

# SB0026S01

~~{Omitted text}~~ shows text that was in SB0026S01 but was omitted in SB0026S04

inserted text shows text that was not in SB0026S01 but was inserted into SB0026S04

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## Housing and Transit Reinvestment Zone Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Stephen L. Whyte

# LONG TITLE

### General Description:

This bill ~~{ modifies }~~ amends provisions ~~{ regarding }~~ relating to the Housing and Transit Reinvestment Zone Act.

### Highlighted Provisions:

This bill:

- ▶ { **modifies definitions;** }
- ▶ **defines terms;**
- ▶ **amends provisions relating to the Housing and Transit Reinvestment Zone Act;**
- ▶ **creates a process to propose a convention center reinvestment zone to facilitate**  
**capitalization of a convention center and surrounding areas within a county of the first class to:**
  - **allow capture of sales and use tax increment related to state and certain local sales and**  
**taxes;**
  - **allow capture of property tax increment; and**
  - **provide for distribution of funds to enable bonding;**
- ▶

## SB0026S01 compared with SB0026S04

### amends provisions to exclude remote sales tax revenue for the capture of sales and use tax increment;

- 9           ▶ amends the median gross income for a certain percentage of proposed dwelling units within the housing and transit reinvestment zone to the county median gross income for households of the same size;
- 12           ▶ clarifies that the collection of a tax increment for a housing and transit reinvestment zone project may be triggered no more than three times per project;
- 14           ▶ modifies provisions related to housing and transit reinvestment zones within certain transit stations or hubs;
- 26           ▶ amends provisions related to mixed-used development;
- 16           ▶ modifies the requirement that a proposal for a transit reinvestment zone includes a mix of dwelling units with at least 25% of the dwelling units having more than one bedroom;
- 18           ▶ amends the date by which a tax increment collection notice is sent to certain entities to no later than December 31 of the year before the year tax increment is to take place;
- 31           ▶ requires certain limitations on use of funds in certain convention center reinvestment zones;
- 20           ▶ requires the base year to be updated in certain circumstances regarding existing community reinvestment projects; and
- 22           ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

37           None

### **Other Special Clauses:**

39           This bill provides a special effective date.

### **AMENDS:**

42           11-70-204 (Effective upon governor's approval), as enacted by Laws of Utah 2024, Chapter 419 (Effective upon governor's approval), as enacted by Laws of Utah 2024, Chapter 419  
44           17-27a-403 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 381, 431 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 381, 431

## SB0026S01 compared with SB0026S04

17-27a-408 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 381, 413 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 381, 413

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48 17C-1-409 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 15, 471 and 492 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 15, 471 and 492

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50 17C-1-411 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 471, 492 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 471, 492

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52 17C-1-412 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 413 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 413

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54 17D-4-102 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 419 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 419

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56 17D-4-203 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 15, 259 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 15, 259

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58 59-1-306 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 35 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 35

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60 59-1-404 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 21, 492 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 21, 492

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62 59-2-924 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 258 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 258

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63 59-2-924.2 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 246 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 246

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## SB0026S01 compared with SB0026S04

59-12-103 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 88, 501 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 88, 501

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66 59-12-205 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 535 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 535

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68 59-12-302 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471

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70 59-12-354 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 419 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 419

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72 59-12-402.1 (Effective upon governor's approval), as last amended by Laws of Utah 2017, Chapter 422 (Effective upon governor's approval), as last amended by Laws of Utah 2017, Chapter 422

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74 59-12-403 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471

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76 59-12-603 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 274 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 274

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78 59-12-703 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471

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80 59-12-802 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 333 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 333

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82 59-12-804 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471

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## SB0026S01 compared with SB0026S04

84	59-12-1102 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 435, 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapters 435, 471
86	59-12-1302 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471
88	59-12-1402 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471
90	59-12-2103 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471
92	59-12-2206 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471 (Effective upon governor's approval), as last amended by Laws of Utah 2023, Chapter 471
94	59-12-2214 (Effective upon governor's approval), as last amended by Laws of Utah 2020, Chapter 377 (Effective upon governor's approval), as last amended by Laws of Utah 2020, Chapter 377
96	59-12-2217 (Effective upon governor's approval), as last amended by Laws of Utah 2020, Chapter 377 (Effective upon governor's approval), as last amended by Laws of Utah 2020, Chapter 377
98	59-12-2219 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 498 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 498
100	59-12-2220 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 498, 501 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapters 498, 501
102	63H-1-205 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 514 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Chapter 514

## SB0026S01 compared with SB0026S04

104 **63N-3-602** (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapters 521, 537 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapters 521, 537

106 **63N-3-603** (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapters 521, 537 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapters 521, 537

108 **63N-3-604** (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
**Chapter 521** (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
**Chapter 521**

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110 **63N-3-605** (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapters 521, 537 (Effective upon governor's approval), as last amended by Laws of Utah  
2024, Chapters 521, 537

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112 **63N-3-606** (Effective upon governor's approval), as enacted by Laws of Utah 2021, Chapter  
411 (Effective upon governor's approval), as enacted by Laws of Utah 2021, Chapter 411

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114 **63N-3-607** (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 521 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 521

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116 **63N-3-608** (Effective upon governor's approval), as enacted by Laws of Utah 2021, Chapter  
411 (Effective upon governor's approval), as enacted by Laws of Utah 2021, Chapter 411

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118 **63N-3-609** (Effective upon governor's approval), as enacted by Laws of Utah 2021, Chapter  
411 (Effective upon governor's approval), as enacted by Laws of Utah 2021, Chapter 411

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120 **63N-3-610** (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 521 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 521

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122 **63N-3-611** (Effective upon governor's approval), as enacted by Laws of Utah 2024, Chapter  
521 (Effective upon governor's approval), as enacted by Laws of Utah 2024, Chapter 521

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124 **72-1-214** (Effective upon governor's approval), as last amended by Laws of Utah 2018,  
Chapter 424 (Effective upon governor's approval), as last amended by Laws of Utah 2018,  
Chapter 424

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## SB0026S01 compared with SB0026S04

72-1-304 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 517 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 517

72-17-105 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 531 (Effective upon governor's approval), as last amended by Laws of Utah 2024,  
Chapter 531

73-10-36 (Effective upon governor's approval), as last amended by Laws of Utah 2023,  
Chapter 238 (Effective upon governor's approval), as last amended by Laws of Utah 2023,  
Chapter 238

ENACTS:

17D-4-202.1 (Effective upon governor's approval), Utah Code Annotated 1953 (Effective  
upon governor's approval), Utah Code Annotated 1953

63N-3-603.1 (Effective upon governor's approval), Utah Code Annotated 1953 (Effective  
upon governor's approval), Utah Code Annotated 1953

63N-3-604.1 (Effective upon governor's approval), Utah Code Annotated 1953 (Effective  
upon governor's approval), Utah Code Annotated 1953

63N-3-610.1 (Effective upon governor's approval), Utah Code Annotated 1953 (Effective  
upon governor's approval), Utah Code Annotated 1953

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

Section 1. Section 11-70-204 is amended to read:

**11-70-204. 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.

## SB0026S01 compared with SB0026S04

- (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.
- 151 (3) The maximum rate of an accommodations tax is 15% of the amounts paid to or charged by the provider for accommodations and services.
- 153 (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.
- 155 (5) If the fairpark district imposes an accommodations tax, a public entity, including 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:
- 158 (a) Title 59, Chapter 12, Sales and Use Tax Act; or
- 159 (b) Title 59, Chapter 28, State Transient Room Tax Act.
- 160 (6) Except as provided in Subsection (7) or (8), an accommodations tax shall be administered, collected, and enforced in accordance with:
- 162 (a) the same procedures used to administer, collect, and enforce the tax under:
- 163 (i) Title 59, Chapter 12, Part 1, Tax Collection; or
- 164 (ii) Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act; and
- 165 (b) Title 59, Chapter 1, General Taxation Policies.
- 166 (7) The location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.
- 168 (8)
- (a) An accommodations tax is not subject to Section 59-12-107.1 or 59-12-123 or Subsections 59-12-205(2) [~~through (5)~~] and (4) through (6).
- 170 (b) The exemptions described in Sections 59-12-104, 59-12-104.1, and 59-12-104.6 do not apply to an accommodations tax.
- 172 (9) The State Tax Commission shall:
- 173 (a) except as provided in Subsection (9)(b), distribute the revenue collected from an accommodations tax to the fairpark district; and
- 175 (b) retain and deposit an administrative charge in accordance with Section 59-1-306 from revenue the commission collects from an accommodations tax.
- 177 (10)



## SB0026S01 compared with SB0026S04

(a) If the fairpark district imposes, repeals, or changes the rate of an accommodations tax, the implementation, repeal, or change takes effect:

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

(ii) after a 90-day period beginning on the date the State Tax Commission receives the notice described in Subsection (10)(b) from the fairpark district.

(b) The notice required in Subsection (10)(a)(ii) shall state:

(i) that the fairpark district will impose, repeal, or change the rate of an accommodations tax;

(ii) the effective date of the implementation, repeal, or change of the accommodations tax; and

(iii) the rate of the accommodations tax.

(11) In addition to the uses permitted under Section 11-70-207, the fairpark district may allocate revenue from an accommodations tax to a county in which a place of accommodation that is subject to the accommodations tax is located, if:

(a) the county had a transient room tax described in Section 59-12-301 in effect at the time the fairpark district board imposed an accommodations tax; and

(b) the revenue replaces revenue that the county received from a county transient room tax described in Section 59-12-301 for the county's general operations and administrative expenses.

### Section 2. Section 17-27a-403 is amended to read:

#### **17-27a-403. Plan preparation.**

(1)

(a) The planning commission shall provide notice, as provided in Section 17-27a-203, of the planning commission's intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing the planning commission's recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for:

(i) the unincorporated area within the county; or

(ii) if the planning commission is a planning commission for a mountainous planning district, the mountainous planning district.

(c)

(i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.

## SB0026S01 compared with SB0026S04

- 211 (ii) Elements of the county plan that address incorporated areas are not an official plan or part of a  
municipal plan for any municipality, unless the county plan is recommended by the municipal  
planning commission and adopted by the governing body of the municipality.
- 215 (2)
- (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and  
explanatory matter, shall include the planning commission's recommendations for the following  
plan elements:
- 218 (i) a land use element that:
- 219 (A) designates the long-term goals and the proposed extent, general distribution, and location of land  
for housing for residents of various income levels, business, industry, agriculture, recreation,  
education, public buildings and grounds, open space, and other categories of public and private uses  
of land as appropriate;
- 224 (B) includes a statement of the projections for and standards of population density and building  
intensity recommended for the various land use categories covered by the plan;
- 227 (C) is coordinated to integrate the land use element with the water use and preservation element; and
- 229 (D) accounts for the effect of land use categories and land uses on water demand;
- 230 (ii) a transportation and traffic circulation element that:
- 231 (A) provides the general location and extent of existing and proposed freeways, arterial and collector  
streets, public transit, active transportation facilities, and other modes of transportation that the  
planning commission considers appropriate;
- 235 (B) addresses the county's plan for residential and commercial development around major transit  
investment corridors to maintain and improve the connections between housing, employment,  
education, recreation, and commerce; and
- 239 (C) correlates with the population projections, the employment projections, and the proposed land use  
element of the general plan;
- 241 (iii) for a specified county as defined in Section 17-27a-408, a moderate income housing element  
that:
- 243 (A) provides a realistic opportunity to meet the need for additional moderate income housing within the  
next five years;
- 245 (B) selects three or more moderate income housing strategies described in Subsection (2)(b)(ii) for  
implementation; and

## SB0026S01 compared with SB0026S04

- 247 (C) includes an implementation plan as provided in Subsection (2)[~~(e)~~] (f);
- 248 (iv) a resource management plan detailing the findings, objectives, and policies required by  
Subsection 17-27a-401(3); and
- 250 (v) a water use and preservation element that addresses:
- 251 (A) the effect of permitted development or patterns of development on water demand and water  
infrastructure;
- 253 (B) methods of reducing water demand and per capita consumption for future development;
- 255 (C) methods of reducing water demand and per capita consumption for existing development; and
- 257 (D) opportunities for the county to modify the county's operations to eliminate practices or conditions  
that waste water.
- 259 (b) In drafting the moderate income housing element, the planning commission:
- 260 (i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity  
for a variety of housing, including moderate income housing:
- 263 (A) to meet the needs of people of various income levels living, working, or desiring to live or work in  
the community; and
- 265 (B) to allow people with various incomes to benefit from and fully participate in all aspects of  
neighborhood and community life; and
- 267 (ii) shall include an analysis of how the county will provide a realistic opportunity for the development  
of moderate income housing within the planning horizon, including a recommendation to implement  
three or more of the following moderate income housing strategies:
- 271 (A) rezone for densities necessary to facilitate the production of moderate income housing;
- 273 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the  
construction of moderate income housing;
- 275 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate  
income housing;
- 277 (D) identify and utilize county general fund subsidies or other sources of revenue to waive construction  
related fees that are otherwise generally imposed by the county for the construction or rehabilitation  
of moderate income housing;
- 280 (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units  
in residential zones;
- 282

## SB0026S01 compared with SB0026S04

- (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;
- 284 (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
- 287 (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
- 291 (I) amend land use regulations to allow for single room occupancy developments;
- 292 (J) implement zoning incentives for moderate income units in new developments;
- 293 (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;
- 296 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 297 (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- 299 (N) implement a mortgage assistance program for employees of the county, an employer that provides contracted services for the county, or any other public employer that operates within the county;
- 302 (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
- 311 (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
- 315 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 317 (R) create a home ownership promotion zone pursuant to Part 12, Home Ownership Promotion Zone for Counties;

## SB0026S01 compared with SB0026S04

- 319 (S) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit  
as defined in Section 10-9a-530;
- 321 (T) create a program to transfer development rights for moderate income housing;
- 322 (U) ratify a joint acquisition agreement with another local political subdivision for the purpose of  
combining resources to acquire property for moderate income housing;
- 325 (V) develop a moderate income housing project for residents who are disabled or 55 years old or older;
- 327 (W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible  
in scale and form with detached single-family residential dwellings and located in walkable  
communities within residential or mixed-use zones; and
- 331 (X) demonstrate implementation of any other program or strategy to address the housing needs of  
residents of the county who earn less than 80% of the area median income, including the dedication  
of a local funding source to moderate income housing or the adoption of a land use ordinance that  
requires 10% or more of new residential development in a residential zone be dedicated to moderate  
income housing.
- 337 ~~[(e) If a specified county, as defined in Section 17-27a-408, has created a small public transit district, as  
defined in Section 17B-2a-802, on or before January 1, 2022, the specified county shall include as  
part of the specified county's recommended strategies under Subsection (2)(b)(ii) a recommendation  
to implement the strategy described in Subsection (2)(b)(ii)(Q).]~~
- 342 ~~[(d)]~~ (c) The planning commission shall identify each moderate income housing strategy recommended  
to the legislative body for implementation by restating the exact language used to describe the  
strategy in Subsection (2)(b)(ii).
- 345 ~~[(e)]~~ (d) In drafting the land use element, the planning commission shall:
- 346 (i) identify and consider each agriculture protection area within the unincorporated area of the county or  
mountainous planning district;
- 348 (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or  
detrimental to the use of the land for agriculture; and
- 350 (iii) consider and coordinate with any station area plans adopted by municipalities located within the  
county under Section 10-9a-403.1.
- 352 ~~[(f)]~~ (e) In drafting the transportation and traffic circulation element, the planning commission shall:
- 354 (i)

## SB0026S01 compared with SB0026S04

(A) consider and coordinate with the regional transportation plan developed by the county's region's metropolitan planning organization, if the relevant areas of the county are within the boundaries of a metropolitan planning organization; or

(B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the relevant areas of the county are not within the boundaries of a metropolitan planning organization; and

(ii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

~~[(g)]~~ (f)

(i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to the legislative body the establishment of a five-year timeline for implementing each of the moderate income housing strategies selected by the county for implementation.

(ii) The timeline described in Subsection (2)~~[(g)(i)]~~ (f)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and

(B) provide flexibility for the county to make adjustments as needed.

~~[(h)]~~ (g) In drafting the water use and preservation element, the planning commission:

(i) shall consider applicable regional water conservation goals recommended by the Division of Water Resources;

(ii) shall consult with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and water use and preservation element may affect the Great Salt Lake;

(iii) shall notify the community water systems serving drinking water within the unincorporated portion of the county and request feedback from the community water systems about how implementation of the land use element and water use and preservation element may affect:

(A) water supply planning, including drinking water source and storage capacity consistent with Section 19-4-114; and

(B) water distribution planning, including master plans, infrastructure asset management programs and plans, infrastructure replacement plans, and impact fee facilities plans;

## SB0026S01 compared with SB0026S04

- (iv) shall consider the potential opportunities and benefits of planning for regionalization of public water systems;
- 390 (v) shall consult with the Department of Agriculture and Food for information and technical resources regarding the potential benefits of agriculture conservation easements and potential implementation of agriculture water optimization projects that would support regional water conservation goals;
- 394 (vi) shall notify an irrigation or canal company located in the county so that the irrigation or canal company can be involved in the protection and integrity of the irrigation or canal company's delivery systems;
- 397 (vii) shall include a recommendation for:
  - 398 (A) water conservation policies to be determined by the county; and
  - 399 (B) landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;
- 401 (viii) shall review the county's land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water;
- 403 (ix) shall consider principles of sustainable landscaping, including the:
  - 404 (A) reduction or limitation of the use of lawn or turf;
  - 405 (B) promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation;
  - 407 (C) preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions;
  - 409 (D) elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation;
  - 411 (E) reduction of yard waste; and
  - 412 (F) use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated;
- 414 (x) may include recommendations for additional water demand reduction strategies, including:
  - 416 (A) creating a water budget associated with a particular type of development;
  - 417 (B) adopting new or modified lot size, configuration, and landscaping standards that will reduce water demand for new single family development;
  - 419 (C) providing one or more water reduction incentives for existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand;

## SB0026S01 compared with SB0026S04

- 422 (D) discouraging incentives for economic development activities that do not adequately account for  
water use or do not include strategies for reducing water demand; and
- 425 (E) adopting water concurrency standards requiring that adequate water supplies and facilities are or  
will be in place for new development; and
- 427 (xi) shall include a recommendation for low water use landscaping standards for a new:
- 429 (A) commercial, industrial, or institutional development;
- 430 (B) common interest community, as defined in Section 57-25-102; or
- 431 (C) multifamily housing project.
- 432 (3) The proposed general plan may include:
- 433 (a) an environmental element that addresses:
- 434 (i) to the extent not covered by the county's resource management plan, the protection, conservation,  
development, and use of natural resources, including the quality of:
- 437 (A) air;
- 438 (B) forests;
- 439 (C) soils;
- 440 (D) rivers;
- 441 (E) groundwater and other waters;
- 442 (F) harbors;
- 443 (G) fisheries;
- 444 (H) wildlife;
- 445 (I) minerals; and
- 446 (J) other natural resources; and
- 447 (ii)
- (A) the reclamation of land, flood control, prevention and control of the pollution of streams and other  
waters;
- 449 (B) the regulation of the use of land on hillsides, stream channels and other environmentally sensitive  
areas;
- 451 (C) the prevention, control, and correction of the erosion of soils;
- 452 (D) the preservation and enhancement of watersheds and wetlands; and
- 453 (E) the mapping of known geologic hazards;
- 454



## SB0026S01 compared with SB0026S04

- (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
- (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
  - (i) historic preservation;
  - (ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and
  - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
- (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
- (e) recommendations for implementing all or any portion of the general plan, including the adoption of land and water use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
- (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or (3)(a)(i); and
- (g) any other element the county considers appropriate.

### Section 3. Section 17-27a-408 is amended to read:

#### **17-27a-408. Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

- (1) As used in this section:
  - (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.
  - (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified county's general plan as provided in Subsection 17-27a-403(2)[~~(g)~~] (f).
  - (c) "Initial report" means the one-time moderate income housing report described in Subsection (2).
  - (d) "Moderate income housing strategy" means a strategy described in Subsection 17-27a-403(2)(b)(ii).
  - (e) "Report" means an initial report or a subsequent report.
  - (f) "Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.

## SB0026S01 compared with SB0026S04

- 492 (g) "Subsequent progress report" means the annual moderate income housing report described in  
Subsection (3).
- 494 (2)
- (a) The legislative body of a specified county shall annually submit an initial report to the division.
- 496 (b)
- (i) This Subsection (2)(b) applies to a county that is not a specified county as of January 1, 2023.
- 498 (ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one class to another or  
grows in population to qualify as a specified county, the county shall submit an initial plan to the  
division on or before August 1 of the first calendar year beginning on January 1 in which the county  
qualifies as a specified county.
- 503 (c) The initial report shall:
- 504 (i) identify each moderate income housing strategy selected by the specified county for continued,  
ongoing, or one-time implementation, using the exact language used to describe the moderate  
income housing strategy in Subsection 17-27a-403(2)(b)(ii); and
- 508 (ii) include an implementation plan.
- 509 (3)
- (a) After the division approves a specified county's initial report under this section, the specified county  
shall, as an administrative act, annually submit to the division a subsequent progress report on or  
before August 1 of each year after the year in which the specified county is required to submit the  
initial report.
- 513 (b) The subsequent progress report shall include:
- 514 (i) subject to Subsection (3)(c), a description of each action, whether one-time or ongoing, taken by the  
specified county during the previous 12-month period to implement the moderate income housing  
strategies identified in the initial report for implementation;
- 518 (ii) a description of each land use regulation or land use decision made by the specified county during  
the previous 12-month period to implement the moderate income housing strategies, including an  
explanation of how the land use regulation or land use decision supports the specified county's  
efforts to implement the moderate income housing strategies;
- 523 (iii) a description of any barriers encountered by the specified county in the previous 12-month period  
in implementing the moderate income housing strategies;
- 525

## SB0026S01 compared with SB0026S04

- (iv) the number of residential dwelling units that have been entitled that have not received a building permit as of the submission date of the progress report;
- 527 (v) shapefiles, or website links if shapefiles are not available, to current maps and tables related to zoning;
- 529 (vi) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:
  - 531 (A) issued a building permit to construct; or
  - 532 (B) issued a business license or comparable license or permit to rent;
- 533 (vii) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and
- 536 (viii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.
- 538 (c) For purposes of describing actions taken by a specified county under Subsection (3)(b)(i), the specified county may include an ongoing action taken by the specified county prior to the 12-month reporting period applicable to the subsequent progress report if the specified county:
  - 542 (i) has already adopted an ordinance, approved a land use application, made an investment, or approved an agreement or financing that substantially promotes the implementation of a moderate income housing strategy identified in the initial report; and
  - 546 (ii) demonstrates in the subsequent progress report that the action taken under Subsection (3)(c)(i) is relevant to making meaningful progress towards the specified county's implementation plan.
- 549 (d) A specified county's report shall be in a form:
  - 550 (i) approved by the division; and
  - 551 (ii) made available by the division on or before May 1 of the year in which the report is required.
- 553 (4) Within 90 days after the day on which the division receives a specified county's report, the division shall:
  - 555 (a) post the report on the division's website;
  - 556 (b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and
  - 561 (c) subject to Subsection (5), review the report to determine compliance with this section.

## SB0026S01 compared with SB0026S04

- 562 (5)
- (a) An initial report does not comply with this section unless the report:
- 563 (i) includes the information required under Subsection (2)(c);
- 564 (ii) ~~[subject to Subsection (5)(c); ]~~demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and
- 567 (iii) is in a form approved by the division.
- 568 (b) A subsequent progress report does not comply with this section unless the report:
- 569 (i) ~~[subject to Subsection (5)(c); ]~~demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;
- 572 (ii) is in a form approved by the division; and
- 573 (iii) provides sufficient information for the division to:
- 574 (A) assess the specified county's progress in implementing the moderate income housing strategies;
- 576 (B) monitor compliance with the specified county's implementation plan;
- 577 (C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies;
- 579 (D) identify how the market has responded to the specified county's selected moderate income housing strategies; and
- 581 (E) identify any barriers encountered by the specified county in implementing the selected moderate income housing strategies.
- 583 ~~[(e)~~
- ~~(i) This Subsection (5)(c) applies to a specified county that has created a small public transit district, as defined in Section 17B-2a-802, on or before January 1, 2022.]~~
- 586 ~~[(ii) In addition to the requirements of Subsections (5)(a) and (b), a report for a specified county described in Subsection (5)(c)(i) does not comply with this section unless the report demonstrates to the division that the specified county:]~~
- 589 ~~[(A) made plans to implement the moderate income housing strategy described in Subsection 17-27a-403(2)(b)(ii)(Q); and]~~
- 591 ~~[(B) is in compliance with Subsection 63N-3-603(8).]~~
- 592 (6)
- (a) A specified county qualifies for priority consideration under this Subsection (6) if the specified county's report:

## SB0026S01 compared with SB0026S04

- 594 (i) complies with this section; and
- 595 (ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.
- 597 (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c), give priority consideration to transportation projects located within the unincorporated areas of a specified county described in Subsection (6)(a) until the Department of Transportation receives notice from the division under Subsection (6)(e).
- 602 (c) Upon determining that a specified county qualifies for priority consideration under this Subsection (6), the division shall send a notice of prioritization to the legislative body of the specified county and the Department of Transportation.
- 605 (d) The notice described in Subsection (6)(c) shall:
- 606 (i) name the specified county that qualifies for priority consideration;
- 607 (ii) describe the funds or projects for which the specified county qualifies to receive priority consideration; and
- 609 (iii) state the basis for the division's determination that the specified county qualifies for priority consideration.
- 611 (e) The division shall notify the legislative body of a specified county and the Department of Transportation in writing if the division determines that the specified county no longer qualifies for priority consideration under this Subsection (6).
- 614 (7)
- (a) If the division, after reviewing a specified county's report, determines that the report does not comply with this section, the division shall send a notice of noncompliance to the legislative body of the specified county.
- 617 (b) A specified county that receives a notice of noncompliance may:
- 618 (i) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or
- 620 (ii) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.
- 622 (c) The notice described in Subsection (7)(a) shall:
- 623 (i) describe each deficiency in the report and the actions needed to cure each deficiency;
- 625 (ii) state that the specified county has an opportunity to:

## SB0026S01 compared with SB0026S04

- 626 (A) submit to the division a corrected report that cures each deficiency in the report within 90 days after  
the day on which the notice of noncompliance is sent; or
- 629 (B) submit to the division a request for an appeal of the division's determination of noncompliance  
within 10 days after the day on which the notice of noncompliance is sent; and
- 632 (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the specified county's  
ineligibility for funds and fees owed under Subsection (9).
- 634 (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the action needed to  
cure the deficiency as described by the division requires the specified county to make a legislative  
change, the specified county may cure the deficiency by making that legislative change within the  
90-day cure period.
- 638 (e)
- (i) If a specified county submits to the division a corrected report in accordance with Subsection (7)  
(b)(i), and the division determines that the corrected report does not comply with this section, the  
division shall send a second notice of noncompliance to the legislative body of the specified county.
- 642 (ii) A specified county that receives a second notice of noncompliance may request an appeal of the  
division's determination of noncompliance within 10 days after the day on which the second notice  
of noncompliance is sent.
- 645 (iii) The notice described in Subsection (7)(e)(i) shall:
- 646 (A) state that the specified county has an opportunity to submit to the division a request for an appeal  
of the division's determination of noncompliance within 10 days after the day on which the second  
notice of noncompliance is sent; and
- 649 (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the specified county's  
ineligibility for funds under Subsection (9).
- 651 (8)
- (a) A specified county that receives a notice of noncompliance under Subsection (7)(a) or (7)(e)(i) may  
request an appeal of the division's determination of noncompliance within 10 days after the day on  
which the notice of noncompliance is sent.
- 655 (b) Within 90 days after the day on which the division receives a request for an appeal, an appeal board  
consisting of the following three members shall review and issue a written decision on the appeal:
- 658 (i) one individual appointed by the Utah Association of Counties;
- 659 (ii) one individual appointed by the Utah Homebuilders Association; and

## SB0026S01 compared with SB0026S04

- 660 (iii) one individual appointed by the presiding member of the association of governments, established  
pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which  
the specified county is a member.
- 663 (c) The written decision of the appeal board shall either uphold or reverse the division's determination  
of noncompliance.
- 665 (d) The appeal board's written decision on the appeal is final.
- 666 (9)
- (a) A specified county is ineligible for funds and owes a fee under this Subsection (9) if:
- 668 (i) the specified county fails to submit a report to the division;
- 669 (ii) after submitting a report to the division, the division determines that the report does not comply  
with this section and the specified county fails to:
- 671 (A) cure each deficiency in the report within 90 days after the day on which the notice of  
noncompliance is sent; or
- 673 (B) request an appeal of the division's determination of noncompliance within 10 days after the day on  
which the notice of noncompliance is sent;
- 675 (iii) after submitting to the division a corrected report to cure the deficiencies in a previously  
submitted report, the division determines that the corrected report does not comply with this  
section and the specified county fails to request an appeal of the division's determination of  
noncompliance within 10 days after the day on which the second notice of noncompliance is  
sent; or
- 680 (iv) after submitting a request for an appeal under Subsection (8), the appeal board issues a written  
decision upholding the division's determination of noncompliance.
- 682 (b) The following apply to a specified county described in Subsection (9)(a) until the division provides  
notice under Subsection (9)(e):
- 684 (i) the executive director of the Department of Transportation may not program funds from the  
Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund,  
to projects located within the unincorporated areas of the specified county in accordance with  
Subsection 72-2-124(6);
- 688 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee to the Olene  
Walker Housing Loan Fund in the amount of \$250 per day that the specified county:
- 691



## SB0026S01 compared with SB0026S04

- (A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or
- 693 (B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (7); and
- 696 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified county, for a consecutive year:
- 699 (A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or
- 701 (B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (7).
- 704 (c) Upon determining that a specified county is ineligible for funds under this Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, the State Tax Commission, and the Governor's Office of Planning and Budget.
- 709 (d) The notice described in Subsection (9)(c) shall:
- 710 (i) name the specified county that is ineligible for funds;
- 711 (ii) describe the funds for which the specified county is ineligible to receive;
- 712 (iii) describe the fee the specified county is required to pay under Subsection (9)(b), if applicable; and
- 714 (iv) state the basis for the division's determination that the specified county is ineligible for funds.
- 716 (e) The division shall notify the legislative body of a specified county and the Department of Transportation in writing if the division determines that the provisions of this Subsection (9) no longer apply to the specified county.
- 719 (f) The division may not determine that a specified county that is required to pay a fee under Subsection (9)(b) is in compliance with the reporting requirements of this section until the specified county pays all outstanding fees required under Subsection (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- 724 (10) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

727 Section 4. Section 17C-1-409 is amended to read:



## SB0026S01 compared with SB0026S04

### 17C-1-409. Allowable uses of agency funds.

(1)

(a) An agency may use agency funds:

(i) for any purpose authorized under this title;

(ii) for administrative, overhead, legal, or other operating expenses of the agency, including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for a business resource center;

(iii) subject to Section 11-41-103, to pay for, including financing or refinancing, all or part of:

(A) project area development in a project area, including environmental remediation activities occurring before or after adoption of the project area plan;

(B) housing-related expenditures, projects, or programs as described in Section 17C-1-411 or 17C-1-412;

(C) an incentive or other consideration paid to a participant under a participation agreement;

(D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the project area funds are collected; or

(E) the cost of the installation of publicly owned infrastructure and improvements outside the project area from which the project area funds are collected if the board and the community legislative body determine by resolution that the publicly owned infrastructure and improvements benefit the project area;

(iv) in an urban renewal project area that includes some or all of an inactive industrial site and subject to Subsection (1)(e), to reimburse the Department of Transportation created under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit District Act, for the cost of:

(A) construction of a public road, bridge, or overpass;

(B) relocation of a railroad track within the urban renewal project area; or

(C) relocation of a railroad facility within the urban renewal project area;

(v) subject to Subsection (5), to transfer funds to a community that created the agency; or

(vi) subject to Subsection (1)(f), for agency-wide project development under Part 10, Agency Taxing Authority.

## SB0026S01 compared with SB0026S04

(b) The determination of the board and the community legislative body under Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

(c) An agency may not use project area funds received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an economic development project area plan, or a community reinvestment project area plan without the community legislative body's consent.

(d)

(i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a project area fund to another project area fund if:

(A) the board approves; and

(B) the community legislative body approves.

(ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the projections for agency funds are sufficient to repay the loan amount.

(iii) A loan described in this Subsection (1)(d) is not subject to Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts.

(e) Before an agency may pay any tax increment or sales tax revenue under Subsection (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the reimbursement with:

(i) the Department of Transportation; or

(ii) a public transit district.

(f) Before an agency may use project area funds for agency-wide project development, as defined in Section 17C-1-1001, the agency shall obtain the consent of the taxing entity committee or each taxing entity party to an interlocal agreement with the agency.

(2)

(a) Sales and use tax revenue that an agency receives from a taxing entity is not subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Retail Facility Incentive Payments Act.

(b) An agency may use sales and use tax revenue that the agency receives under an interlocal agreement under Section 17C-4-201 or 17C-5-204 for the uses authorized in the interlocal agreement.

(3)

## SB0026S01 compared with SB0026S04

- (a) An agency may contract with the community that created the agency or another public entity to use agency funds to reimburse the cost of items authorized by this title to be paid by the agency that are paid by the community or other public entity.
- (b) If land is acquired or the cost of an improvement is paid by another public entity and the land or improvement is leased to the community, an agency may contract with and make reimbursement from agency funds to the community.
- (4) Notwithstanding any other provision of this title, an agency may not use project area funds, project area incremental revenue as defined in Section 17C-1-1001, or property tax revenue as defined in Section 17C-1-1001, to construct a local government building unless the taxing entity committee or each taxing entity party to an interlocal agreement with the agency consents.
- (5) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(a)(v), 17C-1-411(1)(d), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection ~~[59-12-205(4)]~~ 59-12-205(5).

