712 collected from taxes described in Subsections (7)(a)(i) through (iv);
- 1713 (B) the amount of revenue generated in the current fiscal year by registration fees
- 1714 designated under Section 41-1a-1201 to be deposited into the Transportation
- 1715 Investment Fund of 2005; and
- 1716 (C) revenue transferred by the Division of Finance to the Transportation
- 1717 Investment Fund of 2005 in accordance with Section 72-2-106 in the current
- 1718 fiscal year.
- 1719 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
- 1720 given fiscal year.
- 1721 (iii) The commission shall annually deposit the amount described in Subsection
- 1722 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
- 1723 72-2-124(11).
- 1724 (d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
- 1725 annually reduce the deposit into the Transportation Investment Fund of 2005
- 1726 under this Subsection (7) by an amount that is equal to 1% of the revenue
- 1727 collected from the following sales and use taxes:

- 1728 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1729 (B) the tax imposed by Subsection (2)(b)(i);
- 1730 (C) the tax imposed by Subsection (2)(c)(i); and
- 1731 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1732 (ii) The commission shall annually deposit the amount described in Subsection
- 1733 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.
- 1734 (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
- 1735 Subsection (7), and subject to ~~[Subsections]~~ Subsection (8)(b)~~[-and-(d)(ii)]~~, for a fiscal
- 1736 year beginning on or after July 1, 2018, the commission shall annually deposit into
- 1737 the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of
- 1738 the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenue
- 1739 collected from the following taxes:
- 1740 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1741 (ii) the tax imposed by Subsection (2)(b)(i);
- 1742 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1743 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1744 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
- 1745 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
- 1746 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
- 1747 current fiscal year by the portion of the tax imposed on motor and special fuel that is
- 1748 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
- 1749 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
- 1750 into the Transit Transportation Investment Fund created in Section 72-2-124.
- 1751 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
- 1752 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies
- 1753 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
- 1754 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal
- 1755 year during which the commission receives notice under Section 63N-2-510 that
- 1756 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the
- 1757 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the
- 1758 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact
- 1759 Mitigation Fund, created in Section 63N-2-512.
- 1760 (11)(a) The rate specified in this subsection is 0.15%.
- 1761 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning

on or after July 1, 2019, annually transfer the amount of revenue collected from the rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in Section 26B-1-315.

(12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit solely for use of the Search and Rescue Financial Assistance Program created in, and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.

(b) If the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall transfer the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the General Fund.

(14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610, beginning the first day of the calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment within an established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation Investment Fund created in Section 72-2-124.

(15)(a) ~~Notwithstanding Subsection (3)(a), [the commission shall, for a fiscal year beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted Account, created in Section 51-9-902,] for a fiscal year beginning on or after July 1, 2025, the commission shall, in accordance with Subsection (15)(b), transfer a portion of the taxes listed under Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use taxes:~~

~~[(a)] (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;~~

~~[(b)] (ii) the tax imposed by Subsection (2)(b)(i);~~

~~[(c)] (iii) the tax imposed by Subsection (2)(c)(i); and~~

~~[(d)] (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).~~

(b) The commission shall transfer the portion of the taxes described in Subsection (15)(a) as follows:

(i) into the Outdoor Adventure Infrastructure Restricted Account created in Section

1796 51-9-902, an amount equal to the amount that was deposited into the Outdoor
1797 Adventure Infrastructure Restricted Account in fiscal year 2025; and
1798 (ii) for any amount exceeding the amount described in Subsection (15)(b)(i), 50%
1799 into the Outdoor Adventure Infrastructure Restricted Account and 50% to the
1800 Utah Fairpark Area Investment and Restoration District created in Section
1801 11-70-201.

1802 (16) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission shall
1803 transfer to the Utah Fairpark Area Investment and Restoration District, created in
1804 Section 11-70-201, the revenue from the sales and use tax imposed by Subsection
1805 (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area, as
1806 defined in Section 11-70-101.

1807 (17)(a) As used in this Subsection (17):

1808 (i) "Additional land" means point of the mountain state land described in Subsection
1809 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
1810 the mountain authority provides the commission a map under Subsection (17)(c).

1811 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
1812 Authority, created in Section 11-59-201.

1813 (iii) "Point of the mountain state land" means the same as that term is defined in
1814 Section 11-59-102.

1815 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the
1816 mountain authority 50% of the revenue from the sales and use tax imposed by
1817 Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the
1818 mountain state land.

1819 (c) The distribution under Subsection (17)(b) shall begin the next calendar quarter that
1820 begins at least 90 days after the point of the mountain authority provides the
1821 commission a map that:

1822 (i) accurately describes the point of the mountain state land; and

1823 (ii) the point of the mountain authority certifies as accurate.

1824 (d) A distribution under Subsection (17)(b) with respect to additional land shall begin
1825 the next calendar quarter that begins at least 90 days after the point of the mountain
1826 authority provides the commission a map of point of the mountain state land that:

1827 (i) accurately describes the point of the mountain state land, including the additional
1828 land; and

1829 (ii) the point of the mountain authority certifies as accurate.

