

HB0456S02 compared with HB0456

~~{Omitted text}~~ shows text that was in HB0456 but was omitted in HB0456S02

inserted text shows text that was not in HB0456 but was inserted into HB0456S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Transient Room Tax Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bridger Bolinder

Senate Sponsor: Evan J. Vickers

2

3 LONG TITLE

4 General Description:

5 This bill modifies the transient room tax and creates the Outdoor Recreation Mitigation
6 Grant Program.

7 Highlighted Provisions:

8 This bill:

- 9 ▶ defines terms and modifies definitions;
- 10 ▶ modifies the acceptable uses of transient room tax revenue;
- 11 ▶ authorizes a county to enter into an interlocal agreement with a municipality within the county to
share county transient room tax revenue;
- 13 ▶ modifies reporting requirements on counties that impose transient room tax;
- 14 ▶ provides that certain municipalities may appoint board members to a tourism tax advisory board;
- 16 ▶ requires the state auditor to review a county's report on transient room tax and determine if the
report is sufficient and compliant;
- 18 ▶ modifies the maximum county tax rate on short-term rentals of tourist home, hotel, motel,
or trailer court accommodations and services;

HB0456

HB0456 compared with HB0456S02

- 18 ▶ modifies the state tax rate on short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services;
- 20 ▶ directs the State Tax Commission to deposit revenue the state collects from the secondary rate on short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services into the Outdoor Recreation Mitigation Grant Fund{,-} and the {General} Long-term Capital Projects Fund{,-} and the counties of the state } ;
- 24 ▶ extends the sunset on the State Search and Rescue Advisory Board;
- 27 ▶ establishes an outdoor recreation mitigation grant program within the Division of Outdoor Recreation;
- 25 ▶ creates the Outdoor Recreation Mitigation Grant Fund;
- 26 ▶ { ~~establishes an outdoor recreation mitigation grant program within the Division of Outdoor Recreation;~~ }
- 28 ▶ describes the criteria to apply for and receive an outdoor recreation mitigation grant;
- 29 ▶ describes the acceptable uses of an outdoor recreation mitigation grant;
- 30 ▶ requires the Division of Outdoor Recreation to provide a written report annually to the Revenue and Taxation and Political Subdivisions Interim committees;
- 32 ▶ repeals the sunset date on the Volunteer Emergency Medical Service Personnel Health Insurance Program; and
- 34 ▶ makes technical and conforming changes.

37 Money Appropriated in this Bill:

38 None

39 Other Special Clauses:

40 This bill provides a special effective date.

42 AMENDS:

43 **17-31-2** , as last amended by Laws of Utah 2023, Chapter 15 , as last amended by Laws of Utah 2023, Chapter 15

44 **17-31-5** , as last amended by Laws of Utah 2022, Chapter 360 , as last amended by Laws of Utah 2022, Chapter 360

45 **17-31-5.5** , as last amended by Laws of Utah 2023, Chapter 479 , as last amended by Laws of Utah 2023, Chapter 479

46

HB0456 compared with HB0456S02

17-31-8 , as last amended by Laws of Utah 2018, Chapter 68 , as last amended by Laws of Utah 2018, Chapter 68

47 17-36-37 , as last amended by Laws of Utah 2022, Chapter 288 , as last amended by Laws of Utah 2022, Chapter 288

48 **59-12-301 , as last amended by Laws of Utah 2015, Chapter 283 , as last amended by Laws of Utah 2015, Chapter 283**

49 59-28-102 , as enacted by Laws of Utah 2017, Chapter 166 , as enacted by Laws of Utah 2017, Chapter 166

50 59-28-103 , as last amended by Laws of Utah 2022, Chapter 68 , as last amended by Laws of Utah 2022, Chapter 68

51 63I-1-253 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

52 **63N-3-403 , as last amended by Laws of Utah 2024, Chapter 268 , as last amended by Laws of Utah 2024, Chapter 268**

53 67-3-12 , as last amended by Laws of Utah 2023, Chapters 16, 502 , as last amended by Laws of Utah 2023, Chapters 16, 502

54 79-7-203 , as last amended by Laws of Utah 2023, Chapter 33 , as last amended by Laws of Utah 2023, Chapter 33

55 ENACTS:

56 79-9-101 , Utah Code Annotated 1953 , Utah Code Annotated 1953

57 79-9-102 , Utah Code Annotated 1953 , Utah Code Annotated 1953

58 79-9-103 , Utah Code Annotated 1953 , Utah Code Annotated 1953

59 **79-9-104 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

60 79-9-201 , Utah Code Annotated 1953 , Utah Code Annotated 1953

61 79-9-202 , Utah Code Annotated 1953 , Utah Code Annotated 1953

62 79-9-203 , Utah Code Annotated 1953 , Utah Code Annotated 1953

63 79-9-301 , Utah Code Annotated 1953 , Utah Code Annotated 1953

64

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

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

67

HB0456 compared with HB0456S02

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

- 65 (1) As used in this section:
- 66 [(a) "Aircraft" means the same as that term is defined in Section 72-10-102.]
- 67 [(b)] (a) "Airport" means the same as that term is defined in Section 72-10-102.
- 68 [(c) "Airport authority" means the same as that term is defined in Section 72-10-102.]
- 69 [(d)] (b) "Airport operator" means the same as that term is defined in Section 72-10-102.
- 70 [(e) "Base year revenue" means the amount of revenue generated by a transient room tax and collected
by a county for fiscal year 2018-19.]
- 72 [(f) "Base year promotion expenditure" means the amount of revenue generated by a transient room tax
that a county spent for the purpose described in Subsection (2)(a) during fiscal year 2018-19.]
- 75 [(g) "Eligible town" means a town that:]
- 76 [(i) is located within a county that has a national park within or partially within the county's boundaries;
and]
- 78 [(ii) imposes a resort communities tax authorized by Section 59-12-401.]
- 79 [(h) "Emergency medical services provider" means an eligible town, a special district, or a special
service district.]
- 81 ~~[(e) "Mitigation" means activity to address the direct impacts of recreation, tourism, or conventions
in a county, including sanitation and solid waste disposal, emergency medical services, search and
rescue services, law enforcement, road repair, and road upgrades.]~~
- 85 [(i)] ~~[(d)]~~ (c)
- (i) ["Tourism"] ~~{Promoting}~~ "Establishing and promoting tourism" means [an activity-{}] to develop,
encourage, solicit, or market {} tourism { } features or opportunities within the county that
{ } attracts { } attract transient guests to the county, including planning, development, and
advertising { } for the purpose described in Subsection (2)(a)(i)] to advertise, market, solicit, or
encourage features or opportunities within a county that attract transient guests to the county.
- 91 (ii) "Establishing and promoting tourism" includes planning for any activity described in Subsection (1)
(c)(i).
- 93 (d) "Mitigation" means activity to address the direct impacts of tourism, recreation related to tourism,
or conventions in a county, specifically sanitation and solid waste disposal, emergency medical
services, search and rescue services, law enforcement, road repair, and road upgrades.

HB0456 compared with HB0456S02

- 89 [(j) "Town" means a municipality that is classified as a town in accordance with Section 10-2-301.]
- 91 [(k) (e) "Transient room tax" means a tax at a rate not to exceed ~~4.25%~~ 4.5% authorized by Section 59-12-301.
- 93 (2) Subject to the requirements of this section, a county legislative body may impose the transient room tax for a purpose described in Subsection (3).
- 95 (3) ~~{ A county legislative body may expend revenue generated by the transient room tax imposed under this section and any revenue the county receives from the State Tax Commission under Section 59-28-103 only }~~ [for the purposes of] A county legislative body may expend revenue generated by the transient room tax imposed under this section and any revenue the county receives from the State Tax Commission under Section 59-28-103 only:
- 98 (a) for the purpose of establishing and promoting:
- 99 (i) tourism;~~[-or]~~
- 100 (ii) recreation~~[-]~~ ;
- 101 ~~(iii) film production[-and] ; or~~
- 102 ~~(iv) conventions;~~
- 103 (b) to pay for tourism- or recreation-related facilities in the county, including acquiring, leasing, constructing, furnishing, maintaining, or operating:
- 105 (i) convention meeting rooms;
- 106 (ii) exhibit halls;
- 107 (iii) visitor information centers;
- 108 (iv) museums;
- 109 (v) sports and recreation facilities including practice fields, stadiums, ~~and~~ arenas, and trails;
- 111 ~~[(vi) related facilities;]~~
- 112 ~~[(vii) (vi) [if a national park is located within or partially within the county's boundaries,]the following~~
on any route to a recreation destination within the county, as designated by the county legislative
body:
- 115 (A) transit service, including shuttle service; and
- 116 (B) parking infrastructure; and
- 117 ~~[(viii)] (vii) an airport, if[-]~~
- 118 ~~[(A) the county is a county of the fourth, fifth, or sixth class; and]~~
- 119 ~~[(B)]~~ the county is the airport operator of the airport;