### Section 5. Section 17C-1-411 is amended to read:

#### **17C-1-411. Use of project area funds for housing-related improvements and for relocating mobile home park residents -- Funds to be held in separate accounts.**

- (1) An agency may use project area funds:
- (a) to pay all or part of the value of the land for and the cost of installation, construction, or rehabilitation of any housing-related building, facility, structure, or other housing improvement, including infrastructure improvements related to housing, located in any project area within the agency's boundaries;
- (b) outside of a project area for the purpose of:
- (i) replacing housing units lost by project area development; or
- (ii) increasing, improving, or preserving the affordable housing supply within the boundary of the agency;
- (c) for relocating mobile home park residents displaced by project area development, whether inside or outside a project area; or
- (d) subject to Subsection (4), to transfer funds to a community that created the agency.
- (2)

## SB0026S01 compared with SB0026S04

- (a) Each agency shall create a housing fund and separately account for project area funds allocated under this section.
- (b) Interest earned by the housing fund described in Subsection (2)(a), and any payments or repayments made to the agency for loans, advances, or grants of any kind from the housing fund, shall accrue to the housing fund.
- (c) An agency that designates a housing fund under this section shall use the housing fund for the purposes set forth in this section or Section 17C-1-412.
- (3) An agency may lend, grant, or contribute funds from the housing fund to a person, public entity, housing authority, private entity or business, or nonprofit corporation for affordable housing or homeless assistance.
- (4) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(d), 17C-1-409(1)(a)(v), and 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in Subsection ~~[59-12-205(4)]~~ 59-12-205(5).

### Section 6. Section 17C-1-412 is amended to read:

#### **17C-1-412. Use of housing allocation -- Separate accounting required -- Issuance of bonds for housing -- Action to compel agency to provide housing allocation.**

(1)

(a) An agency shall use the agency's housing allocation to:

- (i) pay part or all of the cost of land or construction of income targeted housing within the boundary of the agency, if practicable in a mixed income development or area;
- (ii) pay part or all of the cost of rehabilitation of income targeted housing within the boundary of the agency;
- (iii) lend, grant, or contribute money to a person, public entity, housing authority, private entity or business, or nonprofit corporation for income targeted housing within the boundary of the agency;
- (iv) plan or otherwise promote income targeted housing within the boundary of the agency;
- (v) pay part or all of the cost of land or installation, construction, or rehabilitation of any building, facility, structure, or other housing improvement, including infrastructure improvements, related to housing located in a project area where a board has determined that a development impediment exists;

## SB0026S01 compared with SB0026S04

- 860 (vi) replace housing units lost as a result of the project area development;
- 861 (vii) make payments on or establish a reserve fund for bonds:
- 862 (A) issued by the agency, the community, or the housing authority that provides income targeted  
housing within the community; and
- 864 (B) all or part of the proceeds of which are used within the community for the purposes stated in  
Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);
- 866 (viii) if the community's fair share ratio at the time of the first adoption of the project area budget is  
at least 1.1 to 1.0, make payments on bonds:
- 868 (A) that were previously issued by the agency, the community, or the housing authority that provides  
income targeted housing within the community; and
- 870 (B) all or part of the proceeds of which were used within the community for the purposes stated in  
Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);
- 872 (ix) relocate mobile home park residents displaced by project area development;
- 873 (x) subject to Subsection (7), transfer funds to a community that created the agency; or
- 875 (xi) pay for or make a contribution toward the acquisition, construction, or rehabilitation of housing  
that:
- 877 (A) is located in the same county as the agency;
- 878 (B) is owned in whole or in part by, or is dedicated to supporting, a public nonprofit college or  
university; and
- 880 (C) only students of the relevant college or university, including the students' immediate families,  
occupy.
- 882 (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or any portion of  
the agency's housing allocation to:
- 884 (i) the community for use as described in Subsection (1)(a);
- 885 (ii) a housing authority that provides income targeted housing within the community for use in  
providing income targeted housing within the community;
- 887 (iii) a housing authority established by the county in which the agency is located for providing:
- 889 (A) income targeted housing within the county;
- 890 (B) permanent housing, permanent supportive housing, or a transitional facility, as defined in Section  
35A-5-302, within the county; or
- 892 (C) homeless assistance within the county;

## SB0026S01 compared with SB0026S04

- 893 (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8, Part 5, Olene  
Walker Housing Loan Fund, for use in providing income targeted housing within the community;
- 896 (v) pay for or make a contribution toward the acquisition, construction, or rehabilitation of income  
targeted housing that is outside of the community if the housing is located along or near a major  
transit investment corridor that services the community and the related project has been approved by  
the community in which the housing is or will be located;
- 901 (vi) pay for or make a contribution toward the acquisition, construction, or rehabilitation of income  
targeted housing that is outside of the community if there is an interlocal agreement between the  
agency and the receiving community; or
- 904 (vii) pay for or make a contribution toward the expansion of child care facilities within the boundary  
of the agency, provided that any recipient of funds from the agency's housing allocation reports  
annually to the agency on how the funds were used.
- 908 (2)
- (a) An agency may combine all or any portion of the agency's housing allocation with all or any  
portion of one or more additional agency's housing allocations if the agencies execute an interlocal  
agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- 912 (b) An agency that has entered into an interlocal agreement as described in Subsection (2)(a), meets  
the requirements of Subsection (1)(a) or (1)(b) if the use of the housing allocation meets the  
requirements for at least one agency that is a party to the interlocal agreement.
- 916 (3) The agency shall create a housing fund and separately account for the agency's housing allocation,  
together with all interest earned by the housing allocation and all payments or repayments for loans,  
advances, or grants from the housing allocation.
- 919 (4) An agency may:
- 920 (a) issue bonds to finance a housing-related project under this section, including the payment of  
principal and interest upon advances for surveys and plans or preliminary loans; and
- 923 (b) issue refunding bonds for the payment or retirement of bonds under Subsection (4)(a) previously  
issued by the agency.
- 925 (5)
- (a) Except as provided in Subsection (5)(b), an agency shall allocate money to the housing fund each  
year in which the agency receives sufficient tax increment to make a housing allocation required by  
the project area budget.

## SB0026S01 compared with SB0026S04

- (b) Subsection (5)(a) does not apply in a year in which tax increment is insufficient.
- (6)
- (a) Except as provided in Subsection (5)(b), if an agency fails to provide a housing allocation in accordance with the project area budget and the housing plan adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to compel the agency to provide the housing allocation.
- (b) In an action under Subsection (6)(a), the court:
- (i) shall award the loan fund board reasonable attorney fees, unless the court finds that the action was frivolous; and
- (ii) may not award the agency the agency's attorney fees, unless the court finds that the action was frivolous.
- (7) For the purpose of offsetting the community's annual local contribution to the Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in a calendar year to a community under Subsections (1)(a)(x), 17C-1-409(1)(a)(v), and 17C-1-411(1)(d) may not exceed the community's annual local contribution as defined in Subsection [59-12-205(4)] 59-12-205(5).
- (8) An agency shall spend, encumber, or allot the money contributed to the housing fund under Subsection (5)(a) within six years from the day on which the agency first receives the money.

### Section 7. Section 17D-4-102 is amended to read:

#### **17D-4-102. Definitions.**

As used in this chapter:

- (1) "Board" means the board of trustees of a public infrastructure district.
- (2) "Capital city" means a city of the first class that is the capital of the state that has a convention center within the boundary of the city.
- (3) "Convention center" means a government facility:
- (a) owned by the county in which the convention center is located;
- (b) primarily used for hosting conventions, exhibitions, trade shows, or similar events; and
- (c) is located within the boundaries of a city of the first class in a county of the first class.
- (4) "Convention center public infrastructure district" means a public infrastructure district created to finance public infrastructure and improvements associated with and benefiting a convention center area and surrounding area, including the costs to finance any public or privately owned improvements, including:

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- 961 (a) convention center-related improvements;  
962 (b) arena improvements; and  
963 (c) a convention revitalization project, as that term is defined in Section 63N-3-602.  
964 (5) "Convention center public infrastructure district in a capital city" means a public infrastructure  
district created to finance public infrastructure and improvements for a convention center in a capital  
city, including:  
967 (a) the costs to finance any public improvements that serve the convention center;  
968 (b) privately owned improvements if the improvements are an allowed use of funds under Section  
63N-3-1403; and  
970 (c) a convention center revitalization project, as that term is defined in Section 63N-3-602.  
972 [(2)] (6) "Creating entity" means the county, municipality, or development authority that approves the  
creation of a public infrastructure district.  
974 [(3)] (7) "Development authority" means:  
975 (a) the Utah Inland Port Authority created in Section 11-58-201;  
976 (b) the Point of the Mountain State Land Authority created in Section 11-59-201;  
977 (c) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; or  
979 (d) the military installation development authority created in Section 63H-1-201.  
980 [(4)] (8) "District applicant" means the person proposing the creation of a public infrastructure district.  
982 [(5)] (9) "Division" means a division of a public infrastructure district:  
983 (a) that is relatively equal in number of eligible voters or potential eligible voters to all other divisions  
within the public infrastructure district, taking into account existing or potential developments  
which, when completed, would increase or decrease the population within the public infrastructure  
district; and  
987 (b) which a member of the board represents.  
988 [(6)] (10) "Governing document" means the document governing a public infrastructure district to  
which the creating entity agrees before the creation of the public infrastructure district, as amended  
from time to time, and subject to the limitations of Title 17B, Chapter 1, Provisions Applicable to  
All Special Districts, and this chapter.  
992 [(7)] (11)  
(a) "Limited tax bond" means a bond:  
993 (i) that is directly payable from and secured by ad valorem property taxes that are levied:



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- 995 (A) by a public infrastructure district that issues the bond; and  
996 (B) on taxable property within the district;  
997 (ii) that is a general obligation of the public infrastructure district; and  
998 (iii) for which the ad valorem property tax levy for repayment of the bond does not exceed the  
property tax levy rate limit established under Section 17D-4-303 for any fiscal year, except as  
provided in Subsection 17D-4-301(8).
- 1001 (b) "Limited tax bond" does not include:  
1002 (i) a short-term bond;  
1003 (ii) a tax and revenue anticipation bond; or  
1004 (iii) a special assessment bond.  
1005 ~~[(8)]~~ (12)
- (a) "Participation agreement" means an executed agreement between a local government entity and  
project participant, as those terms are defined in Section 63N-3-1401.
- 1008 (b) "Participation agreement" includes an agreement under Title 63N, Chapter 3, Part 14, Capital City  
Revitalization Zone.
- 1010 ~~(13)~~ "Public infrastructure and improvements" means:  
1011 (a) the same as that term is defined in Section 11-58-102, for a public infrastructure district created by  
the Utah Inland Port Authority created in Section 11-58-201;  
1013 (b) the same as that term is defined in Section 11-70-101, for a public infrastructure district created by  
the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; ~~[and]~~  
1016 (c) the same as that term is defined in Section 63H-1-102, for a public infrastructure district created by  
the military installation development authority created in Section 63H-1-201~~[-]~~ ; and  
1019 (d) for a convention center public infrastructure district, infrastructure, utilities, improvements,  
facilities, buildings, or remediation that:  
1021 (i) benefit the public and are owned by a public entity or a utility;  
1022 (ii) benefit the public and are publicly maintained or operated by a public entity;  
1023 (iii) are privately owned and provide a substantial benefit, as determined by the board of a convention  
center public infrastructure district, to:  
1025 (A) the development and operation of a convention center public infrastructure district; or  
1027

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(B) the residents or property owners within the boundaries of a convention center public infrastructure district or within the boundaries of a convention center reinvestment zone to which the convention center public infrastructure district is either within or adjacent; or

(iv) if the infrastructure and improvements are outside of the boundaries of a convention center public infrastructure district, benefit a convention center public infrastructure district to which the convention center public infrastructure district project area is either within or adjacent.

Section 8. Section 8 is enacted to read:

**17D-4-202.1. Convention center public infrastructure -- District board -- Petition and process requirements -- Governing document.**

(1) As used is this section:

(a) "City" means a municipality of the first class located in a county of the first class in which a convention center is located.

(b) "County" means a county in which a convention center is located.

(c) "Lessee" means a lessee of property within the proposed convention center public infrastructure district that leases the property from the city or county for a term of at least 10 years.

(d)

(i) "Petitioner" means a surface property owner, a property owner, or lessee of property within a proposed convention center public infrastructure district's boundaries that initiates the formation of a convention center public infrastructure district.

(ii) "Petitioner" includes a surface property owner under this chapter, and Title 17B, Chapter 1, Provisions Applicable to All Special Districts, in relation to a convention center public infrastructure district.

(iii) "Petitioner" does not include a city, county, or other public entity.

(2) A convention center public infrastructure district shall be created in a city upon the submission of a petition in accordance with this part and shall have all the powers of a public infrastructure district under this chapter.

(3) A convention center public infrastructure district may only be created within a city in which a convention center is located.

(4) The petition described in Subsection (2) shall:

(a) include the governing document; and

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(b) for a petition to a city which has previously authorized revitalization taxes described in Section 63N-3-1403, include as part of the governing document approval and authorization of an interlocal agreement pledging and securing the revitalization taxes for debt of the proposed convention center public infrastructure district.

(5)

(a) The process for creating a convention center public infrastructure district or a convention center public infrastructure district in a capital city shall be initiated by the submission of a petition and a governing document to the city, except that:

(i) the city recorder shall certify the petition within 14 days from the day the petitioner submits the petition to the city recorder;

(ii) if the city recorder fails to certify the petition within the time described in Subsection (5)(a)(i), the petition shall be considered certified; and

(iii) within 60 days from the day that the petitioner submits the petition to the city recorder, or if the city and the petitioner have come to an agreement as described in Subsection (5)(b), the city shall adopt a resolution to approve:

(A) the governing document the petitioner submitted with the petition; and

(B) the creation of a convention center public infrastructure district or a convention center public infrastructure district in a capital city.

(b) Notwithstanding Subsection (5)(a), the city and petitioner may negotiate the finalized terms of the petition, including the terms of an interlocal agreement, within a time period agreed upon by the city and petitioner.

(6)

(a) The boundaries of a convention center public infrastructure district shall be limited to an area within a one-half-mile radius of a convention center.

(b) If a parcel is intersected by the radius described in Subsection (6)(a), the entire parcel may be included in the district.

(7) A convention center public infrastructure district shall be subject to the following provisions regarding taxation and financing:

(a) a convention center public infrastructure district may levy an administrative tax of up to 0.0005 per dollar of taxable value on taxable property within the district; and

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(b) the administrative tax shall be used exclusively for administrative expenses and may not be used for capital costs or debt payment.

1091 (8) A convention center public infrastructure district shall be governed by the governing document submitted and approved as described in this section.

1093 (9) The convention center public infrastructure board shall consist of five members as follows:

1095 (a) three members shall be representatives of the petitioner and selected by the petitioner;

1096 (b) one member may be a representative of the city and selected by the mayor of the city; and

1098 (c) one member may be a representative of the county and selected by the mayor of the county.

1100 (10) If a city or county mayor chooses not to select a member of the board as described in Subsection (9)(b) or (c), elects in writing to permanently abdicate the board seat, or chooses to vacate a member at any time, the petitioner shall select a member for the replacement who shall not be a representative of the city or county in which the convention center is located.

1105 Section 9. Section **17D-4-203** is amended to read:

1106 **17D-4-203. Public infrastructure district powers.**

A public infrastructure district:

1109 (1) has all of the authority conferred upon a special district under Section 17B-1-103; and

1110 (2) may:

1111 (a) issue negotiable bonds to pay:

1112 (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;

1115 (ii) capital costs of improvements in an energy assessment area, as defined in Section 11-42a-102, and other related costs, against the funds that the public infrastructure district will receive because of an assessment in an energy assessment area, as defined in Section 11-42a-102;

1119 (iii) public improvements related to the provision of housing;

1120 (iv) capital costs related to public transportation;

1121 (v) for a public infrastructure district that is within or adjacent to a housing and transit reinvestment zone described in Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, any and all costs to finance any public or privately owned improvements, which, in the discretion of the board of the public infrastructure district, promote the objectives described in Section 63N-3-603.1;

1126 (vi) for a public infrastructure district~~[created by a development authority]~~, the cost of acquiring or financing public infrastructure and improvements; ~~[and]~~

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- 1128 ~~[(vi)]~~ (vii) for a public infrastructure district that is a subsidiary of the Utah Inland Port Authority, the costs associated with a remediation project, as defined in Section 11-58-102;
- 1131 (viii) for a convention center public infrastructure district that is within or adjacent to a convention center reinvestment zone as defined in Section 63N-3-602, any or all of the costs to finance any public or privately owned improvements, including convention center-related improvements and arena improvements, which, in the discretion of the board of a convention center public infrastructure district, promote the objectives of the convention center reinvestment zone, as described in Section 63N-3-603.1;
- 1138 (ix) for a convention center public infrastructure district, the costs of financing a convention revitalization project, as the term is defined in Section 63N-3-602;
- 1140 (x) for a convention center public infrastructure district in a capital city that is within or adjacent to a convention center reinvestment zone in a capital city, as defined in Section 63N-3-602, any or all of the costs to financing any publicly owned improvements, including the cost of financing a convention center revitalization project in a capital city, as defined in Section 63N-3-602, convention center-related improvements, and publicly or privately owned improvements that directly serve the convention center, which, in the discretion of the board of the convention center public infrastructure district in a capital city, promote the objectives of the convention center reinvestment zone in a capital city, as described in Section 63N-3-603.1; and
- 1150 (xi) for a convention center public infrastructure district in a capital city that is within a capital city revitalization zone project area, as defined in Section 63N-3-1401, any allowed uses of funds or revenue provided for under Section 59-12-402.5, including eligible expenses consistent with the terms of the participation agreement, except that a convention center public infrastructure district in a capital city may not issue negotiable bonds serviced by the revitalization tax under Section 59-12-402.5 for privately owned improvements for more than the maximum dollar amount described in the participation agreement.
- 1158 (b) enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, provided that the interlocal agreement may not expand the powers of the public infrastructure district, within the limitations of Title 11, Chapter 13, Interlocal Cooperation Act, without the consent of the creating entity;
- 1162 (c) acquire completed or partially completed improvements for fair market value as reasonably determined by:

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- 1164 (i) the board;
- 1165 (ii) the creating entity, if required in the governing document; or
- 1166 (iii) a surveyor or engineer that a public infrastructure district employs or engages to perform  
the necessary engineering services for and to supervise the construction or installation of the  
improvements;
- 1169 (d) contract with the creating entity for the creating entity to provide administrative services on behalf  
of the public infrastructure district, when agreed to by both parties, in order to achieve cost savings  
and economic efficiencies, at the discretion of the creating entity; and
- 1173 (e) for a public infrastructure district created by a development authority:
- 1174 (i)
- (A) operate and maintain public infrastructure and improvements the district acquires or finances; and
- 1176 (B) use fees, assessments, or taxes to pay for the operation and maintenance of those public  
infrastructure and improvements; [~~and~~]
- 1178 (ii) issue bonds under Title 11, Chapter 42, Assessment Area Act; and
- 1179 (f) for a public infrastructure district that is a subsidiary of the Utah Inland Port Authority, pay for costs  
associated with a remediation project, as defined in Section 11-58-102, of the Utah Inland Port  
Authority.

1182 Section 10. Section 59-1-306 is amended to read:

1183 **59-1-306. Definition -- State Tax Commission Administrative Charge Account -- Amount of  
administrative charge -- Deposit of revenue into the restricted account -- Interest deposited into  
General Fund -- Expenditure of money deposited into the restricted account.**

- 1187 (1) As used in this section, "qualifying tax, fee, or charge" means a tax, fee, or charge the commission  
administers under:
- 1189 (a) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 1190 (b) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 1191 (c) Section 19-6-714;
- 1192 (d) Section 19-6-805;
- 1193 (e) Chapter 12, Sales and Use Tax Act, other than a tax under Chapter 12, Part 1, Tax Collection, or  
Chapter 12, Part 18, Additional State Sales and Use Tax Act;
- 1195 (f) Section 59-27-105;
- 1196 (g) Chapter 31, Cannabinoid Licensing and Tax Act;

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- 1197 (h) Section 63H-1-205;~~[-or]~~  
1198 (i) Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act; or  
1199 ~~[(i)]~~ (j) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges.
- 1201 (2) There is created a restricted account within the General Fund known as the "State Tax Commission  
Administrative Charge Account."
- 1203 (3) Subject to the other provisions of this section, the restricted account shall consist of administrative  
charges the commission retains and deposits in accordance with this section.
- 1206 (4) For purposes of this section, the administrative charge is a percentage of revenue the commission  
collects from each qualifying tax, fee, or charge of not to exceed the lesser of:
- 1209 (a) 1.5%; or  
1210 (b) an equal percentage of revenue the commission collects from each qualifying tax, fee, or charge  
sufficient to cover the cost to the commission of administering the qualifying taxes, fees, or charges.
- 1213 (5) The commission shall deposit an administrative charge into the restricted account.  
1214 (6) Interest earned on the restricted account shall be deposited into the General Fund.  
1215 (7) The commission shall expend money appropriated by the Legislature to the commission from the  
restricted account to administer qualifying taxes, fees, or charges.
- 1217 Section 11. Section 59-1-404 is amended to read:  
1218 **59-1-404. Definitions -- Confidentiality of commercial information obtained from a property  
taxpayer or derived from the commercial information -- Rulemaking authority -- Exceptions --  
Written explanation -- Signature requirements -- Retention of signed explanation by employer --  
Penalty.**
- 1222 (1) As used in this section:  
1223 (a) "Appraiser" means an individual who holds an appraiser's certificate or license issued by  
the Division of Real Estate under Title 61, Chapter 2g, Real Estate Appraiser Licensing and  
Certification Act and includes an individual associated with an appraiser who assists the appraiser in  
preparing an appraisal.  
1227 (b) "Appraisal" is as defined in Section 61-2g-102.  
1228 (c)  
(i) "Commercial information" means:  
1229 (A) information of a commercial nature obtained from a property taxpayer regarding the property  
taxpayer's property; or

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- 1231 (B) information derived from the information described in this Subsection (1)(c)(i).  
1232 (ii)  
(A) "Commercial information" does not include information regarding a property taxpayer's property if  
the information is intended for public use.
- 1234 (B) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of  
Subsection (1)(c)(ii)(A), the commission may by rule prescribe the circumstances under which  
information is intended for public use.
- 1237 (d) "Consultation service" is as defined in Section 61-2g-102.
- 1238 (e) "Locally assessed property" means property that is assessed by a county assessor in accordance with  
Chapter 2, Part 3, County Assessment.
- 1240 (f) "Property taxpayer" means a person that:  
1241 (i) is a property owner; or  
1242 (ii) has in effect a contract with a property owner to:  
1243 (A) make filings on behalf of the property owner;  
1244 (B) process appeals on behalf of the property owner; or  
1245 (C) pay a tax under Chapter 2, Property Tax Act, on the property owner's property.
- 1246 (g) "Property taxpayer's property" means property with respect to which a property taxpayer:  
1248 (i) owns the property;  
1249 (ii) makes filings relating to the property;  
1250 (iii) processes appeals relating to the property; or  
1251 (iv) pays a tax under Chapter 2, Property Tax Act, on the property.
- 1252 (h) "Protected commercial information" means commercial information that:  
1253 (i) identifies a specific property taxpayer; or  
1254 (ii) would reasonably lead to the identity of a specific property taxpayer.
- 1255 (2) An individual listed under Subsection 59-1-403(2)(a) may not disclose commercial information:  
1257 (a) obtained in the course of performing any duty that the individual listed under Subsection  
59-1-403(2)(a) performs under Chapter 2, Property Tax Act; or  
1259 (b) relating to an action or proceeding:  
1260 (i) with respect to a tax imposed on property in accordance with Chapter 2, Property Tax Act; and  
1262 (ii) that is filed in accordance with:  
1263 (A) this chapter;



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- 1264 (B) Chapter 2, Property Tax Act; or  
1265 (C) this chapter and Chapter 2, Property Tax Act.  
1266 (3)  
(a) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual listed under  
Subsection 59-1-403(2)(a) may disclose the following information:  
1268 (i) the assessed value of property;  
1269 (ii) the tax rate imposed on property;  
1270 (iii) a legal description of property;  
1271 (iv) the physical description or characteristics of property, including a street address or parcel  
number for the property;  
1273 (v) the square footage or acreage of property;  
1274 (vi) the square footage of improvements on property;  
1275 (vii) the name of a property taxpayer;  
1276 (viii) the mailing address of a property taxpayer;  
1277 (ix) the amount of a property tax:  
1278 (A) assessed on property;  
1279 (B) due on property;  
1280 (C) collected on property;  
1281 (D) abated on property; or  
1282 (E) deferred on property;  
1283 (x) the amount of the following relating to property taxes due on property:  
1284 (A) interest;  
1285 (B) costs; or  
1286 (C) other charges;  
1287 (xi) the tax status of property, including:  
1288 (A) an exemption;  
1289 (B) a property classification;  
1290 (C) a bankruptcy filing; or  
1291 (D) whether the property is the subject of an action or proceeding under this title;  
1292 (xii) information relating to a tax sale of property; or  
1293 (xiii) information relating to single-family residential property.

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- 1294 (b) Notwithstanding Subsection (2) and subject to Subsection (3)(c), an individual listed under  
Subsection 59-1-403(2)(a) shall disclose, upon request, the information described in Subsection  
59-2-1007(9).
- 1297 (c)
- (i) Subject to Subsection (3)(c)(ii), a person may receive the information described in Subsection (3)(a)  
or (b) in written format.
- 1299 (ii) The following may charge a reasonable fee to cover the actual cost of providing the information  
described in Subsection (3)(a) or (b) in written format:
- 1301 (A) the commission;
- 1302 (B) a county;
- 1303 (C) a city; or
- 1304 (D) a town.
- 1305 (4)
- (a) Notwithstanding Subsection (2) and except as provided in Subsection (4)(c), an individual listed  
under Subsection 59-1-403(2)(a) shall disclose commercial information:
- 1308 (i) in accordance with judicial order;
- 1309 (ii) on behalf of the commission in any action or proceeding:
- 1310 (A) under this title;
- 1311 (B) under another law under which a property taxpayer is required to disclose commercial information;  
or
- 1313 (C) to which the commission is a party;
- 1314 (iii) on behalf of any party to any action or proceeding under this title if the commercial information  
is directly involved in the action or proceeding; or
- 1316 (iv) if the requirements of Subsection (4)(b) are met, that is:
- 1317 (A) relevant to an action or proceeding:
- 1318 (I) filed in accordance with this title; and
- 1319 (II) involving property; or
- 1320 (B) in preparation for an action or proceeding involving property.
- 1321 (b) Commercial information shall be disclosed in accordance with Subsection (4)(a)(iv):
- 1322 (i) if the commercial information is obtained from:
- 1323

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- (A) a real estate agent if the real estate agent is not a property taxpayer of the property that is the subject of the action or proceeding;
- 1325 (B) an appraiser if the appraiser:
- 1326 (I) is not a property taxpayer of the property that is the subject of the action or proceeding; and
- 1328 (II) did not receive the commercial information pursuant to Subsection (8);
- 1329 (C) a property manager if the property manager is not a property taxpayer of the property that is the subject of the action or proceeding; or
- 1331 (D) a property taxpayer other than a property taxpayer of the property that is the subject of the action or proceeding;
- 1333 (ii) regardless of whether the commercial information is disclosed in more than one action or proceeding; and
- 1335 (iii)
- (A) if a county board of equalization conducts the action or proceeding, the county board of equalization takes action to provide that any commercial information disclosed during the action or proceeding may not be disclosed by any person conducting or participating in the action or proceeding except as specifically allowed by this section;
- 1340 (B) if the commission conducts the action or proceeding, the commission enters a protective order or, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, makes rules specifying that any commercial information disclosed during the action or proceeding may not be disclosed by any person conducting or participating in the action or proceeding except as specifically allowed by this section; or
- 1346 (C) if a court of competent jurisdiction conducts the action or proceeding, the court enters a protective order specifying that any commercial information disclosed during the action or proceeding may not be disclosed by any person conducting or participating in the action or proceeding except as specifically allowed by this section.
- 1351 (c) Notwithstanding Subsection (4)(a), a court may require the production of, and may admit in evidence, commercial information that is specifically pertinent to the action or proceeding.
- 1354 (5) Notwithstanding Subsection (2), this section does not prohibit:
- 1355 (a) the following from receiving a copy of any commercial information relating to the basis for assessing a tax that is charged to a property taxpayer:
- 1357 (i) the property taxpayer;

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- 1358 (ii) a duly authorized representative of the property taxpayer;
- 1359 (iii) a person that has in effect a contract with the property taxpayer to:
- 1360 (A) make filings on behalf of the property taxpayer;
- 1361 (B) process appeals on behalf of the property taxpayer; or
- 1362 (C) pay a tax under Chapter 2, Property Tax Act, on the property taxpayer's property;
- 1364 (iv) a property taxpayer that purchases property from another property taxpayer; or
- 1365 (v) a person that the property taxpayer designates in writing as being authorized to receive the commercial information;
- 1367 (b) the publication of statistics as long as the statistics are classified to prevent the identification of a particular property taxpayer's commercial information;
- 1369 (c) the inspection by the attorney general or other legal representative of the state or a legal representative of a political subdivision of the state of the commercial information of a property taxpayer:
- 1372 (i) that brings action to set aside or review a tax or property valuation based on the commercial information;
- 1374 (ii) against which an action or proceeding is contemplated or has been instituted under this title; or
- 1376 (iii) against which the state or a political subdivision of the state has an unsatisfied money judgment; or
- 1378 (d) the commission from disclosing commercial information to the extent necessary to comply with the requirements of Subsection [59-12-205(5)] 59-12-205(6).
- 1380 (6) Notwithstanding Subsection (2), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule establish standards authorizing an individual listed under Subsection 59-1-403(2)(a) to disclose commercial information:
- 1384 (a)
- (i) in a published decision; or
- 1385 (ii) in carrying out official duties; and
- 1386 (b) if that individual listed under Subsection 59-1-403(2)(a) consults with the property taxpayer that provided the commercial information.
- 1388 (7) Notwithstanding Subsection (2):
- 1389 (a) an individual listed under Subsection 59-1-403(2)(a) may share commercial information with the following:
- 1391 (i) another individual listed in Subsection 59-1-403(2)(a)(i) or (ii); or

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- 1392 (ii) a representative, agent, clerk, or other officer or employee of a county as required to fulfill an  
obligation created by Chapter 2, Property Tax Act;
- 1394 (b) an individual listed under Subsection 59-1-403(2)(a) may perform the following to fulfill an  
obligation created by Chapter 2, Property Tax Act:
- 1396 (i) publish notice;
- 1397 (ii) provide notice; or
- 1398 (iii) file a lien; or
- 1399 (c) the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, share commercial information gathered from returns and other written statements  
with the federal government, any other state, any of the political subdivisions of another state, or  
any political subdivision of this state, if these political subdivisions or the federal government grant  
substantially similar privileges to this state.
- 1405 (8) Notwithstanding Subsection (2):
- 1406 (a) subject to the limitations in this section, an individual described in Subsection 59-1-403(2)(a) may  
share the following commercial information with an appraiser:
- 1408 (i) the sales price of locally assessed property and the related financing terms;
- 1409 (ii) capitalization rates and related rates and ratios related to the valuation of locally assessed property;  
and
- 1411 (iii) income and expense information related to the valuation of locally assessed property; and
- 1413 (b) except as provided in Subsection (4), an appraiser who receives commercial information:
- 1415 (i) may disclose the commercial information:
- 1416 (A) to an individual described in Subsection 59-1-403(2)(a);
- 1417 (B) to an appraiser;
- 1418 (C) in an appraisal if protected commercial information is removed to protect its confidential nature; or
- 1420 (D) in performing a consultation service if protected commercial information is not disclosed; and
- 1422 (ii) may not use the commercial information:
- 1423 (A) for a purpose other than to prepare an appraisal or perform a consultation service; or
- 1425 (B) for a purpose intended to be, or which could reasonably be foreseen to be, anti-competitive to a  
property taxpayer.
- 1427 (9)
- (a) The commission shall:

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- 1428 (i) prepare a written explanation of this section; and
- 1429 (ii) make the written explanation described in Subsection (9)(a)(i) available to the public.
- 1431 (b) An employer of a person described in Subsection 59-1-403(2)(a) shall:
- 1432 (i) provide the written explanation described in Subsection (9)(a)(i) to each person described in  
Subsection 59-1-403(2)(a) who is reasonably likely to receive commercial information;
- 1435 (ii) require each person who receives a written explanation in accordance with Subsection (9)(b)(i) to:
- 1437 (A) read the written explanation; and
- 1438 (B) sign the written explanation; and
- 1439 (iii) retain each written explanation that is signed in accordance with Subsection (9)(b)(ii) for a time  
period:
- 1441 (A) beginning on the day on which a person signs the written explanation in accordance with  
Subsection (9)(b)(ii); and
- 1443 (B) ending six years after the day on which the employment of the person described in Subsection (9)  
(b)(iii)(A) by the employer terminates.
- 1445 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
shall by rule define "employer."
- 1447 (10)
- (a) An individual described in Subsection (1)(a) or 59-1-403(2)(a), or an individual that violates a  
protective order or similar limitation entered pursuant to Subsection (4)(b)(iii), is guilty of a class A  
misdemeanor if that person:
- 1450 (i) intentionally discloses commercial information in violation of this section; and
- 1451 (ii) knows that the disclosure described in Subsection (10)(a)(i) is prohibited by this section.
- 1453 (b) If the individual described in Subsection (10)(a) is an officer or employee of the state or a county  
and is convicted of violating this section, the individual shall be dismissed from office and be  
disqualified from holding public office in this state for a period of five years thereafter.
- 1457 (c) If the individual described in Subsection (10)(a) is an appraiser, the appraiser shall forfeit any  
certification or license received under Title 61, Chapter 2g, Real Estate Appraiser Licensing and  
Certification Act, for a period of five years.
- 1460 (d) If the individual described in Subsection (10)(a) is an individual associated with an appraiser who  
assists the appraiser in preparing appraisals, the individual shall be prohibited from becoming

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licensed or certified under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act, for a period of five years.

(11) Notwithstanding Subsection (10), for a disclosure of information to the Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization:

(a) an individual does not violate a protective order or similar limitation entered in accordance with Subsection (4)(b)(iii); and

(b) an individual described in Subsection (1)(a) or 59-1-403(2)(a):

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

(ii) is not subject to the penalties described in Subsections (10)(b) through (d).

### Section 12. Section 59-2-924 is amended to read:

**59-2-924. Definitions -- Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the commission.**

(1) As used in this section:

(a)

(i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter.

(ii) "Ad valorem property tax revenue" does not include:

(A) interest;

(B) penalties;

(C) collections from redemptions; or

(D) revenue received by a taxing entity from personal property that is semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment.

(b) "Adjusted tax increment" means the same as that term is defined in Section 17C-1-102.