(e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue distributed to the point of the mountain authority under Subsection (17)(b), the point of the mountain authority shall immediately notify the commission in writing that the bonds are paid in full.

(ii) The commission shall discontinue distributions of sales and use tax revenue under Subsection (17)(b) at the beginning of the calendar quarter that begins at least 90 days after the date that the commission receives the written notice under Subsection (17)(e)(i).

Section 14. Section **59-12-352** is amended to read:

59-12-352 (Effective 05/07/25). Transient room tax authority for municipalities, military installation development authority, Utah Fairpark Area Investment and Restoration District, and Point of the Mountain State Land Authority -- Purposes for which revenues may be used.

(1)(a) Except as provided in Subsection (5), the governing body of a municipality may impose a tax of not to exceed 1% on charges for the accommodations and services described in Subsection 59-12-103(1)(i).

(b) Subject to Section 63H-1-203, the military installation development authority created in Section 63H-1-201 may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act, as though the authority were a municipality.

(c) Beginning October 1, 2024, the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within the district sales tax area, as defined in Section 11-70-101, to the same extent and in the same manner as a municipality may impose a tax under this section.

(2) Subject to the limitations of Subsection (1), a governing body of a municipality may, by ordinance, increase or decrease the tax under this part.

(3) A governing body of a municipality shall regulate the tax under this part by ordinance.

(4) A municipality may use revenues generated by the tax under this part for general fund purposes.

(5)(a) A municipality may not impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within:

(i) [-]a project area described in a project area plan adopted by [-]

- 1864 [(i)] the military installation development authority under Title 63H, Chapter 1,
 1865 Military Installation Development Authority Act; or
 1866 (ii) [~~the Utah Fairpark Area Investment and Restoration District under Title 11,~~
 1867 ~~Chapter 70, Utah Fairpark Area Investment and Restoration District]~~ the district
 1868 sales tax area, as defined in Section 11-70-101.
- 1869 (b) Subsection (5)(a) does not apply to:
- 1870 (i) [~~]the military installation development authority's imposition of a tax under this~~
 1871 ~~section[.] ; or~~
 1872 (ii) the imposition of a tax under this section by the Utah Fairpark Area Investment
 1873 and Restoration District created in Section 11-70-201.
- 1874 (6)(a) As used in this Subsection (6):
- 1875 (i) "Authority" means the Point of the Mountain State Land Authority, created in
 1876 Section 11-59-201.
- 1877 (ii) "Authority board" means the board referred to in Section 11-59-301.
- 1878 (b) The authority may, by a resolution adopted by the authority board, impose a tax of
 1879 not to exceed 5% on charges for the accommodations and services described in
 1880 Subsection 59-12-103(1)(i) for transactions that occur on point of the mountain state
 1881 land, as defined in Section 11-59-102.
- 1882 (c) The authority board, by resolution, shall regulate the tax under this Subsection (6).
- 1883 (d) The authority shall use all revenue from a tax imposed under this Subsection (6) to
 1884 provide affordable housing, consistent with the manner that a community
 1885 reinvestment agency uses funds for income targeted housing under Section 17C-1-412.
- 1886 (e) A tax under this Subsection (6) is in addition to any other tax that may be imposed
 1887 under this part.
- 1888 Section 15. Section **59-12-1201** is amended to read:
- 1889 **59-12-1201 (Effective 05/07/25). Motor vehicle rental tax -- Rate -- Exemptions --**
 1890 **Administration, collection, and enforcement of tax -- Administrative charge -- Deposits.**
- 1891 (1) As used in this section:
- 1892 (a) "Fairpark district board" means the board of the fairpark district.
- 1893 (b) "Fairpark district" means the Utah Fairpark Area Investment and Restoration
 1894 District, created in Section 11-70-201.
- 1895 (c) "Franchise agreement date" means the same as that term is defined in Section
 1896 11-70-101.
- 1897 (d) "Stadium contribution" means the same as that term is defined in Section 11-70-101.