HB0456 compared with HB0456S02

- 120 (c) for the purpose of acquiring land, leasing land, or making payments for construction or
infrastructure improvements required for or related to the [~~purposes~~] facilities listed in Subsection
121 [(2)(b)] (3)(b);
- 123 (d) [~~as required to mitigate the impacts of recreation, tourism, or conventions in counties of the fourth,
fifth, and sixth class, paying for~~] to pay mitigation costs, {including} specifically:
- 125 (i) solid waste disposal operations;
- 126 (ii) emergency medical services;
- 127 (iii) search and rescue activities;
- 128 (iv) law enforcement activities; and
- 129 (v) road repair and upgrade of:
- 130 (A) class B roads, as defined in Section 72-3-103;
- 131 (B) class C roads, as defined in Section 72-3-104; or
- 132 (C) class D roads, as defined in Section 72-3-105; and
- 133 (e) [~~making-~~] to make the annual payment of principal, interest, premiums, and necessary reserves for
any of the aggregate of bonds authorized under Subsection [~~(5)~~] (4).
- 135 [(3)
- (a) ~~The county legislative body of a county that imposes a transient room tax at a rate of 3% or less may
expend the revenue generated as provided in Subsection (4), after making any reduction required by
Subsection (6).]~~
- 138 [(b) ~~The county legislative body of a county that imposes a transient room tax at a rate that exceeds 3%
or increases the rate of transient room tax above 3% may expend:]~~
- 140 [(i) ~~the revenue generated from the transient room tax at a rate of 3% as provided in Subsection (4),
after making any reduction required by Subsection (6); and]~~
- 142 [(ii) ~~the revenue generated from the portion of the rate that exceeds 3%:]~~
- 143 [(A) ~~for any combination of the purposes described in Subsections (2) and (5); and]~~
- 144 [(B) ~~regardless of the limitation on expenditures for the purposes described in Subsection (4).]~~
- 146 [(4) ~~Subject to Subsections (6) and (7), a county may not expend more than 1/3 of the revenue
generated by a rate of transient room tax that does not exceed 3%, for any combination of the
purposes described in Subsections (2)(b) through (2)(e).]~~
- 149 [(5)] (4)

HB0456 compared with HB0456S02

- 153 [(a)] The county legislative body may issue bonds or cause bonds to be issued, as permitted by law, to pay all or part of any costs incurred for the purposes set forth in Subsections ~~[(2)(b)]~~ (3)(b) through ~~[(2)(d)]~~ (3)(d) that are permitted to be paid from bond proceeds.
- 158 [(b)] If a county legislative body does not need the revenue generated by the transient room tax for payment of principal, interest, premiums, and reserves on bonds issued as provided in Subsection (2)(e), the county legislative body shall expend that revenue for the purposes described in Subsection (2), subject to the limitation of Subsection (4).]
- 159 [(6)]
- 161 (a) In addition to the purposes described in Subsection (2), a county legislative body:]
- 163 [(i) may expend up to 4% of the total revenue generated by a transient room tax to pay a provider for emergency medical services in one or more eligible towns; and]
- 165 [(ii) may expend up to 10% of the total revenue generated by a transient room tax for visitor management and destination development if:]
- 163 [(A) a national park is located within or partially within the county's boundaries; and]
- 165 [(B) the county's tourism tax advisory board created under Subsection 17-31-8(1)(a) or the substantially similar body as described in Subsection 17-31-8(1)(b) has prioritized and recommended the use of the revenue in accordance with Subsection 17-31-8(4).]
- 169 [(b) A county legislative body shall reduce the amount that the county is authorized to expend for the purposes described in Subsection (4) by subtracting the amount of transient room tax revenue expended in accordance with Subsection (6)(a) from the amount of revenue described in Subsection (4).]
- 173 [(7)]
- 176 (a) Except as provided in Subsection (7)(b), a county legislative body in a county of the fourth, fifth, or sixth class shall expend the revenue generated by a transient room tax as follows:]
- 178 [(i) an amount equal to the county's base year promotion expenditure for the purpose described in Subsection (2)(a)(i);]
- 181 [(ii) an amount equal to the difference between the county's base year revenue and the county's base year promotion expenditure in accordance with Subsections (3) through (6); and]
- 181 [(iii)
- (A) 37% of the revenue that exceeds the county's base year revenue for the purpose described in Subsection (2)(a)(i); and]

HB0456 compared with HB0456S02

- 183 [~~(B) subject to Subsection (7)(c), 63% of the revenue that exceeds the county's base year revenue for any combination of the purposes described in Subsections (2)(a)(ii) through (e) or to pay an emergency medical services provider for emergency medical services in one or more eligible towns.~~]
- 187 [~~(b) A county legislative body in a county of the fourth, fifth, or sixth class with one or more national recreation areas administered by the National Park Service or the Forest Service or national parks within or partially within the county's boundaries shall expend the revenue generated by a transient room tax as follows:~~]
- 191 [~~(i) for a purpose described in Subsection (2)(a) and subject to the limitation described in Subsection (7)(d), the greater of:~~]
- 193 [~~(A) an amount equal to the county's base year promotion expenditure; or]~~
- 194 [~~(B) 37% of the transient room tax revenue; and]~~
- 195 [~~(ii) the remainder of the transient room tax not expended in accordance with Subsection (7)(b)(i) for any combination of the purposes described in Subsection (2) and, subject to the limitation described in Subsection (7)(c), Subsection (6).~~]
- 198 [~~(c) A county legislative body in a county of the fourth, fifth, or sixth class may not:~~]
- 199 [~~(i) expend more than 4% of the revenue generated by a transient room tax to pay an emergency medical services provider for emergency medical services in one or more eligible towns; or]~~
- 202 [~~(ii) expend revenue generated by a transient room tax for the purpose described in Subsection (2)(c) in an amount that exceeds the county's base year promotion expenditure.~~]
- 205 [~~(d) A county legislative body may not expend more than 1/5 of the revenue described in Subsection (7)(b)(i) for a purpose described in Subsection (2)(a)(ii).~~]
- 207 [~~(e) The provisions of this Subsection (7) apply notwithstanding any other provision of this section.~~]
- 209 [~~(f) If the total amount of revenue generated by a transient room tax in a county of the fourth, fifth, or sixth class is less than the county's base year promotion expenditure:~~]
- 211 [~~(i) Subsections (7)(a) through (d) do not apply; and]~~
- 212 [~~(ii) the county legislative body shall expend the revenue generated by the transient room tax in accordance with Subsections (3) through (6).~~]
- 214 (5) A county that generates ~~2~~ \$1 million or more in revenue from a transient room tax imposed under this section in the preceding ~~fiscal~~ calendar year:

216

HB0456 compared with HB0456S02

- (a) shall expend, at a minimum, the revenue the county generates from the first 2% of the tax rate of a transient room tax on a purpose described in Subsection (3)(a); and
- 218 (b) may expend the remainder of the revenue the county generates from a transient room tax ~~{and receives from the State Tax Commission under Section 59-28-103}~~ on any purpose described in Subsection (3).
- 228 (6) A county that generates \$500,000 or more but less than \$1 million in revenue from a transient room tax imposed under this section in the preceding calendar year:
- 230 (a) shall expend, at a minimum, the revenue the county generates from the first 1% of the tax rate of a transient room tax on a purpose described in Subsection (3)(a); and
- 232 (b) may expend the remainder of the revenue the county generates from a transient room tax on any purpose described in Subsection (3).
- 221 ~~{(6)}~~ (7) A county that is not described in Subsection (5) ~~or (6)~~ may expend the revenue the county generates from a transient room tax ~~{, and receives from the State Tax Commission under Section 59-28-103,}~~ on any purpose described in Subsection (3).
- 224 ~~{(7)}~~ (8) The legislative body of a county may cause revenue generated by a transient room tax ~~{, or received from the State Tax Commission under Section 59-28-103,}~~ to be expended by a municipality within the county if:
- 227 (a) the revenue the county shares with the municipality is not required to be spent by the county for a purpose described in Subsection (3)(a);
- 229 (b) the county and municipality enter into an interlocal agreement:
- 230 (i) governing the use of the revenue; and
- 231 (ii) requiring the municipality to report the municipality's expenditures of the revenue to the county; and
- 233 (c) the municipality receiving revenue generated by the county's transient room tax agrees to and expends the revenue for a purpose described in Subsection (3).
- 246 Section 2. Section 17-31-5 is amended to read:
- 247 **17-31-5. General powers and duties of a county legislative body related to the transient room tax.**
- 238 (1) The legislative body of each county that imposes a transient room tax in accordance with Section 17-31-2:
- 240 (a) shall, except as provided in Subsection (2), at least annually consider the priorities and recommendations of the county's tourism tax advisory board created under Subsection 17-31-8(1)