(c)

(i) "Aggregate taxable value of all property taxed" means:

(A) the aggregate taxable value of all real property a county assessor assesses in accordance with Part 3, County Assessment, for the current year;

(B) the aggregate taxable value of all real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year; and

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(C) the aggregate year end taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

- 1498 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable  
value of personal property that is:
- 1500 (A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3,  
County Assessment; and
- 1502 (B) contained on the prior year's tax rolls of the taxing entity.
- 1503 (d) "Base taxable value" means:
- 1504 (i) for an authority created under Section 11-58-201, the same as that term is defined in Section  
11-58-102;
- 1506 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, the same as that  
term is defined in Section 11-59-207;
- 1508 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the  
same as that term is defined in Section 11-70-101;
- 1510 (iv) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section  
17C-1-102;
- 1512 (v) for an authority created under Section 63H-1-201, the same as that term is defined in Section  
63H-1-102;
- 1514 (vi) for a host local government, the same as that term is defined in Section 63N-2-502;
- 1516 (vii) for a housing and transit reinvestment zone or convention center reinvestment zone created under  
Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, [~~a property's taxable  
value as shown upon the assessment roll last equalized during the base year,~~] the same as that term  
is defined in Section 63N-3-602;
- 1521 (viii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home  
Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership  
Promotion Zone for Counties, a property's taxable value as shown upon the assessment roll  
last equalized during the base year, as that term is defined in Section 10-9a-1001 or Section  
17-27a-1201; or

1526



## SB0026S01 compared with SB0026S04

- (ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-1601.
- 1530 (e) "Centrally assessed benchmark value" means an amount equal to the average year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous three calendar years, adjusted for taxable value attributable to:
- 1534 (i) an annexation to a taxing entity;
- 1535 (ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or
- 1537 (iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- 1540 (f)
- (i) "Centrally assessed new growth" means the greater of:
- 1541 (A) zero; or
- 1542 (B) the amount calculated by subtracting the centrally assessed benchmark value adjusted for prior year end incremental value from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value.
- 1547 (ii) "Centrally assessed new growth" does not include a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- 1550 (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.
- 1552 (h) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.
- 1554 (i) "Eligible new growth" means the greater of:
- 1555 (i) zero; or
- 1556 (ii) the sum of:
- 1557 (A) locally assessed new growth;
- 1558 (B) centrally assessed new growth; and
- 1559 (C) project area new growth or hotel property new growth.
- 1560 (j) "Host local government" means the same as that term is defined in Section 63N-2-502.

## SB0026S01 compared with SB0026S04

- 1561 (k) "Hotel property" means the same as that term is defined in Section 63N-2-502.
- 1562 (l) "Hotel property new growth" means an amount equal to the incremental value that is no longer  
provided to a host local government as incremental property tax revenue.
- 1564 (m) "Incremental property tax revenue" means the same as that term is defined in Section 63N-2-502.
- 1566 (n) "Incremental value" means:
- 1567 (i) for an authority created under Section 11-58-201, the amount calculated by multiplying:
- 1569 (A) the difference between the taxable value and the base taxable value of the property that is located  
within a project area and on which property tax differential is collected; and
- 1572 (B) the number that represents the percentage of the property tax differential that is paid to the  
authority;
- 1574 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount  
calculated by multiplying:
- 1576 (A) the difference between the current assessed value of the property and the base taxable value; and
- 1578 (B) the number that represents the percentage of the property tax augmentation, as defined in Section  
11-59-207, that is paid to the Point of the Mountain State Land Authority;
- 1581 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the  
amount calculated by multiplying:
- 1583 (A) the difference between the taxable value for the current year and the base taxable value of the  
property that is located within a project area; and
- 1585 (B) the number that represents the percentage of enhanced property tax revenue, as defined in Section  
11-70-101;
- 1587 (iv) for an agency created under Section 17C-1-201.5, the amount calculated by multiplying:
- 1589 (A) the difference between the taxable value and the base taxable value of the property located within a  
project area and on which tax increment is collected; and
- 1592 (B) the number that represents the adjusted tax increment from that project area that is paid to the  
agency;
- 1594 (v) for an authority created under Section 63H-1-201, the amount calculated by multiplying:
- 1596 (A) the difference between the taxable value and the base taxable value of the property located within a  
project area and on which property tax allocation is collected; and
- 1599 (B) the number that represents the percentage of the property tax allocation from that project area that is  
paid to the authority;

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- 1601 (vi) for a housing and transit reinvestment zone or convention center reinvestment zone created  
pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount  
calculated by multiplying:
- 1604 (A) the difference between the taxable value and the base taxable value of the property that is located  
within a housing and transit reinvestment zone or convention center reinvestment zone and on which  
tax increment is collected; and
- 1608 (B) the number that represents the percentage of the tax increment that is paid to the housing and transit  
reinvestment zone or convention center reinvestment zone;
- 1611 (vii) for a host local government, an amount calculated by multiplying:
- 1612 (A) the difference between the taxable value and the base taxable value of the hotel property on which  
incremental property tax revenue is collected; and
- 1614 (B) the number that represents the percentage of the incremental property tax revenue from that hotel  
property that is paid to the host local government;
- 1616 (viii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home  
Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership  
Promotion Zone for Counties, an amount calculated by multiplying:
- 1620 (A) the difference between the taxable value and the base taxable value of the property that is located  
within a home ownership promotion zone and on which tax increment is collected; and
- 1623 (B) the number that represents the percentage of the tax increment that is paid to the home ownership  
promotion zone; or
- 1625 (ix) for a first home investment zone created pursuant to Title 63N, Chapter 3, Part 16, First Home  
Investment Zone Act, an amount calculated by multiplying:
- 1627 (A) the difference between the taxable value and the base taxable value of the property that is located  
within a first home investment zone and on which tax increment is collected; and
- 1630 (B) the number that represents the percentage of the tax increment that is paid to the first home  
investment zone.
- 1632 (o)
- (i) "Locally assessed new growth" means the greater of:
- 1633 (A) zero; or
- 1634 (B) the amount calculated by subtracting the year end taxable value of real property the county  
assessor assesses in accordance with Part 3, County Assessment, for the previous year, adjusted

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for prior year end incremental value from the taxable value of real property the county assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted for current year incremental value.

- 1640 (ii) "Locally assessed new growth" does not include a change in:
- 1641 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or another adjustment;
- 1643 (B) assessed value based on whether a property is allowed a residential exemption for a primary residence under Section 59-2-103;
- 1645 (C) assessed value based on whether a property is assessed under Part 5, Farmland Assessment Act; or
- 1647 (D) assessed value based on whether a property is assessed under Part 17, Urban Farming Assessment Act.
- 1649 (p) "Project area" means:
- 1650 (i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;
- 1652 (ii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the same as that term is defined in Section 11-70-101;
- 1654 (iii) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102; [or]
- 1656 (iv) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102[.];
- 1658 (v) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602;
- 1661 (vi) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties, the same as that term is defined in Section 10-9a-1001 or Section 17-27a-1201; or
- 1665 (vii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601.
- 1668 (q) "Project area new growth" means:
- 1669

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- (i) for an authority created under Section 11-58-201, an amount equal to the incremental value that is no longer provided to an authority as property tax differential;
- 1672 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount equal to the incremental value that is no longer provided to the Point of the Mountain State Land Authority as property tax augmentation, as defined in Section 11-59-207;
- 1676 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, an amount equal to the incremental value that is no longer provided to the Utah Fairpark Area Investment and Restoration District;
- 1679 (iv) for an agency created under Section 17C-1-201.5, an amount equal to the incremental value that is no longer provided to an agency as tax increment;
- 1681 (v) for an authority created under Section 63H-1-201, an amount equal to the incremental value that is no longer provided to an authority as property tax allocation;
- 1684 (vi) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that is no longer provided to a housing and transit reinvestment zone or convention center reinvestment zone as tax increment;
- 1689 (vii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties, an amount equal to the incremental value that is no longer provided to a home ownership promotion zone as tax increment; or
- 1694 (viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, an amount equal to the incremental value that is no longer provided to a first home investment zone as tax increment.
- 1697 (r) "Project area incremental revenue" means the same as that term is defined in Section 17C-1-1001.
- 1699 (s) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.
- 1700 (t) "Property tax differential" means the same as that term is defined in Section 11-58-102.
- 1702 (u) "Qualifying exempt revenue" means revenue received:
- 1703 (i) for the previous calendar year;
- 1704 (ii) by a taxing entity;
- 1705 (iii) from tangible personal property contained on the prior year's tax rolls that is exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year beginning on January 1, 2022; and

## SB0026S01 compared with SB0026S04

- 1708 (iv) on the aggregate 2021 year end taxable value of the tangible personal property that exceeds  
\$15,300.
- 1710 (v) "Tax increment" means:
- 1711 (i) for a project created under Section 17C-1-201.5, the same as that term is defined in Section  
17C-1-102;
- 1713 (ii) for a housing and transit reinvestment zone or convention center reinvestment zone created under  
Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as [that term  
is] the term "property tax increment" is defined in Section 63N-3-602;
- 1717 (iii) for a home ownership promotion zone created under Title 10, Chapter 9a, Part 10, Home  
Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part 12, Home Ownership  
Promotion Zone for Counties, the same as that term is defined in Section 10-9a-1001 or Section  
17-27a-1201; or
- 1721 (iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home  
Investment Zone Act, the same as that term is defined in Section 63N-3-1601.
- 1724 (2) Before June 1 of each year, the county assessor of each county shall deliver to the county auditor  
and the commission the following statements:
- 1726 (a) a statement containing the aggregate valuation of all taxable real property a county assessor assesses  
in accordance with Part 3, County Assessment, for each taxing entity; and
- 1729 (b) a statement containing the taxable value of all personal property a county assessor assesses in  
accordance with Part 3, County Assessment, from the prior year end values.
- 1732 (3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:
- 1734 (a) the statements described in Subsections (2)(a) and (b);
- 1735 (b) an estimate of the revenue from personal property;
- 1736 (c) the certified tax rate; and
- 1737 (d) all forms necessary to submit a tax levy request.
- 1738 (4)
- (a) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the  
ad valorem property tax revenue that a taxing entity budgeted for the prior year minus the qualifying  
exempt revenue by the amount calculated under Subsection (4)(b).
- 1742 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as  
follows:

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- 1744 (i) calculate for the taxing entity the difference between:  
1745 (A) the aggregate taxable value of all property taxed; and  
1746 (B) any adjustments for current year incremental value;  
1747 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by  
increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the  
percentage net change in the value of taxable property for the equalization period for the three  
calendar years immediately preceding the current calendar year;  
1752 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:  
1754 (A) the amount calculated under Subsection (4)(b)(ii); and  
1755 (B) the percentage of property taxes collected for the five calendar years immediately preceding the  
current calendar year; and  
1757 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:  
1759 (A) multiplying the percentage of property taxes collected for the five calendar years immediately  
preceding the current calendar year by eligible new growth; and  
1762 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under  
Subsection (4)(b)(iii).  
1764 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:  
1766 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;  
1768 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:  
1769 (i) in a county of the first, second, or third class, the levy imposed for municipal-type services under  
Sections 17-34-1 and 17-36-9; and  
1771 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and  
such other levies imposed solely for the municipal-type services identified in Section 17-34-1 and  
Subsection 17-36-3(23);  
1774 (c) for a community reinvestment agency that received all or a portion of a taxing entity's project area  
incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority,  
the certified tax rate is calculated as described in Subsection (4) except that the commission shall  
treat the total revenue transferred to the community reinvestment agency as ad valorem property tax  
revenue that the taxing entity budgeted for the prior year; and

1780



## SB0026S01 compared with SB0026S04

(d) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that section, except that a certified tax rate for the following levies shall be calculated in accordance with Section 59-2-913 and this section:

(i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and

(ii) a levy to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1602.

(6)

(a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more eligible judgments.

(b) The ad valorem property tax revenue generated by a judgment levy described in Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax rate.

(7)

(a) For the purpose of calculating the certified tax rate, the county auditor shall use:

(i) the taxable value of real property:

(A) the county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the assessment roll;

(ii) the year end taxable value of personal property:

(A) a county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the prior year's assessment roll; and

(iii) the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property.

(b) For purposes of Subsection (7)(a), taxable value does not include eligible new growth.

(8)

(a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

(b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify the county auditor of:

(i) the taxing entity's intent to exceed the certified tax rate; and

(ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

(c) The county auditor shall notify property owners of any intent to levy a tax rate that exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

(9)



## SB0026S01 compared with SB0026S04

(a) Subject to Subsection (9)(d), the commission shall provide notice, through electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim Committee if:

(i) the amount calculated under Subsection (9)(b) is 10% or more of the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value; and

(ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by subtracting the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value, from the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value.

(c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by subtracting the total taxable value of real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the requirement under Subsection (9)(a)(ii).

### Section 13. Section 59-2-924.2 is amended to read:

#### **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

(1) For purposes of this section, "certified tax rate" means a certified tax rate calculated in accordance with Section 59-2-924.

(2) Beginning January 1, 1997, if a taxing entity receives increased revenues from uniform fees on tangible personal property under Section 59-2-405, 59-2-405.1, 59-2-405.2, 59-2-405.3, or 72-10-110.5 as a result of any county imposing a sales and use tax under Chapter 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax rate to offset the increased revenues.

(3)

## SB0026S01 compared with SB0026S04

- (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:
- 1847 (i) decreased on a one-time basis by the amount of the estimated sales and use tax revenue to be  
distributed to the county under Subsection [~~59-12-1102(3)~~] 59-12-1102(4); and
- 1850 (ii) increased by the amount necessary to offset the county's reduction in revenue from uniform fees  
on tangible personal property under Section 59-2-405, 59-2-405.1, 59-2-405.2, 59-2-405.3, or  
72-10-110.5 as a result of the decrease in the certified tax rate under Subsection (3)(a)(i).
- 1854 (b) The commission shall determine estimates of sales and use tax distributions for purposes of  
Subsection (3)(a).
- 1856 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort communities sales  
and use tax under Section 59-12-402, the municipality's certified tax rate shall be decreased on a  
one-time basis by the amount necessary to offset the first 12 months of estimated revenue from the  
additional resort communities sales and use tax imposed under Section 59-12-402.
- 1861 (5)
- (a) This Subsection (5) applies to each county that:
- 1862 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special Service  
District Act, to provide jail service, as provided in Subsection 17D-1-201(10); and
- 1865 (ii) levies a property tax on behalf of the special service district under Section 17D-1-105.
- 1867 (b)
- (i) The certified tax rate of each county to which this Subsection (5) applies shall be decreased by the  
amount necessary to reduce county revenues by the same amount of revenues that will be generated  
by the property tax imposed on behalf of the special service district.
- 1871 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the levy on behalf of  
the special service district under Section 17D-1-105.
- 1873 (6)
- (a) As used in this Subsection (6):
- 1874 (i) "Annexing county" means a county whose unincorporated area is included within a public safety  
district by annexation.
- 1876 (ii) "Annexing municipality" means a municipality whose area is included within a public safety  
district by annexation.
- 1878 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

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- 1879 (A) calculating, for each participating county and each participating municipality, the property tax  
revenue necessary:
- 1881 (I) in the case of a fire district, to cover all of the costs associated with providing fire protection,  
paramedic, and emergency services:
- 1883 (Aa) for a participating county, in the unincorporated area of the county; and
- 1884 (Bb) for a participating municipality, in the municipality; or
- 1885 (II) in the case of a police district, to cover all the costs:
- 1886 (Aa) associated with providing law enforcement service:
- 1887 (Ii) for a participating county, in the unincorporated area of the county; and
- 1889 (IIii) for a participating municipality, in the municipality; and
- 1890 (Bb) that the police district board designates as the costs to be funded by a property tax; and
- 1892 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all participating counties and  
all participating municipalities and then dividing that sum by the aggregate taxable value of the  
property, as adjusted in accordance with Section 59-2-913:
- 1896 (I) for participating counties, in the unincorporated area of all participating counties; and
- 1898 (II) for participating municipalities, in all the participating municipalities.
- 1899 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service Area Act:
- 1901 (A) created to provide fire protection, paramedic, and emergency services; and
- 1902 (B) in the creation of which an election was not required under Subsection 17B-1-214(3)(d).
- 1904 (v) "Participating county" means a county whose unincorporated area is included within a public  
safety district at the time of the creation of the public safety district.
- 1907 (vi) "Participating municipality" means a municipality whose area is included within a public safety  
district at the time of the creation of the public safety district.
- 1909 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service Area Act,  
within a county of the first class:
- 1911 (A) created to provide law enforcement service; and
- 1912 (B) in the creation of which an election was not required under Subsection 17B-1-214(3)(d).
- 1914 (viii) "Public safety district" means a fire district or a police district.
- 1915 (ix) "Public safety service" means:
- 1916 (A) in the case of a public safety district that is a fire district, fire protection, paramedic, and emergency  
services; and

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- 1918 (B) in the case of a public safety district that is a police district, law enforcement service.
- 1920 (b) In the first year following creation of a public safety district, the certified tax rate of each participating county and each participating municipality shall be decreased by the amount of the equalized public safety tax rate.
- 1923 (c) In the first budget year following annexation to a public safety district, the certified tax rate of each annexing county and each annexing municipality shall be decreased by an amount equal to the amount of revenue budgeted by the annexing county or annexing municipality:
- 1927 (i) for public safety service; and
- 1928 (ii) in:
- 1929 (A) for a taxing entity operating under a January 1 through December 31 fiscal year, the prior calendar year; or
- 1931 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior fiscal year.
- 1933 (d) Each tax levied under this section by a public safety district shall be considered to be levied by:
- 1935 (i) each participating county and each annexing county for purposes of the county's tax limitation under Section 59-2-908; and
- 1937 (ii) each participating municipality and each annexing municipality for purposes of the municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a city.
- 1940 (e) The calculation of a public safety district's certified tax rate for the year of annexation shall be adjusted to include an amount of revenue equal to one half of the amount of revenue budgeted by the annexing entity for public safety service in the annexing entity's prior fiscal year if:
- 1944 (i) the public safety district operates on a January 1 through December 31 fiscal year;
- 1945 (ii) the public safety district approves an annexation of an entity operating on a July 1 through June 30 fiscal year; and
- 1947 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.
- 1948 (7)
- (a) The base taxable value as defined in Section 17C-1-102 shall be reduced for any year to the extent necessary to provide a community reinvestment agency established under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act, with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate, calculated in accordance with Section 59-2-924, if:
- 1954 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);

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- 1956 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and
- 1958 (iii) the decrease results in a reduction of the amount to be paid to the agency under Section 17C-1-403 or 17C-1-404.
- 1960 (b) The base taxable value as defined in Section 17C-1-102 shall be increased in any year to the extent necessary to provide a community reinvestment agency with approximately the same amount of money as the agency would have received without an increase in the certified tax rate that year if:
- 1964 (i) in that year the base taxable value as defined in Section 17C-1-102 is reduced due to a decrease in the certified tax rate under Subsection (2) or (3)(a); and
- 1966 (ii) the certified tax rate of a city, school district, special district, or special service district increases independent of the adjustment to the taxable value of the base year.
- 1969 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a), the amount of money allocated and, when collected, paid each year to a community reinvestment agency established under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act, for the payment of bonds or other contract indebtedness, but not for administrative costs, may not be less than that amount would have been without a decrease in the certified tax rate under Subsection (2) or (3)(a).
- 1976 (8)
- (a) For the calendar year beginning on January 1, 2014, the calculation of a county assessing and collecting levy shall be adjusted by the amount necessary to offset:
- 1978 (i) any change in the certified tax rate that may result from amendments to Part 16, Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270, Section 3; and
- 1981 (ii) the difference in the amount of revenue a taxing entity receives from or contributes to the Property Tax Valuation Fund, created in Section 59-2-1602, that may result from amendments to Part 16, Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270, Section 3.
- 1985 (b) A taxing entity is not required to comply with the notice and public hearing requirements in Section 59-2-919 for an adjustment to the county assessing and collecting levy described in Subsection (8) (a).
- 1988 (9) If a taxing entity receives decreased revenues from uniform fees on tangible personal property under Section 59-2-405 as a result of any error in applying uniform fees to motor vehicle registration

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in the calendar year beginning on January 1, 2023, the commission may, for the calendar year beginning on January 1, 2024, increase the taxing entity's budgeted revenue to offset the decreased revenues.

1993 Section 14. Section 59-12-103 is amended to read:

1994 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax revenue.**

- 1996 (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:
- 1998 (a) retail sales of tangible personal property made within the state;
- 1999 (b) amounts paid for:
- 2000 (i) telecommunications service, other than mobile telecommunications service, that originates and terminates within the boundaries of this state;
- 2002 (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
- 2005 (iii) an ancillary service associated with a:
- 2006 (A) telecommunications service described in Subsection (1)(b)(i); or
- 2007 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 2008 (c) sales of the following for commercial use:
- 2009 (i) gas;
- 2010 (ii) electricity;
- 2011 (iii) heat;
- 2012 (iv) coal;
- 2013 (v) fuel oil; or
- 2014 (vi) other fuels;
- 2015 (d) sales of the following for residential use:
- 2016 (i) gas;
- 2017 (ii) electricity;
- 2018 (iii) heat;
- 2019 (iv) coal;
- 2020 (v) fuel oil; or

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- 2021 (vi) other fuels;
- 2022 (e) sales of prepared food;
- 2023 (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 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;
- 2033 (g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
- 2036 (i) the tangible personal property; and
- 2037 (ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1) (g)(i), regardless of whether:
- 2039 (A) any parts are actually used in the repairs or renovations of that tangible personal property; or
- 2041 (B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;
- 2043 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or washing of tangible personal property;
- 2045 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services;
- 2047 (j) amounts paid or charged for laundry or dry cleaning services;
- 2048 (k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:
- 2050 (i) stored;
- 2051 (ii) used; or
- 2052 (iii) otherwise consumed;
- 2053 (l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:
- 2055 (i) stored;

## SB0026S01 compared with SB0026S04

- 2056 (ii) used; or
- 2057 (iii) consumed;
- 2058 (m) amounts paid or charged for a sale:
- 2059 (i)
- (A) of a product transferred electronically; or
- 2060 (B) of a repair or renovation of a product transferred electronically; and
- 2061 (ii) regardless of whether the sale provides:
- 2062 (A) a right of permanent use of the product; or
- 2063 (B) a right to use the product that is less than a permanent use, including a right:
- 2064 (I) for a definite or specified length of time; and
- 2065 (II) that terminates upon the occurrence of a condition; and
- 2066 (n) sales of leased tangible personal property from the lessor to the lessee made in the state.
- 2068 (2)
- (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are imposed on a transaction described in Subsection (1) equal to the sum of:
- 2070 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 2071 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 2072 (B)
- (I) 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
- 2077 (II) 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
- 2082 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.
- 2084 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to the sum of:
- 2087 (i) a state tax imposed on the transaction at a tax rate of 2%; and



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- 2088 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under  
this chapter other than this part.
- 2090 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed on amounts  
paid or charged for food and food ingredients equal to the sum of:
- 2092 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of  
1.75%; and
- 2094 (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.
- 2097 (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%.
- 2100 (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.
- 2105 (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.
- 2108 (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.
- 2111 (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.
- 2115 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.
- 2116 (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).
- 2119 (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

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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.

- 2124 (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.
- 2128 (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.
- 2130 (vi) A car-sharing program shall:
- 2131 (A) retain tax information for each car-sharing program transaction; and
- 2132 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the  
commission's request.
- 2134 (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:
- 2137 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- 2138 (I) the tax rate described in Subsection (2)(a)(i)(A); and
- 2139 (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
- 2144 (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
- 2149 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in  
Subsection (2)(a)(ii).
- 2151 (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

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document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.

- 2156 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):
- 2158 (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:
- 2163 (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is not subject to taxation under this chapter from the books and records the seller keeps in the seller's regular course of business; or
- 2167 (II) state or federal law provides otherwise; or
- 2168 (B) if the sales price of a bundled transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire bundled transaction is subject to taxation under this chapter at the higher tax rate unless:
- 2172 (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business; or
- 2176 (II) state or federal law provides otherwise.
- 2177 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 2180 (g)
- (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:
- 2187 (A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

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- 2190 (B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 2193 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 2194 (A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and
- 2198 (B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 2201 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 2204 (h)
- (i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:
- 2208 (A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or
- 2211 (B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business.
- 2215 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 2218 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:
- 2220 (i) Subsection (2)(a)(i)(A);
- 2221 (ii) Subsection (2)(b)(i);
- 2222 (iii) Subsection (2)(c)(i); or

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- 2223 (iv) Subsection (2)(f)(i)(A)(I).
- 2224 (j)
- (i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:
- 2228 (A) Subsection (2)(a)(i)(A);
- 2229 (B) Subsection (2)(b)(i);
- 2230 (C) Subsection (2)(c)(i); or
- 2231 (D) Subsection (2)(f)(i)(A)(I).
- 2232 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:
- 2235 (A) Subsection (2)(a)(i)(A);
- 2236 (B) Subsection (2)(b)(i);
- 2237 (C) Subsection (2)(c)(i); or
- 2238 (D) Subsection (2)(f)(i)(A)(I).
- 2239 (k)
- (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:
- 2242 (A) on the first day of a calendar quarter; and
- 2243 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 2245 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 2246 (A) Subsection (2)(a)(i)(A);
- 2247 (B) Subsection (2)(b)(i);
- 2248 (C) Subsection (2)(c)(i); or
- 2249 (D) Subsection (2)(f)(i)(A)(I).
- 2250 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 2252 (l)

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(i) For a location described in Subsection (2)(1)(ii), the commission shall determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

2256 (ii) Subsection (2)(1)(i) applies to a location where gas, electricity, heat, coal, fuel oil, or other fuel is furnished through a single meter for two or more of the following uses:

2259 (A) a commercial use;

2260 (B) an industrial use; or

2261 (C) a residential use.

2262 (3)

(a) The following state taxes shall be deposited into the General Fund:

2263 (i) the tax imposed by Subsection (2)(a)(i)(A);

2264 (ii) the tax imposed by Subsection (2)(b)(i);

2265 (iii) the tax imposed by Subsection (2)(c)(i); and

2266 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

2267 (b) The following local taxes shall be distributed to a county, city, or town as provided in this chapter:

2269 (i) the tax imposed by Subsection (2)(a)(ii);

2270 (ii) the tax imposed by Subsection (2)(b)(ii);

2271 (iii) the tax imposed by Subsection (2)(c)(ii); and

2272 (iv) the tax imposed by Subsection (2)(f)(i)(B).

2273 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.

2274 (4)

(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b) through (g):

2277 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

2278 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

2279 (B) for the fiscal year; or

2280 (ii) \$17,500,000.

2281 (b)

(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount described in Subsection (4) (a) shall be transferred each year as designated sales and use tax revenue to the Division of Wildlife Resources to:

## SB0026S01 compared with SB0026S04

- 2284 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect  
sensitive plant and animal species; or
- 2286 (B) award grants, up to the amount authorized by the Legislature in an appropriations act,  
to political subdivisions of the state to implement the measures described in Subsections  
23A-3-214(3)(a) through (d) to protect sensitive plant and animal species.
- 2290 (ii) Money transferred to the Division of Wildlife Resources under Subsection (4)(b)(i) may not be used  
to assist the United States Fish and Wildlife Service or any other person to list or attempt to have  
listed a species as threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.  
Sec. 1531 et seq.
- 2295 (iii) At the end of each fiscal year:
- 2296 (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;
- 2299 (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
- 2301 (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.
- 2303 (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.
- 2306 (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.
- 2310 (ii) At the end of each fiscal year:
- 2311 (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;
- 2314 (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
- 2316 (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.

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- 2318 (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.
- 2322 (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:
- 2325 (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;
- 2331 (B) fund state required dam safety improvements; and
- 2332 (C) protect the state's interest in interstate water compact allocations, including the hiring of technical and legal staff.
- 2334 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.
- 2338 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 2341 (i) provide for the installation and repair of collection, treatment, storage, and distribution facilities for any public water system, as defined in Section 19-4-102;
- 2343 (ii) develop underground sources of water, including springs and wells; and
- 2344 (iii) develop surface water sources.
- 2345 (5)
- (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2006, the difference between the following amounts shall be expended as provided in this Subsection (5), if that difference is greater than \$1:
- 2348 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and
- 2351 (ii) \$17,500,000.



## SB0026S01 compared with SB0026S04

- 2352 (b)
- (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 2353 (A) transferred each fiscal year to the Department of Natural Resources as designated sales and use  
tax revenue; and
- 2355 (B) expended by the Department of Natural Resources for watershed rehabilitation or restoration.
- 2357 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax revenue  
described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development  
Fund created in Section 73-10-24.
- 2360 (c)
- (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the remaining difference  
described in Subsection (5)(a) shall be:
- 2362 (A) transferred each fiscal year to the Division of Water Resources as designated sales and use tax  
revenue; and
- 2364 (B) expended by the Division of Water Resources for cloud-seeding projects authorized by Title 73,  
Chapter 15, Modification of Weather.
- 2366 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax revenue  
described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development  
Fund created in Section 73-10-24.
- 2369 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the remaining difference  
described in Subsection (5)(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 for:
- 2373 (i) preconstruction costs:
- 2374 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River  
Development Act; and
- 2376 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73,  
Chapter 28, Lake Powell Pipeline Development Act;
- 2378 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26,  
Bear River Development Act;
- 2380 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by  
Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
- 2383

## SB0026S01 compared with SB0026S04

- (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).
- 2386 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the remaining difference described in Subsection (5)(a) shall be deposited each year into the Water Rights Restricted Account created by Section 73-2-1.6.
- 2389 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection (1) for the fiscal year.
- 2393 (7)
- (a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d), for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:
- 2398 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 2399 (ii) the tax imposed by Subsection (2)(b)(i);
- 2400 (iii) the tax imposed by Subsection (2)(c)(i); and
- 2401 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 2402 (b)
- (i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by an amount equal to .44% of the revenue collected from the following sales and use taxes:
- 2406 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 2407 (B) the tax imposed by Subsection (2)(b)(i);
- 2408 (C) the tax imposed by Subsection (2)(c)(i); and
- 2409 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 2410 (ii) The commission shall annually deposit the amount described in Subsection (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in Section 72-2-124.
- 2413 (c)

## SB0026S01 compared with SB0026S04

(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1, 2023, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

(A) the amount of revenue generated in the current fiscal year by the portion of taxes listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iv);

(B) the amount of revenue generated in the current fiscal year by registration fees designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund of 2005; and

(C) revenue transferred by the Division of Finance to the Transportation Investment Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

(ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a given fiscal year.

(iii) The commission shall annually deposit the amount described in Subsection (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

(d)

(i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under this Subsection (7) by an amount that is equal to 1% of the revenue collected from the following sales and use taxes:

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

(B) the tax imposed by Subsection (2)(b)(i);

(C) the tax imposed by Subsection (2)(c)(i); and

(D) the tax imposed by Subsection (2)(f)(i)(A)(I).

(ii) The commission shall annually deposit the amount described in Subsection (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.

(8)

(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under Subsection (7), and subject to [~~Subsections (8)(b) and (d)(ii)~~] Subsection (8)(b), for a fiscal year beginning on or after July 1, 2018, the commission shall annually deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenue collected from the following taxes:

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

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

## SB0026S01 compared with SB0026S04

- 2449 (iii) the tax imposed by Subsection (2)(c)(i); and
- 2450 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 2451 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
- 2456 (c) The commission shall annually deposit the amount described in Subsection (8)(b) into the Transit Transportation Investment Fund created in Section 72-2-124.
- 2458 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
- 2461 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal year during which the commission receives notice under Section 63N-2-510 that construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in Section 63N-2-512.
- 2467 (11)
- (a) The rate specified in this subsection is 0.15%.
- 2468 (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.
- 2473 (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.
- 2477 (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.

## SB0026S01 compared with SB0026S04

- 2480 (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.
- 2484 (14)
- (a) Notwithstanding Subsection (3)(a), and except as provided in Subsections (18) and (19), and as described in Section 63N-3-610, beginning the first day of [the] a calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring 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.
- 2493 (b) Beginning no sooner than January 1, 2026, notwithstanding Subsection (3)(a), and except as provided in Subsections (18) and (19), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the sales and use tax boundary for a convention center reinvestment zone is established in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 50% of the sales and use tax increment as defined in Section 63N-3-602 from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 and specified in the convention center reinvestment zone proposal submitted pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 2506 (15) 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, a portion of the taxes listed under Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use taxes:
- 2510 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 2511 (b) the tax imposed by Subsection (2)(b)(i);
- 2512 (c) the tax imposed by Subsection (2)(c)(i); and

## SB0026S01 compared with SB0026S04

- 2513 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 2514 (16) Notwithstanding Subsection (3)(a), and except as provided in Subsections (18) and (19),  
beginning October 1, 2024 the commission shall transfer to the Utah Fairpark Area Investment and  
Restoration District, created in Section 11-70-201, the revenue from the sales and use tax imposed  
by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area,  
as defined in Section 11-70-101.
- 2519 (17)
- (a) As used in this Subsection (17):
- 2520 (i) "Additional land" means point of the mountain state land described in Subsection 11-59-102(6)  
(b) that the point of the mountain authority acquires after the point of the mountain authority  
provides the commission a map under Subsection (17)(c).
- 2523 (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority,  
created in Section 11-59-201.
- 2525 (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.
- 2527 (b) Notwithstanding Subsection (3)(a), and except as provided in Subsections (18) and (19), the  
commission shall distribute to the point of the mountain authority 50% of the revenue from the sales  
and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point  
of the mountain state land.
- 2531 (c) The distribution under Subsection (17)(b) shall begin the next calendar quarter that begins at least 90  
days after the point of the mountain authority provides the commission a map that:
- 2534 (i) accurately describes the point of the mountain state land; and
- 2535 (ii) the point of the mountain authority certifies as accurate.
- 2536 (d) A distribution under Subsection (17)(b) with respect to additional land shall begin the next  
calendar quarter that begins at least 90 days after the point of the mountain authority provides the  
commission a map of point of the mountain state land that:
- 2539 (i) accurately describes the point of the mountain state land, including the additional land; and
- 2541 (ii) the point of the mountain authority certifies as accurate.
- 2542 (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.