- 1898 (e) "Transition date" means the first day of the calendar quarter that begins at least 90
1899 days after the fairpark district board delivers to the commission the certificate
1900 described in Subsection (2)(a)(ii)(B).
- 1901 (2)(a)(i) Except as provided in Subsections (4) and (5), there is imposed a tax of 2.5%
1902 on all short-term rentals of motor vehicles.
- 1903 (ii)(A) In addition to the tax imposed under Subsection (2)(a)(i) and except as
1904 provided in Subsections (4) and (5), beginning on the transition date there is
1905 imposed a tax of 1.5% on all short-term [~~leases and~~] rentals of motor vehicles[
1906 ~~not exceeding 30 days~~].
- 1907 (B) After the franchise agreement date, the fairpark district board shall deliver to
1908 the commission a certificate verifying the execution of a franchise agreement,
1909 as defined in Section 11-70-101, and providing the franchise agreement date.
- 1910 (C) A tax under this Subsection (2)(a)(ii) is imposed only if the franchise
1911 agreement date is on or before June 30, 2032.
- 1912 (b) The tax imposed in this section is in addition to all other state, county, or municipal
1913 fees and taxes imposed on rentals of motor vehicles.
- 1914 (3)(a) Subject to Subsection (3)(b), a tax rate repeal or tax rate change for the tax
1915 imposed under Subsection (2) shall take effect on the first day of a calendar quarter.
- 1916 (b)(i) For a transaction subject to a tax under Subsection (2), a tax rate increase shall
1917 take effect on the first day of the first billing period:
- 1918 (A) that begins after the effective date of the tax rate increase; and
- 1919 (B) if the billing period for the transaction begins before the effective date of a tax
1920 rate increase imposed under Subsection (2).
- 1921 (ii) For a transaction subject to a tax under Subsection (2), the repeal of a tax or a tax
1922 rate decrease shall take effect on the first day of the last billing period:
- 1923 (A) that began before the effective date of the repeal of the tax or the tax rate
1924 decrease; and
- 1925 (B) if the billing period for the transaction begins before the effective date of the
1926 repeal of the tax or the tax rate decrease imposed under Subsection [~~(1)~~] (2).
- 1927 (4) A tax imposed under this section applies at the same rate to car sharing of less than 30
1928 days, except for car sharing for the purpose of temporarily replacing a person's motor
1929 vehicle that is being repaired pursuant to a repair or an insurance agreement.
- 1930 (5) A motor vehicle is exempt from the tax imposed under this section if:
- 1931 (a) the motor vehicle is registered for a gross laden weight of 12,001 or more pounds;

- 1932 (b) the motor vehicle is rented as a personal household goods moving van; or
1933 (c) the lease or rental of the motor vehicle is made for the purpose of temporarily
1934 replacing a person's motor vehicle that is being repaired pursuant to a repair
1935 agreement or an insurance agreement.

1936 (6)(a)(i) The tax authorized under this section shall be administered, collected, and
1937 enforced in accordance with:

1938 (A) the same procedures used to administer, collect, and enforce the tax under Part
1939 1, Tax Collection; and

1940 (B) Chapter 1, General Taxation Policies.

1941 (ii) Notwithstanding Subsection [~~(5)(a)(i)~~] (6)(a)(i), a tax under this part is not subject
1942 to Subsections 59-12-103(4) through (9) or Section 59-12-107.1 or 59-12-123.

1943 (b) The commission shall retain and deposit an administrative charge in accordance with
1944 Section 59-1-306 from the revenue the commission collects from a tax under this part.

1945 (c) Except as provided under Subsections (6)(b) and (d):

1946 (i) the commission shall deposit daily with the state treasurer all revenue received
1947 under this section; and

1948 (ii) the state treasurer shall credit monthly all revenue received under this section to
1949 the Marda Dillree Corridor Preservation Fund under Section 72-2-117.

1950 (d)(i) Subject to Subsection (6)(d)(iii), all revenue received by the commission under
1951 Subsection (2)(a)(ii) shall be paid to the fairpark district.

1952 (ii) Within 10 days after the fairpark district completes payment of the stadium
1953 contribution, the fairpark district board shall deliver to the commission a written
1954 statement verifying that the fairpark district has completed payment of the stadium
1955 contribution.

1956 (iii) Upon receipt of the written statement under Subsection (6)(d)(ii), the
1957 commission shall:

1958 (A) discontinue collecting revenue under Subsection (2)(a)(ii), beginning the first
1959 day of the calendar quarter that is at least 90 days after the commission's
1960 receipt of the written statement;

1961 (B) discontinue distributing revenue under Subsection (2)(a)(ii) to the fairpark
1962 district, beginning the first day of the calendar quarter that is at least 90 days
1963 after the commission's receipt of the written statement; and

1964 (C) notify the Executive Appropriations Committee of the Legislature that the
1965 commission is discontinuing collecting and distributing revenue under

Subsection (2)(a)(ii).

Section 16. **Effective Date.**

(1) Except as provided in Subsection (2), this bill takes effect May 7, 2025.

(2) The actions affecting the following sections take effect on July 1, 2025:

(a) Section 51-9-902 (**Effective 07/01/25**); and

(b) Section 59-12-103 (**Effective 07/01/25**).

Section 17. **Coordinating S.B. 336 with S.B. 27.**

If S.B. 336, Utah Fairpark Area Investment and Restoration District Modifications, and S.B. 27, Motor Vehicle Division Amendments, both pass and become law, the Legislature intends that, on July 1, 2026, Subsection 59-12-103(4)(h) enacted in S.B. 27 be amended to read:

"(h) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902 as follows:

(i) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902, an amount equal to the amount that was deposited into the Outdoor Adventure Infrastructure Restricted Account in fiscal year 2025; and

(ii) for any amount exceeding the amount described in Subsection (4)(h)(i), 50% into the Outdoor Adventure Infrastructure Restricted Account and 50% to the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201."