HB0456 compared with HB0456S02

(a) or the substantially similar body as described in Subsection 17-31-8(1)(b) in one or more public meetings before finalizing decisions on expenditures of revenue from the transient room tax in each fiscal year;

245 (b) shall prepare and provide the annual written report for each fiscal year as described in Section
17-31-5.5; and

247 (c) may do and perform any and all other acts and things necessary, [~~convenient,~~]desirable, or
appropriate to carry out the provisions of [~~Sections 17-31-2 through 17-31-5.5~~] this chapter.

250 (2) Subsection (1)(a) does not apply to the legislative body of a county if:

251 (a) the legislative body of the county has entered into a written contract with a substantially similar
body to a tourism tax advisory board as described in Subsection 17-31-8(1)(b); and

254 (b) the written contract described in Subsection (2)(a) clearly delineates how the expenditures of
revenue from the transient room tax are to be spent.

267 Section 3. Section **17-31-5.5** is amended to read:

268 **17-31-5.5. Report by county legislative body -- Content.**

258 (1) The legislative body of each county that imposes a transient room tax under Section 59-12-301 or a
tourism, recreation, cultural, convention, and airport facilities tax under Section 59-12-603 shall:

261 (a) ensure that the annual financial report required by Section 17-36-37 includes a breakdown of
expenditures:

263 (i) for revenue generated by the transient room tax { ~~and received from the State Tax Commission under
Section 59-28-103~~ } , according to the allowable expenditure categories described in Subsection
17-31-2(3); and

266 (ii) for revenue generated by the tourism, recreation, cultural, convention, and airport facilities tax,
according to the allowable expenditure categories described in Sections 59-12-602 and 59-12-603;
and

269 (b) prepare annually a written report in accordance with Subsection (2).

270 [~~(2) The report described in Subsection (1) shall include a breakdown of expenditures into the following
categories:]~~

272 [~~(a) for the transient room tax, identification of expenditures for:]~~

273 [~~(i) establishing and promoting:]~~

274 [~~(A) recreation;]~~

275 [~~(B) tourism;]~~

HB0456 compared with HB0456S02

- 276 [~~(C)~~ film production; and]
277 [~~(D)~~ conventions;]
278 [~~(ii)~~ acquiring, leasing, constructing, furnishing, or operating;]
279 [~~(A)~~ convention meeting rooms;]
280 [~~(B)~~ exhibit halls;]
281 [~~(C)~~ visitor information centers;]
282 [~~(D)~~ museums; and]
283 [~~(E)~~ related facilities;]
284 [~~(iii)~~ acquiring or leasing land required for or related to the purposes listed in Subsection (2)(a)(ii);]
286 [~~(iv)~~ mitigation costs as identified in Subsection 17-31-2(2)(d); and]
287 [~~(v)~~ making the annual payment of principal, interest, premiums, and necessary reserves for any or the
aggregate of bonds issued to pay for costs referred to in Subsections 17-31-2(2)(e) and (5)(a); and]
290 [(b) for the tourism, recreation, cultural, convention, and airport facilities tax, identification of
expenditures for;]
292 [(i) financing tourism promotion, which means an activity to develop, encourage, solicit, or market
tourism that attracts transient guests to the county, including planning, product development, and
advertising;]
295 [(ii) the development, operation, and maintenance of the following facilities as defined in Section
59-12-602:]
297 [(A) an airport facility;]
298 [(B) a convention facility;]
299 [(C) a cultural facility;]
300 [(D) a recreation facility; and]
301 [(E) a tourist facility;]
302 [(iii) mitigation costs as identified in Subsection 59-12-603(2)(b); and]
303 [(iv) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).]
305 [(3)] (2)
(a) For the transient room tax, the written report described in Subsection [(4)] (1)(b) shall include [a
breakdown of each expenditure described in Subsection (2)(a)(i), including]:
308 [(a)] (i) [whether the expenditure was used for in-state and out-of-state promotion efforts] a
breakdown of promotion expenditures;

HB0456 compared with HB0456S02

- 310 [(b) an explanation of how the expenditure targeted a cost created by tourism; and]
- 311 [(e) an accounting of the expenditure showing that the expenditure was used only for costs directly
related to a cost created by tourism.]
- 313 (ii) if the county caused revenue generated by the transient room tax to be expended by a
municipality within the county, as described in Subsection {17-31-2(7)} 17-31-2(8), a
description:
- 316 (A) of each interlocal agreement the county entered into with a municipality; and
- 317 (B) the amount of revenue the county shared with a municipality pursuant to an interlocal agreement;
- 319 (iii) the number of search and rescue efforts conducted by the county in the previous fiscal year;
- 321 (iv) the total cost of search and rescue efforts and emergency medical services that were related to
tourism or recreation within the eligible county in the previous fiscal year;
- 324 (v) a description of any factors that made a search and rescue effort or emergency medical service
more expensive or difficult, including the condition of roads within the county; {and}
- 327 (vi) what money, if any, the county was able to recover in the previous fiscal year from an
individual on whose behalf the county incurred the cost of search and rescue or emergency
medical services{-} ; and
- 340 (vii)
- (A) data on the percentages of individuals on whose behalf the county incurred the cost of search and
rescue or emergency medical services who were in-state visitors to the county, out-of-state visitors
to the county, or residents of the county; and
- 344 (B) if data described in Subsection (2)(a)(vii)(A) is unavailable regarding an individual on whose behalf
the county incurred the cost of search and rescue or emergency medical services, the number of
individuals whose data described in Subsection (2)(a)(vii)(A) is unavailable.
- 330 (b) The state auditor, in consultation with the {entities described} Utah Office of Tourism created in
{Subsection (3)} Section 63N-7-102, shall {create a form for a financial report and a form for a
written report required under this section.} :
- 333 {(4)}(3) create a form for a financial report and a form for a written report required under this
section;
- 352 (ii) designate at least one employee within the state auditor's office to serve as the point of contact for
counties preparing a financial report or written report under this section; and
- 355

HB0456 compared with HB0456S02

(iii) if the state auditor's office determines it is advisable, create written guidance to assist counties in preparing a financial report or written report under this section.

337 ~~[(4)]~~ (3) On or before October 1, the county legislative body shall provide a copy of the annual written report described in Subsection [(1)] (1)(b) for the previous fiscal year to ~~the~~ the state auditor.

335 ~~[(a) the Utah Office of Tourism { created in Section 63N-7-102 } within the Governor's Office of Economic Opportunity;]~~

337 ~~[(b) the county's tourism tax advisory board { , or corresponding body, as described in Section 17-31-8 } ; and]~~

339 ~~{ (c) the Division of Emergency Management created in Section 53-2a-103. }~~

340 [(e) the Office of the Legislative Fiscal Analyst.]

363 Section 4. Section 17-31-8 is amended to read:

364 **17-31-8. Tourism tax advisory boards.**

343 (1)

(a) Except as provided in Subsection (1)(b), any county that collects the following taxes shall operate a tourism tax advisory board:

345 (i) the tax allowed under Section 59-12-301; or

346 (ii) the tax allowed under Section 59-12-603.

347 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the county has an existing board, council, committee, convention visitor's bureau, or body that substantially conforms with Subsections (2), (3), and (4).

350 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least five members.