## SB0026S01 compared with SB0026S04

- 2546 (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).
- 2550 (18)
- (a) As used in Subsections (18) and (19):
- 2551 (i) "Applicable percentage" means, for a convention center reinvestment zone created in a capital  
city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount  
equal to 50% of the sales and use tax increment, as that term is defined in Section 63N-3-602,  
from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring  
within the qualified development zone described in Subsection (18)(a)(ii).
- 2557 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center  
reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and  
Transit Reinvestment Zone Act.
- 2560 (iii) "Qualifying construction materials" means construction materials that are:
- 2561 (A) delivered to a delivery outlet within a qualified development zone; and
- 2562 (B) intended to be permanently attached to real property within the qualified development zone.
- 2564 (b) For a sale of qualifying construction materials, the commission shall distribute the product  
calculated in Subsection (18)(c) to a qualified development zone if the seller of the construction  
materials:
- 2567 (i) establishes a delivery outlet with the commission within the qualified development zone;
- 2569 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (18)(b)  
(i); and
- 2571 (iii) does not report the sales of the construction materials on a simplified electronic return.
- 2573 (c) For the purposes of Subsection (18)(b), the product is equal to:
- 2574 (i) the sales price or purchase price of the qualifying construction materials; and
- 2575 (ii) the applicable percentage.
- 2576 (19)
- (a) As used in this Subsection (19), "Schedule J sale" means a sale reported on State Tax Commission  
Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.
- 2579 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified  
development zone shall be distributed into the General Fund.



## SB0026S01 compared with SB0026S04

Section 15. Section 59-12-205 is amended to read:

**59-12-205. Ordinances to conform with statutory amendments -- Distribution of tax revenue -- Determination of population.**

- (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's sales and use tax ordinances:
- (a) within 30 days of the day on which the state makes an amendment to an applicable provision of Part 1, Tax Collection; and
- (b) as required to conform to the amendments to Part 1, Tax Collection.
- (2)
- (a) Except as provided in Subsections [~~(3) and (4)~~] (3), (4), and (5) and subject to Subsection [~~(5)~~] (6):
- (i) 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the percentage that the population of the county, city, or town bears to the total population of all counties, cities, and towns in the state; and
- (ii)
- (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215;
- (B) 50% of each dollar collected from the sales and use tax authorized by this part within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, shall be distributed to the military installation development authority created in Section 63H-1-201;
- (C) beginning July 1, 2024, 20% of each dollar collected from the sales and use tax authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section 11-58-201; and
- (D) 50% of each dollar collected from the sales and use tax authorized by this part within the lake authority boundary, as defined in Section 11-65-101, shall be distributed to the Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter following the creation of the Utah Lake Authority.
- (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before July 1, 2022.



## SB0026S01 compared with SB0026S04

(3) Beginning no sooner than January 1, 2026, and before application of Subsections (2), (4), (5), and (6), and except as provided in Subsections (8) and (9), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the sales and use tax boundary for a convention center reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 100% of the sales and use tax increment, as defined in Section 63N-3-602, from the sales and use tax imposed under this part on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to the entity specified in the convention center reinvestment zone proposal submitted pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

2627 [(3)] (4)

(a) As used in this Subsection [(3)] (4):

2628 (i) "Eligible county, city, or town" means a county, city, or town that:

2629 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection [(3)(b)] (4)(b) equal to  
the amount described in Subsection [(3)(b)(ii)] (4)(b)(ii); and

2632 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1, 2016.

2634 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue distributions an  
eligible county, city, or town received from a tax imposed in accordance with this part for fiscal  
year 2004-05.

2637 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax imposed in  
accordance with this part equal to the greater of:

2639 (i) the payment required by Subsection (2); or

2640 (ii) the minimum tax revenue distribution.

2641 (c) For an eligible county, city, or town that qualifies to receive a distribution described in this  
Subsection (4), the commission shall apply the provisions of this Subsection (4) after the  
commission applies the provisions of Subsection (3).

2644 [(4)] (5)

(a) For purposes of this Subsection [(4)] (5):

2645 (i) "Annual local contribution" means the lesser of \$275,000 or an amount equal to 2.55% of the  
participating local government's tax revenue distribution amount under Subsection (2)(a)(i) for  
the previous fiscal year.

## SB0026S01 compared with SB0026S04

- 2648 (ii) "Participating local government" means a county or municipality, as defined in Section  
10-1-104, that is not an eligible municipality certified in accordance with Section 35A-16-404.
- 2651 (b) For revenue collected from the tax authorized by this part that is distributed on or after January  
1, 2019, the commission, before making a tax revenue distribution under Subsection (2)(a)(i) to a  
participating local government, shall:
- 2654 (i) adjust a participating local government's tax revenue distribution under Subsection (2)(a)(i) by:
- 2656 (A) subtracting an amount equal to one-twelfth of the annual local contribution for each participating  
local government from the participating local government's tax revenue distribution; and
- 2659 (B) if applicable, reducing the amount described in Subsection [~~(4)(b)(i)(A)~~] (5)(b)(i)(A) by an amount  
equal to one-twelfth of \$250 for each bed that is available at all homeless shelters located within the  
boundaries of the participating local government, as reported to the commission by the Office of  
Homeless Services in accordance with Section 35A-16-405; and
- 2664 (ii) deposit the resulting amount described in Subsection [~~(4)(b)(i)~~] (5)(b)(i) into the Homeless Shelter  
Cities Mitigation Restricted Account created in Section 35A-16-402.
- 2667 (c) For a participating local government that qualifies to receive a distribution described in Subsection  
[~~(3)~~] (4), the commission shall apply the provisions of this Subsection [~~(4)~~] (5) after the commission  
applies the provisions of [~~Subsection (3)~~] Subsections (3) and (4).
- 2671 [~~(5)~~] (6)
- (a) As used in this Subsection [~~(5)~~] (6):
- 2672 (i) "Annual dedicated sand and gravel sales tax revenue" means an amount equal to the  
total revenue an establishment described in NAICS Code 327320, Ready-Mix Concrete  
Manufacturing, of the 2022 North American Industry Classification System of the federal  
Executive Office of the President, Office of Management and Budget, collects and remits under  
this part for a calendar year.
- 2677 (ii) "Sand and gravel" means sand, gravel, or a combination of sand and gravel.
- 2678 (iii) "Sand and gravel extraction site" means a pit, quarry, or deposit that:
- 2679 (A) contains sand and gravel; and
- 2680 (B) is assessed by the commission in accordance with Section 59-2-201.
- 2681 (iv) "Ton" means a short ton of 2,000 pounds.
- 2682 (v) "Tonnage ratio" means the ratio of:
- 2683

## SB0026S01 compared with SB0026S04

(A) the total amount of sand and gravel, measured in tons, sold during a calendar year from all sand and gravel extraction sites located within a county, city, or town; to

2686 (B) the total amount of sand and gravel, measured in tons, sold during the same calendar year from sand and gravel extraction sites statewide.

2688 (b) For purposes of calculating the ratio described in Subsection [~~(5)(a)(v)~~] (6)(a)(v), the commission shall:

2690 (i) use the gross sales data provided to the commission as part of the commission's property tax valuation process; and

2692 (ii) if a sand and gravel extraction site operates as a unit across municipal or county lines, apportion the reported tonnage among the counties, cities, or towns based on the percentage of the sand and gravel extraction site located in each county, city, or town, as approximated by the commission.

2696 (c)

(i) Beginning July 2023, and each July thereafter, the commission shall distribute from total collections under this part an amount equal to the annual dedicated sand and gravel sales tax revenue for the preceding calendar year to each county, city, or town in the same proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.

2701 (ii) The commission shall ensure that the revenue distributed under this Subsection [~~(5)(c)~~] (6)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of total collections for the preceding 12-month period.

2704 (d) A county, city, or town shall use revenue described in Subsection [~~(5)(c)~~] (6)(c) for class B or class C roads.

2706 [~~(6)~~] (7)

(a) Population figures for purposes of this section shall be based on the most recent official census or census estimate of the United States Bureau of the Census.

2708 (b) If a needed population estimate is not available from the United States Bureau of the Census, population figures shall be derived from the estimate from the Utah Population Committee.

2711 (c) The population of a county for purposes of this section shall be determined only from the unincorporated area of the county.

2713 (8)

(a) As used in Subsections (8) and (9):

2714

## SB0026S01 compared with SB0026S04

- (i) "Applicable percentage" means, for a convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, for sales occurring within the qualified development zone described in Subsection (8)(a)(ii), 100% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from the sales and use tax:
- 2719 (A) imposed by a city of the first class in a county of the first class under this part;
- 2720 (B) imposed by a city of the first class in a county of the first class under Section 59-12-402.1;
- 2722 (C) imposed by a county of the first class under Section 59-12-1102; and
- 2723 (D) imposed by a county of the first class under Part 22, Local Option Sales and Use Taxes for Transportation Act.
- 2725 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 2728 (iii) "Qualifying construction materials" means construction materials that are:
- 2729 (A) delivered to a delivery outlet within a qualified development zone; and
- 2730 (B) intended to be permanently attached to real property within the qualified development zone.
- 2732 (b) For a sale of qualifying construction materials, the commission shall distribute the product calculated in Subsection (8)(c) to a qualified development zone if the seller of the construction materials:
- 2735 (i) establishes a delivery outlet with the commission within the qualified development zone;
- 2737 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (8)(b)(i);  
and
- 2739 (iii) does not report the sales of the construction materials on a simplified electronic return.
- 2741 (c) For the purposes of Subsection (8)(b), the product is equal to:
- 2742 (i) the sales price or purchase price of the qualifying construction materials; and
- 2743 (ii) the applicable percentage.
- 2744 (9)
- (a) As used in this Subsection (9), "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.
- 2747 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be distributed into the jurisdiction that would have received the revenue in the absence of the qualified development zone.

## SB0026S01 compared with SB0026S04

2750 Section 16. Section 59-12-302 is amended to read:

2751 **59-12-302. Collection of tax -- Administrative charge.**

- 2753 (1) Except as provided in Subsections (2), (3), and (4), the tax authorized under this part shall be  
administered, collected, and enforced in accordance with:
- 2755 (a) the same procedures used to administer, collect, and enforce the tax under:
- 2756 (i) Part 1, Tax Collection; or
- 2757 (ii) Part 2, Local Sales and Use Tax Act; and
- 2758 (b) Chapter 1, General Taxation Policies.
- 2759 (2) The location of a transaction shall be determined in accordance with Sections 59-12-211 through  
59-12-215.
- 2761 (3) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or Subsections  
59-12-205(2) [~~through (5)~~] and (4) through (6).
- 2763 (4) A county auditor may make referrals to the commission to assist the commission in determining  
whether to require an audit of any person that is required to remit a tax authorized under this part.
- 2766 (5) The commission:
- 2767 (a) shall distribute the revenue collected from the tax to the county within which the revenue was  
collected; and
- 2769 (b) shall retain and deposit an administrative charge in accordance with Section 59-1-306 from revenue  
the commission collects from a tax under this part.

2771 Section 17. Section 59-12-354 is amended to read:

2772 **59-12-354. Collection of tax -- Administrative charge.**

- 2774 (1) Except as provided in Subsections (2) and (3), the tax authorized under this part shall be  
administered, collected, and enforced in accordance with:
- 2776 (a) the same procedures used to administer, collect, and enforce the tax under:
- 2777 (i) Part 1, Tax Collection; or
- 2778 (ii) Part 2, Local Sales and Use Tax Act; and
- 2779 (b) Chapter 1, General Taxation Policies.
- 2780 (2)
- (a) The location of a transaction shall be determined in accordance with Sections 59-12-211 through  
59-12-215.

2782

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(b) Except as provided in Subsection (2)(c), the commission shall distribute the revenue collected from the tax to:

(i)

(A) the municipality within which the revenue was collected, for a tax imposed under this part by a municipality; or

(B) the Utah Fairpark Area Investment and Restoration District, for a tax imposed under this part by the Utah Fairpark Area Investment and Restoration District; and

(ii) the Point of the Mountain State Land Authority, for a tax imposed under Subsection 59-12-352(6).

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

(3) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or Subsections 59-12-205(2) [through (5)] and (4) through (6).

Section 18. Section 59-12-402.1 is amended to read:

**59-12-402.1. State correctional facility sales and use tax -- Base -- Rate -- Collection fees -- Imposition -- Prohibition of military installation development authority imposition of tax.**

(1) As used in this section, "new state correctional facility" means a new prison in the state:

(a) that is operated by the Department of Corrections;

(b) the construction of which begins on or after May 12, 2015; and

(c) that provides a capacity of 2,500 or more inmate beds.

(2) Subject to the other provisions of this part, a city or town legislative body may impose a tax under this section if the construction of a new state correctional facility has begun within the boundaries of the city or town.

(3) For purposes of this section, the tax rate may not exceed .5%.

(4) Except as provided in Subsection (5), a tax under this section shall be imposed on the transactions described in Subsection 59-12-103(1) within the city or town.

(5) A city or town may not impose a tax under this section on:

(a) the sale of:

(i) a motor vehicle;

(ii) an aircraft;

(iii) a watercraft;

(iv) a modular home;

## SB0026S01 compared with SB0026S04

- 2815 (v) a manufactured home; or  
2816 (vi) a mobile home;  
2817 (b) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt under  
Section 59-12-104; and  
2819 (c) except as provided in Subsection (7), amounts paid or charged for food and food ingredients.  
2821 (6) For purposes of this section, the location of a transaction shall be determined in accordance with  
Sections 59-12-211 through 59-12-215.  
2823 (7) A city or town that imposes a tax under this section shall impose the tax on the purchase price  
or sales price for amounts paid or charged for food and food ingredients if the food and food  
ingredients are sold as part of a bundled transaction attributable to food and food ingredients and  
tangible personal property other than food and food ingredients.  
2827 (8) Beginning no sooner than January 1, 2026, and subject to Section 59-12-205, before distribution  
of a sales and use tax imposed under this section, and as described in Section 63N-3-610.1,  
beginning the first day of a calendar quarter after the sales and use tax boundary for a convention  
center reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit  
Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to  
100% of the sales and use tax increment as defined in Section 63N-3-602, from the sales and use  
tax imposed under this section on transactions occurring within an established sales and use tax  
boundary, as defined in Section 63N-3-602, to a convention center public infrastructure district  
created in accordance with Section 17D-4-202.1.  
2837 [(8)] (9) A city or town may impose a tax under this section by majority vote of the members of the city  
or town legislative body.  
2839 [(9)] (10) A city or town that imposes a tax under this section is not subject to Section 59-12-405.  
2841 [(10)] (11) A military installation development authority may not impose a tax under this section.  
2843 Section 19. Section 59-12-403 is amended to read:  
2844 **59-12-403. Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice  
requirements -- Administration, collection, and enforcement of tax -- Administrative charge.**  
2847 (1) For purposes of this section:  
2848 (a) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part 4, Annexation.  
2850 (b) "Annexing area" means an area that is annexed into a city or town.  
2851 (2)



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(a) Except as provided in Subsection (2)(c) or (d), if, on or after April 1, 2008, a city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:

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

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (2)(b) from the city or town.

(b) The notice described in Subsection (2)(a)(ii) shall state:

(i) that the city or town will enact or repeal a tax or change the rate of a tax under this part;

(ii) the statutory authority for the tax described in Subsection (2)(b)(i);

(iii) the effective date of the tax described in Subsection (2)(b)(i); and

(iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (2)(b)(i), the rate of the tax.

(c)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under Section 59-12-401, 59-12-402, or 59-12-402.1, the enactment of the tax or the tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax or the tax rate increase.

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax or the tax rate decrease imposed under Section 59-12-401, 59-12-402, or 59-12-402.1.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (2)(a) takes effect:

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

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (2)(a).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(3)



## SB0026S01 compared with SB0026S04

- (a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:
- 2885 (i) on the first day of a calendar quarter; and
- 2886 (ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.
- 2889 (b) The notice described in Subsection (3)(a)(ii) shall state:
- 2890 (i) that the annexation described in Subsection (3)(a) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;
- 2892 (ii) the statutory authority for the tax described in Subsection (3)(b)(i);
- 2893 (iii) the effective date of the tax described in Subsection (3)(b)(i); and
- 2894 (iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (3)(b)(i), the rate of the tax.
- 2896 (c)
- (i) If the billing period for a transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under Section 59-12-401, 59-12-402, or 59-12-402.1, the enactment of the tax or the tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax or the tax rate increase.
- 2901 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax or the tax rate decrease imposed under Section 59-12-401, 59-12-402, or 59-12-402.1.
- 2905 (d)
- (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (3)(a) takes effect:
- 2908 (A) on the first day of a calendar quarter; and
- 2909 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (3)(a).
- 2911 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 2913 (4)

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(a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be administered, collected, and enforced in accordance with:

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

(A) Part 1, Tax Collection; or

(B) Part 2, Local Sales and Use Tax Act; and

(ii) Chapter 1, General Taxation Policies.

(b) A tax under this part is not subject to Subsections 59-12-205(2) [~~through (5)~~] and (4) through (6).

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

Section 20. Section 59-12-603 is amended to read:

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

(1)

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

(i)

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

(B) a county legislative body of any county imposing a tax under Subsection (1)(a)(i)(A) may, in addition to imposing the tax under Subsection (1)(a)(i)(A), impose a tax of not to exceed 4% on all short-term rentals of motor vehicles, except for short-term rentals of motor vehicles made for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair or an insurance agreement;

(ii) a county legislative body of any county may impose a tax of not to exceed 7% on all short-term rentals of off-highway vehicles and recreational vehicles;

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

(A) alcoholic beverages;

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- 2946 (B) food and food ingredients; or  
2947 (C) prepared food;  
2948 (iv) a county legislative body of a county of the first class may impose a tax of not to exceed .5%  
on charges for the accommodations and services described in Subsection 59-12-103(1)(i); and  
2951 (v) if a county legislative body of any county imposes a tax under Subsection (1)(a)(i), a tax at the  
same rate applies to car sharing of less than 30 days, except for car sharing for the purpose of  
temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair or an  
insurance agreement.
- 2955 (b) A tax imposed under Subsection (1)(a) is subject to the audit provisions of Section 17-31-5.5.  
2957 (2)  
(a) Subject to Subsection (2)(c), a county may use revenue from the imposition of a tax under  
Subsection (1) for:  
2959 (i) financing tourism promotion; and  
2960 (ii) the development, operation, and maintenance of:  
2961 (A) an airport facility;  
2962 (B) a convention facility;  
2963 (C) a cultural facility;  
2964 (D) a recreation facility; or  
2965 (E) a tourist facility.  
2966 (b)  
(i) In addition to the uses described in Subsection (2)(a) and subject to Subsection (2)(b)(ii), a county  
of the fourth, fifth, or sixth class or a county with a population density of fewer than 15 people per  
square mile may expend the revenue from the imposition of a tax under Subsections (1)(a)(i) and (ii)  
on the following activities to mitigate the impacts of tourism:  
2971 (A) solid waste disposal;  
2972 (B) search and rescue activities;  
2973 (C) law enforcement activities;  
2974 (D) emergency medical services; or  
2975 (E) fire protection services.  
2976

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- (ii) A county may only expend the revenue as outlined in Subsection (2)(b)(i) if the county's tourism tax advisory board created under Subsection 17-31-8(1)(a) has prioritized the use of revenue to mitigate the impacts of tourism.
- 2979 (c) A county of the first class shall expend at least \$450,000 each year of the revenue from the  
imposition of a tax authorized by Subsection (1)(a)(iv) within the county to fund a marketing and  
ticketing system designed to:
- 2982 (i) promote tourism in ski areas within the county by persons that do not reside within the state; and  
2984 (ii) combine the sale of:  
2985 (A) ski lift tickets; and  
2986 (B) accommodations and services described in Subsection 59-12-103(1)(i).
- 2987 (3) A tax imposed under this part may be pledged as security for bonds, notes, or other evidences of  
indebtedness incurred by a county, city, or town under Title 11, Chapter 14, Local Government  
Bonding Act, or a community reinvestment agency under Title 17C, Chapter 1, Part 5, Agency  
Bonds, to finance:
- 2991 (a) an airport facility;  
2992 (b) a convention facility;  
2993 (c) a cultural facility;  
2994 (d) a recreation facility; or  
2995 (e) a tourist facility.  
2996 (4)
- (a) To impose a tax under Subsection (1), the county legislative body shall adopt an ordinance imposing  
the tax.
- 2998 (b) The ordinance under Subsection (4)(a) shall include provisions substantially the same as those  
contained in Part 1, Tax Collection, except that the tax shall be imposed only on those items and  
sales described in Subsection (1).
- 3001 (c) The name of the county as the taxing agency shall be substituted for that of the state where  
necessary, and an additional license is not required if one has been or is issued under Section  
59-12-106.
- 3004 (5) To maintain in effect a tax ordinance adopted under this part, each county legislative body shall,  
within 30 days of any amendment of any applicable provisions of Part 1, Tax Collection, adopt

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amendments to the county's tax ordinance to conform with the applicable amendments to Part 1, Tax Collection.

- 3008 (6)
- (a) Regardless of whether a county of the first class creates a tourism tax advisory board in accordance with Section 17-31-8, the county legislative body of the county of the first class shall create a tax advisory board in accordance with this Subsection (6).
- 3012 (b) The tax advisory board shall be composed of nine members appointed as follows:
- 3013 (i) four members shall be residents of a county of the first class appointed by the county legislative body of the county of the first class; and
- 3015 (ii) subject to Subsections (6)(c) and (d), five members shall be mayors of cities or towns within the county of the first class appointed by an organization representing all mayors of cities and towns within the county of the first class.
- 3018 (c) Five members of the tax advisory board constitute a quorum.
- 3019 (d) The county legislative body of the county of the first class shall determine:
- 3020 (i) terms of the members of the tax advisory board;
- 3021 (ii) procedures and requirements for removing a member of the tax advisory board;
- 3022 (iii) voting requirements, except that action of the tax advisory board shall be by at least a majority vote of a quorum of the tax advisory board;
- 3024 (iv) chairs or other officers of the tax advisory board;
- 3025 (v) how meetings are to be called and the frequency of meetings; and
- 3026 (vi) the compensation, if any, of members of the tax advisory board.
- 3027 (e) The tax advisory board under this Subsection (6) shall advise the county legislative body of the county of the first class on the expenditure of revenue collected within the county of the first class from the taxes described in Subsection (1)(a).
- 3030 (7)
- (a)
- (i) Except as provided in Subsection (7)(a)(ii), a tax authorized under this part shall be administered, collected, and enforced in accordance with:
- 3032 (A) the same procedures used to administer, collect, and enforce the tax under:
- 3033 (I) Part 1, Tax Collection; or
- 3034 (II) Part 2, Local Sales and Use Tax Act; and

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- 3035 (B) Chapter 1, General Taxation Policies.
- 3036 (ii) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or Subsections  
59-12-205(2) [~~through (5)~~] and (4) through (6).
- 3038 (b) Except as provided in Subsection (7)(c):
- 3039 (i) for a tax under this part other than the tax under Subsection (1)(a)(i)(B), the commission shall  
distribute the revenue to the county imposing the tax; and
- 3041 (ii) for a tax under Subsection (1)(a)(i)(B), the commission shall distribute the revenue according to the  
distribution formula provided in Subsection (8).
- 3043 (c) The commission shall retain and deposit an administrative charge in accordance with Section  
59-1-306 from the revenue the commission collects from a tax under this part.
- 3045 (8) The commission shall distribute the revenue generated by the tax under Subsection (1)(a)(i)(B) to  
each county collecting a tax under Subsection (1)(a)(i)(B) according to the following formula:
- 3048 (a) the commission shall distribute 70% of the revenue based on the percentages generated by dividing  
the revenue collected by each county under Subsection (1)(a)(i)(B) by the total revenue collected by  
all counties under Subsection (1)(a)(i)(B); and
- 3052 (b) the commission shall distribute 30% of the revenue based on the percentages generated by dividing  
the population of each county collecting a tax under Subsection (1)(a)(i)(B) by the total population  
of all counties collecting a tax under Subsection (1)(a)(i)(B).
- 3056 (9)
- (a) For purposes of this Subsection (9):
- 3057 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Part 2, County  
Annexation.
- 3059 (ii) "Annexing area" means an area that is annexed into a county.
- 3060 (b)
- (i) Except as provided in Subsection (9)(c), if 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:
- 3063 (A) on the first day of a calendar quarter; and
- 3064 (B) after a 90-day period beginning on the day on which the commission receives notice meeting  
the requirements of Subsection (9)(b)(ii) from the county.
- 3066 (ii) The notice described in Subsection (9)(b)(i)(B) shall state:
- 3067 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;

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- 3069 (B) the statutory authority for the tax described in Subsection (9)(b)(ii)(A);  
3070 (C) the effective date of the tax described in Subsection (9)(b)(ii)(A); and  
3071 (D) if the county enacts the tax or changes the rate of the tax described in Subsection (9)(b)(ii)(A), the  
rate of the tax.
- 3073 (c)  
(i) If the billing period for a transaction begins before the effective date of the enactment of the tax or  
the tax rate increase imposed under Subsection (1), the enactment of the tax or the tax rate increase  
shall take effect on the first day of the first billing period that begins after the effective date of the  
enactment of the tax or the tax rate increase.
- 3078 (ii) If the billing period for a transaction begins before the effective date of the repeal of the tax or the  
tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax rate decrease shall  
take effect on the first day of the last billing period that began before the effective date of the repeal  
of the tax or the tax rate decrease.
- 3083 (d)  
(i) Except as provided in Subsection (9)(e), if the annexation will result in the enactment, repeal, or  
change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change  
shall take effect:
- 3086 (A) on the first day of a calendar quarter; and  
3087 (B) after a 90-day period beginning on the day on which the commission receives notice meeting  
the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.
- 3090 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:  
3091 (A) that the annexation described in Subsection (9)(d)(i) will result in an enactment, repeal, or change  
in the rate of a tax under this part for the annexing area;  
3094 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);  
3095 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and  
3096 (D) if the county enacts the tax or changes the rate of the tax described in Subsection (9)(d)(ii)(A), the  
rate of the tax.
- 3098 (e)  
(i) If the billing period for a transaction begins before the effective date of the enactment of the tax or  
the tax rate increase imposed under Subsection (1), the enactment of the tax or the tax rate increase

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shall take effect on the first day of the first billing period that begins after the effective date of the enactment of the tax or the tax rate increase.

- 3103 (ii) If the billing period for a transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax rate decrease shall take effect on the first day of the last billing period that began before the effective date of the repeal of the tax or the tax rate decrease.

3108 Section 21. Section 59-12-703 is amended to read:

3109 **59-12-703. Opinion question election -- Base -- Rate -- Imposition of tax -- Expenditure of revenues -- Administration -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

3112 (1)

- (a) Subject to the other provisions of this section, a county legislative body may submit an opinion question to the residents of that county, by majority vote of all members of the legislative body, so that each resident of the county, except residents in municipalities that have already imposed a sales and use tax under Part 14, City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, has an opportunity to express the resident's opinion on the imposition of a local sales and use tax of .1% on the transactions described in Subsection 59-12-103(1) located within the county, to:

3120 (i) fund cultural facilities, recreational facilities, and zoological facilities, botanical organizations, cultural organizations, and zoological organizations, and rural radio stations, in that county; or

3123 (ii) provide funding for a botanical organization, cultural organization, or zoological organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in furtherance of the botanical organization's, cultural organization's, or zoological organization's primary purpose.

3127 (b) The opinion question required by this section shall state:

3128 "Shall (insert the name of the county), Utah, be authorized to impose a .1% sales and use tax for (list the purposes for which the revenue collected from the sales and use tax shall be expended)?"

3131 (c) A county legislative body may not impose a tax under this section on:

3132 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104;

3134



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- (ii) sales and uses within a municipality that has already imposed a sales and use tax under Part 14, City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; and
- 3137 (iii) except as provided in Subsection (1)(e), amounts paid or charged for food and food ingredients.
- 3139 (d) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.
- 3141 (e) A county legislative body imposing a tax under this section shall impose the tax on the purchase price or sales price for amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.
- 3146 (f) The election shall follow the procedures outlined in Title 11, Chapter 14, Local Government Bonding Act.
- 3148 (2)
- (a) If the county legislative body determines that a majority of the county's registered voters voting on the imposition of the tax have voted in favor of the imposition of the tax as prescribed in Subsection (1), the county legislative body may impose the tax by a majority vote of all members of the legislative body on the transactions:
  - 3152 (i) described in Subsection (1); and
  - 3153 (ii) within the county, including the cities and towns located in the county, except those cities and towns that have already imposed a sales and use tax under Part 14, City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities.
- 3157 (b) A county legislative body may revise county ordinances to reflect statutory changes to the distribution formula or eligible recipients of revenue generated from a tax imposed under Subsection (2)(a) without submitting an opinion question to residents of the county.
- 3161 (3) Subject to Section 59-12-704, revenue collected from a tax imposed under Subsection (2) shall be expended:
  - 3163 (a) to fund cultural facilities, recreational facilities, and zoological facilities located within the county or a city or town located in the county, except a city or town that has already imposed a sales and use tax under Part 14, City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities;
  - 3167 (b) to fund ongoing operating expenses of:

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- 3168 (i) recreational facilities described in Subsection (3)(a);  
3169 (ii) botanical organizations, cultural organizations, and zoological organizations within the county; and  
3171 (iii) rural radio stations within the county; and  
3172 (c) as stated in the opinion question described in Subsection (1).  
3173 (4)  
(a) A tax authorized under this part shall be:  
3174 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in accordance  
with:  
3176 (A) the same procedures used to administer, collect, and enforce the tax under:  
3177 (I) Part 1, Tax Collection; or  
3178 (II) Part 2, Local Sales and Use Tax Act; and  
3179 (B) Chapter 1, General Taxation Policies; and  
3180 (ii) levied for a period of 10 years and may be reauthorized at the end of the ~~[ten]~~ 10-year period in  
accordance with this section.  
3182 (b) A tax under this part is not subject to Subsections 59-12-205(2) ~~[through (5)]~~ and (4) through (6).  
3184 (5)  
(a) For purposes of this Subsection (5):  
3185 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Part 2, County  
Annexation.  
3187 (ii) "Annexing area" means an area that is annexed into a county.  
3188 (b)  
(i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a county enacts or repeals  
a tax under this part, the enactment or repeal shall take effect:  
3191 (A) on the first day of a calendar quarter; and  
3192 (B) after a 90-day period beginning on the date the commission receives notice meeting the  
requirements of Subsection (5)(b)(ii) from the county.  
3194 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:  
3195 (A) that the county will enact or repeal a tax under this part;  
3196 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);  
3197 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and  
3198 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the tax.

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- 3200 (c)
- (i) If the billing period for a transaction begins before the effective date of the enactment of the tax under this section, the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.
- 3204 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax imposed under this section.
- 3207 (d)
- (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection (5)(b)(i) takes effect:
- 3210 (A) on the first day of a calendar quarter; and
- 3211 (B) beginning 60 days after the effective date of the enactment or repeal under Subsection (5)(b)(i).
- 3213 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 3215 (e)
- (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this part for an annexing area, the enactment or repeal shall take effect:
- 3218 (A) on the first day of a calendar quarter; and
- 3219 (B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(e)(ii) from the county that annexes the annexing area.
- 3222 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:
- 3223 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or repeal of a tax under this part for the annexing area;
- 3225 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);
- 3226 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and
- 3227 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).
- 3228 (f)
- (i) If the billing period for a transaction begins before the effective date of the enactment of the tax under this section, the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.

## SB0026S01 compared with SB0026S04

- 3232 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is  
produced on or after the effective date of the repeal of the tax imposed under this section.
- 3235 (g)
- (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates  
published in the catalogue, an enactment or repeal of a tax described in Subsection (5)(e)(i) takes  
effect:
- 3238 (A) on the first day of a calendar quarter; and
- 3239 (B) beginning 60 days after the effective date of the enactment or repeal under Subsection (5)(e)(i).
- 3241 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
may by rule define the term "catalogue sale."
- 3243 Section 22. Section 59-12-802 is amended to read:
- 3244 **59-12-802. Imposition of rural county health care tax -- Expenditure of tax revenue -- Base --  
Rate -- Administration, collection, and enforcement of tax -- Administrative charge.**
- 3247 (1)
- (a) A county legislative body of the following counties may impose a sales and use tax of up to 1% on  
the transactions described in Subsection 59-12-103(1) located within the county:
- 3250 (i) a county of the third, fourth, fifth, or sixth class; or
- 3251 (ii) a county of the second class that has:
- 3252 (A) a national park within or partially within the county's boundaries; and
- 3253 (B) two or more state parks within or partially within the county's boundaries.
- 3254 (b) Notwithstanding Subsection (1)(a), a county legislative body may not impose a tax under this  
section on:
- 3256 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from  
taxation under Section 59-12-104;
- 3258 (ii) a transaction to the extent a rural city hospital tax is imposed on that transaction in a city that  
imposes a tax under Section 59-12-804; and
- 3260 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and food ingredients.
- 3262 (c) For purposes of this Subsection (1), the location of a transaction is determined in accordance with  
Sections 59-12-211 through 59-12-215.
- 3264 (d) A county legislative body imposing a tax under this section shall impose the tax on the purchase  
price or sales price for amounts paid or charged for food and food ingredients if the food and food

## SB0026S01 compared with SB0026S04

ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

3269 (2)

(a) Except as provided in Subsection (5)(b), before imposing a tax under Subsection (1), a county legislative body shall obtain approval to impose the tax from a majority of the:

3272 (i) members of the county's legislative body; and

3273 (ii) county's registered voters voting on the imposition of the tax.

3274 (b) The county legislative body shall conduct the election according to the procedures and requirements of Title 11, Chapter 14, Local Government Bonding Act.

3276 (3) Subject to Subsection (4), a county legislative body may use money collected from a tax imposed under Subsection (1) to fund:

3278 (a) for a county described in Subsection (1)(a)(i):

3279 (i) the following costs associated with a federally qualified health center within the county, a freestanding urgent care center within the county, a rural county health care facility within the county, or a rural health clinic within the county:

3282 (A) ongoing operating expenses of the center, clinic, or facility;

3283 (B) the acquisition of land for the center, clinic, or facility; or

3284 (C) the design, construction, equipping, or furnishing of the center, clinic, or facility;

3286 (ii) rural emergency medical services within the county; or

3287 (iii) a combination of the activities described in this Subsection (3)(a); and

3288 (b) for a county described in Subsection (1)(a)(ii), emergency medical services that are provided by a political subdivision within that county, subject to Subsection (5)(c).

