

# SB0336S03 compared with SB0336S02

~~{Omitted text}~~ shows text that was in SB0336S02 but was omitted in SB0336S03  
inserted text shows text that was not in SB0336S02 but was inserted into SB0336S03

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

1

Utah Fairpark Area Investment and Restoration District Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor:Ryan D. Wilcox

2

3

LONG TITLE

4

General Description:

5

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

6

District.

7

Highlighted Provisions:

8

This bill:

9

▸ defines terms and modifies definitions;

10

▸ broadens permissible uses for a fair park land lease;

11

▸ modifies taxing authority provisions related to the fairpark district or a host municipality;

12

▸ modifies land use authority provisions relating to land located within the fairpark district;

13

▸ enables a public infrastructure district created by the fairpark district to:

14

• levy property taxes;

15

• use bond proceeds for the development and maintenance of public utility infrastructure; and

16

• pay for specified development and improvements;

17

▸ provides funding for the fairpark district;

18

▸

19

## SB0336S02 compared with SB0336S03

establishes a process for a member of the fairpark board to annually file a conflict of interest disclosure;

▸ designates the fairpark district as a qualifying jurisdiction that can receive tax information from the State Tax Commission;

▸ includes a coordination clause to merge the changes to Section 59-12-103 in this bill and S.B. 27, Motor Vehicle Division Amendments, if both pass and become law; and

▸ makes technical changes.

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

None

### **Other Special Clauses:**

This bill provides a special effective date.

This bill provides a coordination clause.

### **AMENDS:**

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

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

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

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

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

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

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

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

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

## SB0336S02 compared with SB0336S03

42 **17D-4-203** (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 15,  
259 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 15, 259  
43 **51-9-902** (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 41 (Effective  
07/01/25), as last amended by Laws of Utah 2024, Chapter 41  
44 **59-1-403** (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 25, 35 (Effective  
05/07/25), as last amended by Laws of Utah 2024, Chapters 25, 35  
45 **59-12-103** (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapters 88,  
501 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapters 88, 501  
46 **59-12-352** (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 413,  
419 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 413, 419  
48 **59-12-1201** (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 274 (Effective  
05/07/25), as last amended by Laws of Utah 2024, Chapter 274

### Utah Code Sections affected by Coordination Clause:

50 **59-12-1201** , as last amended by Laws of Utah 2024, Chapter 274 , as last amended by Laws of  
Utah 2024, Chapter 274

---

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

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

54 **11-68-201. (Effective 05/07/25)State Fair Park Authority -- Legal status -- Powers.**

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

54 (2) The authority is:

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

57 (b) a political subdivision of the state; and

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

59 (3)

(a) The fair corporation is dissolved and ceases to exist, subject to any winding down and other actions  
necessary for a transition to the authority.

61 (b) The authority:

62 (i) replaces and is the successor to the fair corporation;

63 (ii) succeeds to all rights, obligations, privileges, immunities, and assets of the fair corporation; and

65 (iii) shall fulfill and perform all contractual and other obligations of the fair corporation.

## SB0336S02 compared with SB0336S03

- 67 (c) The board shall take all actions necessary and appropriate to wind down the affairs of the fair  
corporation as quickly as practicable and to make a transition from the fair corporation to the  
authority.
- 70 (4) The authority shall:
- 71 (a) manage, supervise, and control:
- 72 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and
- 73 (ii) except as otherwise provided by statute, all state expositions, including setting the time, place, and  
purpose of any state exposition;
- 75 (b) for public entertainment, displays, and exhibits or similar events held on fair park land:
- 77 (i) provide, sponsor, or arrange the events;
- 78 (ii) publicize and promote the events; and
- 79 (iii) secure funds to cover the cost of the exhibits from:
- 80 (A) private contributions;
- 81 (B) public appropriations;
- 82 (C) admission charges; and
- 83 (D) other lawful means;
- 84 (c) acquire and designate exposition sites;
- 85 (d) use generally accepted accounting principles in accounting for the authority's assets, liabilities, and  
operations;
- 87 (e) seek corporate sponsorships for the state fair park or for individual buildings or facilities on fair park  
land;
- 89 (f) work with county and municipal governments, the Salt Lake Convention and Visitor's Bureau, the  
Utah Office of Tourism, and other entities to develop and promote expositions and the use of fair  
park land;
- 92 (g) develop and maintain a marketing program to promote expositions and the use of fair park land;
- 94 (h) in accordance with provisions of this chapter, operate and maintain state-owned buildings and  
facilities on fair park land, including the physical appearance and structural integrity of those  
buildings and facilities;
- 97 (i) prepare an economic development plan for the fair park land;
- 98 (j) hold an annual exhibition on fair park land that:
- 99 (i) is called the state fair or a similar name;