352 (3)

(a)

~~{ (a) As used in this Subsection (3), "specified municipality" means: }~~

353 ~~{ (i) a municipality where 50% or more of a county's transient room tax revenue is generated, as determined through analysis of publicly available data; or }~~

355 ~~{ (ii) { if 50% or more of a county's transient room tax is generated within three or fewer municipalities in the county collectively, each of the three or fewer municipalities where 50% or more of a county's transient room tax is collectively generated, as determined through analysis of publicly available data. }~~

HB0456 compared with HB0456S02

A tourism tax advisory board shall be composed of the following members that are residents of the county:

361 ~~{(a)} (i)~~

376 [(a)] (i) a majority of the members shall be current employees of entities in the county that are subject to the taxes referred to in Section 59-12-301 or 59-12-603; ~~{ and }~~

363 [(b)] (ii) ~~[the balance]~~ at least two of the board's membership shall be employees of recreational facilities, convention facilities, museums, cultural attractions, or other tourism related industries located within the county ~~{ }~~ ~~; and }~~

366 ~~{(iii)}~~ (b) {if the county generates 50% or more of the county's transient room tax revenue from three or fewer municipalities within} A tourism tax advisory board may add additional members to the {county} board, {one member appointed by} including board members who represent the {legislative body} interests of {each specified municipality within} municipalities in the county.

369 ~~{(4)}~~

{(a)} If a county generates 50% or more of the county's revenue generated by the imposition of a tax described in Subsection (1)(a)(i) within one municipality in the county, the tourism tax advisory board for that county shall include a board member to represent the interests of the municipality.

387 (4)

(a) Each tourism tax advisory board shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-301 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.

374 (b) Each tourism tax advisory board in a county operating under the county commission form of government under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202 shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-603 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.

381 (5) A member of any county tourism tax advisory board:

382 (a) may not receive compensation or benefits for the member's services; and

383 (b) may receive per diem and travel expenses incurred in the performance of the member's official duties, in accordance with Section 11-55-103.

HB0456 compared with HB0456S02

403 Section 5. Section **17-36-37** is amended to read:

404 **17-36-37. Finance officer -- Annual financial statement -- Contents -- Duties of state auditor.**

- 388 (1) The finance officer of each county, within 180 days after the close of each fiscal period, or, for
a county that has adopted a fiscal period that is a biennial period, within 180 days after both the
midpoint and the close of the fiscal period, except as provided by Section 17-36-38, shall prepare
and make available to the governing body an annual financial report that shall contain:
- 393 (a) a statement of revenues and expenditures and a comparison with the budget of the county general
fund, similar statements of all other funds for which budgets are required, and statements of
revenues and expenditures or of income and expense for all other operating funds of the county;
- 397 (b) a balance sheet of each fund and a combined balance sheet of all funds as of:
- 398 (i) for a county that has adopted a fiscal period that is a biennial period, the midpoint and the close of
the fiscal period; and
- 400 (ii) for each other county, the close of the fiscal period; or
- 401 (c) any other reports the governing body may require, including work performance data, tax levies,
taxable values, details of bonded indebtedness, and historical facts of interest to the governing body
and the public.
- 404 (2) Copies of the annual report shall be furnished to the state auditor and made a matter of public record
in the office of the finance officer.
- 406 (3) The statement of revenues and expenditures described in Subsection (1)(a) shall specifically identify
when revenue is restricted for only statutorily authorized expenditures, including:
- 409 (a) transient room tax, according to the expenditure authorizations described in Section 17-31-2; and
- 411 (b) tourism, recreation, cultural, convention, and airport facilities tax, according to the expenditure
authorizations described in Sections 59-12-602 and 59-12-603.
- 413 (4) The state auditor:
- 414 (a) may provide guidance to the finance officer of each county to ensure uniform reporting across
counties;
- 416 (b) may include the information described in Subsection (3) on the public finance website described in
Section 67-3-12;
- 418 ~~{(c) {shall, on a regular basis determined by the state auditor, evaluate a county's annual financial report
in regard to revenues and expenditures described in Subsection (3) and determine:} }~~

421

HB0456 compared with HB0456S02

- {(i)} (c) shall, on a regular basis determined by the state auditor, evaluate a county's annual financial report in regard to revenues and expenditures described in Subsection (3) and determine whether a county's reporting is sufficient to ensure transparency and accountability; and
- 423 {(ii)} (d) shall, upon receipt of a county's written report under Section 17-31-5.5 and in conjunction with evaluating the information described in Subsection (3), determine if a county is compliant with the expenditure authorizations described in Sections 17-31-2, 59-12-602, and 59-12-603.
- 425 (5) If the state auditor determines under Subsection (4)(c) that a county is not sufficiently reporting or determines under Subsection ~~{(4)(c)(i) or }~~ (4)(d) that a county is not compliant ~~{under Subsection (4)(e)(ii)}~~, the state auditor:
- 427 (a) shall provide the county finance officer with written notice of the determination, including the rationale for the determination; and
- 429 (b) shall provide the county finance officer with an opportunity to respond to the determination in writing, including an opportunity to correct any deficiencies identified by the state auditor.
- 432 (6) If the auditor determines, after providing a county with an opportunity to respond and correct any deficiencies{,} as described in Subsection (5)(b), that a county is still not in compliance with this section, the auditor:
- 435 (a) shall provide notice of the determination to the Division of Outdoor Recreation created in Section 79-7-201;
- 437 (b) may provide notice to the Revenue and Taxation Interim {committee} Committee and the Political Subdivisions Interim {committee} Committee, or if the Legislature is in session, the Legislative Management Committee; and
- 440 (c) may take any action authorized in Section 51-2a-401 or other provision of law.
- 461 Section 6. Section 59-12-301 is amended to read:
- 462 **59-12-301. Transient room tax -- Rate -- Expenditure of revenues -- Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice requirements.**
- 464 (1)
- (a) A county legislative body may impose a tax on charges for the accommodations and services described in Subsection 59-12-103(1)(i) at a rate of not to exceed ~~[4.25%]~~ 4.5% beginning on or after ~~[October 1, 2006]~~ July 1, 2025.
- 467 (b) Subject to Subsection (2), the revenues raised from the tax imposed under Subsection (1)(a) shall be used for the purposes listed in Section 17-31-2.

HB0456 compared with HB0456S02

- 469 (c) The tax imposed under Subsection (1)(a) shall be in addition to the tax imposed under Part 6,
Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act.
- 472 (2)
- (a) If a county legislative body of a county of the first class imposes a tax under this section, beginning
on July 1, 2007, and ending on June 30, 2027, each year the first 15% of the revenues collected from
the tax authorized by Subsection (1)(a) at the rate of 4.25% within that county shall be:
- 476 [~~(a)~~] (i) deposited into the Transient Room Tax Fund created by Section 63N-3-403; and
478 [~~(b)~~] (ii) expended as provided in Section 63N-3-403.
- 479 (b) If a county legislative body of a county of the first class imposes a tax under this section at a rate
of 4.5%, Subsection (2)(a) does not apply to the revenues collected from the tax authorized by
Subsection (1)(a) at a rate of 0.25%.
- 482 (3) Subject to Subsection (4), a county legislative body:
- 483 (a) may increase or decrease the tax authorized under this part; and
484 (b) shall regulate the tax authorized under this part by ordinance.
- 485 (4)
- (a) For purposes of this Subsection (4):
- 486 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County Consolidations
and Annexations.
- 488 (ii) "Annexing area" means an area that is annexed into a county.
- 489 (b)
- (i) Except as provided in Subsection (4)(c), if, on or after July 1, 2004, a county enacts or repeals a tax
or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:
- 492 (A) on the first day of a calendar quarter; and
493 (B) after a 90-day period beginning on the date the commission receives notice meeting the
requirements of Subsection (4)(b)(ii) from the county.
- 495 (ii) The notice described in Subsection (4)(b)(i)(B) shall state:
- 496 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;
498 (B) the statutory authority for the tax described in Subsection (4)(b)(ii)(A);
499 (C) the effective date of the tax described in Subsection (4)(b)(ii)(A); and
500 (D) if the county enacts the tax or changes the rate of the tax described in Subsection (4)(b)(ii)(A), the
rate of the tax.