3290 (4)

(a) For a tax enacted on or after July 1, 2024, by a county described in Subsection (1)(a)(i), a county legislative body may use money collected from a tax imposed under Subsection (1) to fund:

3293 (i) the costs described in Subsection (3)(a)(i);

3294 (ii) the following activities to mitigate the impacts of visitors within the county:

3295 (A) emergency medical services;

3296 (B) solid waste disposal;

3297 (C) search and rescue activities;

3298 (D) law enforcement activities; or

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- 3299 (E) fire protection services;
- 3300 (iii) avalanche forecasting within the county; or
- 3301 (iv) a combination of the activities described in this Subsection (4)(a).
- 3302 (b) For a tax increased on or after July 1, 2024, by a county described in Subsection (1)(a)(i), a county legislative body may use the money collected from the increased tax rate to fund the activities described in Subsections (4)(a)(i) through (iv).
- 3305 (5)
- (a) A county described in Subsection (1)(a)(ii) may impose a tax under this section within a portion of the county if the affected area includes:
- 3307 (i) the entire unincorporated area of the county; and
- 3308 (ii) the entire boundaries of any municipality located within the affected area.
- 3309 (b) Before a county described in Subsection (1)(a)(ii) may impose a tax under this section within a portion of the county, the county legislative body shall obtain approval to impose the tax from a majority of:
- 3312 (i) the members of the county's legislative body;
- 3313 (ii) the county's registered voters within the affected area voting on the imposition of the tax, in an election conducted according to the procedures and requirements of Title 11, Chapter 14, Local Government Bonding Act; and
- 3316 (iii)
- (A) the members of the legislative body of each municipality located within the affected area; or
- 3318 (B) the members of the governing body of a special service district established under Title 17D, Chapter 1, Special Service District Act, to provide emergency medical services within the affected area.
- 3321 (c) A county described in Subsection (1)(a)(ii) that imposes a tax under this section within a portion of the county in accordance with this Subsection (5) may use the money collected from the tax to fund emergency medical services that are provided by a political subdivision within the affected area.
- 3325 (6)
- (a) A tax under this section shall be:
- 3326 (i) except as provided in Subsection (6)(b), administered, collected, and enforced in accordance with:
- 3328 (A) the same procedures used to administer, collect, and enforce the tax under:
- 3329 (I) Part 1, Tax Collection; or

## SB0026S01 compared with SB0026S04

- 3330 (II) Part 2, Local Sales and Use Tax Act; and  
3331 (B) Chapter 1, General Taxation Policies; and  
3332 (ii) levied for a period of 10 years and may be reauthorized at the end of the 10-year period by the  
county legislative body as provided in Subsection (1).  
3334 (b) A tax under this section is not subject to Subsections 59-12-205(2) [~~through (5)~~] and (4) through (6).  
3336 (c) A county legislative body shall distribute money collected from a tax under this section quarterly.  
3338 (7) The commission shall retain and deposit an administrative charge in accordance with Section  
59-1-306 from the revenue the commission collects from a tax under this section.
- 3340 Section 23. Section 59-12-804 is amended to read:  
3341 **59-12-804. Imposition of rural city hospital tax -- Base -- Rate -- Administration, collection,  
and enforcement of tax -- Administrative charge.**  
3344 (1)  
(a) A city legislative body may impose a sales and use tax of up to 1%:  
3345 (i) on the transactions described in Subsection 59-12-103(1) located within the city; and  
3347 (ii) to fund rural city hospitals in that city.  
3348 (b) Notwithstanding Subsection (1)(a)(i), a city legislative body may not impose a tax under this section  
on:  
3350 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from  
taxation under Section 59-12-104; and  
3352 (ii) except as provided in Subsection (1)(d), amounts paid or charged for food and food ingredients.  
3354 (c) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance  
with Sections 59-12-211 through 59-12-215.  
3356 (d) A city legislative body imposing a tax under this section shall impose the tax on the purchase  
price or sales price for amounts paid or charged for food and food ingredients if the food and food  
ingredients are sold as part of a bundled transaction attributable to food and food ingredients and  
tangible personal property other than food and food ingredients.
- 3361 (2)  
(a) Before imposing a tax under Subsection (1)(a), a city legislative body shall obtain approval to  
impose the tax from a majority of the:  
3363 (i) members of the city legislative body; and  
3364 (ii) city's registered voters voting on the imposition of the tax.

## SB0026S01 compared with SB0026S04

- 3365 (b) The city legislative body shall conduct the election according to the procedures and requirements of  
Title 11, Chapter 14, Local Government Bonding Act.
- 3367 (3) The money collected from a tax imposed under Subsection (1) may only be used to fund:
- 3368 (a) ongoing operating expenses of a rural city hospital;
- 3369 (b) the acquisition of land for a rural city hospital; or
- 3370 (c) the design, construction, equipping, or furnishing of a rural city hospital.
- 3371 (4)
- (a) A tax under this section shall be:
- 3372 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in accordance  
with:
- 3374 (A) the same procedures used to administer, collect, and enforce the tax under:
- 3375 (I) Part 1, Tax Collection; or
- 3376 (II) Part 2, Local Sales and Use Tax Act; and
- 3377 (B) Chapter 1, General Taxation Policies; and
- 3378 (ii) levied for a period of 10 years and may be reauthorized at the end of the [ten] 10-year period by  
the city legislative body as provided in Subsection (1).
- 3380 (b) A tax under this section is not subject to Subsections 59-12-205(2) [through (5)] and (4) through (6).
- 3382 (5) The commission shall retain and deposit an administrative charge in accordance with Section  
59-1-306 from the revenue the commission collects from a tax under this section.
- 3384 Section 24. Section 59-12-1102 is amended to read:
- 3385 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue -- Administration --  
Administrative charge -- Commission requirement to retain an amount to be deposited into the  
Qualified Emergency Food Agencies Fund -- Enactment or repeal of tax -- Effective date -- Notice  
requirements.**
- 3389 (1)
- (a)
- (i) Subject to Subsections (2) through [(6)] (7), and in addition to any other tax authorized by this  
chapter, a county may impose by ordinance a county option sales and use tax of .25% upon the  
transactions described in Subsection 59-12-103(1).
- 3393



## SB0026S01 compared with SB0026S04

- (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104.
- 3396 (b) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance  
with Sections 59-12-211 through 59-12-215.
- 3398 (c) The county option sales and use tax under this section shall be imposed:
- 3399 (i) upon transactions that are located within the county, including transactions that are located within  
municipalities in the county; and
- 3401 (ii) except as provided in Subsection (1)(d) or [~~(5)~~] (6), beginning on the first day of January:
- 3403 (A) of the next calendar year after adoption of the ordinance imposing the tax if the ordinance is  
adopted on or before May 25; or
- 3405 (B) of the second calendar year after adoption of the ordinance imposing the tax if the ordinance is  
adopted after May 25.
- 3407 (d) The county option sales and use tax under this section shall be imposed:
- 3408 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before September 4,  
1997; or
- 3410 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997 but after  
September 4, 1997.
- 3412 (2)
- (a) Before imposing a county option sales and use tax under Subsection (1), a county shall hold two  
public hearings on separate days in geographically diverse locations in the county.
- 3415 (b)
- (i) At least one of the hearings required by Subsection (2)(a) shall have a starting time of no earlier than  
6 p.m.
- 3417 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven days after the  
day the first advertisement required by Subsection (2)(c) is published.
- 3420 (c)
- (i) Before holding the public hearings required by Subsection (2)(a), the county shall advertise:
- 3422 (A) its intent to adopt a county option sales and use tax;
- 3423 (B) the date, time, and location of each public hearing; and
- 3424

## SB0026S01 compared with SB0026S04

(C) a statement that the purpose of each public hearing is to obtain public comments regarding the proposed tax.

3426 (ii) The advertisement shall be published:

3427 (A) in a newspaper of general circulation in the county once each week for the two weeks preceding the earlier of the two public hearings; and

3429 (B) for the county, as a class A notice under Section 63G-30-102, for two weeks before the day on which the first of the two public hearings is held.

3431 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch border.

3434 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

3436 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

3437 (A) the advertisement shall appear in a newspaper that is published at least five days a week, unless the only newspaper in the county is published less than five days a week; and

3440 (B) the newspaper selected shall be one of general interest and readership in the community, and not one of limited subject matter.

3442 (d) The adoption of an ordinance imposing a county option sales and use tax is subject to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part 6, Local Referenda - Procedures.

3445 (3) Beginning no sooner than January 1, 2026, and subject to Section 59-12-205, before application of Subsections (4) through (7), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the sales and use tax boundary for a convention center reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 100% of the sales and use tax increment as defined in Section 63N-3-602, from the sales and use tax imposed under this part on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to a convention center public infrastructure district created in accordance with Section 17D-4-202.1.

3455 [(3)] (4)

## SB0026S01 compared with SB0026S04

- (a) Subject to Subsection [~~(5)~~] (6), if the aggregate population of the counties imposing a county option sales and use tax under Subsection (1) is less than 75% of the state population, the tax levied under Subsection (1) shall be distributed to the county in which the tax was collected.
- 3459 (b) Subject to Subsection [~~(5)~~] (6), if the aggregate population of the counties imposing a county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state population:
- 3462 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to the county in which the tax was collected; and
- 3464 (ii) except as provided in Subsection [~~(3)(e)~~] (4)(c), 50% of the tax collected under Subsection (1) in each county shall be distributed proportionately among all counties imposing the tax, based on the total population of each county.
- 3467 (c) Except as provided in Subsection [~~(5)~~] (6), the amount to be distributed annually to a county under Subsection [~~(3)(b)(ii)~~] (4)(b)(ii), when combined with the amount distributed to the county under Subsection [~~(3)(b)(i)~~] (4)(b)(i), does not equal at least \$75,000, then:
- 3471 (i) the amount to be distributed annually to that county under Subsection [~~(3)(b)(ii)~~] (4)(b)(ii) shall be increased so that, when combined with the amount distributed to the county under Subsection [~~(3)(b)(i)~~] (4)(b)(i), the amount distributed annually to the county is \$75,000; and
- 3475 (ii) the amount to be distributed annually to all other counties under Subsection [~~(3)(b)(ii)~~] (4)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under Subsection (3)(c) (i).
- 3478 (d) The commission shall establish rules to implement the distribution of the tax under Subsections [~~(3)(a)~~] (4)(a), (b), and (c).
- 3480 [~~(4)~~] (5)
- (a) Except as provided in Subsection [~~(4)(b)~~] (5)(b) or (c), a tax authorized under this part shall be administered, collected, and enforced in accordance with:
- 3482 (i) the same procedures used to administer, collect, and enforce the tax under:
- 3483 (A) Part 1, Tax Collection; or
- 3484 (B) Part 2, Local Sales and Use Tax Act; and
- 3485 (ii) Chapter 1, General Taxation Policies.
- 3486 (b) A tax under this part is not subject to Subsections 59-12-205(2) [~~through~~] [~~(5)~~] and (4) through (6).
- 3488 (c)

## SB0026S01 compared with SB0026S04

- (i) Subject to Subsection [~~(4)(e)(ii)~~] (5)(c)(ii), the commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenue the commission collects from a tax under this part.
- 3491 (ii) Notwithstanding Section 59-1-306, the administrative charge described in Subsection [~~(4)(e)(i)~~] (5)  
(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of the distribution  
amounts resulting after:
- 3494 (A) the applicable distribution calculations under Subsection [~~(3)~~] (4) have been made; and
- 3496 (B) the commission retains the amount required by Subsection [~~(5)~~] (6).
- 3497 [~~(5)~~] (6)
- (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion of the sales and use  
tax collected under this part as provided in this Subsection [~~(5)~~] (6).
- 3500 (b) For a county that imposes a tax under this part, the commission shall calculate a percentage  
each month by dividing the sales and use tax collected under this part for that month within the  
boundaries of that county by the total sales and use tax collected under this part for that month  
within the boundaries of all of the counties that impose a tax under this part.
- 3505 (c) For a county that imposes a tax under this part, the commission shall retain each month an amount  
equal to the product of:
- 3507 (i) the percentage the commission determines for the month under Subsection [~~(5)(b)~~] (6)(b) for the  
county; and
- 3509 (ii) \$6,354.
- 3510 (d) The commission shall deposit an amount the commission retains in accordance with this Subsection  
[~~(5)~~] (6) into the Qualified Emergency Food Agencies Fund created by Section 35A-8-1009.
- 3513 (e) An amount the commission deposits into the Qualified Emergency Food Agencies Fund shall be  
expended as provided in Section 35A-8-1009.
- 3515 [~~(6)~~] (7)
- (a) For purposes of this Subsection [~~(6)~~] (7):
- 3516 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County Consolidations  
and Annexations.
- 3518 (ii) "Annexing area" means an area that is annexed into a county.
- 3519 (b)

## SB0026S01 compared with SB0026S04

(i) Except as provided in Subsection [~~(6)(e)~~] (7)(c) or (d), if, on or after July 1, 2004, a county enacts or repeals a tax under this part:

(A)

(I) the enactment shall take effect as provided in Subsection (1)(c); or

(II) the repeal shall take effect on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection [~~(6)(b)(ii)~~] (7)(b)(ii) from the county.

(ii) The notice described in Subsection [~~(6)(b)(i)(B)~~] (7)(b)(i)(B) shall state:

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

(B) the statutory authority for the tax described in Subsection [~~(6)(b)(ii)(A)~~] (7)(b)(ii)(A);

(C) the effective date of the tax described in Subsection [~~(6)(b)(ii)(A)~~] (7)(b)(ii)(A); and

(D) if the county enacts the tax described in Subsection [~~(6)(b)(ii)(A)~~] (7)(b)(ii)(A), the rate of the tax.

(c)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.

(ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax imposed under Subsection (1).

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection [~~(6)(b)(i)~~] (7)(b)(i) takes effect:

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

(B) beginning 60 days after the effective date of the enactment or repeal under Subsection [~~(6)(b)(i)~~] (7)(b)(i).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(e)

(i) Except as provided in Subsection [~~(6)(f)~~] (7)(f) or (g), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this part for an annexing area, the enactment or repeal shall take effect:

## SB0026S01 compared with SB0026S04

- 3552 (A) on the first day of a calendar quarter; and
- 3553 (B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection ~~[(6)(e)(ii)]~~ (7)(e)(i) from the county that annexes the annexing area.
- 3556 (ii) The notice described in Subsection ~~[(6)(e)(i)(B)]~~ (7)(e)(i)(B) shall state:
- 3557 (A) that the annexation described in Subsection ~~[(6)(e)(i)]~~ (7)(b)(i) will result in an enactment or repeal of a tax under this part for the annexing area;
- 3559 (B) the statutory authority for the tax described in Subsection ~~[(6)(e)(ii)(A)]~~ (7)(e)(ii)(A);
- 3561 (C) the effective date of the tax described in Subsection ~~[(6)(e)(ii)(A)]~~ (7)(e)(ii)(A); and
- 3563 (D) the rate of the tax described in Subsection ~~[(6)(e)(ii)(A)]~~ (7)(e)(ii)(A).
- 3564 (f)
- (i) If the billing period for a transaction begins before the effective date of the enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.
- 3568 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax imposed under Subsection (1).
- 3571 (g)
- (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection ~~[(6)(e)(i)]~~ (7)(e)(i) takes effect:
- 3574 (A) on the first day of a calendar quarter; and
- 3575 (B) beginning 60 days after the effective date of the enactment or repeal under Subsection ~~[(6)(e)(i)]~~ (7)(e)(i).
- 3577 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 3579 Section 25. Section 59-12-1302 is amended to read:
- 3580 **59-12-1302. Imposition of tax -- Base -- Rate -- Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice requirements -- Administration, collection, and enforcement of tax -- Administrative charge.**
- 3584 (1) Beginning on or after January 1, 1998, the governing body of a town may impose a tax as provided in this part in an amount that does not exceed 1%.
- 3586

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(2) A town may impose a tax as provided in this part if the town imposed a license fee or tax on businesses based on gross receipts under Section 10-1-203 on or before January 1, 1996.

(3) A town imposing a tax under this section shall:

(a) except as provided in Subsection (4), impose the tax on the transactions described in Subsection 59-12-103(1) located within the town; and

(b) provide an effective date for the tax as provided in Subsection (5).

(4)

(a) A town may not impose a tax under this section on:

(i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104; and

(ii) except as provided in Subsection (4)(c), amounts paid or charged for food and food ingredients.

(b) For purposes of this Subsection (4), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.

(c) A town imposing a tax under this section shall impose the tax on the purchase price or sales price for amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

(5)

(a) For purposes of this Subsection (5):

(i) "Annexation" means an annexation to a town under Title 10, Chapter 2, Part 4, Annexation.

(ii) "Annexing area" means an area that is annexed into a town.

(b)

(i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:

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

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(b)(ii) from the town.

(ii) The notice described in Subsection (5)(b)(i)(B) shall state:

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

(B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

(C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

## SB0026S01 compared with SB0026S04

- 3619 (D) if the town enacts the tax or changes the rate of the tax described in Subsection (5)(b)(ii)(A), the  
rate of the tax.
- 3621 (c)
- (i) 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 Subsection (1), the enactment of the tax or the tax rate increase  
takes effect on the first day of the first billing period that begins on or after the effective date of the  
enactment of the tax or the tax rate increase.
- 3626 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for  
the billing period is produced on or after the effective date of the repeal of the tax or the tax rate  
decrease imposed under Subsection (1).
- 3629 (d)
- (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax  
rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in  
Subsection (5)(b)(i) takes effect:
- 3632 (A) on the first day of a calendar quarter; and
- 3633 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the  
tax under Subsection (5)(b)(i).
- 3635 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
may by rule define the term "catalogue sale."
- 3637 (e)
- (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs on or after July 1,  
2004, the annexation will result in the enactment, repeal, or change in the rate of a tax under this  
part for an annexing area, the enactment, repeal, or change shall take effect:
- 3641 (A) on the first day of a calendar quarter; and
- 3642 (B) after a 90-day period beginning on the date the commission receives notice meeting the  
requirements of Subsection (5)(e)(ii) from the town that annexes the annexing area.
- 3645 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:
- 3646 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment, repeal, or change in  
the rate of a tax under this part for the annexing area;
- 3649 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);
- 3650 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and



## SB0026S01 compared with SB0026S04

- 3651 (D) if the town enacts the tax or changes the rate of the tax described in Subsection (5)(e)(ii)(A), the  
rate of the tax.
- 3653 (f)
- (i) If the billing period for a transaction begins before the effective date of the enactment of the tax or  
the tax rate increase imposed under Subsection (1), the enactment of the tax or the tax rate increase  
takes effect on the first day of the first billing period that begins on or after the effective date of the  
enactment of the tax or the tax rate increase.
- 3658 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for  
the billing period is produced on or after the effective date of the repeal of the tax or the tax rate  
decrease imposed under Subsection (1).
- 3661 (g)
- (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax  
rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in  
Subsection (5)(e)(i) takes effect:
- 3664 (A) on the first day of a calendar quarter; and
- 3665 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the  
tax under Subsection (5)(e)(i).
- 3667 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
may by rule define the term "catalogue sale."
- 3669 (6) The commission shall:
- 3670 (a) distribute the revenue generated by the tax under this section to the town imposing the tax; and
- 3672 (b) except as provided in Subsection (8), administer, collect, and enforce the tax authorized under this  
section in accordance with:
- 3674 (i) the same procedures used to administer, collect, and enforce the tax under:
- 3675 (A) Part 1, Tax Collection; or
- 3676 (B) Part 2, Local Sales and Use Tax Act; and
- 3677 (ii) Chapter 1, General Taxation Policies.
- 3678 (7) The commission shall retain and deposit an administrative charge in accordance with Section  
59-1-306 from the revenue the commission collects from a tax under this part.
- 3680 (8) A tax under this section is not subject to Subsections 59-12-205(2) [~~through (5)~~] and (4) through (6).
- 3682 Section 26. Section 59-12-1402 is amended to read:

## SB0026S01 compared with SB0026S04

- 3683        **59-12-1402. Opinion question election -- Base -- Rate -- Imposition of tax -- Expenditure of**  
revenue -- Enactment or repeal of tax -- Effective date -- Notice requirements.
- 3686        (1)
- (a) Subject to the other provisions of this section, a city or town legislative body subject to this part may submit an opinion question to the residents of that city or town, by majority vote of all members of the legislative body, so that each resident of the city or town has an opportunity to express the resident's opinion on the imposition of a local sales and use tax of .1% on the transactions described in Subsection 59-12-103(1) located within the city or town, to:
- 3692        (i) fund cultural facilities, recreational facilities, and zoological facilities and botanical organizations, cultural organizations, and zoological organizations in that city or town; or
- 3695        (ii) provide funding for a botanical organization, cultural organization, or zoological organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in furtherance of the botanical organization's, cultural organization's, or zoological organization's primary purpose.
- 3699        (b) The opinion question required by this section shall state:
- 3700        "Shall (insert the name of the city or town), Utah, be authorized to impose a .1% sales and use tax for (list the purposes for which the revenue collected from the sales and use tax shall be expended)?"
- 3703        (c) A city or town legislative body may not impose a tax under this section:
- 3704        (i) if the county in which the city or town is located imposes a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities;
- 3707        (ii) on the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104; and
- 3709        (iii) except as provided in Subsection (1)(e), on amounts paid or charged for food and food ingredients.
- 3711        (d) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.
- 3713        (e) A city or town legislative body imposing a tax under this section shall impose the tax on the purchase price or sales price for amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

3718

## SB0026S01 compared with SB0026S04

- (f) Except as provided in Subsection (6), the election shall be held at a regular general election or a municipal general election, as those terms are defined in Section 20A-1-102, and shall follow the procedures outlined in Title 11, Chapter 14, Local Government Bonding Act.
- 3722 (2) If the city or town legislative body determines that a majority of the city's or town's registered voters voting on the imposition of the tax have voted in favor of the imposition of the tax as prescribed in Subsection (1), the city or town legislative body may impose the tax by a majority vote of all members of the legislative body.
- 3726 (3) Subject to Section 59-12-1403, revenue collected from a tax imposed under Subsection (2) shall be expended:
- 3728 (a) to finance cultural facilities, recreational facilities, and zoological facilities within the city or town or within the geographic area of entities that are parties to an interlocal agreement, to which the city or town is a party, providing for cultural facilities, recreational facilities, or zoological facilities;
- 3732 (b) to finance ongoing operating expenses of:
- 3733 (i) recreational facilities described in Subsection (3)(a) within the city or town or within the geographic area of entities that are parties to an interlocal agreement, to which the city or town is a party, providing for recreational facilities; or
- 3736 (ii) botanical organizations, cultural organizations, and zoological organizations within the city or town or within the geographic area of entities that are parties to an interlocal agreement, to which the city or town is a party, providing for the support of botanical organizations, cultural organizations, or zoological organizations; and
- 3741 (c) as stated in the opinion question described in Subsection (1).
- 3742 (4)
- (a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be:
- 3743 (i) administered, collected, and enforced in accordance with:
- 3744 (A) the same procedures used to administer, collect, and enforce the tax under:
- 3745 (I) Part 1, Tax Collection; or
- 3746 (II) Part 2, Local Sales and Use Tax Act; and
- 3747 (B) Chapter 1, General Taxation Policies; and
- 3748 (ii)
- (A) levied for a period of eight years; and
- 3749 (B) may be reauthorized at the end of the eight-year period in accordance with this section.

## SB0026S01 compared with SB0026S04

- 3751 (b)
- (i) If a tax under this part is imposed for the first time on or after July 1, 2011, the tax shall be levied for a period of 10 years.
- 3753 (ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or after July 1, 2011, the tax shall be reauthorized for a ~~ten~~ 10-year period.
- 3755 (c) A tax under this section is not subject to Subsections 59-12-205(2) ~~through (5)~~ and (4) through (6).
- 3757 (5)
- (a) For purposes of this Subsection (5):
- 3758 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part 4, Annexation.
- 3760 (ii) "Annexing area" means an area that is annexed into a city or town.
- 3761 (b)
- (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a city or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:
- 3764 (A) on the first day of a calendar quarter; and
- 3765 (B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(b)(ii) from the city or town.
- 3767 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:
- 3768 (A) that the city or town will enact or repeal a tax under this part;
- 3769 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);
- 3770 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and
- 3771 (D) if the city or town enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the tax.
- 3773 (c)
- (i) If the billing period for a transaction begins before the effective date of the enactment of the tax under this section, the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.
- 3777 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax imposed under this section.
- 3780 (d)

## SB0026S01 compared with SB0026S04

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection (5)(b)(i) takes effect:

3783 (A) on the first day of a calendar quarter; and

3784 (B) beginning 60 days after the effective date of the enactment or repeal under Subsection (5)(b)(i).

3786 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

3788 (e)

(i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this part for an annexing area, the enactment or repeal shall take effect:

3791 (A) on the first day of a calendar quarter; and

3792 (B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(e)(ii) from the city or town that annexes the annexing area.

3795 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

3796 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or repeal a tax under this part for the annexing area;

3798 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

3799 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

3800 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).

3801 (f)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax under this section, the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.

3805 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax imposed under this section.

3808 (g)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection (5)(e)(i) takes effect:

3811 (A) on the first day of a calendar quarter; and

## SB0026S01 compared with SB0026S04

- 3812 (B) beginning 60 days after the effective date of the enactment or repeal under Subsection (5)(e)(i).
- 3814 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
may by rule define the term "catalogue sale."
- 3816 (6)
- (a) Before a city or town legislative body submits an opinion question to the residents of the city or  
town under Subsection (1), the city or town legislative body shall:
- 3818 (i) submit to the county legislative body in which the city or town is located a written notice of the  
intent to submit the opinion question to the residents of the city or town; and
- 3821 (ii) receive from the county legislative body:
- 3822 (A) a written resolution passed by the county legislative body stating that the county legislative  
body is not seeking to impose a tax under Part 7, County Option Funding for Botanical, Cultural,  
Recreational, and Zoological Organizations or Facilities; or
- 3826 (B) a written statement that in accordance with Subsection (6)(b) the results of a county opinion  
question submitted to the residents of the county under Part 7, County Option Funding for  
Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, permit the city or town  
legislative body to submit the opinion question to the residents of the city or town in accordance  
with this part.
- 3832 (b)
- (i) Within 60 days after the day the county legislative body receives from a city or town legislative body  
described in Subsection (6)(a) the notice of the intent to submit an opinion question to the residents  
of the city or town, the county legislative body shall provide the city or town legislative body:
- 3836 (A) the written resolution described in Subsection (6)(a)(ii)(A); or
- 3837 (B) written notice that the county legislative body will submit an opinion question to the residents  
of the county under Part 7, County Option Funding for Botanical, Cultural, Recreational, and  
Zoological Organizations or Facilities, for the county to impose a tax under that part.
- 3841 (ii) If the county legislative body provides the city or town legislative body the written notice that the  
county legislative body will submit an opinion question as provided in Subsection (6)(b)(i)(B), the  
county legislative body shall submit the opinion question by no later than, from the date the county  
legislative body sends the written notice, the later of:
- 3846 (A) a 12-month period;
- 3847 (B) the next regular primary election; or

## SB0026S01 compared with SB0026S04

- 3848 (C) the next regular general election.
- 3849 (iii) Within 30 days of the date of the canvass of the election at which the opinion question under Subsection (6)(b)(ii) is voted on, the county legislative body shall provide the city or town legislative body described in Subsection (6)(a) written results of the opinion question submitted by the county legislative body under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, indicating that:
- 3855 (A)
- (I) the city or town legislative body may not impose a tax under this part because a majority of the county's registered voters voted in favor of the county imposing the tax and the county legislative body by a majority vote approved the imposition of the tax; or
- 3859 (II) for at least 12 months from the date the written results are submitted to the city or town legislative body, the city or town legislative body may not submit to the county legislative body a written notice of the intent to submit an opinion question under this part because a majority of the county's registered voters voted against the county imposing the tax and the majority of the registered voters who are residents of the city or town described in Subsection (6)(a) voted against the imposition of the county tax; or
- 3866 (B) the city or town legislative body may submit the opinion question to the residents of the city or town in accordance with this part because although a majority of the county's registered voters voted against the county imposing the tax, the majority of the registered voters who are residents of the city or town voted for the imposition of the county tax.
- 3871 (c) Notwithstanding Subsection (6)(b), at any time a county legislative body may provide a city or town legislative body described in Subsection (6)(a) a written resolution passed by the county legislative body stating that the county legislative body is not seeking to impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, which permits the city or town legislative body to submit under Subsection (1) an opinion question to the city's or town's residents.
- 3878 Section 27. Section 59-12-2103 is amended to read:
- 3879 **59-12-2103. Imposition of tax -- Base -- Rate -- Expenditure of revenue collected from the tax -- Administration, collection, and enforcement of tax by commission -- Administrative charge -- Enactment or repeal of tax -- Annexation -- Notice.**
- 3883 (1)



## SB0026S01 compared with SB0026S04

- (a) As used in this section, "eligible city or town" means a city or town that imposed a tax under this part on July 1, 2016.
- 3885 (b) Subject to the other provisions of this section and except as provided in Subsection (2) or (3), the legislative body of an eligible city or town may impose a sales and use tax of up to .20% on the transactions:
- 3888 (i) described in Subsection 59-12-103(1); and
- 3889 (ii) within the city or town.
- 3890 (c) A city or town legislative body that imposes a tax under Subsection (1)(b) shall expend the revenue collected from the tax for the same purposes for which the city or town may expend the city's or town's general fund revenue.
- 3893 (d) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.
- 3895 (2)
- (a) A city or town legislative body may not impose a tax under this section on:
- 3896 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104; and
- 3898 (ii) except as provided in Subsection (2)(b), amounts paid or charged for food and food ingredients.
- 3900 (b) A city or town legislative body imposing a tax under this section shall impose the tax on the purchase price or sales price for amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.
- 3905 (3) An eligible city or town may impose a tax under this part until no later than June 30, 2030.
- 3907 (4) The commission shall transmit revenue collected within a city or town from a tax under this part:
- 3909 (a) to the city or town legislative body;
- 3910 (b) monthly; and
- 3911 (c) by electronic funds transfer.
- 3912 (5)
- (a) Except as provided in Subsection (5)(b), the commission shall administer, collect, and enforce a tax under this part in accordance with:
- 3914 (i) the same procedures used to administer, collect, and enforce the tax under:
- 3915 (A) Part 1, Tax Collection; or



## SB0026S01 compared with SB0026S04

- 3916 (B) Part 2, Local Sales and Use Tax Act; and  
3917 (ii) Chapter 1, General Taxation Policies.
- 3918 (b) A tax under this part is not subject to Subsections 59-12-205(2) [~~through (5)~~] and (4) through (6).  
3920 (6) The commission shall retain and deposit an administrative charge in accordance with Section  
59-1-306 from the revenue the commission collects from a tax under this part.
- 3922 (7)  
(a)  
(i) Except as provided in Subsection (7)(b) or (c), if, on or after January 1, 2009, a city or town  
enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or  
change shall take effect:  
3925 (A) on the first day of a calendar quarter; and  
3926 (B) after a 90-day period beginning on the date the commission receives notice meeting the  
requirements of Subsection (7)(a)(i) from the city or town.
- 3928 (ii) The notice described in Subsection (7)(a)(i)(B) shall state:  
3929 (A) that the city or town will enact or repeal a tax or change the rate of the tax under this part;  
3931 (B) the statutory authority for the tax described in Subsection (7)(a)(ii)(A);  
3932 (C) the effective date of the tax described in Subsection (7)(a)(ii)(A); and  
3933 (D) if the city or town enacts the tax or changes the rate of the tax described in Subsection (7)(a)(ii)(A),  
the rate of the tax.
- 3935 (b)  
(i) If the billing period for a transaction begins before the enactment of the tax or the tax rate increase  
under Subsection (1), the enactment of the tax or the tax rate increase takes effect on the first day of  
the first billing period that begins on or after the effective date of the enactment of the tax or the tax  
rate increase.
- 3939 (ii) If the billing period for a transaction begins before the effective date of the repeal of the tax or the  
tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax rate decrease applies  
to a billing period if the billing statement for the billing period is rendered on or after the effective  
date of the repeal of the tax or the tax rate decrease.
- 3944 (c)

## SB0026S01 compared with SB0026S04

- (i) If a tax due under this part on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (7)(a)(i) takes effect:
- 3947 (A) on the first day of a calendar quarter; and
- 3948 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (7)(a)(i).
- 3950 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 3952 (d)
- (i) Except as provided in Subsection (7)(e) or (f), if, for an annexation that occurs on or after January 1, 2009, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:
- 3956 (A) on the first day of a calendar quarter; and
- 3957 (B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (7)(d)(ii) from the city or town that annexes the annexing area.
- 3960 (ii) The notice described in Subsection (7)(d)(i)(B) shall state:
- 3961 (A) that the annexation described in Subsection (7)(d)(i)(B) will result in the enactment, repeal, or change in the rate of a tax under this part for the annexing area;
- 3964 (B) the statutory authority for the tax described in Subsection (7)(d)(ii)(A);
- 3965 (C) the effective date of the tax described in Subsection (7)(d)(ii)(A); and
- 3966 (D) if the city or town enacts the tax or changes the rate of the tax described in Subsection (7)(d)(ii)(A), the rate of the tax.
- 3968 (e)
- (i) If the billing period for a transaction begins before the effective date of the enactment of the tax or a tax rate increase under Subsection (1), the enactment of a tax or a tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax or the tax rate increase.
- 3973 (ii) If the billing period for a transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease.