## SB0336S02 compared with SB0336S03

- 100 (ii) promotes and highlights agriculture throughout the state;
- 101 (iii) includes expositions of livestock, poultry, agricultural, domestic science, horticultural, floricultural,  
mineral and industrial products, manufactured articles, and domestic animals that, in the board's  
opinion, will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing  
of talents among the people of the state;
- 106 (iv) includes the award of premiums for the best specimens of the exhibited articles and animals;
- 108 (v) permits competition by livestock exhibited by citizens of other states and territories of the United  
States; and
- 110 (vi) is arranged according to plans approved by the board;
- 111 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j); and
- 112 (l) publish a list of premiums that will be awarded at the annual exhibition described in Subsection (4)  
(j) for the best specimens of exhibited articles and animals.
- 114 (5) In addition to the annual exhibition described in Subsection (4)(j), the authority may hold other  
exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral  
and industrial products, manufactured articles, and domestic animals that, in the authority's opinion,  
will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents  
among the people of the state.
- 119 (6) The authority may:
- 120 (a) employ advisers, consultants, and agents, including financial experts and independent legal counsel,  
and fix their compensation;
- 122 (b)
  - (i) participate in the state's Risk Management Fund created under Section 63A-4-201 or any captive  
insurance company created by the risk manager; or
  - 124 (ii) procure insurance against any loss in connection with the authority's property and other assets;
  - 126 (c) receive and accept aid or contributions of money, property, labor, or other things of value from any  
source, including any grants or appropriations from any department, agency, or instrumentality of  
the United States or the state;
  - 129 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the purposes of the  
authority, subject to the conditions, if any, upon which the aid and contributions are made;
  - 132 (e) enter into management agreements with any person or entity for the performance of the authority's  
functions or powers;

## SB0336S02 compared with SB0336S03

- 134 (f) establish accounts and procedures that are necessary to budget, receive, disburse, account for, and  
audit all funds received, appropriated, or generated;
- 136 (g) subject to Subsection (8) and subject to the powers and responsibilities of the Utah Fairpark Area  
Investment and Restoration District, created in Section 11-70-201, lease any of the state-owned  
buildings or facilities located on fair park land;
- 139 (h) sponsor events as approved by the board;
- 140 (i) subject to Subsection (11), acquire any interest in real property that the board considers necessary or  
advisable to further a purpose of the authority or facilitate the authority's fulfillment of a duty under  
this chapter;[-and]
- 143 (j) in accordance with [~~Title 11,~~]Chapter 42a, Commercial Property Assessed Clean Energy Act,  
provide for or finance an energy efficiency upgrade, a clean energy system, or electric vehicle  
charging infrastructure, as those terms are defined in Section 11-42a-102; and
- 147 (k) enter into one or more agreements with the Utah Fairpark Area Investment and Restoration District,  
created in Section 11-70-201.
- 149 (7) The authority shall comply with:
- 150 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 151 (b) Title 51, Chapter 7, State Money Management Act;
- 152 (c) Title 52, Chapter 4, Open and Public Meetings Act;
- 153 (d) Title 63G, Chapter 2, Government Records Access and Management Act;
- 154 (e) the provisions of Section 67-3-12;
- 155 (f) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:
- 156 (i) entertainment provided at the state fair park;
- 157 (ii) judges for competitive exhibits; or
- 158 (iii) sponsorship of an event on fair park land; and
- 159 (g) the legislative approval requirements for capital development projects established in Section  
63A-5b-404.
- 161 (8)
- (a)
- [~~(i)~~] Before the authority executes a lease described in Subsection (6)(g) with a term of 10 or more  
years and subject to the powers and responsibilities of the Utah Fairpark Area Investment and  
Restoration District, created in Section 11-70-201, the authority shall:

## SB0336S02 compared with SB0336S03

- 165           ~~[(A)]~~ (i) submit the proposed lease to the division for the division's approval or rejection; and  
167           ~~[(B)]~~ (ii) if the division approves the proposed lease, submit the proposed lease to the Executive  
                Appropriations Committee for the Executive Appropriation Committee's review and  
                recommendation in accordance with Subsection (8)(b).
- 170           ~~[(ii) The authority may not execute a lease under Subsection (6)(g) for any part of fair park land on  
                or after May 1, 2024 unless the lease relates to the agricultural and related exhibit facilities on  
                fair park land.]~~
- 173           (b) The Executive Appropriations Committee shall review a proposed lease submitted in accordance  
                with Subsection (8)(a) and recommend to the authority that the authority:
- 175           (i) execute the proposed lease, either as proposed or with changes recommended by the Executive  
                Appropriations Committee; or
- 177           (ii) reject the proposed lease.
- 178           (9)
- (a) Subject to Subsection (9)(b), a department, division, or other instrumentality of the state and a  
                political subdivision of the state shall cooperate with the authority to the fullest extent possible to  
                provide whatever support, information, or other assistance the authority requests that is reasonably  
                necessary to help the authority fulfill the authority's duties and responsibilities under this chapter.
- 183           (b) The division shall provide assistance and resources to the authority as the division director  
                determines is appropriate.
- 185           (10) The authority may share authority revenue with a municipality in which the fair park land is  
                located, as provided in an agreement between the authority and the municipality, to pay for  
                municipal services provided by the municipality.
- 188           (11)
- (a) As used in this Subsection (11), "new land" means land that, if acquired by the authority, would  
                result in the authority having acquired over three acres of land more than the land described in  
                Subsection 11-68-101(9)(a).
- 191           (b) In conjunction with the authority's acquisition of new land, the authority shall enter an agreement  
                with the municipality in which the new land is located.
- 193           (c) To provide funds for the cost of increased municipal services that the municipality will provide to  
                the new land, an agreement under Subsection (11)(b) shall:
- 195           (i) provide for:

## SB0336S02 compared with SB0336S03

- 196 (A) the payment of impact fees to the municipality for development activity on the new land; and  
198 (B) the authority's sharing with the municipality tax revenue generated from the new land; and  
200 (ii) be structured in a way that recognizes the needs of the authority and furthers mutual goals of the  
authority and the municipality.

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

206 **11-70-101. (Effective 05/07/25)Definitions.**

As used in this chapter:

- 205 (1) "Base taxable value" means the taxable value of land within the fairpark district boundary as of  
January 1, 2024, as determined under Subsection 11-70-206(9).  
207 (2) "Board" means the fairpark district's governing body, created in Section 11-70-301.  
208 (3) "Designated parcel" means a parcel of land specified in a designation resolution.  
209 (4) "Designation resolution" means a resolution adopted by the board that designates a transition date  
for the parcel specified in the resolution.  
211 (5) "Development" means:  
212 (a) the demolition, construction, reconstruction, modification, expansion, or improvement of a building,  
utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or other facility,  
including public infrastructure and improvements; and  
216 (b) the planning of, arranging for, or participation in any of the activities listed in Subsection (5)(a).  
218 (6) "Development project" means a project for the development of land within a project area.  
220 (7) "District sales tax area" means an area described in and established as provided in Subsection  
11-70-206(10).  
222 (8) "Enhanced property tax revenue":  
223 (a) means the amount of money that is equal to the difference between:  
224 (i) the amount of property tax revenues generated in a tax year by all taxing entities from privately  
owned land, using the current assessed value of the property; and  
226 (ii) the amount of property tax revenues that would be generated in the same tax year by all taxing  
entities from that same area using the base taxable value of the property; and  
229 (b) does not include property tax revenue from:  
230 (i) a county additional property tax or multicounty assessing and collecting levy imposed in accordance  
with Section 59-2-1602;  
232 (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330; or