HB0456 compared with HB0456S02

- 502 (c)
- (i) Notwithstanding Subsection (4)(b)(i), for a transaction described in Subsection (4)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period:
- 505 (A) that begins after the effective date of the enactment of the tax or the tax rate increase; and
- 507 (B) if the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under this section.
- 509 (ii) Notwithstanding Subsection (4)(b)(i), for a transaction described in Subsection (4)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period:
- 512 (A) that began before the effective date of the repeal of the tax or the tax rate decrease; and
- 514 (B) if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under this section.
- 516 (iii) Subsections (4)(c)(i) and (ii) apply to transactions subject to a tax under Subsection 59-12-103(1) (i).
- 518 (d)
- (i) Except as provided in Subsection (4)(e), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment, repeal, or a change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:
- 522 (A) on the first day of a calendar quarter; and
- 523 (B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (4)(d)(ii) from the county that annexes the annexing area.
- 526 (ii) The notice described in Subsection (4)(d)(i)(B) shall state:
- 527 (A) that the annexation described in Subsection (4)(d)(i) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;
- 530 (B) the statutory authority for the tax described in Subsection (4)(d)(ii)(A);
- 531 (C) the effective date of the tax described in Subsection (4)(d)(ii)(A); and
- 532 (D) if the county enacts the tax or changes the rate of the tax described in Subsection (4)(d)(ii)(A), the rate of the tax.
- 534 (e)
- (i) Notwithstanding Subsection (4)(d)(i), for a transaction described in Subsection (4)(e)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period:
- 537 (A) that begins after the effective date of the enactment of the tax or the tax rate increase; and

HB0456 compared with HB0456S02

- 539 (B) if the billing period for the transaction begins before the effective date of the enactment of the
tax or the tax rate increase imposed under this section.
- 541 (ii) Notwithstanding Subsection (4)(d)(i), for a transaction described in Subsection (4)(e)(iii), the repeal
of a tax or a tax rate decrease shall take effect on the first day of the last billing period:
- 544 (A) that began before the effective date of the repeal of the tax or the tax rate decrease; and
- 546 (B) if the billing period for the transaction begins before the effective date of the repeal of the tax or the
tax rate decrease imposed under this section.
- 548 (iii) Subsections (4)(e)(i) and (ii) apply to transactions subject to a tax under Subsection 59-12-103(1)
(i).

550 Section 7. Section **59-28-102** is amended to read:

551 **59-28-102. Definitions.**

As used in this chapter:

- 444 (1) "Agreement" means the same as that term is defined in Section 59-12-102.
- 445 (2) "Certified service provider" means the same as that term is defined in Section 59-12-102.
- 446 (3) "Initial rate" means a rate of 0.32%.
- 447 [~~(3)~~] (4) "Model 2 seller" means the same as that term is defined in Section 59-12-102.
- 448 [~~(4)~~] (5) "Purchaser" means the same as that term is defined in Section 59-12-102.
- 449 [~~(5)~~] (6) "Sales price" means the same as that term is defined in Section 59-12-102.
- 450 (7) "Secondary rate" means a rate of {~~1.0~~} 0.75%.
- 451 [~~(6)~~] (8) "Seller" means the same as that term is defined in Section 59-12-102.

561 Section 8. Section **59-28-103** is amended to read:

562 **59-28-103. Imposition -- Rate -- Revenue distribution.**

- 454 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the transactions
described in Subsection 59-12-103(1)(i) at [~~a rate of .32%~~] ;
- 456 (a) the initial rate; and
- 457 (b) the secondary rate.
- 458 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the transactions
described in Subsection 59-12-103(1)(i).
- 460 (3)
- (a)

HB0456 compared with HB0456S02

- (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the revenue the state collects from the tax under this chapter at the initial rate into the Hospitality and Tourism Management Education Account created in Section 53F-9-501 to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section 53E-3-515.
- 465 (ii) The commission may not deposit more than \$300,000 into the Hospitality and Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.
- 468 (b) Except for the amount deposited into the Hospitality and Tourism Management Education Account under Subsection (3)(a) and the administrative charge retained under Subsection 59-28-104(4), the commission shall deposit ~~[any]~~ the remainder of the revenue the state collects from the tax under this chapter at the initial rate into the Outdoor Recreation Infrastructure Account created in Section 79-8-106 to fund:
- 473 (i) the Outdoor Recreational Infrastructure Grant Program created in Section 79-8-401; and the Recreation Restoration Infrastructure Grant Program created in Section 79-8-202.
- 476 (4)
- (a) The commission shall deposit ~~{25% of}~~ the revenue the state collects from the tax under this chapter ~~{at}~~ imposed at the first 0.25% of the secondary rate into the Outdoor Recreation Mitigation Grant Fund created in Section 79-9-103.
- 479 ~~{(b) {The commission shall distribute 25% of the revenue the state collects under the secondary rate to the counties of the state, in direct proportion to the percentage of revenue generated by a tax under this chapter in each county.}}~~
- 482 ~~{(e)}~~ (b) The commission shall distribute the remaining revenue the state collects from the tax under this chapter at the secondary rate to the Division of Finance, which shall transfer the revenue into the Long-term Capital Projects Fund.
- 485 ~~{(d) {A county receiving revenue under Subsection (4)(b) shall expend the revenue as described in Section 17-31-2.}}~~
- 591 Section 9. Section **63I-1-253** is amended to read:
- 592 **63I-1-253. Repeal dates: Titles 53 through 53G.**
- 489 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.

491

HB0456 compared with HB0456S02

- (2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.
- 493 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, ~~[2027]~~ 2030.
- 495 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.
- 497 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 498 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.
- 500 [~~(7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory board, is repealed July 1, 2027.]~~
- 503 [~~(8)~~ (7) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.
- 505 [~~(9)~~ (8) Section 53-11-104, Board, is repealed July 1, 2029.
- 506 [~~(10)~~ (9) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem -- Report -- Expiration, is repealed December 31, 2025.
- 508 [~~(11)~~ (10) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is repealed December 31, 2025.
- 510 [~~(12)~~ (11) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 512 [~~(13)~~ (12) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 513 [~~(14)~~ (13) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1, 2028.
- 515 [~~(15)~~ (14) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 516 [~~(16)~~ (15) Section 53B-17-1203, SafeUT and School Safety Commission established -- Members, is repealed January 1, 2030.
- 518 [~~(17)~~ (16) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 519 [~~(18)~~ (17) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 520 [~~(19)~~ (18) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.

HB0456 compared with HB0456S02

- 522 [~~(20)~~] (19) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed July 1, 2027.
- 524 [~~(21)~~] (20) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 527 [~~(22)~~] (21) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 529 [~~(23)~~] (22) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 531 [~~(24)~~] (23) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 533 [~~(25)~~] (24) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 535 [~~(26)~~] (25) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.
- 537 [~~(27)~~] (26) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 538 [~~(28)~~] (27) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.
- 540 [~~(29)~~] (28) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 542 [~~(30)~~] (29) Section 53F-2-420, Intensive Services Special Education Pilot Program, is repealed July 1, 2024.
- 544 [~~(31)~~] (30) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 545 [~~(32)~~] (31) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1, 2025.
- 547 [~~(33)~~] (32) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1, 2025.
- 549 [~~(34)~~] (33) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1, 2027.
- 551 [~~(35)~~] (34) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 553 [~~(36)~~] (35) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 555 [~~(37)~~] (36) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

HB0456 compared with HB0456S02

660 Section 10. Section 63N-3-403 is amended to read:

661 **63N-3-403. Transient Room Tax Fund -- Source of revenues -- Interest -- Expenditure or**
pledge of revenues.

663 (1) There is created a fiduciary fund held by the state in a purely custodial capacity known as the
Transient Room Tax Fund.

665 (2)

(a) The fund shall be funded by the portion of the sales and use tax described in Subsection
59-12-301(2)(a).

667 (b)

(i) The fund shall earn interest.

668 (ii) Any interest earned on fund money shall be deposited into the fund.

669 (3)

(a) Subject to Subsection (3)(b), the executive director shall expend or pledge the money deposited into
the fund:

671 (i) to mitigate the impacts of traffic and parking relating to a convention facility within a county of
the first class;

673 (ii) for a purpose listed in Section 17-31-2, except that any requirements in Section 17-31-2 for the
expenditure of money do not apply; or

675 (iii) for a combination of Subsections (3)(a)(i) and (ii).

676 (b) The executive director may not expend more than \$20,000,000 in total to mitigate the impacts of
traffic and parking relating to a convention facility within a county of the first class.

679 Section 11. Section **67-3-12** is amended to read:

680 **67-3-12. Utah {~~public finance website~~} Public Finance Website -- Establishment and**
administration -- Records disclosure -- Exceptions.