## SB0026S01 compared with SB0026S04

- 3978 (f)
- (i) If a tax due under this part on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (7)(d)(i) takes effect:
- 3981 (A) on the first day of a calendar quarter; and
- 3982 (B) beginning 60 days after the effective date of the enactment, repeal, or change under Subsection (7)(d)(i).
- 3984 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 3986 Section 28. Section 59-12-2206 is amended to read:
- 3987 **59-12-2206. Administration, collection, and enforcement of a sales and use tax under this part -- Transmission of revenue monthly by electronic funds transfer -- Transfer of revenue to a public transit district or eligible political subdivision.**
- 3991 (1) Except as provided in Subsection (2), the commission shall administer, collect, and enforce a sales and use tax imposed under this part.
- 3993 (2) The commission shall administer, collect, and enforce a sales and use tax imposed under this part in accordance with:
- 3995 (a) the same procedures used to administer, collect, and enforce a tax under:
- 3996 (i) Part 1, Tax Collection; or
- 3997 (ii) Part 2, Local Sales and Use Tax Act; and
- 3998 (b) Chapter 1, General Taxation Policies.
- 3999 (3) A sales and use tax under this part is not subject to Subsections 59-12-205(2) ~~[through (5)]~~ and (4) through (6).
- 4001 (4) Subject to Section 59-12-2207 and except as provided in ~~[Subsection (5)]~~ Subsections (5) and (6) or another provision of this part, the state treasurer shall transmit revenue collected within a county, city, or town from a sales and use tax under this part to the county, city, or town legislative body monthly by electronic funds transfer.
- 4005 (5) Beginning no sooner than January 1, 2026, and subject to Section 59-12-205, before transmitting revenue as described in Subsection (4), and before application of Subsection (6), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the sales and use tax boundary for a convention center reinvestment zone is established under Title 63N, Chapter 3, Part

## SB0026S01 compared with SB0026S04

6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 100% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from a sales and use tax on transactions occurring within an established sales and use tax boundary, as that term is defined in Section 63N-3-602, to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 for sales and use taxes imposed by a county of the first class pursuant to:

- 4016 (a) Section 59-12-2213;  
4017 (b) Section 59-12-2214;  
4018 (c) Section 59-12-2217;  
4019 (d) Section 59-12-2219; and  
4020 (e) Section 59-12-2220.  
4021 [~~5~~] (6)
- (a) Subject to Section 59-12-2207, and except as provided in Subsection [~~5~~](b)] (6)(b), the state treasurer shall transfer revenue collected within a county, city, or town from a sales and use tax under this part directly to a public transit district organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act, or an eligible political subdivision as defined in Section 59-12-2219, if the county, city, or town legislative body:
- 4027 (i) provides written notice to the commission and the state treasurer requesting the transfer; and  
4029 (ii) designates the public transit district or eligible political subdivision to which the county, city, or town legislative body requests the state treasurer to transfer the revenue.
- 4032 (b) The commission shall transmit a portion of the revenue collected within a county, city, or town from a sales and use tax under this part that would be transferred to a public transit district or an eligible political subdivision under Subsection [~~5~~](a)] (6)(a) to the county, city, or town to fund public transit fixed guideway safety oversight under Section 72-1-214 if the county, city, or town legislative body:
- 4037 (i) provides written notice to the commission and the state treasurer requesting the transfer; and  
4039 (ii) specifies the amount of revenue required to be transmitted to the county, city, or town.

Section 29. Section 59-12-2214 is amended to read:

**59-12-2214. County, city, or town option sales and use tax to fund a system for public transit, an airport facility, a water conservation project, or to be deposited into the County of the First Class Highway Projects Fund -- Base -- Rate.**

## SB0026S01 compared with SB0026S04

- 4046 (1) Subject to the other provisions of this part, a county, city, or town may impose a sales and use tax  
of .25% on the transactions described in Subsection 59-12-103(1) located within the county, city, or  
town.
- 4049 (2) Notwithstanding Section 59-12-2212.2, and subject to Subsections (3) and (4), a county, city, or  
town that imposes a sales and use tax under this section shall expend the revenues collected from the  
sales and use tax:
- 4052 (a) to fund a system for public transit;
- 4053 (b) to fund a project or service related to an airport facility for the portion of the project or service that  
is performed within the county, city, or town within which the sales and use tax is imposed:
- 4056 (i) for a county that imposes the sales and use tax, if the airport facility is part of the regional  
transportation plan of the area metropolitan planning organization if a metropolitan planning  
organization exists for the area; or
- 4059 (ii) for a city or town that imposes the sales and use tax, if:
- 4060 (A) that city or town is located within a county of the second class;
- 4061 (B) that city or town owns or operates the airport facility; and
- 4062 (C) an airline is headquartered in that city or town; or
- 4063 (c) for a combination of Subsections (2)(a) and (b).
- 4064 (3) ~~[A-]~~ After application of Subsection 59-12-2206(5), a county of the first class that imposes a sales  
and use tax under this section shall expend the revenues collected from the sales and use tax as  
follows:
- 4067 (a) 80% of the revenues collected from the sales and use tax shall be expended to fund a system for  
public transit; and
- 4069 (b) 20% of the revenues collected from the sales and use tax shall be deposited into the County of the  
First Class Highway Projects Fund created by Section 72-2-121.
- 4071 (4)
- (a) A county of the third class that has a portion of the county annexed into a large public transit district  
and that has imposed a sales and use tax under this section as of January 1, 2020, may change the  
list of purposes for which the sales and use tax revenue may be expended if:
- 4075 (i) the proposed uses of the sales and use tax revenue are allowed uses described in this section; and
- 4077 (ii) in coordination with a relevant large public transit district, the county legislative body passes an  
ordinance describing the allowed uses of the sales and use tax revenue.

## SB0026S01 compared with SB0026S04

- 4080 (b) Notwithstanding Section 59-12-2208, and regardless of whether the imposition of the sales and  
use tax imposed under this section was submitted to the voters as described in Section 59-12-2208,  
the county legislative body is not required to submit an opinion question to the county's registered  
voters to change the allowed uses as described in Subsection (4)(a).
- 4085 Section 30. Section 59-12-2217 is amended to read:
- 4086 **59-12-2217. County option sales and use tax for transportation -- Base -- Rate -- Written  
prioritization process -- Approval by county legislative body.**
- 4089 (1) Subject to the other provisions of this part, and subject to Subsection (8), a county legislative  
body may impose a sales and use tax of up to .25% on the transactions described in Subsection  
59-12-103(1) within the county, including the cities and towns within the county.
- 4093 (2)
- (a) Except as provided in Subsection (2)(b), and subject to Subsections (3) through (6) and Section  
59-12-2207, the revenue collected from a sales and use tax under this section may only be expended  
as described in Section 59-12-2212.2.
- 4096 (b) Subject to Subsections (3) through (6), and after application of Subsection 59-12-2206(5),  
in a county of the first or second class, or if a county is part of an area metropolitan planning  
organization, that portion of the county within the metropolitan planning organization, the revenue  
collected from a sales and use tax under this section may only be expended as described in Section  
59-12-2212.2, and only if the expenditure is for:
- 4102 (i) a project or service:
- 4103 (A) relating to a regionally significant transportation facility or collector road for the portion of the  
project or service that is performed within the county;
- 4105 (B) for new capacity or congestion mitigation, and not for operation or maintenance, if the project or  
service is performed within the county; and
- 4107 (C) on a priority list created by the county's council of governments in accordance with Subsection (5)  
and approved by the county legislative body in accordance with Subsection (5);
- 4110 (ii) corridor preservation for a project or service described in Subsection (2)(b)(i)(A) or (B); or
- 4112 (iii) debt service or bond issuance costs related to a project or service described in Subsection (2)(b)(i)  
(A) or (B).
- 4114

## SB0026S01 compared with SB0026S04

(c) The restriction in Subsection (2)(b)(i)(B) from using revenue for operation or maintenance does not apply to any revenue subject to rights or obligations under a contract entered into before January 1, 2019, between a county and a public transit district.

4118 (3) For revenue expended under this section for a project or service described in Subsection (2) that is on or part of a regionally significant transportation facility and that constructs or adds a new through lane or interchange, or provides new fixed guideway public transit service, the project shall be part of:

4122 (a) the statewide long-range plan; or

4123 (b) a regional transportation plan of the area metropolitan planning organization if a metropolitan planning organization area exists for the area.

4125 (4)

(a) As provided in this Subsection (4), a council of governments shall:

4126 (i) develop a written prioritization process for the prioritization of projects to be funded by revenues collected from a sales and use tax under this section;

4128 (ii) create a priority list of transportation projects or services described in Section 59-12-2212.2 in accordance with Subsection (5); and

4130 (iii) present the priority list to the county legislative body for approval in accordance with Subsection (5).

4132 (b) The written prioritization process described in Subsection (4)(a)(i) shall include:

4133 (i) a definition of the type of projects to which the written prioritization process applies;

4135 (ii) subject to Subsection (4)(c), the specification of a weighted criteria system that the council of governments will use to rank proposed projects and how that weighted criteria system will be used to determine which proposed projects will be prioritized;

4139 (iii) the specification of data that is necessary to apply the weighted criteria system;

4140 (iv) application procedures for a project to be considered for prioritization by the council of governments; and

4142 (v) any other provision the council of governments considers appropriate.

4143 (c) The weighted criteria system described in Subsection (4)(b)(ii) shall include the following:

4145 (i) the cost effectiveness of a project;

4146 (ii) the degree to which a project will mitigate regional congestion;

4147 (iii) the compliance requirements of applicable federal laws or regulations;



## SB0026S01 compared with SB0026S04

- 4148 (iv) the economic impact of a project;
- 4149 (v) the degree to which a project will require tax revenues to fund maintenance and operation expenses;  
and
- 4151 (vi) any other provision the council of governments considers appropriate.
- 4152 (d) A council of governments of a county of the first or second class shall submit the written  
prioritization process described in Subsection (4)(a)(i) to the Executive Appropriations Committee  
for approval prior to taking final action on:
- 4155 (i) the written prioritization process; or
- 4156 (ii) any proposed amendment to the written prioritization process.
- 4157 (5)
- (a) A council of governments shall use the weighted criteria system adopted in the written prioritization  
process developed in accordance with Subsection (4) to create a priority list of transportation  
projects or services for which revenues collected from a sales and use tax under this section may be  
expended.
- 4161 (b) Before a council of governments may finalize a priority list or the funding level of a project, the  
council of governments shall conduct a public meeting on:
- 4163 (i) the written prioritization process; and
- 4164 (ii) the merits of the projects that are prioritized as part of the written prioritization process.
- 4166 (c) A council of governments shall make the weighted criteria system ranking for each project  
prioritized as part of the written prioritization process publicly available before the public meeting  
required by Subsection (5)(b) is held.
- 4169 (d) If a council of governments prioritizes a project over another project with a higher rank under the  
weighted criteria system, the council of governments shall:
- 4171 (i) identify the reasons for prioritizing the project over another project with a higher rank under the  
weighted criteria system at the public meeting required by Subsection (5)(b); and
- 4174 (ii) make the reasons described in Subsection (5)(d)(i) publicly available.
- 4175 (e) Subject to Subsections (5)(f) and (g), after a council of governments finalizes a priority list in  
accordance with this Subsection (5), the council of governments shall:
- 4177 (i) submit the priority list to the county legislative body for approval; and
- 4178 (ii) obtain approval of the priority list from a majority of the members of the county legislative body.
- 4180



## SB0026S01 compared with SB0026S04

(f) A council of governments may only submit one priority list per calendar year to the county legislative body.

4182 (g) A county legislative body may only consider and approve one priority list submitted under Subsection (5)(e) per calendar year.

4184 (6) In a county of the first class, revenues collected from a sales and use tax under this section that a county allocates for a purpose described in Section 59-12-2212.2 shall be:

4186 (a) deposited in or transferred to the County of the First Class Highway Projects Fund created by Section 72-2-121; and

4188 (b) expended as provided in Section 72-2-121.

4189 (7) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.

4192 (8)

(a)

(i) Notwithstanding any other provision in this section, if the entire boundary of a county is annexed into a large public transit district, if the county legislative body wishes to impose a sales and use tax under this section, the county legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

4197 (ii) If the entire boundary of a county is annexed into a large public transit district, the county legislative body may not pass an ordinance to impose a sales and use tax under this section on or after July 1, 2022.

4200 (b) Notwithstanding the deadline described in Subsection (8)(a), any sales and use tax imposed under this section on or before June 30, 2022, may remain in effect.

4202 Section 31. Section 59-12-2219 is amended to read:

4203 **59-12-2219. County option sales and use tax for highways and public transit -- Base --  
Rate -- Distribution and expenditure of revenue -- Revenue may not supplant existing budgeted transportation revenue.**

4206 (1) Subject to the other provisions of this part, and subject to Subsection (13), a county legislative body may impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1) within the county, including the cities and towns within the county.

4210

## SB0026S01 compared with SB0026S04

(2) Subject to Subsection (9), the commission shall distribute sales and use tax revenue collected under this section as provided in Subsections (3) through (8).

4212 (3) [Hf] After application of Subsection 59-12-2206(5), if the entire boundary of a county that imposes a sales and use tax under this section is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within the county as follows:

4216 (a) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;

4218 (b) .10% shall be distributed as provided in Subsection (6); and

4219 (c) .05% shall be distributed to the county legislative body.

4220 (4) If the entire boundary of a county that imposes a sales and use tax under this section is not annexed into a single public transit district, but a city or town within the county is annexed into a single large public transit district, the commission shall distribute the sales and use tax revenue collected within the county as follows:

4224 (a) for a city or town within the county that is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within that city or town as follows:

4227 (i) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;

4229 (ii) .10% shall be distributed as provided in Subsection (6); and

4230 (iii) .05% shall be distributed to the county legislative body;

4231 (b) for an eligible political subdivision within the county, the commission shall distribute the sales and use tax revenue collected within that eligible political subdivision as follows:

4234 (i) .10% shall be transferred to the eligible political subdivision in accordance with Section 59-12-2206;

4236 (ii) .10% shall be distributed as provided in Subsection (6); and

4237 (iii) .05% shall be distributed to the county legislative body; and

4238 (c) the commission shall distribute the sales and use tax revenue, except for the sales and use tax revenue described in Subsections (4)(a) and (b), as follows:

4240 (i) .10% shall be distributed as provided in Subsection (6); and

4241 (ii) .15% shall be distributed to the county legislative body.

4242 (5) For a county not described in Subsection (3) or (4), if a county of the second, third, fourth, fifth, or sixth class imposes a sales and use tax under this section, the commission shall distribute the sales and use tax revenue collected within the county as follows:

4246

## SB0026S01 compared with SB0026S04

(a) for a city or town within the county that is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within that city or town as follows:

4249 (i) .10% shall be distributed as provided in Subsection (6);

4250 (ii) .10% shall be distributed as provided in Subsection (7); and

4251 (iii) .05% shall be distributed to the county legislative body;

4252 (b) for an eligible political subdivision within the county, the commission shall distribute the sales and use tax revenue collected within that eligible political subdivision as follows:

4255 (i) .10% shall be distributed as provided in Subsection (6);

4256 (ii) .10% shall be distributed as provided in Subsection (7); and

4257 (iii) .05% shall be distributed to the county legislative body; and

4258 (c) the commission shall distribute the sales and use tax revenue, except for the sales and use tax revenue described in Subsections (5)(a) and (b), as follows:

4260 (i) .10% shall be distributed as provided in Subsection (6); and

4261 (ii) .15% shall be distributed to the county legislative body.

4262 (6)

(a) Subject to Subsection (6)(b), the commission shall make the distributions required by Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) as follows:

4265 (i) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and cities that impose a tax under this section shall be distributed to the unincorporated areas, cities, and towns within those counties and cities on the basis of the percentage that the population of each unincorporated area, city, or town bears to the total population of all of the counties and cities that impose a tax under this section; and

4272 (ii) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and cities that impose a tax under this section shall be distributed to the unincorporated areas, cities, and towns within those counties and cities on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.

4278 (b)

## SB0026S01 compared with SB0026S04

- (i) Population for purposes of this Subsection (6) shall be determined on the basis of the most recent official census or census estimate of the United States Bureau of the Census.
- 4281 (ii) If a needed population estimate is not available from the United States Bureau of the Census, population figures shall be derived from an estimate from the Utah Population Committee.
- 4284 (7)
- (a)
- (i) Subject to the requirements in Subsections (7)(b) and (c), a county legislative body:
- 4286 (A) for a county that obtained approval from a majority of the county's registered voters voting on the imposition of a sales and use tax under this section prior to May 10, 2016, may, in consultation with any cities, towns, or eligible political subdivisions within the county, and in compliance with the requirements for changing an allocation under Subsection (7) (e), allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) by adopting a resolution specifying the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision; or
- 4294 (B) for a county that imposes a sales and use tax under this section on or after May 10, 2016, shall, in consultation with any cities, towns, or eligible political subdivisions within the county, allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) by adopting a resolution specifying the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision.
- 4300 (ii) If a county described in Subsection (7)(a)(i)(A) does not allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) in accordance with Subsection (7)(a)(i)(A), the commission shall distribute 100% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to:
- 4304 (A) a public transit district for a city or town within the county that is annexed into a single public transit district; or
- 4306 (B) an eligible political subdivision within the county.
- 4307 (b) If a county legislative body allocates the revenue as described in Subsection (7)(a)(i), the county legislative body shall allocate not less than 25% of the revenue under Subsection (5)(a)(ii) or (5)(b) (ii) to:
- 4310 (i) a public transit district for a city or town within the county that is annexed into a single public transit district; or
- 4312 (ii) an eligible political subdivision within the county.

## SB0026S01 compared with SB0026S04

- 4313 (c) Notwithstanding Section 59-12-2208, the opinion question described in Section 59-12-2208 shall  
state the allocations the county legislative body makes in accordance with this Subsection (7).
- 4316 (d) The commission shall make the distributions required by Subsection (5)(a)(ii) or (5)(b)(ii) as  
follows:
- 4318 (i) the percentage specified by a county legislative body shall be distributed in accordance with a  
resolution adopted by a county legislative body under Subsection (7)(a) to an eligible political  
subdivision or a public transit district within the county; and
- 4322 (ii) except as provided in Subsection (7)(a)(ii), if a county legislative body allocates less than 100% of  
the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to a public transit district or an eligible political  
subdivision, the remainder of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) not allocated by a  
county legislative body through a resolution under Subsection (7)(a) shall be distributed as follows:
- 4327 (A) 50% of the revenue as provided in Subsection (6); and
- 4328 (B) 50% of the revenue to the county legislative body.
- 4329 (e) If a county legislative body seeks to change an allocation specified in a resolution under Subsection  
(7)(a), the county legislative body may change the allocation by:
- 4331 (i) adopting a resolution in accordance with Subsection (7)(a) specifying the percentage of revenue  
under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible  
political subdivision;
- 4334 (ii) obtaining approval to change the allocation of the sales and use tax by a majority of all the members  
of the county legislative body; and
- 4336 (iii) subject to Subsection (7)(f):
- 4337 (A) in accordance with Section 59-12-2208, submitting an opinion question to the county's registered  
voters voting on changing the allocation so that each registered voter has the opportunity to express  
the registered voter's opinion on whether the allocation should be changed; and
- 4341 (B) in accordance with Section 59-12-2208, obtaining approval to change the allocation from a majority  
of the county's registered voters voting on changing the allocation.
- 4344 (f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection (7)(e)(iii)(A)  
shall state the allocations specified in the resolution adopted in accordance with Subsection (7)(e)  
and approved by the county legislative body in accordance with Subsection (7)(e)(ii).
- 4348 (g)

## SB0026S01 compared with SB0026S04

(i) If a county makes an allocation by adopting a resolution under Subsection (7)(a) or changes an allocation by adopting a resolution under Subsection (7)(e), the allocation shall take effect on the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice meeting the requirements of Subsection (7)(g)(ii) from the county.

4354 (ii) The notice described in Subsection (7)(g)(i) shall state:

4355 (A) that the county will make or change the percentage of an allocation under Subsection (7)(a) or (e);  
and

4357 (B) the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision.

4359 (8)

(a) If a public transit district is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit district of the organization of the public transit district.

4364 (b) If an eligible political subdivision intends to provide public transit service within a county after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the eligible political subdivision stating that the eligible political subdivision intends to provide public transit service within the county.

4371 (9)

(a)

(i) Notwithstanding Subsections (3) through (8), for a county that has not imposed a sales and use tax under this section before May 8, 2018, and if the county imposes a sales and use tax under this section before June 30, 2019, the commission shall distribute all of the sales and use tax revenue collected by the county before June 30, 2019, to the county for the purposes described in Subsection (9)(a)(ii).

4377 (ii) For any revenue collected by a county pursuant to Subsection (9)(a)(i) before June 30, 2019, the county may expend that revenue for:

## SB0026S01 compared with SB0026S04

- 4379 (A) reducing transportation related debt;
- 4380 (B) a regionally significant transportation facility; or
- 4381 (C) a public transit project of regional significance.
- 4382 (b) For a county that has not imposed a sales and use tax under this section before May 8, 2018, and if the county imposes a sales and use tax under this section before June 30, 2019, the commission shall distribute the sales and use tax revenue collected by the county on or after July 1, 2019, as described in Subsections (3) through (8).
- 4386 (c) For a county that has not imposed a sales and use tax under this section before June 30, 2019, if the entire boundary of that county is annexed into a large public transit district, and if the county imposes a sales and use tax under this section on or after July 1, 2019, the commission shall distribute the sales and use tax revenue collected by the county as described in Subsections (3) through (8).
- 4391 (10) A county, city, or town may expend revenue collected from a tax under this section, except for revenue the commission distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i), or (7)(d)(i), for a purpose described in Section 59-12-2212.2.
- 4394 (11)
- (a) A public transit district or an eligible political subdivision may expend revenue the commission distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i), or (7)(d)(i) for capital expenses and service delivery expenses of the public transit district or eligible political subdivision.
- 4398 (b) As provided in Section 59-12-2212.2, for the .10% designated for public transit described in Subsection (3)(a) that is not contractually obligated for debt service, beginning on July 1, 2025, a public transit district shall make available to the Department of Transportation an amount equal to 10% of the .10% to be used for public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4, Public Transit Innovation Grants.
- 4404 (12) Notwithstanding Section 59-12-2208, a county, city, or town legislative body may, but is not required to, submit an opinion question to the county's, city's, or town's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- 4408 (13)
- (a)
- (i) Notwithstanding any other provision in this section, if the entire boundary of a county is annexed into a large public transit district, if the county legislative body wishes to impose a sales and use



## SB0026S01 compared with SB0026S04

tax under this section, the county legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

4413 (ii) If the entire boundary of a county is annexed into a large public transit district, the county  
legislative body may not pass an ordinance to impose a sales and use tax under this section on or  
after July 1, 2022.

4416 (b) Notwithstanding the deadline described in Subsection (13)(a), any sales and use tax imposed under  
this section by passage of a county ordinance on or before June 30, 2022, may remain in effect.

4419 (14)

(a) Beginning on July 1, 2020, and subject to Subsection (15), if a county has not imposed a sales and  
use tax under this section, subject to the provisions of this part, the legislative body of a city or town  
described in Subsection (14)(b) may impose a .25% sales and use tax on the transactions described  
in Subsection 59-12-103(1) within the city or town.

4424 (b) The following cities or towns may impose a sales and use tax described in Subsection (14)(a):

4426 (i) a city or town that has been annexed into a public transit district; or

4427 (ii) an eligible political subdivision.

4428 (c) If a city or town imposes a sales and use tax as provided in this section, the commission shall  
distribute the sales and use tax revenue collected by the city or town as follows:

4431 (i) .125% to the city or town that imposed the sales and use tax, to be distributed as provided in  
Subsection (6); and

4433 (ii) .125%, as applicable, to:

4434 (A) the public transit district in which the city or town is annexed; or

4435 (B) the eligible political subdivision for public transit services.

4436 (d) If a city or town imposes a sales and use tax under this section and the county subsequently imposes  
a sales and use tax under this section, the commission shall distribute the sales and use tax revenue  
collected within the city or town as described in Subsection (14)(c).

4440 (15)

(a)

(i) Notwithstanding any other provision in this section, if a city or town legislative body wishes to  
impose a sales and use tax under this section, the city or town legislative body shall pass the  
ordinance to impose a sales and use tax under this section on or before June 30, 2022.

4444



## SB0026S01 compared with SB0026S04

(ii) A city or town legislative body may not pass an ordinance to impose a sales and use tax under this section on or after July 1, 2022.

(b) Notwithstanding the deadline described in Subsection (15)(a), any sales and use tax imposed under this section by passage of an ordinance by a city or town legislative body on or before June 30, 2022, may remain in effect.

Section 32. Section 59-12-2220 is amended to read:

**59-12-2220. County option sales and use tax to fund highways or a system for public transit -- Base -- Rate.**

(1) Subject to the other provisions of this part and subject to the requirements of this section, the following counties may impose a sales and use tax under this section:

(a) a county legislative body may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county if:

(i) the entire boundary of a county is annexed into a large public transit district; and

(ii) the maximum amount of sales and use tax authorizations allowed pursuant to Section 59-12-2203 and authorized under the following sections has been imposed:

(A) Section 59-12-2213;

(B) Section 59-12-2214;

(C) Section 59-12-2215;

(D) Section 59-12-2216;

(E) Section 59-12-2217;

(F) Section 59-12-2218; and

(G) Section 59-12-2219;

(b) if the county is not annexed into a large public transit district, the county legislative body may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county if:

(i) the county is an eligible political subdivision; or

(ii) a city or town within the boundary of the county is an eligible political subdivision; or

(c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county.

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- 4477 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a county legislative body that imposes a sales and use tax under this section may impose the tax at a rate of .2%.
- 4480 (3)
- (a) The commission shall distribute sales and use tax revenue collected under this section as determined by a county legislative body as described in Subsection (3)(b).
- 4482 (b) If a county legislative body imposes a sales and use tax as described in this section, the county legislative body may elect to impose a sales and use tax revenue distribution as described in Subsection (4), (5), (6), or (7), depending on the class of county, and presence and type of a public transit provider in the county.
- 4486 (4) [H] After application of Subsection 59-12-2206(5), if a county legislative body imposes a sales and use tax as described in this section, and the entire boundary of the county is annexed into a large public transit district, and the county is a county of the first class, the commission shall distribute the sales and use tax revenue as follows:
- 4490 (a) .10% to a public transit district as described in Subsection (11);
- 4491 (b) .05% to the cities and towns as provided in Subsection (8); and
- 4492 (c) .05% to the county legislative body.
- 4493 (5) If a county legislative body imposes a sales and use tax as described in this section and the entire boundary of the county is annexed into a large public transit district, and the county is a county not described in Subsection (4), the commission shall distribute the sales and use tax revenue as follows:
- 4497 (a) .10% to a public transit district as described in Subsection (11);
- 4498 (b) .05% to the cities and towns as provided in Subsection (8); and
- 4499 (c) .05% to the county legislative body.
- 4500 (6)
- (a) Except as provided in Subsection (12)(c), if the entire boundary of a county that imposes a sales and use tax as described in this section is not annexed into a single public transit district, but a city or town within the county is annexed into a single public transit district, or if the city or town is an eligible political subdivision, the commission shall distribute the sales and use tax revenue collected within the county as provided in Subsection (6)(b) or (c).
- 4506 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is annexed into the single public transit district, or an eligible political subdivision, the commission shall distribute the

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sales and use tax revenue collected within the portion of the county that is within a public transit district or eligible political subdivision as follows:

- 4511 (i) .05% to a public transit provider as described in Subsection (11);
- 4512 (ii) .075% to the cities and towns as provided in Subsection (8); and
- 4513 (iii) .075% to the county legislative body.
- 4514 (c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county described in Subsection (6)(a) that is not annexed into a single public transit district or eligible political subdivision in the county, the commission shall distribute the sales and use tax revenue collected within that portion of the county as follows:
- 4518 (i) .08% to the cities and towns as provided in Subsection (8); and
- 4519 (ii) .12% to the county legislative body.
- 4520 (7) For a county without a public transit service that imposes a sales and use tax as described in this section, the commission shall distribute the sales and use tax revenue collected within the county as follows:
- 4523 (a) .08% to the cities and towns as provided in Subsection (8); and
- 4524 (b) .12% to the county legislative body.
- 4525 (8)
- (a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:
- 4527 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)
- (a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the percentage that the population of each unincorporated area, city, or town bears to the total population of all of the counties that impose a tax under this section; and
- 4533 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)
- (a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.
- 4538 (b)
- (i) Population for purposes of this Subsection (8) shall be determined on the basis of the most recent official census or census estimate of the United States Census Bureau.

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- 4541 (ii) If a needed population estimate is not available from the United States Census Bureau, population figures shall be derived from an estimate from the Utah Population Estimates Committee created by executive order of the governor.
- 4544 (c)
- (i) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a city or town is ineligible for funds in accordance with Subsection 10-9a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that city or town would have received under Subsection (8)(a) to cities or towns to which Subsection 10-9a-408(7) does not apply.
- 4551 (ii) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a county is ineligible for funds in accordance with Subsection 17-27a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that county would have received under Subsection (8)(a) to counties to which Subsection 17-27a-408(7) does not apply.
- 4557 (9) If a public transit service is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit provider that the public transit service has been organized.
- 4562 (10)
- (a) Except as provided in Subsection (10)(b), a county, city, or town that received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii), (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in Section 59-12-2212.2.
- 4566 (b) If a county described in Subsection (1)(a) that is a county of the first class imposes the sales and use tax authorized in this section, the county may also use funds distributed in accordance with Subsection (4)(c) for public safety purposes.
- 4569 (11)
- (a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit as described in this section may be used for capital expenses and service delivery expenses of:
- 4572 (i) a public transit district;

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- 4573 (ii) an eligible political subdivision; or
- 4574 (iii) another entity providing a service for public transit or a transit facility within the relevant county, as those terms are defined in Section 17B-2a-802.
- 4576 (b)
- (i)
- (A) If a county of the first class imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit within a county of the first class as described in Subsection (4)(a) shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121.
- 4582 (B) Revenue deposited into the County of the First Class Highway Projects Fund created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be used for public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4, Public Transit Innovation Grants.
- 4586 (ii) If a county of the first class imposes a sales and use tax described in this section, beginning on the day three years after the date on which the county imposed the tax as described in Subsection (11)(b)(i), for revenue designated for public transit as described in Subsection (4)(a):
- 4590 (A) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121; and
- 4593 (B) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9).
- 4596 (c)
- (i) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit as described in Subsection (5)(a) shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).
- 4602 (ii) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section,

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beginning on the day three years after the date on which the county imposed the tax as described in Subsection (11)(c)(i), for the revenue that is designated for public transit in Subsection (5)(a):

- 4607 (A) 50% shall be transferred to the Transit Transportation Investment Fund created in Subsection  
72-2-124(9); and
- 4609 (B) 50% shall be transferred to the relevant county legislative body to be used for a purpose described  
in Subsection (11)(a).
- 4611 (d) Except as provided in Subsection (12)(c), for a county that imposes a sales and use tax under this  
section, for revenue designated for public transit as described in Subsection (6)(b)(i), the revenue  
shall be transferred to the relevant county legislative body to be used for a purpose described in  
Subsection (11)(a).
- 4615 (12)
- (a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit  
an opinion question to the county's registered voters in accordance with Section 59-12-2208 to  
impose a sales and use tax under this section.
- 4618 (b) If a county passes an ordinance to impose a sales and use tax as described in this section, the sales  
and use tax shall take effect on the first day of the calendar quarter after a 90-day period that begins  
on the date the commission receives written notice from the county of the passage of the ordinance.
- 4622 (c) A county that imposed the local option sales and use tax described in this section before January 1,  
2023, may maintain that county's distribution allocation in place as of January 1, 2023.
- 4625 (13)
- (a) Revenue collected from a sales and use tax under this section may not be used to supplant existing  
General Fund appropriations that a county, city, or town budgeted for transportation or public transit  
as of the date the tax becomes effective for a county, city, or town.
- 4629 (b) The limitation under Subsection (13)(a) does not apply to a designated transportation or public  
transit capital or reserve account a county, city, or town established before the date the tax becomes  
effective.

4632 Section 33. Section 63H-1-205 is amended to read:

### 4633 **63H-1-205. MIDA accommodations tax.**

4634 (1) As used in this section:

- 4635 (a) "Accommodations and services" means an accommodation or service described in Subsection  
59-12-103(1)(i).

## SB0026S01 compared with SB0026S04

- 4637 (b) "Accommodations and services" does not include amounts paid or charged that are not part of a  
rental room rate.
- 4639 (2) By ordinance, the authority board may impose a MIDA accommodations tax on a provider for  
amounts paid or charged for accommodations and services, if the place of accommodation is located  
within a project area and on:
- 4642 (a) authority-owned or other government-owned property[-];
- 4643 (b) privately owned property on which the authority owns a condominium unit that is part of the place  
of accommodation; or
- 4645 (c) privately owned property on which the authority board finds that a provider is providing a  
significant long-term benefit, including lodging but not including a benefit that is commonly  
provided, to members of the military at the property.
- 4648 (3) The maximum rate of the MIDA accommodations tax is 15% of the amounts paid to or charged by  
the provider for accommodations and services.
- 4650 (4) A provider may recover an amount equal to the MIDA accommodations tax from customers, if the  
provider includes the amount as a separate billing line item.
- 4652 (5) If the authority imposes the tax described in this section, neither the authority nor a public entity  
may impose, on the amounts paid or charged for accommodations and services, any other tax  
described in:
- 4655 (a) Title 59, Chapter 12, Sales and Use Tax Act; or
- 4656 (b) Title 59, Chapter 28, State Transient Room Tax Act.
- 4657 (6) Except as provided in Subsection (7) or (8), the tax imposed under this section shall be  
administered, collected, and enforced in accordance with:
- 4659 (a) the same procedures used to administer, collect, and enforce the tax under:
- 4660 (i) Title 59, Chapter 12, Part 1, Tax Collection; or
- 4661 (ii) Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act; and
- 4662 (b) Title 59, Chapter 1, General Taxation Policies.
- 4663 (7) The location of a transaction shall be determined in accordance with Sections 59-12-211 through  
59-12-215.
- 4665 (8)
- (a) A tax under this section is not subject to Section 59-12-107.1 or 59-12-123 or Subsections  
59-12-205(2) [~~through (5)~~] and (4) through (6).