## SB0336S02 compared with SB0336S03

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

## SB0336S02 compared with SB0336S03

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

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

(18)

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

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

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

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

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

(19) "Other state land" means:

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

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

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

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

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

(23) "Professional sports league" means a group of major league sports teams that have formed a league~~[-]~~

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

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

## SB0336S02 compared with SB0336S03

(24) "Project area" means land described in a project area plan or draft project area plan, where the development project set forth in the project area plan or draft project area plan takes place or is proposed to take place.

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

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

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

303 (28) "Public entity" means:

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

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

308 (29)

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

310 (i)

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

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

312 (ii)

(A) are privately owned;

313 (B) benefit the public;

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

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

317 (b) "Public infrastructure and improvements" includes:

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

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

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

## SB0336S02 compared with SB0336S03

- 322 (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking facilities, rail lines,  
intermodal facilities, multimodal facilities, and public transportation facilities;
- 325 (iii) a qualified stadium;
- 326 (iv) public trails and pathways associated with and rehabilitation of and improvements to the Jordan  
River;[~~and~~]
- 328 (v) agricultural and related exhibit facilities on fair park land[-] ; and
- 329 (vi) hotels, hospitality facilities, eating establishments, convention facilities, and other related facilities.
- 331 (30) "Qualified owner" means an owner of at least 65 contiguous acres of privately owned land within  
the fairpark district boundary, or the owner's affiliate.
- 333 (31)
- (a) "Qualified stadium" means a stadium:
- 334 (i) within the fairpark district boundary;
- 335 (ii) with a minimum capacity of 30,000 spectators; and
- 336 (iii) that will primarily be used as the home of a major league sports team.
- 337 (b) "Qualified stadium" includes parking structures or facilities, lighting facilities, plazas, and open  
space associated with a stadium described in Subsection (31)(a).
- 339 (32) "Shapefile" means the digital vector storage format for storing geometric location and associated  
attribute information.
- 341 (33) "Stadium contribution" means the principal amount of bonds that the district issues to pay for the  
development and construction of a qualified stadium, plus any other amount the district pays toward  
the development and construction of a qualified stadium.
- 344 (34) "State fair purposes" means the purposes for the use of fair park land related to the fair park  
authority's management, supervision, and control over a state fair and related events and activities.
- 347 (35) "State-owned land" means:
- 348 (a) fair park land; and
- 349 (b) other state land.
- 350 (36) "Taxable value" means the value of property as shown on the last equalized assessment roll.
- 352 (37) "Taxing entity" means the same as that term is defined in Section 59-2-102, excluding a  
public infrastructure district that the fairpark district creates under Title 17D, Chapter 4, Public  
Infrastructure District Act.

355

## SB0336S02 compared with SB0336S03

(38) "Transition date" means the date indicated in a designation resolution after which the parcel that is the subject of the designation resolution becomes a post-designation parcel.

Section 3. Section **11-70-202** is amended to read:

**11-70-202. (Effective 05/07/25)Fairpark district powers and duties.**

(1) The fairpark district may:

- (a) facilitate and bring about the development of land within the fairpark district boundary, including the development of a qualified stadium to house a major league sports team;
- (b) enter into a lease agreement with an affiliate of a major league sports team to lease a qualified stadium to a major league sports team and receive lease payments on behalf of the state;
- (c) facilitate and provide funding for the development of land in a project area, including the development of public infrastructure and improvements and other infrastructure and improvements on or related to land in a project area;
- (d) engage in marketing and business recruitment activities and efforts to encourage and facilitate development of land within the fairpark district boundary;
- (e) as the fairpark district considers necessary or advisable to carry out any of the fairpark district's duties or responsibilities under this chapter:
  - (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal property;
  - (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or personal property; or
  - (iii) enter into a lease agreement on real or personal property, as lessee or lessor;
- (f) sue and be sued;
- (g) enter into contracts generally;
- (h) exercise powers and perform functions under a contract, as authorized in the contract;
- (i) receive and spend enhanced property tax revenue, as provided in this chapter;
- (j) accept financial or other assistance from any public or private source for the fairpark district's activities, powers, and duties, and expend any funds so received for any of the purposes of this chapter;
- (k) borrow money, contract with, or accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of this chapter and comply with any conditions of the loan, contract, or assistance;