559 (1) As used in this section:

560 (a)

(i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same as that term is
defined in Section 63E-1-102.

562 (ii) "Independent entity" includes an entity that is part of an independent entity described in Subsection
(1)(a)(i), if the entity is considered a component unit of the independent entity under the
governmental accounting standards issued by the Governmental Accounting Standards Board.

HB0456 compared with HB0456S02

- 566 (iii) "Independent entity" does not include the Utah State Retirement Office created in Section
49-11-201.
- 568 (b) "Local education agency" means a school district or charter school.
- 569 (c) "Participating local entity" means:
- 570 (i) a county;
- 571 (ii) a municipality;
- 572 (iii) the State Fair Park Authority, created in Section 11-68-201;
- 573 (iv) a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 575 (v) a special service district under Title 17D, Chapter 1, Special Service District Act;
- 576 (vi) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;
- 577 (vii) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act;
- 579 (viii) except for a taxed interlocal entity as defined in Section 11-13-602:
- 580 (A) an interlocal entity as defined in Section 11-13-103;
- 581 (B) a joint or cooperative undertaking as defined in Section 11-13-103; or
- 582 (C) any project, program, or undertaking entered into by interlocal agreement in accordance with Title
11, Chapter 13, Interlocal Cooperation Act;
- 584 (ix) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that is part of an entity
described in Subsections (1)(c)(i) through (viii), if the entity is considered a component unit of the
entity described in Subsections (1)(c)(i) through (viii) under the governmental accounting standards
issued by the Governmental Accounting Standards Board; or
- 589 (x) a conservation district under Title 17D, Chapter 3, Conservation District Act.
- 590 (d)
- (i) "Participating state entity" means the state of Utah, including its executive, legislative, and judicial
branches, its departments, divisions, agencies, boards, commissions, councils, committees, and
institutions.
- 593 (ii) "Participating state entity" includes an entity that is part of an entity described in Subsection (1)(d)
(i), if the entity is considered a component unit of the entity described in Subsection (1)(d)(i) under
the governmental accounting standards issued by the Governmental Accounting Standards Board.
- 597 (e) "Public finance website" or "website" means the website established by the state auditor in
accordance with this section.

599

HB0456 compared with HB0456S02

(f) "Public financial information" means each record that is required under this section or by rule made by the Office of the State Auditor under Subsection (9) to be made available on the public finance website, a participating local entity's website, or an independent entity's website.

603 (g) "Qualifying entity" means:

604 (i) an independent entity;

605 (ii) a participating local entity;

606 (iii) a participating state entity;

607 (iv) a local education agency;

608 (v) a state institution of higher education as defined in Section 53B-3-102;

609 (vi) the Utah Educational Savings Plan created in Section 53B-8a-103;

610 (vii) the Utah Housing Corporation created in Section 63H-8-201;

611 (viii) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

613 (ix) the Utah Capital Investment Corporation created in Section 63N-6-301; or

614 (x) a URS-participating employer.

615 (h)

(i) "URS-participating employer" means an entity that:

616 (A) is a participating employer, as that term is defined in Section 49-11-102; and

617 (B) is not required to report public financial information under this section as a qualifying entity described in Subsections (1)(g)(i) through (ix).

619 (ii) "URS-participating employer" does not include:

620 (A) the Utah State Retirement Office created in Section 49-11-201;

621 (B) an insurer that is subject to the disclosure requirements of Section 31A-4-113; or

623 (C) a withdrawing entity.

624 (i)

(i) "Withdrawing entity" means:

625 (A) an entity that elects to withdraw from participation in a system or plan under Title 49, Chapter 11, Part 6, Procedures and Records;

627 (B) until the date determined under Subsection 49-11-626(2)(a), a public employees' association that provides the notice of intent described in Subsection 49-11-626(2)(b); and

630 (C) beginning on the date determined under Subsection 49-11-626(2)(a), a public employees' association that makes an election described in Subsection 49-11-626(3).

HB0456 compared with HB0456S02

- 633 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in Sections 49-11-623
and 49-11-624.
- 635 (2) The state auditor shall establish and maintain a public finance website in accordance with this
section.
- 637 (3) The website shall:
- 638 (a) permit Utah taxpayers to:
- 639 (i) view, understand, and track the use of taxpayer dollars by making public financial information
available on the Internet for participating state entities, independent entities, participating local
entities, and URS-participating employers, using the website; and
- 643 (ii) link to websites administered by participating local entities, independent entities, or URS-
participating employers that do not use the website for the purpose of providing public financial
information as required by this section and by rule made under Subsection (9);
- 647 (b) allow a person that has Internet access to use the website without paying a fee;
- 648 (c) allow the public to search public financial information on the website;
- 649 (d) provide access to financial reports, financial audits, budgets, or other financial documents that are
used to allocate, appropriate, spend, and account for government funds, as may be established by
rule made in accordance with Subsection (9);
- 652 (e) have a unique and simplified website address;
- 653 (f) be guided by the principles described in Subsection 63A-16-202(2);
- 654 (g) include other links, features, or functionality that will assist the public in obtaining and reviewing
public financial information, as may be established by rule made under Subsection (9); and
- 657 (h) include a link to school report cards published on the State Board of Education's website under
Section 53E-5-211.
- 659 (4) The state auditor shall:
- 660 (a) establish and maintain the website, including the provision of equipment, resources, and personnel
as necessary;
- 662 (b) maintain an archive of all information posted to the website;
- 663 (c) coordinate and process the receipt and posting of public financial information from participating
state entities; and
- 665 (d) coordinate and regulate the posting of public financial information by participating local entities and
independent entities.

HB0456 compared with HB0456S02

- 667 (5) A qualifying entity shall permit the public to view the qualifying entity's public financial
information by posting the public financial information to the public finance website in accordance
with rules made under Subsection (9).
- 670 (6) The content of the public financial information posted to the public finance website is the
responsibility of the qualifying entity posting the public financial information.
- 672 (7) A URS-participating employer shall provide employee compensation information for each fiscal
year ending on or after June 30, 2022:
- 674 (a) to the state auditor for posting on the Utah Public Finance Website; or
- 675 (b)
- (i) through the URS-participating employer's own website; and
- 676 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state auditor for posting
on the Utah Public Finance Website.
- 678 (8)
- (a) A qualifying entity may not post financial information that is classified as private, controlled, or
protected under Title 63G, Chapter 2, Government Records Access and Management Act, to the
public finance website.
- 681 (b) An individual who negligently discloses financial information that is classified as private, protected,
or controlled by Title 63G, Chapter 2, Government Records Access and Management Act, is not
criminally or civilly liable for an improper disclosure of the financial information if the financial
information is disclosed solely as a result of the preparation or publication of the website.
- 686 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Office of the
State Auditor:
- 688 (a) shall make rules to:
- 689 (i) establish which records a qualifying entity is required to post to the public finance website; and
- 691 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting public financial
information on the public finance website; and
- 693 (b) may make rules:
- 694 (i) governing when a qualifying entity is required to disclose an expenditure made by a person under
contract with the qualifying entity, including the form and content of the disclosure[-] ; and
- 697 (ii) allowing for the inclusion of financial data provided by a participating local entity to be included on
the Utah Public Finance Website in a uniform manner.

HB0456 compared with HB0456S02

- 699 (10) The rules made under Subsection (9) shall only require a URS-participating employer to provide
employee compensation information for each fiscal year ending on or after June 30, 2022:
- 702 (a) to the state auditor for posting on the public finance website; or
- 703 (b)
- (i) through the URS-participating employer's own website; and
- 704 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state auditor for posting
on the public finance website.
- 829 Section 12. Section **79-7-203** is amended to read:
- 830 **79-7-203. Powers and duties of division.**
- 708 (1) As used in this section, "real property" includes land under water, upland, and all other property
commonly or legally defined as real property.
- 710 (2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon the
Division of Wildlife Resources by law on property controlled by the division with reference to fish
and game.
- 713 (3) For purposes of property controlled by the division, the division shall permit multiple uses of the
property for purposes such as grazing, fishing, hunting, camping, mining, and the development and
use of water and other natural resources.
- 716 (4)
- (a) The division may acquire real and personal property in the name of the state by legal and proper
means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to
the approval of the executive director and the governor.
- 720 (b) In acquiring real or personal property, the credit of the state may not be pledged without the consent
of the Legislature.
- 722 (5)
- (a) Before acquiring any real property, the division shall notify the county legislative body of the county
where the property is situated of the division's intention to acquire the property.
- 725 (b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division
shall hold a public hearing in the county concerning the matter.
- 727 (6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to
the approval of the executive director and the governor.