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- 4667 (b) The exemptions described in Sections 59-12-104, 59-12-104.1, and 59-12-104.6 do not apply to a  
tax imposed under this section.
- 4669 (9) The State Tax Commission shall:
- 4670 (a) except as provided in Subsection (9)(b), distribute the revenue collected from the tax to the  
authority; and
- 4672 (b) retain and deposit an administrative charge in accordance with Section 59-1-306 from revenue the  
commission collects from a tax under this section.
- 4674 (10)
- (a) If the authority imposes, repeals, or changes the rate of tax under this section, the implementation,  
repeal, or change shall take effect:
- 4676 (i) on the first day of a calendar quarter; and
- 4677 (ii) after a 90-day period beginning on the date the State Tax Commission receives the notice  
described in Subsection (10)(b) from the authority.
- 4679 (b) The notice required in Subsection (10)(a)(ii) shall state:
- 4680 (i) that the authority will impose, repeal, or change the rate of a tax under this section;
- 4681 (ii) the effective date of the implementation, repeal, or change of the tax; and
- 4682 (iii) the rate of the tax.
- 4683 (11) In addition to the uses permitted under Section 63H-1-502, the authority may allocate revenue  
from the MIDA accommodations tax to a county in which a place of accommodation that is subject  
to the MIDA accommodations tax is located, if:
- 4686 (a) the county had a transient room tax described in Section 59-12-301 in effect at the time the authority  
board imposed a MIDA accommodations tax by ordinance; and
- 4688 (b) the revenue replaces revenue that the county received from a county transient room tax described in  
Section 59-12-301 for the county's general operations and administrative expenses.
- 4691 Section 34. Section **63N-3-602** is amended to read:
- 4692 **63N-3-602. (Effective upon governor's approval)Definitions.** <compare  
mode="add">(Compare Error)</compare>
- As used in this part:
- 37 (1) "Affordable housing" means housing occupied or reserved for occupancy by households with a  
gross household income:



## SB0026S01 compared with SB0026S04

- (a) equal to or less than 80% of the county median gross income~~[of the applicable municipal or county statistical area]~~for households of the same size~~[-in certain circumstances as provided in this part]; or~~
- 42 (b) equal to or less than 60% of the county median gross income~~[of the applicable municipal or county statistical area]~~for households of the same size~~[-in certain circumstances as provided in this part].~~
- 45 (2) "Agency" means the same as that term is defined in Section 17C-1-102.
- 46 (3) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.
- 48 (4) tax increment begins to be collected for ~~[those]~~ the parcels that are in a project that istriggered for that collection period.
- 52 (5) "Bus rapid transit" means a high-quality bus-based transit system that delivers fast and efficient service that may include dedicated lanes, busways, traffic signal priority, off-board fare collection, elevated platforms, and enhanced stations.
- 55 (6) "Bus rapid transit station" means an existing station, stop, or terminal, or a proposed station, stop, or terminal that is specifically identified as needed in phase one of a metropolitan planning organization's adopted long-range transportation plan and in phase one of the relevant public transit district's adopted long-range transit plan:
- 59 (a) along an existing bus rapid transit line; or
- 60 (b) along an extension to an existing bus rapid transit line or new bus rapid transit line.
- 61 (7)
- (a) "Commuter rail" means a ~~[heavy-rail]~~ regional passenger rail transit facility operated by a large public transit district.
- 63 (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public transit district.
- 65 (8) "Commuter rail station" means an existing station, stop, or terminal, or a proposed station, stop, or terminal, which has been specifically identified as needed in phase one of a metropolitan planning organization's adopted long-range transportation plan and in phase one of the relevant public transit district's adopted long-range transit plan:
- 69 (a) along an existing commuter rail line;
- 70 (b) or
- 71 (c) .
- 72 (9)

## **SB0026S01 compared with SB0026S04**

(a) "Developable area" means the portion of land within a housing and transit reinvestment zone available for development and construction of business and residential uses.

75 (b) "Developable area" does not include portions of land within a housing and transit reinvestment zone that are allocated to:

77 (i) parks;

78 (ii) recreation facilities;

79 (iii) open space;

80 (iv) trails;

81 (v) publicly-owned roadway facilities; or

82 (vi) other public facilities.

83 (10)"Dwelling unit" means one or more rooms arranged for the use of one or more individuals living together, as a single housekeeping unit normally having cooking, living, sanitary, and sleeping facilities.

86 (11)"Enhanced development" means the construction of mixed uses including housing, commercial uses, and related facilities.

88 (12)"Enhanced development costs" means extra costs associated with structured parking costs, vertical construction costs, horizontal construction costs, life safety costs, structural costs, conveyor or elevator costs, and other costs incurred due to the increased height of buildings or enhanced development.

92 (13)"First home investment zone" means the same as that term is defined in Section 63N-3-1601.

94 (14)"Fixed guideway" means the same as that term is defined in Section 59-12-102.

95 (15)"Horizontal construction costs" means the additional costs associated with earthwork, over excavation, utility work, transportation infrastructure, and landscaping to achieve enhanced development in the housing and transit reinvestment zone.

98 (16)"Housing and transit reinvestment zone" means a housing and transit reinvestment zone created pursuant to this part.

100 (17)"Housing and transit reinvestment zone committee" means a housing and transit reinvestment zone committee created pursuant to Section 63N-3-605.

102 (18)"Large public transit district" means the same as that term is defined in Section 17B-2a-802.

104 (19)"Light rail" means a passenger rail public transit system with right-of-way and fixed rails:

106 (a) dedicated to exclusive use by light-rail public transit vehicles;

## SB0026S01 compared with SB0026S04

- 107 (b) that may cross streets at grade; and  
108 (c) that may share parts of surface streets.
- 109 (20)"Light rail station" means an existing station, stop, or terminal or a proposed station, stop, or  
terminal, which has been specifically identified as needed in phase one of a metropolitan planning  
organization's adopted long-range transportation plan and in phase one of the relevant public transit  
district's adopted long-range plan:
- 113 (a) along an existing light rail line; or  
114 (b) along an extension to an existing light rail line or new light rail line.
- 115 (21)"Metropolitan planning organization" means the same as that term is defined in Section  
72-1-208.5.
- 117 (22)"Mixed use development" means development with a mix of:
- 118 (a) multi-family residential use; and  
119 (b) at least one additional land use, which shall be a significant part of the overall development.
- 121 (23)"Municipality" means the same as that term is defined in Section 10-1-104.
- 122 (24)"Participant" means the same as that term is defined in Section 17C-1-102.
- 123 (25)"Participation agreement" means the same as that term is defined in Section 17C-1-102, except that  
the agency may not provide and the person may not receive a direct subsidy.
- 125 (26)"Project" means a housing and transit reinvestment zone created under this part.
- 126 ~~[(26)]~~ (27)"Public transit county" means a county that has created a small public transit district.
- 128 ~~[(27)]~~ (28)"Public transit hub" means a public transit depot or station where four or more routes serving  
separate parts of the county-created transit district stop to transfer riders between routes.
- 131 ~~[(28)]~~ (29).
- 134 ~~[(29)]~~ (30).
- 137 ~~[(30)]~~ (31) the difference between:
- 138 (a)the amount of state sales and use tax revenue generated each year following the sales and use tax  
base year by the sales and use tax from the area within a housing and transit reinvestment zone  
designated in the housing and transit reinvestment zone proposal as the area from which sales and  
use tax increment is to be collected; and
- 142 (b).
- 144 ~~[(31)]~~ (32).
- 146 ~~[(32)]~~ (33)"Small public transit district" means the same as that term is defined in Section 17B-2a-802.

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148      [~~(33)~~] (34)"Tax Commission" means the State Tax Commission created in Section 59-1-201.

149      [~~(34)~~] (35)

(a)"Tax increment" means the difference between:

150          (i)the amount of property tax revenue generated each tax year by a taxing entity from the  
                area within a housing and transit reinvestment zone designated in the housing and transit  
                reinvestment zone proposal as the area from which tax increment is to be collected, using the  
                current assessed value and each taxing entity's current certified tax rate as defined in Section  
                59-2-924; and

155          (ii)the amount of property tax revenue that would be generated from that same area using the base  
                taxable value and each taxing entity's current certified tax rate as defined in Section 59-2-924.

158      (b)"Tax increment" does not include property tax revenue from:

159          (i)a multicounty assessing and collecting levy described in Subsection 59-2-1602(2); or

161          (ii)a county additional property tax described in Subsection 59-2-1602(4).

162      [~~(35)~~] (36)"Taxing entity" means the same as that term is defined in Section 17C-1-102.

163      [~~(36)~~] (37)"Vertical construction costs" means the additional costs associated with construction above  
                four stories and structured parking to achieve enhanced development in the housing and transit  
                reinvestment zone.

4893          Section 35. Section **63N-3-603** is amended to read:

4894          **63N-3-603. (Effective upon governor's approval)Applicability, requirements, and**  
**limitations on a housing and transit reinvestment zone.**

4896      (1) A housing and transit reinvestment zone proposal created under this part shall  
                ~~[promote]~~ demonstrate how the proposal addresses the following objectives:

4898      (a) higher utilization of public transit;

4899      (b) increasing availability of housing, including affordable housing, and fulfillment of moderate income  
                housing plans;

4901      (c) promoting and encouraging development of owner-occupied housing;

4902      (d) improving efficiencies in parking and transportation, including walkability of communities near  
                public transit facilities;

4904      (e) overcoming development impediments and market conditions that render a development cost  
                prohibitive absent the proposal and incentives;

4906      (f) conserving water resources through efficient land use;

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- 4907 (g) improving air quality by reducing fuel consumption and motor vehicle trips;
- 4908 (h) encouraging transformative mixed-use development and investment in transportation and public transit infrastructure in strategic areas;
- 4910 (i) strategic land use and municipal planning in major transit investment corridors as described in Subsection 10-9a-403(2);
- 4912 (j) increasing access to employment and educational opportunities; and
- 4913 (k) increasing access to child care.
- 4914 (2)
- (a) In order to accomplish the objectives described in Subsection (1), a municipality or public transit county that initiates the process to create a housing and transit reinvestment zone as described in this part shall ensure that the proposal for a housing and transit reinvestment zone includes:
- 4918 (i) except as provided in Subsection (3), at least 12% of the proposed dwelling units within the housing and transit reinvestment zone are affordable housing units, with:
- 4921 (A) up to 9% of the proposed dwelling units occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the county median gross income~~[of the applicable municipal or county statistical area]~~ for households of the same size; and
- 4925 (B) at least 3% of the proposed dwelling units occupied or reserved for occupancy by households with a gross household income equal to or less than 60% of the county median gross income ~~[of the applicable municipal or county statistical area]~~ for households of the same size;
- 4929 (ii) except as provided in Subsection (2)(c), a housing and transit reinvestment zone shall include:
- 4931 (A) at least 51% of the developable area within a housing and transit reinvestment zone as residential uses; and
- 4933 (B) an average of at least 50 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential uses;
- 4935 (iii) mixed-use development; and
- 4936 (iv) a mix of dwelling units to ensure that ~~[a reasonable percentage]~~ at least 25% of the dwelling units ~~[has]~~ have more than one bedroom.
- 4938 (b)
- (i) If a housing and transit reinvestment zone is phased, a municipality or public transit county shall ensure that a housing and transit reinvestment zone is phased and developed to provide the required 12% of affordable housing units in each phase of development.

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- 4942 (ii) A municipality or public transit county may allow a housing and transit reinvestment zone to be  
phased and developed in a manner to provide more of the required affordable housing units in early  
phases of development.
- 4945 (iii) A municipality or public transit county shall include in a housing and transit reinvestment zone  
proposal an affordable housing plan, which may include deed restrictions, to ensure the affordable  
housing required in the proposal will continue to meet the definition of affordable housing at least  
throughout the entire term of the housing and transit reinvestment zone.
- 4950 (c) For a housing and transit reinvestment zone proposed by a public transit county at a public transit  
hub, or for a housing and transit reinvestment zone proposed by a municipality at a bus rapid transit  
station, the housing and transit reinvestment zone shall include:
- 4954 (i) at least 51% of the developable area within a housing and transit reinvestment zone as residential  
uses; and
- 4956 (ii) an average of at least 39 dwelling units per acre within the acreage of the housing and transit  
reinvestment zone dedicated to residential uses.
- 4958 (3) A municipality or public transit county that, at the time the housing and transit reinvestment zone  
proposal is approved by the housing and transit reinvestment zone committee, meets the affordable  
housing guidelines of the United States Department of Housing and Urban Development at 60%  
area median income is exempt from the requirement described in Subsection (2)(a).
- 4963 (4)
- (a) A municipality may only propose a housing and transit reinvestment zone at a commuter rail station,  
and a public transit county may only propose a housing and transit reinvestment zone at a public  
transit hub, that:
- 4966 (i) subject to Subsection (5)(a):
- 4967 (A)
- (I) except as provided in Subsection (4)(a)(i)(A)(II), for a municipality, does not exceed a 1/3 mile  
radius of a commuter rail station;
- 4969 (II) for a municipality that is a city of the first or second class [~~with a population greater than 150,000~~  
]that is within a county of the first or second class, with an opportunity zone created pursuant to  
Section 1400Z-1, Internal Revenue Code, does not exceed a 1/2 mile radius of a commuter rail  
station located within the opportunity zone; or
- 4974 (III) for a public transit county, does not exceed a 1/3 mile radius of a public transit hub; and

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- 4976 (B) has a total area of no more than 125 noncontiguous acres;
- 4977 (ii) subject to Section 63N-3-607, proposes the capture of a maximum of 80% of each taxing entity's property tax increment above the base year for a term of no more than 25 consecutive years on each parcel within a 45-year period not to exceed the property tax increment amount approved in the housing and transit reinvestment zone proposal; and
- 4982 (iii) the commencement of collection of property tax increment, for all or a portion of the housing and transit reinvestment zone~~[-with]~~ project area, shall be triggered by providing notice as described in Subsection (6), but a housing and transit reinvestment zone proposal may not propose or include triggering more than three property tax increment collection periods for the same project during the applicable 45-year period.
- 4988 (b) A municipality or public transit county may only propose a housing and transit reinvestment zone at a light rail station or bus rapid transit station that:
- 4990 (i) subject to Subsection (5):
- 4991 (A) does not exceed:
- 4992 (I) except as provided in Subsection (4)(b)(i)(A)(II), (III), or (4)(e), a 1/4 mile radius of a bus rapid transit station or light rail station;
- 4994 (II) for a municipality that is a city of the first class with a population greater than 150,000 that is within a county of the first class, a 1/2 mile radius of a light rail station located in an opportunity zone created pursuant to Section
- 4997 1400Z-1, Internal Revenue Code; or
- 4998 (III) a 1/2 mile radius of a light rail station located within a master-planned development of 500 acres or more; and
- 5000 (B) has a total area of no more than 100 noncontiguous acres;
- 5001 (ii) subject to Subsection (4)(c) and Section 63N-3-607, proposes the capture of a maximum of 80% of each taxing entity's property tax increment above the base year for a term of no more than 15 consecutive years on each parcel within a 30-year period not to exceed the property tax increment amount approved in the housing and transit reinvestment zone proposal; and
- 5006 (iii) the commencement of collection of property tax increment, for all or a portion of the housing and transit reinvestment zone~~[-with]~~ project area, shall be triggered by providing notice as described in Subsection (6), but a housing and transit reinvestment zone proposal may not propose or include

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triggering more than three property tax increment collection periods for the same project during the applicable 30-year period.

- 5012 (c) For a housing and transit reinvestment zone proposed by a public transit county at a public transit hub, or for a housing and transit reinvestment zone proposed by a municipality at a bus rapid transit station, if the proposed housing density within the housing and transit reinvestment zone is between 39 and 49 dwelling units per acre, the maximum capture of each taxing entity's property tax increment above the base year is 60%.
- 5018 (d) A municipality that is a city of the first class with a population greater than 150,000 in a county of the first class as described in Subsections (4)(a)(i)(A)(II) and (4)(b)(i)(A)(II) may only propose one housing and transit reinvestment zone within an opportunity zone.
- 5022 (e)
- (i) Subject to Subsection (4)(e)(ii), the radius restrictions described in Subsection (4)(b)(i) do not apply, and a housing and transit reinvestment zone may extend to an area between two light rail stations located within a city of the third class if the two light rail stations are within a .95 mile distance on the same light rail line.
- 5026 (ii) If a housing and transit reinvestment zone is extended to accommodate two light rail stations as described in Subsection (4)(e)(i):
- 5028 (A) the housing and transit reinvestment zone is limited to a total area not to exceed 100 noncontiguous acres; and
- 5030 (B) the housing and transit reinvestment zone may not exceed a 1/4 mile radius from the light rail stations or any point on the light rail line between the two stations.
- 5033 (f) If a parcel within the housing and transit reinvestment zone is included as an area that is part of a project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter 1, Agency Operations, that parcel may not be triggered for collection unless the project area funds collection period, as that term is defined in Section 17C-1-102, has expired.
- 5038 (5)
- (a) For a housing and transit reinvestment zone for a commuter rail station, if a parcel is [~~bisected~~] intersected by the relevant radius limitation, the full parcel may be included as part of the housing and transit reinvestment zone area and will not count against the limitations described in Subsection (4)(a)(i).

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(b) For a housing and transit reinvestment zone for a light rail or bus rapid transit station, if a parcel is ~~[bisected]~~ intersected by the relevant radius limitation, the full parcel may be included as part of the housing and transit reinvestment zone area and will not count against the limitations described in Subsection (4)(b)(i).

5046 (c) A housing and transit reinvestment zone may not be smaller than 10 acres.

5047 (6)

(a) The notice of commencement of collection of property tax increment required in Subsection (4)(a)(iii) or (4)(b)(iii) shall be sent by mail or electronically to the following entities no later than ~~[January 1]~~ December 31 of the year before the year for which the property tax increment collection is proposed to commence:

5051 ~~[(a)]~~ (i) the ~~[tax commission]~~ State Tax Commission;

5052 ~~[(b)]~~ (ii) the State Board of Education;

5053 ~~[(c)]~~ (iii) the state auditor;

5054 ~~[(d)]~~ (iv) the auditor of the county in which the housing and transit reinvestment zone is located;

5056 ~~[(e)]~~ (v) each taxing entity affected by the collection of property tax increment from the housing and transit reinvestment zone; and

5058 ~~[(f)]~~ (vi) the Governor's Office of Economic Opportunity.

5059 (b) The notice described in Subsection (4)(a)(iii) or (4)(b)(iii) may not be triggered until the date on which the housing and transit reinvestment zone proposal is approved by the housing and transit reinvestment zone committee.

5062 (7)

(a) The maximum number of housing and transit reinvestment zones at light rail stations, not including a convention center reinvestment zone, is eight in any given county.

5065 (b) Within a county of the first class, the maximum number of housing and transit reinvestment zones at bus rapid transit stations is three.

5067 (c) Within a county of the first class, the maximum total combined number of housing and transit reinvestment zones described in Subsections (7)(a) and (b) and first home investment zones created under Part 16, First Home Investment Zone Act, is 11.

5070 (8)

(a) For purposes of this Subsection (8), "entitlement agreement" means:

5071 (i) a land use application;

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- 5072        (ii) a rezone petition; or
- 5073        (iii) a request, petition, or application to:
- 5074        (A) enact or approve a development agreement: or
- 5075        (B) to amend or modify a development agreement.
- 5076        (b) This Subsection (8) applies to a specified county, as defined in Section 17-27a-408, that has created  
              a small public transit district on or before January 1, 2022.
- 5078        (c) To accomplish the objectives described in Subsection (1), an owner of undeveloped property within  
              an unincorporated county shall have the right to develop and build a mixed-use development if:
- 5081        (i) the owner has submitted an entitlement agreement to the county on or before December 31, 2022,  
              and is within a 1/3 mile radius of a public transit hub in a county described in Subsection (8)(b),  
              including parcels that are intersected by the 1/3 mile radius; and
- 5085        (ii) the county described in Subsection (8)(b) has failed to approve the entitlement agreement described  
              in Subsection (8)(c)(i) by ordinance before December 31, 2022.
- 5088        (d) The mixed use development described in Subsection (8)(c) shall include the following:
- 5090        (i)  
              (A)  
                  (I) a maximum number of dwelling units equal to 30 multiplied by the total acres of developable  
                  area within the mixed-use development dedicated exclusively to residential use; or
- 5093        (II) a maximum number of dwelling units equal to 15 multiplied by the total acres of the mixed-use  
              development; and
- 5095        (B) at least 33% of the dwelling units as affordable housing;
- 5096        (ii) commercial uses, including office, retail, educational, and healthcare in support of the mixed-used  
              development constituting no more than 1/3 of the total planned gross building square footage of the  
              subject parcels; and
- 5099        (iii) any other infrastructure element necessary or reasonable to support the mixed-use development,  
              including:
- 5101        (A) parking infrastructure;
- 5102        (B) streets;
- 5103        (C) sidewalks;
- 5104        (D) parks; and
- 5105        (E) trails.

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- 5106 (e)
- (i) The mixed-use development described in this Subsection (8) may qualify for a housing and transit reinvestment zone described in Subsection (4)(a).
- 5108 (ii) The county described in Subsection (8)(b) may propose a housing and transit reinvestment zone pursuant to this part, if the housing and transit reinvestment zone includes:
- 5111 (A)
- (I) an average of at least 30 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential use; or
- 5113 (II) a minimum number of 14 dwelling units per acre on average within the acreage of the housing and transit reinvestment zone; and
- 5115 (B) at least 33% of the dwelling units as affordable housing units.
- 5116 (f) A county may not take an action or enforce an agreement, ordinance, regulation, or requirement that prevents or creates development impediments to the development of a mixed-use development as described in this Subsection (8).
- 5119 (g) A county action to approve or implement the development of a mixed-use development as described in this Subsection (8) shall constitute an administrative action taken by the county and does not require county legislative action.
- 5122 [(8)
- (a) ~~This Subsection (8) applies to a specified county, as defined in Section 17-27a-408, that has created a small public transit district on or before January 1, 2022.]~~
- 5125 [(b)
- (i) ~~A county described in Subsection (8)(a) shall, in accordance with Section 63N-3-604, prepare and submit to the Governor's Office of Economic Opportunity a proposal to create a housing and transit reinvestment zone on or before December 31, 2022.]~~
- 5129 [(ii) ~~A county described in Subsection (8)(a) that, on December 31, 2022, was noncompliant under Section 17-27a-408 for failure to demonstrate in the county's moderate income housing report that the county complied with Subsection (8)(b)(i), may cure the deficiency in the county's moderate income housing report by submitting satisfactory proof to the Housing and Community Development Division that, notwithstanding the deadline in Subsection (8)(b)(i), the county has submitted to the Governor's Office of Economic Opportunity a proposal to create a housing and transit reinvestment zone.]~~

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- 5137 [(e)
- (i) ~~A county described in Subsection (8)(a) may not propose a housing and transit reinvestment zone if more than 15% of the acreage within the housing and transit reinvestment zone boundary is owned by the county.]~~
- 5140 [(ii) For purposes of determining the percentage of acreage owned by the county as described in Subsection (8)(c)(i), a county may exclude any acreage owned that is used for highways, bus rapid transit, light rail, or commuter rail within the boundary of the housing and transit reinvestment zone.]
- 5144 [(d) To accomplish the objectives described in Subsection (1), if a county described in Subsection (8)(a) has failed to comply with Subsection (8)(b)(i) by failing to submit an application before December 31, 2022, an owner of undeveloped property who has submitted a land use application to the county on or before December 31, 2022, and is within a 1/3 mile radius of a public transit hub in a county described in Subsection (8)(a), including parcels that are bisected by the 1/3 mile radius, shall have the right to develop and build a mixed-use development including the following:]
- 5151 [(i) ~~excluding the parcels devoted to commercial uses as described in Subsection (8)(d)(ii), at least 39 dwelling units per acre on average over the developable area, with at least 10% of the dwelling units as affordable housing units;~~]
- 5154 [(ii) ~~commercial uses including office, retail, educational, and healthcare in support of the mixed-use development constituting up to 1/3 of the total planned gross building square footage of the subject parcels; and~~]
- 5157 [(iii) ~~any other infrastructure element necessary or reasonable to support the mixed-use development, including parking infrastructure, streets, sidewalks, parks, and trails.~~]

5160 Section 36. Section **36** is enacted to read:

5161 **63N-3-603.1. Applicability, requirements, and limitations on a convention center reinvestment zone.**

5163 (1) A convention center reinvestment zone proposal created under this part shall demonstrate how the proposal addresses the following objectives:

5165 (a) redevelopment of a convention center and the surrounding area's infrastructure and assets;

5167 (b) activation of unrealized economic opportunities related to the convention center and surrounding infrastructure and assets;

5169

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- (c) modernization of infrastructure and design of the convention center and surrounding area and related public spaces;
- 5171 (d) encouragement of transformative development and investment, including parking improvements;
- 5173 (e) promotion of economic development and employment opportunities;
- 5174 (f) improvement of the aesthetic, functionality, and walkability of the convention center and surrounding area;
- 5176 (g) enhancement of tourism opportunities; and
- 5177 (h) creation of outdoor event space to accommodate events or festivals open to the public.
- 5179 (2) A convention center reinvestment zone in a capital city proposal created under this part shall also demonstrate how the proposal addresses the following objectives:
- 5181 (a) redevelopment of a convention center and surrounding infrastructure and assets that directly serve the convention center, including parking facilities;
- 5183 (b) modernization of infrastructure and design of the convention center; and
- 5184 (c) improvement of the aesthetic, functionality, and walkability of the convention center.
- 5185 (3) The Governor's Office of Economic Opportunity shall propose a convention center reinvestment zone to accomplish the objectives described in Subsections (1) and (2).
- 5187 (4)
- (a)
- (i) A convention center reinvestment zone proposal may propose the capture of 100% of the property tax increment and 100% of the sales and use tax increment described in Subsection 63N-3-602(38)(b)(ii) for a period of 30 years.
- 5190 (ii) For a convention center reinvestment zone in a capital city, in addition to the proposed capture of property tax increment and sales and use tax increment described in Subsection (4)(a)(i), the convention center reinvestment zone may propose the capture of 50% of the sales and use tax increment described in Subsection 63N-3-602(38)(b)(i).
- 5195 (b) The convention center reinvestment zone proposal shall include the respective start date for:
- 5197 (i) the 30-year period of property tax increment; and
- 5198 (ii) the 30-year period of the sales and use tax increment.
- 5199 (c) The convention center reinvestment zone proposal may not stagger the collection periods for the parcels within the convention center reinvestment zone boundary and the parcels within the convention center reinvestment zone boundary shall have the same 30-year collection period.

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- 5203 (d) The convention center reinvestment zone proposal start date for the 30-year period described in this  
Subsection (4), shall be January 1 of the year of the identified tax collection year.
- 5206 (e)
- (i) For a convention center reinvestment zone in a capital city, revenue from the property tax increment  
and sales and use tax increment shall be distributed directly to a convention center public  
infrastructure district in a capital city created as required in Subsection 63N-3-607(8)(b); and
- 5210 (ii) For a convention center reinvestment zone in a city other than a capital city, revenue from  
the property tax increment and sales and use tax increment may be distributed directly to the  
municipality or public infrastructure district as described in the convention center reinvestment zone  
proposal.
- 5214 (5) The Governor's Office of Economic Opportunity may only propose a convention center  
reinvestment zone:
- 5216 (a) within the boundary of the eligible municipality;
- 5217 (b) consisting of a total area:
- 5218 (i) not to exceed 50 acres; or
- 5219 (ii) if greater than 50 acres, approved by the relevant eligible municipality;
- 5220 (c) consisting only of contiguous parcels; and
- 5221 (d) for a convention center reinvestment zone in a capital city, in an area that includes any portion of an  
existing convention center and any city block that is bordered on more than one side by an existing  
convention center.
- 5224 (6)
- (a) For a convention center reinvestment zone in a capital city, the Governor's Office of Economic  
Opportunity shall propose a convention center reinvestment zone on or before April 15, 2025.
- 5227 (b) For a convention center reinvestment zone that is not in a capital city, the Governor's Office of  
Economic Opportunity shall propose a convention center reinvestment zone within 60 days after  
receiving a petition from the relevant city.
- 5230 (7) A convention center reinvestment zone does not count toward the maximum of eight housing and  
transit reinvestment zones in a given county as provided in Subsection 63N-3-603(7)(a).
- 5233 Section 37. Section 63N-3-604 is amended to read:
- 5234 **63N-3-604. Process for a proposal of a housing and transit reinvestment zone -- Analysis.**
- 5236

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(1) Subject to approval of the housing and transit reinvestment zone committee as described in Section 63N-3-605, in order to create a housing and transit reinvestment zone, a municipality or public transit county that has general land use authority over the housing and transit reinvestment zone area, shall:

- 5240 (a) prepare a proposal for the housing and transit reinvestment zone that:
- 5241 (i) demonstrates that the proposed housing and transit reinvestment zone will meet the objectives described in Subsection 63N-3-603(1);
- 5243 (ii) explains how the municipality or public transit county will achieve the requirements of Subsection 63N-3-603(2)(a)(i);
- 5245 (iii) defines the specific transportation infrastructure needs, if any, and proposed improvements and estimated budgets;
- 5247 (iv) defines the boundaries of:
- 5248 (A) the housing and transit reinvestment zone; and
- 5249 (B) the sales and use tax boundary corresponding to the housing and transit reinvestment zone boundary, as described in Section 63N-3-610;
- 5251 (v) includes maps of the proposed housing and transit reinvestment zone to illustrate:
- 5252 (A) the proposed boundary and radius from a public transit hub;
- 5253 (B) proposed housing density within the housing and transit reinvestment zone; and
- 5255 (C) existing zoning and proposed zoning changes related to the housing and transit reinvestment zone;
- 5257 (vi) identifies any development impediments that prevent the development from being a market-rate investment~~[-and]~~ , including proposed strategies and estimated budgets for addressing each one;
- 5260 (vii) describes the proposed development plan and estimated budgets, including the requirements described in Subsections 63N-3-603(2) and (4);
- 5262 (viii) establishes a base year and collection period to calculate the property tax increment within the housing and transit reinvestment zone;
- 5264 (ix) establishes a sales and use tax base year to calculate the sales and use tax increment within the housing and transit reinvestment zone in accordance with Section 63N-3-610;
- 5267 (x) describes projected maximum revenues generated and the amount of property tax increment capture from each taxing entity and proposed expenditures of revenue derived from the housing and transit reinvestment zone;

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- (xi) includes an analysis of other applicable or eligible incentives, grants, or sources of revenue that can be used to reduce the finance gap;
- 5272 (xii) estimates budgets and evaluates possible benefits to active and public transportation availability and impacts on air quality;
- 5274 (xiii) proposes a finance schedule to align expected revenue with required financing costs and payments;
- 5276 (xiv) provides a pro-forma for the planned development that:
- 5277 (A) satisfies the requirements described in Subsections 63N-3-603(2), (3), and (4); [~~and~~]
- 5279 (B) includes data showing the cost difference between what type of development could feasibly be developed absent the housing and transit reinvestment zone property tax increment and the type of development that is proposed to be developed with the housing and transit reinvestment zone property tax increment; and
- 5284 (C) provides estimated budgets and construction costs, anticipated revenue, financing, expenses, and other sources and uses of funds for the project area; and
- 5287 (xv) for a housing and transit reinvestment zone at a commuter rail station, light rail station, or bus rapid transit station that is proposed and not in public transit service operation as of the date of submission of the proposal, demonstrates that the proposed station is:
- 5291 (A) included as needed in phase one of a metropolitan planning organization's adopted long-range transportation plan and in phase one of the relevant public transit district's adopted long-range plan; and
- 5294 (B) reasonably anticipated to be constructed in the near future; and
- 5295 (b) submit the housing and transit reinvestment zone proposal to the Governor's Office of Economic Opportunity.
- 5297 (2) As part of the proposal described in Subsection (1), a municipality or public transit county shall study and evaluate possible impacts of a proposed housing and transit reinvestment zone on parking within the city and housing and transit reinvestment zone.
- 5300 (3)
- (a) After receiving the proposal as described in Subsection (1)(b), the Governor's Office of Economic Opportunity shall:
- 5302 (i) within 14 days after the date on which the Governor's Office of Economic Opportunity receives the proposal described in Subsection (1)(b), provide notice of the proposal to all affected taxing



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entities, including the Tax Commission, cities, counties, school districts, metropolitan planning organizations, and the county assessor and county auditor of the county in which the housing and transit reinvestment zone is located; and

- 5308 (ii) at the expense of the proposing municipality or public transit county as described in Subsection (5), contract with an independent entity to perform the financial gap analysis described in Subsection (3)(b).
- 5311 (b) The gap analysis required in Subsection (3)(a)(ii) shall include:
- 5312 (i) a description of the planned development;
- 5313 (ii) a market analysis relative to other comparable project developments included in or adjacent to the municipality or public transit county absent the proposed housing and transit reinvestment zone;
- 5316 (iii) an evaluation of the proposal to and a determination of the adequacy and efficiency of the proposal;
- 5318 (iv) an evaluation of the proposed increment capture needed to cover the enhanced development costs associated with the housing and transit reinvestment zone proposal and enable the proposed development to occur; and
- 5321 (v) based on the market analysis and other findings, an opinion relative to the appropriate amount of potential public financing reasonably determined to be necessary to achieve the objectives described in Subsection 63N-3-603(1).
- 5324 (c) After receiving notice from the Governor's Office of Economic Opportunity of a proposed housing and transit reinvestment zone as described in Subsection (3)(a)(i), the State Tax Commission shall:
- 5327 (i) evaluate the feasibility of administering the tax implications of the proposal; and
- 5328 (ii) provide a letter to the Governor's Office of Economic Opportunity describing any challenges in the administration of the proposal, or indicating that the Tax Commission can feasibly administer the proposal.
- 5331 (4) After receiving the results from the analysis described in Subsection (3)(b), the municipality or public transit county proposing the housing and transit reinvestment zone may:
- 5334 (a) amend the housing and transit reinvestment zone proposal based on the findings of the analysis described in Subsection (3)(b) and request that the Governor's Office of Economic Opportunity submit the amended housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee; or
- 5338 (b) request that the Governor's Office of Economic Opportunity submit the original housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee.