729

HB0456 compared with HB0456S02

- (7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.
- 731 (8)
- (a) The division may make charges for special services and use of facilities, the income from which is available for recreation purposes.
- 733 (b) The division may conduct and operate those services necessary for the comfort and convenience of the public.
- 735 (9)
- (a) The division may lease or rent concessions of lawful kinds and nature on property to persons, partnerships, and corporations for a valuable consideration after notifying the commission.
- 738 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.
- 740 (10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.
- 742 (11)
- (a) The division shall coordinate with and annually report to the following regarding land acquisition and development and grants administered under this chapter or Chapter 8, Outdoor Recreation Grants:
- 745 (i) the Division of State Parks; and
- 746 (ii) the Office of Rural Development.
- 747 (b) The report required under Subsection (11)(a) shall be in writing, made public, and include a description and the amount of any grant awarded under this chapter or Chapter 8, Outdoor Recreation Grants.
- 750 (12) The division shall:
- 751 (a) coordinate outdoor recreation policy, management, and promotion:
- 752 (i) among state and federal agencies and local government entities in the state;
- 753 (ii) with the Public Lands Policy Coordinating Office created in Section 63L-11-201, if public land is involved; and
- 755 (iii) on at least a quarterly basis, with the executive director and the executive director of the Governor's Office of Economic Opportunity;
- 757

HB0456 compared with HB0456S02

(b) in cooperation with the Governor's Office of Economic Opportunity, promote economic development in the state by:

- 759 (i) coordinating with outdoor recreation stakeholders;
760 (ii) improving recreational opportunities; and
761 (iii) recruiting outdoor recreation business;
762 (c) administer Chapter 9, Mitigating the Direct Impacts of Tourism and Outdoor Recreation;
764 (d) promote all forms of outdoor recreation, including motorized and nonmotorized outdoor recreation;
766 ~~[(d)]~~ (e) recommend to the governor and Legislature policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives;
769 ~~[(e)]~~ (f) in performing the division's duties, seek to ensure safe and adequate access to outdoor recreation for all user groups and for all forms of recreation;
771 ~~[(f)]~~ (g) develop data regarding the impacts of outdoor recreation in the state; and
772 ~~[(g)]~~ (h) promote the health and social benefits of outdoor recreation, especially to young people.
774 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division may:
775 (a) seek federal grants or loans;
776 (b) seek to participate in federal programs; and
777 (c) in accordance with applicable federal program guidelines, administer federally funded outdoor recreation programs.

902 Section 13. Section 13 is enacted to read:

780

CHAPTER 9. MITIGATING THE DIRECT IMPACTS

OF TOURISM AND OUTDOOR RECREATION

782

Part 1. General Provisions

906 **79-9-101. Definitions.**

As used in this part:

- 908 (1) "Board" means the Outdoor Recreation Mitigation Board created in Section 79-9-104.
785 ~~{(1)}~~ (2) "Division" means the Division of Outdoor Recreation created in Section 79-9-201.
910 (3) "Eligible county" means a county:
786 ~~{(2)}~~ (a) {"Eligible county" means a county} of the third, fourth, fifth, or sixth class{-};
912 (b) that imposes the maximum allowable rate of a county transient room tax; and

HB0456 compared with HB0456S02

- 913 (c) that generated less than \$10,000,000 in revenue from the imposition of a transient room tax in the
previous calendar year.
- 787 ~~{(3)}~~ (4) "Grant" means an outdoor recreation mitigation grant issued by the division to an eligible
county as described in Section 79-9-201.
- 789 ~~{(4)}~~ (5) "Grantee" means an eligible county ~~{or eligible municipality}~~ that receives an outdoor
recreation mitigation grant from the division.
- 791 ~~{(5)}~~ (6)
- (a) ~~{"Tourism-related"}~~ "Visitor-related emergency costs" means the documented expenditures of an
eligible county in conducting search and rescue efforts or providing emergency medical services in
direct relation to an individual who is in the eligible county for the purpose of outdoor recreation,
tourism, or a convention.
- 795 (b) ~~{"Tourism-related"}~~ "Visitor-related emergency costs" may include road repair and upgrade costs,
as ~~{included}~~ described in Subsection 17-31-2(3)(d), so long as the eligible county applying for
a grant presents sufficient evidence to suggest that the condition of roads in the eligible county
~~{have}~~ has a direct impact on search and rescue efforts or providing emergency medical services in
relation to an individual who is in the eligible county for the purpose of outdoor recreation, tourism,
or a convention.
- 801 ~~{(6)}~~ (7) ~~{"Tourism-related"}~~ "Visitor-related safety costs" means a mitigation cost described in
Subsection 17-31-2(3)(d) that is not a ~~{tourism-related}~~ visitor-related emergency cost, so long as
the eligible county applying for a grant presents sufficient evidence to suggest that:
- 804 (a) the eligible county's current solid waste disposal operations are overwhelmed by outdoor recreation,
tourism ~~{or recreation}~~ , or conventions in the eligible county, resulting in unsanitary or unsafe
conditions in the eligible county;
- 807 (b) law enforcement activities within the eligible county are strained as a direct result of outdoor
recreation, tourism ~~{or recreation}~~ , or conventions in the eligible county, resulting in unsafe
conditions for ~~{tourists}~~ recreators, ~~{recreators}~~ visitors, tourists, county residents, and members of
law enforcement within the eligible county; or
- 811 (c) road repair and upgrade costs, if the current condition of roads in the eligible county are
overwhelmed by outdoor recreation, tourism ~~{or recreation}~~ , or conventions in the eligible county,
resulting in unsafe conditions in the eligible county.
- 942 Section 14. Section 14 is enacted to read:

HB0456 compared with HB0456S02

- 943 **79-9-102. Outdoor recreation mitigation grants authorized -- Rulemaking.**
- 816 (1) To the extent that money is available, the division shall administer an outdoor recreation mitigation grants program to address {tourism-related-} visitor-related emergency costs and {tourism-related-} visitor-related safety costs in eligible counties.
- 819 (2) The purpose of the outdoor recreation mitigation grants program is to:
- 820 (a) assist an eligible county that is impacted by {tourism-} outdoor recreation, tourism, or {recreation} conventions to such a degree that the eligible county is unable to address {tourism-related-} visitor-related emergency costs or {tourism-related-} visitor-related safety costs {resources-} within revenue generated by an eligible county's imposition of a transient room tax {revenue} ; and
- 824 (b) over time, ensure that an eligible county impacted by {tourism-} outdoor recreation, tourism, or {recreation-} conventions is able to manage the impacts of {tourism-} outdoor recreation, tourism, or {recreation-} conventions within eligible county {resources-} revenue generated by the eligible county's imposition of a transient room tax.
- 827 (3) The division shall , in consultation with the board, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to perform the division's duties described in this chapter.
- 959 Section 15. Section 15 is enacted to read:
- 960 **79-9-103. Outdoor Recreation Mitigation Grant Fund created.**
- 832 (1) There is created an expendable special revenue fund known as the "Outdoor Recreation Mitigation Grant Fund," which the division may use to make competitive outdoor recreation mitigation grants to one or more eligible counties as described in Section 79-9-201.
- 836 (2) The fund consists of:
- 837 (a) deposits into the fund under Subsection 59-28-103(4)(a);
- 838 (b) appropriations made by the Legislature;
- 839 (c) private donations, grants, gifts, bequests, or money made available from any other source to implement this {part} chapter;
- 841 (d) any grant funding that is returned to the division from an eligible county, as described in Section 79-9-203; and
- 843 (e) interest earned on the fund.
- 844 (3) The division shall , with the advice of the board, administer the fund.
- 974 (4) The cost of administering the fund:

HB0456 compared with HB0456S02

- 845 ~~{(4)}~~ (a) ~~{The cost of administering the fund }~~ shall be paid from money in the fund{.}; and
- 976 (b) may not exceed 2% of the revenue deposited annually into the fund under Subsection 59-28-103(4)
- (a).
- 846 (5) Interest accrued from investment of money in the fund shall remain in the fund.
- 979 Section 16. Section 16 is enacted to read:
- 980 **79-9-104. Outdoor recreation mitigation board.**
- 981 (1) There is created the Outdoor Recreation Mitigation Board consisting of the following five members:
- 983 (2)
- (a) two representatives of the Utah Association of Counties, appointed by the Utah Association of Counties;
- 985 (b) one representative of the Utah Sheriffs' Association, appointed by the Utah Sheriffs' Association;
- 987 (c) one representative of rural emergency medical services directors, appointed by the director of the division after consultation with an organization representing rural emergency medical services directors; and
- 990 (d) an individual representing the tourism industry, appointed by the director of the division after consultation with an organization representing the tourism industry.
- 992 (3) The board shall annually select one of the board's members to be the chair of the board.
- 993 (4)
- (a) If a vacancy occurs in the membership of the board, the member shall be replaced in the same manner in which the original appointment was made.
- 995 (b) A member of the board shall serve a term of four years and until the member's successor is appointed and qualified.
- 997 (c) Notwithstanding Subsection (3)(b), the initial appointment of one member described in Subsection (1)(b) and one member described in Subsection (1)(c) shall be two years so the terms of board members are staggered and approximately half of the board members are appointed every two years.
- 1001 (d) An individual may be appointed to more than one term.
- 1002 (e) Three board members constitutes a quorum.
- 1003 (f) The action of a majority of a quorum constitutes action of the board.
- 1004 (5) A board member may not receive compensation or benefits for the member's service on the board, but may receive per diem and reimbursement for travel expenses incurred as a board member at the rates established by the Division of Finance under:

HB0456 compared with HB0456S02

- 1007 (a) Sections 63A-3-106 and 63A-3-107; and
1008 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
1010 (6) The division shall provide staff support to the board.

1011 Section 17. Section 17 is enacted to read:

848

Part 2. Outdoor Recreation Mitigation Grants

1013 **79-9-201. Outdoor recreation mitigation grant criteria -- Priorities -- Application --
Prohibition on awards.**

- 851 (1) The division may, within available funding, award an outdoor recreation mitigation grant as
described in this section.
- 853 (2) In the event the division receives grant applications in excess of funding available to make grants,
the division shall:
- 855 (a) prioritize applications for grant funding for {tourism-related} visitor-related emergency costs over
applications for grant funding for {tourism-related} visitor-related safety costs;
- 857 (b) within applications for grant funding to relieve {tourism-related} visitor-related emergency costs,
prioritize applications for grant funding to support search and rescue efforts or emergency medical
services over applications for grant funding to support road repair; and
- 861 (c) prioritize an application for grant funding from an eligible county with a smaller population over an
application for grant funding from an eligible county with a larger population.
- 864 ~~{(3) {After making the priority determinations described in Subsection (2), the division may prioritize
available grant funding based on:}}~~
- 866 ~~{(a)} (3) After making the priority determinations described in Subsection (2), the division may
prioritize available grant funding based on need, in terms of:~~
- 867 ~~{(i)} (a) the amount of outdoor recreation or tourism {or recreation} taking place within the eligible
county;~~
- 868 ~~{(ii)} (b) the existing capacity of an eligible county to manage search and rescue efforts or emergency
medical services without additional financial assistance;~~
- 870 ~~{(iii)} (c) the existing capacity of an eligible county to engage in road repair and maintenance without
additional financial assistance; and~~
- 872 ~~{(iv)} (d) the existing capacity of an eligible county to manage tourism-related safety costs without
additional financial assistance{; and}.~~
- 874 ~~{(b) {demonstrated ability to match state funding with local funding.}}~~

HB0456 compared with HB0456S02

- 875 (4) The ~~{department}~~ division may, in the ~~{department's}~~ division's discretion and in accordance with this part and any rules made pursuant to Subsection 79-9-102(3), fulfill an eligible county's application for grant funding in whole or in part.
- 878 (5) In implementing a competitive grant-making program described in this section, the division shall:
- 880 (a) create an application for eligible counties to apply for grant funding; and
- 881 (b) require an eligible county applying for grant funding to:
- 882 (i) use the application created by the division;
- 883 (ii) include information the division requires in an application; and
- 884 (iii) apply by a deadline established by the division.
- 885 (6) ~~{On or before December 31, 2027,}~~ If an eligible county ~~{may not receive}~~ intends to share some or all grant funding ~~{described in}~~ awarded to the eligible county under this ~~{chapter unless}~~ section with a special district in the eligible county ~~{has submitted}~~ , the ~~{report required by Subsection 17-31-5.5(1)(b)}~~ eligible county shall provide that information in the eligible county's application for grant funding.
- 888 (7) Beginning January 1, 2028, an eligible county may not receive grant funding described in this chapter if~~{:}~~ the state auditor notifies the division that the eligible county is not in compliance with Section 17-36-37.
- 890 ~~{(a) {the eligible county has not submitted the report required by Subsection 17-31-5.5(1)(b);}~~
- 892 ~~{(b) {the division determines that the eligible county's report required by Subsection 17-31-5.5(1)(b) does not sufficiently comply with the requirements of Subsection 17-31-5.5(2); or}~~
- 895 ~~{(c) {the state auditor has notified the division and board that the eligible county is not in compliance with Section 17-36-37.}}~~
- 1053 Section 18. Section **18** is enacted to read:
- 1054 **79-9-202. Determining need of eligible counties.**
- 899 (1) The division shall annually determine the relative needs of eligible counties for financial assistance to support ~~{tourism-related}~~ visitor-related emergency costs in eligible counties, specifically taking into account the rolling five-year average of past ~~{tourism-related}~~ visitor-related emergency costs within each eligible county, based on available data.
- 903 (2) The division may request assistance from the state auditor and the Utah Office of Tourism ~~{within the Governor's Office of Economic Opportunity and the state auditor}~~ in making the determination described in Subsection (1).

HB0456 compared with HB0456S02

1061 Section 19. Section **19** is enacted to read:

1062 **79-9-203. Use of outdoor recreation mitigation grant funding.**

908 (1) An eligible county that receives grant funding under Section 79-9-201:

909 (a) shall use grant funding:

910 (i) to pay for any present or ongoing ~~{tourism-related}~~ visitor-related emergency costs or ~~{tourism-~~
related} visitor-related safety costs;

912 (ii) to reimburse a provider of search and rescue efforts or emergency medical services for any past,
unpaid services within the eligible county; ~~{and}~~

1069 (iii) to support the activities of a special district providing search and rescue efforts, emergency medical
services, solid waste disposal, or road repair;

914 ~~{(iii)}~~ (iv) as proposed in the eligible county's or eligible special district's application for grant funding;

915 (b) shall report to the division on the expenditures made with the grant funding by December 31 of each
year in which grant funding is received or is unexpended;

917 (c) may not use grant funding to:

918 (i) supplant existing funds; or

919 (ii) purchase real property or make payments toward the ownership or leasing of real property.

921 (2) If a grantee does not expend or encumber the funding within 18 months of the day on which the
funding was received by the grantee due to a lack of need within the eligible county, the grantee:

924 (a) shall inform the division regarding the remaining grant funding;

925 (b) may retain the remaining grant funding until fully expended unless required by the division to return
the remaining grant funding to the division; and

927 (c) may not apply for a new outdoor recreation mitigation grant until the grant funding is fully expended
or returned.

929 (3) Upon receipt of unexpended outdoor recreation mitigation grant funding from a grantee, the division
shall deposit the unexpended grant funding into the Outdoor Recreation Mitigation Grant Fund
created in Section 79-9-103.

1090 Section 20. Section **20** is enacted to read:

933

Part 3. Reporting

1092 **79-9-301. Reporting.**

~~{Beginning January 1, 2027, the}~~ The division shall ~~{provide an annual written}~~ report quarterly
to the board on:

HB0456 compared with HB0456S02

- 1094 (a) grant applications received from eligible counties;
1095 (b) grant awards made to eligible counties; and
1096 (c) the division's progress in determining the relative needs of eligible counties, as described in Section 79-9-202.

Beginning January 1, 2027, the division and board shall provide an annual written report to the Revenue and Taxation Interim Committee and the Political Subdivisions Interim Committee no later than September 30, describing the division's efforts to implement the requirements of this chapter and any recommendations for legislative changes to the grant program described in this part.

~~{no later than September 30, describing the division's efforts to implement the requirements of this chapter and any recommendations for legislative changes to the program.}~~

1103 Section 21. **Effective date.**

This bill takes effect on July 1, 2025.

2-20-25 4:11 PM