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- 5341 (5)
- (a) The Governor's Office of Economic Opportunity may accept, as a dedicated credit, up to \$20,000 from a municipality or public transit county for the costs of the gap analysis described in Subsection (3)(b).
- 5344 (b) The Governor's Office of Economic Opportunity may expend funds received from a municipality or public transit county as dedicated credits to pay for the costs associated with the gap analysis described in Subsection (3)(b).
- 5347 Section 38. Section **38** is enacted to read:
- 5348 **63N-3-604.1. Process for proposing a convention center reinvestment zone.**
- 5350 (1) To create a convention center reinvestment zone under this part, the Governor's Office of Economic Opportunity shall, after consulting with and giving notice to the related eligible municipality and county, provide a proposal for a convention center reinvestment zone to the housing and transit reinvestment zone committee.
- 5354 (2)
- (a) The Governor's Office of Economic Opportunity shall ensure that a proposal for the creation of a convention center reinvestment zone includes the following information and data that:
- 5357 (i) defines the boundary of the proposed convention center reinvestment zone;
- 5358 (ii) describes generally the proposed development plan;
- 5359 (iii) identifies a base year and collection period to calculate the property tax increment within the convention center reinvestment zone;
- 5361 (iv) specifies a sales and use tax base year to calculate the sales and use tax increment within the convention center reinvestment zone in accordance with Section 63N-3-610.1;
- 5364 (v) provides estimated project and investment objectives for the convention center reinvestment zone; and
- 5366 (vi) outlines generally the impacts on transportation in and around the proposed convention center reinvestment zone.
- 5368 (b) For a convention center reinvestment zone in a capital city, the proposal described in Subsection (2)(a) shall also provide estimated budgets and construction costs, anticipated revenue, financing, expenses, and other sources and uses of funds for the project area.
- 5372 (c) The proposal described in Subsection (2)(b) shall limit the use of funds to:
- 5373 (i) a convention center;

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- 5374 (ii) a publicly owned entertainment venue;  
5375 (iii) parking; and  
5376 (iv) infrastructure related to the project.  
5377 (3) A proposal by the Governor's Office of Economic Opportunity for a convention center reinvestment zone shall demonstrate how the information and data provided in the proposal pursuant to Subsection (2) furthers the objectives described in Section 63N-3-603.1 and is in the public interest.  
5381 (4) After submitting the proposal as described in Subsection (2), the Governor's Office of Economic Opportunity shall provide notice of the proposal to all affected taxing entities, including the State Tax Commission, cities, counties, school districts, metropolitan planning organizations, and the county assessor and county auditor of the county in which the convention center reinvestment zone is located.  
5386 (5) After receiving notice from the Governor's Office of Economic Opportunity of a proposed convention center reinvestment zone as described in Subsection (4), the Tax Commission shall, within 14 days:  
5389 (a) evaluate the feasibility of administering the tax implications of the proposal; and  
5390 (b) provide a letter to the Governor's Office of Economic Opportunity describing any challenges in the administration of the proposal, or indicating that the State Tax Commission can feasibly administer the proposal.  
5393 Section 39. Section 63N-3-605 is amended to read:  
5394 **63N-3-605. Housing and transit reinvestment zone committee -- Creation.**  
5396 (1) For any housing and transit reinvestment zone proposed under this part, or for a first home investment zone proposed in accordance with Part 16, First Home Investment Zone Act, there is created a housing and transit reinvestment zone committee with membership described in Subsection (2).  
5400 (2) Each housing and transit reinvestment zone committee shall consist of the following members:  
5402 (a) one representative from the Governor's Office of Economic Opportunity, designated by the executive director of the Governor's Office of Economic Opportunity;  
5404 (b) one representative from each municipality that is a party to the proposed housing and transit reinvestment zone or first home investment zone, designated by the chief executive officer of each respective municipality;  
5407 (c) a member of the Transportation Commission created in Section 72-1-301;

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- 5408 (d) a member of the board of trustees of a large public transit district;
- 5409 (e) one individual from the Office of the State Treasurer, designated by the state treasurer;
- 5411 (f) two members designated by the president of the Senate;
- 5412 (g) two members designated by the speaker of the House of Representatives;
- 5413 (h) one member designated by the chief executive officer of each county affected by the housing and transit reinvestment zone or first home investment zone;
- 5415 (i) two representatives designated by the school superintendent from the school district affected by the housing and transit reinvestment zone or first home investment zone; and
- 5418 (j) one representative, representing the largest participating local taxing entity, after the municipality, county, and school district.
- 5420 (3) The individual designated by the Governor's Office of Economic Opportunity as described in Subsection (2)(a) shall serve as chair of the housing and transit reinvestment zone committee.
- 5423 (4)
- (a) A majority of the members of the housing and transit reinvestment zone committee constitutes a quorum of the housing and transit reinvestment zone committee.
- 5426 (b) An action by a majority of a quorum of the housing and transit reinvestment zone committee is an action of the housing and transit reinvestment zone committee.
- 5428 (5)
- (a) After the Governor's Office of Economic Opportunity receives the results of the analysis described in Section 63N-3-604, and after the Governor's Office of Economic Opportunity has received a request from the submitting municipality or public transit county to submit the housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee, the Governor's Office of Economic Opportunity shall notify each of the entities described in Subsection (2) of the formation of the housing and transit reinvestment zone committee.
- 5435 (b) For a first home investment zone, the housing and transit reinvestment zone committee shall follow the procedures described in Section 63N-3-1604.
- 5437 (6)
- (a) The chair of the housing and transit reinvestment zone committee shall convene a public meeting to consider the proposed housing and transit reinvestment zone.
- 5439 (b) A meeting of the housing and transit reinvestment zone committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.

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- 5441 (7)
- (a) The proposing municipality or public transit county shall present the housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee in a public meeting.
- 5444 (b) The housing and transit reinvestment zone committee shall, for a housing and transit reinvestment zone proposal:
- 5446 (i) evaluate and verify whether the elements of a housing and transit reinvestment zone described in Subsections 63N-3-603(2) and (4) have been met; and
- 5448 (ii) evaluate the proposed housing and transit reinvestment zone relative to the analysis described in Subsection 63N-3-604(2).
- 5450 (c) The housing and transit reinvestment zone committee shall, for a convention center reinvestment zone proposal, evaluate and verify whether the objectives of a convention center reinvestment zone described in Section 63N-3-603.1 have been met.
- 5454 (8)
- (a) Subject to Subsection (8)(b), the housing and transit reinvestment zone committee may:
- 5456 (i)
- (A) for a housing and transit reinvestment zone, request changes to the housing and transit reinvestment zone proposal based on the analysis, characteristics, and criteria described in Section 63N-3-604; or
- 5459 (B) for a convention center reinvestment zone, request changes to the convention center reinvestment zone proposal based on the characteristics and criteria described in Sections 63N-3-603.1 and 63N-3-604.1; or
- 5462 (ii) vote to approve or deny the proposal.
- 5463 (b) Before the housing and transit reinvestment zone committee may approve the housing and transit reinvestment zone proposal, the municipality or public transit county proposing the housing and transit reinvestment zone shall ensure that the area of the proposed housing and transit reinvestment zone is zoned in such a manner to accommodate the requirements of a housing and transit reinvestment zone described in this section and the proposed development.
- 5469 (9) If a housing and transit reinvestment zone is approved by the committee:
- 5470 (a) the proposed housing and transit reinvestment zone is established according to the terms of the housing and transit reinvestment zone proposal;
- 5472

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(b) affected local taxing entities are required to participate according to the terms of the housing and transit reinvestment zone proposal; and

5474 (c) each affected taxing entity is required to participate at the same rate[-].

5475 (10) A housing and transit reinvestment zone proposal may be amended by following the same procedure as approving a housing and transit reinvestment zone proposal.

5477 (11)

(a) The approval for a convention center reinvestment zone in a capital city may be completed with a condition that the relevant municipality also create a public infrastructure district as provided in Subsection 63N-3-607(8)(b).

5480 (b) The approval described in Subsection (11)(a) shall verify that the requirements and limitations on use of funds is limited to the conditions described under Subsections 63N-3-604.1(2)(b) and (c).

5483 Section 40. Section 63N-3-606 is amended to read:

5484 **63N-3-606. Notice requirements.**

5485 (1) In approving a housing and transit reinvestment zone or convention center reinvestment zone proposal, the housing and transit reinvestment zone committee shall follow the hearing and notice requirements for creating a housing and transit reinvestment zone or convention center reinvestment zone area proposal.

5489 (2) Within 30 days after the housing and transit reinvestment zone committee approves a proposed housing and transit reinvestment zone, the municipality or public transit county, or for a convention center reinvestment zone, the Governor's Office of Economic Opportunity, shall:

5493 (a) record with the recorder of the county in which the housing and transit reinvestment zone or convention center reinvestment zone is located a document containing:

5495 (i) a description of the land within the housing and transit reinvestment zone or convention center reinvestment zone;

5497 (ii) a statement that the proposed housing and transit reinvestment zone or convention center reinvestment zone has been approved; and

5499 (iii) the date of adoption;

5500 (b) transmit a copy of the description of the land within the housing and transit reinvestment zone or convention center reinvestment zone and an accurate map or plat indicating the boundaries of the housing and transit reinvestment zone or convention center reinvestment zone to the Utah Geospatial Resource Center created under Section 63A-16-505; and

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- 5505 (c) transmit a copy of the approved housing and transit reinvestment zone or convention center reinvestment zone proposal, map, and description of the land within the housing and transit reinvestment zone or convention center reinvestment zone, to:
- 5508 (i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any part of the housing and transit reinvestment zone or convention center reinvestment zone is located;
- 5511 (ii) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
- 5514 (iii) the legislative body or governing board of each taxing entity;
- 5515 (iv) the ~~[tax commission]~~ State Tax Commission; and
- 5516 (v) the State Board of Education.
- 5517 Section 41. Section 63N-3-607 is amended to read:
- 5518 **63N-3-607. Payment, use, and administration of revenue from a housing and transit reinvestment zone.**
- 5520 (1) [A] In accordance with this part:
- 5521 (a) a municipality or public transit county may receive and use property tax increment and housing and transit reinvestment zone funds;
- 5523 (b)
- 5526 (i) a public infrastructure district shall use the funds from a convention center reinvestment zone in a capital city within or for the benefit of a convention center reinvestment zone in a capital city; and
- 5526 (ii) funds from a convention center reinvestment zone in a capital city may be used outside of the capital city convention center reinvestment zone if the use meets the objectives described in Section 63N-3-603.1 and is determined by the board of the public infrastructure district to be a direct benefit to the convention center reinvestment zone in a capital city; and
- 5531 (c) ~~[in accordance with this part]~~ a municipality or a public infrastructure district may receive and use property tax increment and convention center reinvestment zone funds for a convention reinvestment zone that is not within a capital city.
- 5534 (2)
- (a) [A] Except as provided in Subsection (3), a county that collects property tax on property located within a housing and transit reinvestment zone shall, in accordance with Section 59-2-1365, distribute to the municipality or public transit county any property tax increment the municipality

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or public transit county is authorized to receive up to the maximum approved by the housing and transit reinvestment zone committee.

5540 (b) ~~[Tax] Property tax~~ increment distributed to a municipality or public transit county in accordance with Subsection (2)(a) is not revenue of the taxing entity or municipality or public transit county.

5543 (c)

(i) ~~[Tax] Property tax~~ increment paid to the municipality or public transit county are housing and transit reinvestment zone funds and shall be administered by an agency created by the municipality or public transit county within which the housing and transit reinvestment zone is located.

5547 (ii) Before an agency may receive housing and transit reinvestment zone funds from the municipality or public transit county, the municipality or public transit county and the agency shall enter into an interlocal agreement with terms that:

5550 (A) are consistent with the approval of the housing and transit reinvestment zone committee; and

5552 (B) meet the requirements of Section 63N-3-603 or, for a convention center reinvestment zone, the requirements of Section 63N-3-603.1.

5554 (3)

(a) A county that collects property tax on property located within a convention center reinvestment zone shall, in accordance with Section 59-2-1365, distribute to the relevant public infrastructure district created by the eligible municipality any property tax increment the public infrastructure district is authorized to receive up to the amounts approved by the housing and transit reinvestment zone committee.

5559 (b) Property tax increment distributed to a public infrastructure district in accordance with Subsection (3)(a) is not revenue of the taxing entity or municipality.

5561 (c) Property tax increment paid to the public infrastructure district are convention center reinvestment zone funds and shall be administered by the public infrastructure district within which the convention center reinvestment zone is located.

5564 ~~[(3)]~~ (4)

(a)

(i) A municipality or public transit county and agency shall use housing and transit reinvestment zone funds within, or for the direct benefit of, the housing and transit reinvestment zone.

5567 (ii) A public infrastructure district shall use convention center reinvestment zone funds within, or for the benefit of, the convention center reinvestment zone.



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- 5569 (b) If any housing and transit reinvestment zone funds will be used outside of the housing and transit  
reinvestment zone there must be a finding in the approved proposal for a housing and transit  
reinvestment zone that the use of the housing and transit reinvestment zone funds outside of the  
housing and transit reinvestment zone will directly benefit the housing and transit reinvestment  
zone.
- 5574 ~~[(4)]~~ (5)
- (a) A municipality or public transit county shall use housing and transit reinvestment zone funds to  
achieve the purposes described in Subsections 63N-3-603(1) and (2), by paying all or part of the  
costs of any of the following:
- 5577 ~~[(a)]~~ (i) income targeted housing costs;
- 5578 ~~[(b)]~~ (ii) structured parking within the housing and transit reinvestment zone;
- 5579 ~~[(c)]~~ (iii) enhanced development costs;
- 5580 ~~[(d)]~~ (iv) horizontal construction costs;
- 5581 ~~[(e)]~~ (v) vertical construction costs;
- 5582 ~~[(f)]~~ (vi) property acquisition costs within the housing and transit reinvestment zone; or
- 5584 ~~[(g)]~~ (vii) the costs of the municipality or public transit county to create and administer the housing  
and transit reinvestment zone, which may not exceed 2% of the total housing and transit  
reinvestment zone funds, plus the costs to complete the gap analysis described in Subsection  
63N-3-604(2).
- 5588 (b) An public infrastructure district shall use convention center reinvestment zone funds to achieve the  
purposes described in Section 63N-3-603.1.
- 5590 ~~[(5)]~~ (6) Housing and transit reinvestment zone funds may be paid to a participant, if the agency and  
participant enter into a participation agreement which requires the participant to utilize the housing  
and transit reinvestment zone funds as allowed in this section.
- 5594 ~~[(6)]~~ (7)
- (a) Housing and transit reinvestment zone funds may be used to pay all of the costs of bonds issued by  
the municipality or public transit county in accordance with Title 17C, Chapter 1, Part 5, Agency  
Bonds, including the cost to issue and repay the bonds including interest.
- 5598 (b) Convention center reinvestment zone funds may be used to pay all of the costs of debt incurred by  
the public infrastructure district, including the cost to issue and repay the debt including interest.
- 5601 ~~[(7)]~~ (8)

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(a) A municipality or public transit county may create one or more public infrastructure districts within the housing and transit reinvestment zone under Title 17D, Chapter 4, Public Infrastructure District Act, and pledge and utilize the housing and transit reinvestment zone funds to guarantee the payment of public infrastructure bonds issued by a public infrastructure district.

5606 (b) An eligible municipality that is a capital city shall create one or more public infrastructure districts within the convention center reinvestment zone under Title 17D, Chapter 4, Public Infrastructure District Act, and the convention center reinvestment zone funds may be used to pay all or any portion of debt incurred by the public infrastructure district, including the cost to issue and repay the debt including interest.

5612 Section 42. Section **63N-3-608** is amended to read:

5613 **63N-3-608. (Effective upon governor's approval) Applicability to an existing community reinvestment project.**

5615 (1)

For a housing and transit reinvestment zone created under this part that overlaps any portion of an existing inactive industrial site community reinvestment project area plan created [ pursuant to] in accordance with Title 17C, Limited Purpose Local Government Entities - {

383 - } Community Reinvestment Agency Act:

384 {(+)}

5619 (+) (a) if the community reinvestment project area plan captures less than 80% of the property tax increment from a taxing entity, or if a taxing entity is not participating in the community reinvestment project area plan, the housing and transit reinvestment zone may capture the difference between:

388 (a) (i) 80%; and

389 (b) (ii) the percentage of property tax increment captured pursuant to the community reinvestment project area plan; and

391 (2) (b) if a community reinvestment project area plan expires before the housing and transit reinvestment zone, the housing and transit reinvestment zone may capture the property tax increment allocated to the community reinvestment project area plan for any remaining portion of the term of the housing and transit reinvestment zone and the base year shall be updated in accordance with Subsection 63N-3-602(4).

5631

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(2) For a convention center reinvestment zone created under this part that overlaps any portion of an existing community reinvestment project area created in accordance with Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act:

5635 (a) if the community reinvestment project area captures less than 100% of the property tax increment from a taxing entity, or if a taxing entity is not participating in the community reinvestment project area, the convention center reinvestment zone may capture the difference between:

5639 (i) 100%; and

5640 (ii) the percentage of property tax increment captured pursuant to the community reinvestment project area for each taxing entity; and

5642 (b) if a community reinvestment project area plan expires before the convention center reinvestment zone, the convention center reinvestment zone may capture the property tax increment allocated to the community reinvestment project area for any remaining portion of the term of the convention center reinvestment zone with the base year relating back to the base year established by the community reinvestment project area.

5648 Section 43. Section **63N-3-609** is amended to read:

5649 **63N-3-609. Property tax increment protections.**

5651 (1) Upon petition by a participating taxing entity or on the initiative of the housing and transit reinvestment zone committee creating a housing and transit reinvestment zone or convention center reinvestment zone, a housing and transit reinvestment zone or convention center reinvestment zone may suspend or terminate the collection of property tax increment in a housing and transit reinvestment zone or convention center reinvestment zone if the housing and transit reinvestment zone committee determines, by clear and convincing evidence, presented in a public meeting of the housing and transit reinvestment zone committee, that:

5659 (a) a substantial portion of the property tax increment collected in the housing and transit reinvestment zone or convention center reinvestment zone has not or will not be used for the purposes provided in Section 63N-3-607; and

5662 (b)

(i) the housing and transit reinvestment zone or convention center reinvestment zone and related public infrastructure district has no indebtedness secured by funds provided for in this chapter; or

5665 (ii) the housing and transit reinvestment zone or convention center reinvestment zone and related public infrastructure district has no binding financial obligations secured by this chapter.

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- 5668 (2) A housing and transit reinvestment zone or convention center reinvestment zone may not collect  
property tax increment in excess of the property tax increment projections or limitations set forth in  
the housing and transit reinvestment zone or convention center reinvestment zone proposal.
- 5672 (3) The agency administering the property tax increment collected in a housing and transit reinvestment  
zone under Subsection 63N-3-607(2)(c) or the public infrastructure district administering the  
property tax increment collected in a convention center reinvestment zone under Subsection  
63N-3-607(3)(c), shall have standing in a court with proper jurisdiction to enforce provisions  
of the housing and transit reinvestment zone or convention center reinvestment zone proposal,  
participation agreements, and other agreements for the use of the property tax increment collected.
- 5679 (4) The agency administering property tax increment from a housing and transit reinvestment zone  
under Subsection 63N-3-607(2)(c) or the public infrastructure district administering the property  
tax increment collected in a convention center reinvestment zone under Subsection 63N-3-607(3)  
(c) which is collecting property tax increment shall follow the reporting requirements described in  
Section 17C-1-603 and the audit requirements described in Sections 17C-1-604 and 17C-1-605.
- 5685 (5) For each housing and transit reinvestment zone or convention center reinvestment zone collecting  
tax increment within a county, the county auditor shall follow the reporting requirement found in  
Section 17C-1-606.

5688 Section 44. Section 63N-3-610 is amended to read:

5689 **63N-3-610. Sales and use tax increment in a housing and transit reinvestment zone.**

- 5691 (1) A housing and transit reinvestment proposal shall, in consultation with the tax commission:
- 5693 (a) create a sales and use tax boundary as described in Subsection (2); and
- 5694 (b) establish a sales and use tax base year and collection period to calculate and transfer the state sales  
and use tax increment within the housing and transit reinvestment zone, which sales and use tax  
base year is established prospectively, 90 days after the date of the notice described in Subsection  
(4).
- 5698 (2)
- (a) The municipality or public transit county, in consultation with the tax commission, shall establish a  
sales and use tax boundary that:
- 5700 (i) is based on state sales and use tax collection boundaries, which are determined using the ZIP  
Code as defined in Section 59-12-102, including the four digit delivery route extension;
- 5703

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- (ii) follows as closely as reasonably practicable the boundary of the housing and transit reinvestment zone; and
- 5705 (iii) is one contiguous area that includes at least the entire boundary of the housing and transit reinvestment zone.
- 5707 (b) If a state sales and use tax boundary is [~~bisected~~] intersected by the boundary of the housing and transit reinvestment zone, the housing and transit reinvestment zone may include the entire state sales and use tax boundary.
- 5710 (c) The municipality or public transit county shall include the sales and use tax boundary in the housing and transit reinvestment zone proposal as described in Section 63N-3-604.
- 5713 (3)
- (a) Beginning the first day of [~~the~~] a calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established, the tax commission shall, at least annually, transfer an amount equal to 15% of the sales and use tax increment within an established sales and use tax boundary into the Transit Transportation Investment Fund created in Section 72-2-124.
- 5718 (b) A municipality or public transit county may only propose one sales and use tax increment period and one sales and use tax base year for a housing and transit reinvestment zone established under this [~~section~~] part.
- 5721 (4)
- (a) The establishment of a sales and use tax base year and the requirement described in Subsection (3) to transfer incremental sales tax revenue shall take effect:
- 5723 (i) on the first day of a calendar quarter; and
- 5724 (ii) after a 90-day waiting period, beginning on the date the commission receives notice from the municipality or public transit county meeting the requirements of Subsection (4)(b).
- 5727 (b) The notice described in Subsection (4)(a) shall include:
- 5728 (i) a statement that the housing and transit reinvestment zone will be established under this part;
- 5730 (ii) the approval date and effective date of the housing and transit reinvestment zone; and
- 5732 (iii) the definitions of the sales and use tax boundary and sales and use tax base year.
- 5733 (5) The State Tax Commission may retain and deposit an administrative charge in accordance with Section 59-1-306 from sales and use tax increment the State Tax Commission collects and administers under this section.
- 5736 Section 45. Section **45** is enacted to read:

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- 5737 **63N-3-610.1. Sales and use tax increment in a convention center reinvestment zone.**
- 5739 (1) A convention center revitalization zone proposal shall, in consultation with the State Tax Commission:
- 5741 (a) create a sales and use tax boundary as described in Subsection (2); and
- 5742 (b) establish a sales and use tax base year to calculate and transfer the sales and use tax increment within the convention center revitalization zone 90 days after the date of the notice described in Subsection (4).
- 5745 (2)
- (a) The Governor's Office of Economic Opportunity, in consultation with the State Tax Commission, shall establish a sales and use tax boundary that:
- 5747 (i) is based on state sales and use tax collection boundaries, which are determined using the ZIP Code as defined in Section 59-12-102, including the four digit delivery route extension;
- 5750 (ii) follows as closely as reasonably practicable the boundary of the convention center revitalization zone; and
- 5752 (iii) is one contiguous area that includes at least the entire boundary of the convention center revitalization zone.
- 5754 (b) If a state sales and use tax boundary is intersected by the boundary of the convention center revitalization zone, the convention center revitalization zone may include the entire state sales and use tax boundary.
- 5757 (c) The Governor's Office of Economic Opportunity shall include the sales and use tax boundary in the convention center revitalization zone proposal as described in Section 63N-3-603.1.
- 5760 (3)
- (a) For a convention center reinvestment zone that is not located in a capital city, beginning no sooner than January 1, 2026, and on the first day of a calendar quarter one year after the sales and use tax boundary for a convention center reinvestment zone is established, the State Tax Commission shall, at least annually, transfer an amount equal to 100% of the local sales and use tax increment within an established sales and use tax boundary to the relevant municipality or public infrastructure district.
- 5767 (b) For a convention center reinvestment zone that is located in a capital city, beginning no sooner than January 1, 2026, and on the first day of a calendar quarter one year after the sales and use tax boundary for a convention center reinvestment zone in a capital city is established, the State Tax

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Commission shall, at least annually, transfer an amount equal to 50% of the state sales and use tax increment and 100% of any local sales and use tax increment within an established sales and use tax boundary to the public infrastructure district created pursuant to Subsection 63N-3-607(8)(b).

5774 (4) The Governor's Office of Economic Opportunity may only propose one sales and use tax increment period and one sales and use tax base year for a convention center revitalization zone established under this part.

5777 (5)

(a) The distribution of the sales and use tax increment shall begin:

5778 (i) on the first day of a calendar quarter;

5779 (ii) after a 90-day waiting period, beginning on the date the State Tax Commission receives notice from the Governor's Office of Economic Opportunity meeting the requirements of Subsection (5)(b); and

5782 (iii) no earlier than January 1, 2026.

5783 (b) The notice described in Subsection (5)(a) shall include:

5784 (i) a statement that the convention center revitalization zone will be established under this part;

5786 (ii) the approval date and effective date of the convention center revitalization zone; and

5788 (iii) the definitions of the sales and use tax boundary and sales and use tax base year.

5789 (6) The State Tax Commission may retain and deposit an administrative charge in accordance with Section 59-1-306 from sales and use tax revenues the State Tax Commission collects and administers under this section.

5792 Section 46. Section 63N-3-611 is amended to read:

5793 **63N-3-611. Boundary adjustments.**

If the relevant county assessor or county auditor adjusts parcel boundaries relevant to a housing and transit reinvestment zone or a convention center reinvestment zone, the municipality administering the property tax increment collected in the housing and transit reinvestment zone, or for a convention center reinvestment zone, the Governor's Office of Economic Opportunity may make corresponding adjustments to the boundary of the housing and transit reinvestment zone.

5800 Section 47. Section 72-1-214 is amended to read:

5801 **72-1-214. Department designated as state safety oversight agency for rail fixed guideway public transportation safety -- Powers and duties -- Rulemaking.**

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- 5804 (1)
- (a) Except as provided in Subsection (1)(b), as used in this section, "fixed guideway" means the same as that term is defined in Section 59-12-102.
- 5806 (b) For purposes of this section, "fixed guideway" does not include a rail system subject to regulation by the Federal Railroad Administration.
- 5808 (2) The department is designated as the state safety oversight agency for rail fixed guideway public transportation safety in accordance with 49 U.S.C. Sec. 5329(e)(4).
- 5810 (3) As the state safety oversight agency, the department may, to the extent necessary to fulfill the department's obligations under federal law:
- 5812 (a) enter into and inspect the property of a fixed guideway rail system receiving federal funds without prior notice to the operator;
- 5814 (b) audit an operator of a fixed guideway rail system receiving federal funds for compliance with:
- 5816 (i) federal and state laws regarding the safety of the fixed guideway rail system; and
- 5817 (ii) a public transportation agency safety plan adopted by a specific operator in accordance with 49 U.S.C. Sec. 5329(d);
- 5819 (c) direct the operator of a fixed guideway rail system to correct a safety hazard by a specified date and time;
- 5821 (d) prevent the operation of all or part of a fixed guideway rail system that the department has determined to be unsafe;
- 5823 (e) audit, review, approve, and oversee an operator of a fixed guideway rail system receiving federal funds for compliance with a plan adopted by the operator in compliance with 49 U.S.C. Sec. 5329(d); and
- 5826 (f) enforce statutes, rules, regulations, and executive orders relating to the operation of a fixed guideway rail public transportation system in Utah.
- 5828 (4) The department shall, at least annually, provide a status report on the safety of the rail fixed guideway public transportation systems the department oversees to:
- 5830 (a) the Federal Transit Administration;
- 5831 (b) the governor; and
- 5832 (c) members of the board of any rail fixed guideway public transportation system that the department oversees in accordance with this section.
- 5834 (5)



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(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules necessary to administer and enforce this section, including rules providing for the legal and financial independence of state safety oversight agency activities and functions.

5838 (b) The rules made in accordance with Subsection (5)(a) shall conform to the requirements of and regulations enacted in accordance with 49 U.S.C. Sec. 5329.

5840 (6)

(a) Notwithstanding any other agreement, a county, city, or town with fixed guideway rail transit service provided by a public transit district that is subject to safety oversight as provided in this section may request local option transit sales tax in accordance with Section 59-12-2206 and spend local option transit sales tax in the amount requested by the department to meet nonfederal match requirements for costs of safety oversight described in this section.

5846 (b) A county, city, or town that requests local option transit sales tax as described in Subsection (6)(a) shall transmit to the department all of the funds requested under Subsection (6)(a) and transmitted to the county, city, or town under Subsection [59-12-2206(5)(b)] 59-12-2206(6)(b).

5850 (c) A county, city, or town that requests local option transit sales tax as described in Subsection (6) (a) may not request more local option transit sales tax than is necessary to carry out the state safety oversight functions under this section and the amount shall only reflect a maximum of 20% nonfederal match requirement of eligible costs of state safety oversight.

5855 Section 48. Section 72-1-304 is amended to read:

5856 **72-1-304. Written project prioritization process for new transportation capacity projects -- Rulemaking.**

5858 (1)

(a) The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written prioritization process for the prioritization of:

5861 (i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;

5863 (ii) paved pedestrian or paved nonmotorized transportation projects described in Section 72-2-124;

5865 (iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and

5867

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(iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.

5869 (b)

(i) A local government or public transit district may nominate a project for prioritization in accordance with the process established by the commission in rule.

5871 (ii) If a local government or public transit district nominates a project for prioritization by the commission, the local government or public transit district shall provide data and evidence to show that:

5874 (A) the project will advance the purposes and goals described in Section 72-1-211;

5875 (B) for a public transit project, the local government or public transit district has an ongoing funding source for operations and maintenance of the proposed development; and

5878 (C) the local government or public transit district will provide the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

5881 (2) The following shall be included in the written prioritization process under Subsection (1):

5883 (a) a description of how the strategic initiatives of the department adopted under Section 72-1-211 are advanced by the written prioritization process;

5885 (b) a definition of the type of projects to which the written prioritization process applies;

5886 (c) specification of a weighted criteria system that is used to rank proposed projects and how it will be used to determine which projects will be prioritized;

5888 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

5889 (e) any other provisions the commission considers appropriate, which may include consideration of:

5891 (i) regional and statewide economic development impacts, including improved local access to:

5893 (A) employment;

5894 (B) educational facilities;

5895 (C) recreation;

5896 (D) commerce; and

5897 (E) residential areas, including moderate income housing as demonstrated in the local government's or public transit district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

5900 (ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and

5902

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(iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

5905 (3)

(a) When prioritizing a public transit project that increases capacity, the commission:

5906 (i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and

5909 (ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

5912 (b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:

5914 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

5915 (A) the state is a participant in the transportation reinvestment zone; or

5916 (B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or

5918 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

5920 (c) If the department receives a notice of prioritization for a municipality as described in [~~Subsection 10-9a-408(5)~~] Subsection 10-9a-408(6), or a notice of prioritization for a county as described in [~~Subsection 17-27a-408(5)~~] Subsection 17-27a-408(6), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).

5928 (4) In developing the written prioritization process, the commission:

5929 (a) shall seek and consider public comment by holding public meetings at locations throughout the state; and

5931 (b) may not consider local matching dollars as provided under Section 72-2-123 unless the state provides an equal opportunity to raise local matching dollars for state highway improvements within each county.

5934

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(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).

(6) The commission shall submit the proposed rules under this section to a committee or task force designated by the Legislative Management Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

Section 49. Section 72-17-105 is amended to read:

### **72-17-105. Establishment of administrative fees -- Payment -- Expenditures.**

(1) The provisions in this section apply beginning on May 7, 2025.

(2) The office shall annually determine a fee to be paid by each railroad that operated within the state and is subject to the jurisdiction of the office on a pro rata basis as described in Subsection (3).

(a) The office and the department shall establish the annual fee to produce a total amount not less than the amount required to regulate railroads and carry out the duties described in this part.

(b) The office shall use the revenue generated by the fees paid by each railroad for the investigation and enforcement activities of the office as authorized under this part.

(3)

(a) For grade crossings inspections and services, the office shall establish and each railroad shall pay a fee based on:

(i) as of January 1 of each year, the number of crossings the railroad operates within this state that cross a highway, whether at grade, by overhead structure, or subway; and

(ii) the frequency of use of each crossing the railroad operates, including:

(A) the frequency of train operation at the crossing; and

(B) the frequency of highway traffic at the crossing.

(b) For hazardous materials related inspections and services, the office shall establish and each railroad shall pay a fee based on the tonnage of hazardous materials transported in this state during a given year.

(c) For motive power and equipment related inspections and services, the office shall establish and each railroad shall pay a fee based on the number of motive power units and other equipment units operated by the railroad in this state.

(d) For track related inspections and services, the office shall establish and each railroad shall pay a fee based on the number of miles of track owned or operated by the railroad within this state.

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- 5970 (e) For signal and train control inspections and services, as well as operating practices inspections and services, the office shall establish and each railroad shall pay a fee based on gross operating revenue of each railroad generated within this state.
- 5973 (f)
- (i) For inspection services related to commuter rail, notwithstanding any other agreement, a county or municipality with commuter rail service provided by a public transit district may request local option transit sales tax in accordance with Section 59-12-2206 and spend local option transit sales tax in the amount requested by the office.
- 5978 (ii) A county or municipality that requests local option transit sales tax as described in Subsection (3)(f)(i) may transmit to the office the funds requested under Subsection (3)(f)(i) and transmitted to the county or municipality under Subsection [~~59-12-2206(5)(b)~~] 59-12-2206(6)(b).
- 5982 (iii) A county or municipality that requests local option transit sales tax as described in Subsection (3)(f)(i) may not request more local option transit sales tax than is necessary to carry out the safety inspection and functions under this chapter.
- 5985 (iv) The office is not required to charge or collect a fee related to inspections of commuter rail.
- 5987 (4)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to establish each of the fee amounts described in Subsection (3):
- 5990 (i) according to the data described in Subsection (3); and
- 5991 (ii) to collect an amount sufficient to cover the budget and costs to administer the duties of the office.
- 5993 (b) The department shall annually adjust the fees established in accordance with Subsection (4)(a) to account for inflation and other budgetary factors.
- 5995 (5) Each railroad that operates within this state shall pay to the office the fees described and established by the office.
- 5997 Section 50. Section **73-10-36** is amended to read:
- 5998 **73-10-36. Division to provide technical assistance in local government planning.**
- 6000 (1) As used in this section:
- 6001 (a) "Division" means the Division of Water Resources.
- 6002 (b) "General plan":
- 6003 (i) for a municipality, means the same as that term is defined in Section 10-9a-103; and

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- 6005 (ii) for a county, means the same as that term is defined in Section 17-27a-103.
- 6006 (c) "Local government" means a county or a municipality, as defined in Section 10-1-104.
- 6007 (d) "Watershed council" means a council created under Chapter 10g, Part 3, Watershed Councils Act.
- 6009 (2) The division shall provide technical assistance to a local government to support the local government's adoption of a water use and preservation element in a general plan.
- 6011 (3) When consulted by a local government for information and technical resources regarding regional water conservation goals under Subsection 10-9a-403(2)(f)(vi) or [~~17-27a-403(2)(f)(ii)] 17-27a-403(2)(e)(ii), the division may seek input from the appropriate watershed council or councils.~~

6015 Section 51. **Effective date.**

~~{ This }~~ Except as provided in Subsection (2), this bill takes effect ~~{ on May 7, 2025. }~~ :

- 6017 (a) except as provided in Subsection (1)(b), May 7, 2025; or
- 6018 (b) if approved by two-thirds of all members elected to each house:
- 6019 (i) upon approval by the governor;
- 6020 (ii) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or
- 6022 (iii) in the case of a veto, the date of veto override.
- 6023 (2) The actions affecting the following sections take effect on January 1, 2026:
- 6024 (a) Section 59-2-924.2 (Effective 01/01/26); and
- 6025 (b) Section 59-2-924 (Effective 01/01/26).

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