## SB0336S02 compared with SB0336S03

- (l) issue bonds to finance the undertaking of any development objectives of the fairpark district, including bonds under Chapter 17, Utah Industrial Facilities and Development Act, bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial Property Assessed Clean Energy Act;
- 392 (m) hire employees, including independent contractors;
- 393 (n) transact other business and exercise all other powers provided for in this chapter;
- 394 (o) engage one or more consultants to advise or assist the fairpark district in the performance of the fairpark district's duties and responsibilities;
- 396 (p) enter into an agreement with a private contractor to provide a municipal service within a project area that is not being provided by a municipality or other governmental service provider;
- 399 (q) provide public safety services in the area within the fairpark district boundary, including under a contract, approved by the board, with an existing governmental provider of public safety services;
- 402 (r) finance, develop, own, lease, operate, or otherwise control public infrastructure and improvements in a project area; and
- 404 (s) exercise powers and perform functions that the fairpark district is authorized by statute to exercise or perform.
- 406 (2)
- (a) The fairpark district is responsible for and has jurisdiction over any development that occurs on fair park land, including the funding of that development.
- 408 (b) The fairpark district shall consult and coordinate with the fair park authority with respect to any development activities anticipated for or that occur on fair park land.
- 410 (c) Any development of fair park land shall be:
- 411 (i) subject to and compatible with the use of fair park land for state fair purposes and related and other activities under the jurisdiction of the fair park authority; and
- 413 (ii) as far as practicable, consistent with the master plan for fair park land approved by the fair park authority.
- 415 (3) With respect to state land other than fair park land, the fairpark district and the facilities division shall consult with each other and with agencies occupying the land with respect to any potential change of use or development of the land.
- 418 (4) The total amount of the fairpark district's stadium contribution may not exceed \$900,000,000.
- 420 (5) Beginning April 1, 2025, the fairpark district shall:

## SB0336S02 compared with SB0336S03

(a) be the repository of the official delineation of the fairpark district boundary, identical to the fairpark district boundary as delineated in the shapefile that is the electronic component of H.B. 562, Utah Fairpark Area Investment and Restoration District, 2024 General Session, subject to:

(i) any later changes to the boundary enacted by the Legislature; and

(ii) any additions of land to the fairpark district boundary under Subsection (6); and

(b) maintain an accurate digital file of the boundary that is easily accessible by the public.

(6) The fairpark district boundary may be expanded to include land outside the fairpark district boundary if:

(a) the land is owned by a qualified owner;

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

(c) the land is:

(i) contiguous to the fairpark district boundary; or

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

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

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

(1) As used in this section:

(a)

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

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

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

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

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

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

## SB0336S02 compared with SB0336S03

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

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

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

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

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

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

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

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

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

(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).

(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.

(9) The State Tax Commission shall:

(a) except as provided in Subsection (9)(b), distribute the revenue collected from an accommodations tax to the fairpark district; and

(b) retain and deposit an administrative charge in accordance with Section 59-1-306 from revenue the commission collects from an accommodations tax.

(10)

(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;



## SB0336S02 compared with SB0336S03

- 483 (ii) the effective date of the implementation, repeal, or change of the accommodations tax; and  
485 (iii) the rate of the accommodations tax.
- 486 (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:
- 489 (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
- 491 (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.
- 497 Section 5. Section **11-70-206** is amended to read:
- 498 **11-70-206. (Effective 05/07/25)Applicability of other law -- Cooperation of state and local  
governments -- Municipal services -- Services from state agencies -- Procurement policy -- Public  
infrastructure district.**
- 498 (1) With respect to the use or development of state-owned land, the fairpark district is not subject to:
- 500 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
- 501 (b) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities -  
Special Districts, or a special service district under Title 17D, Chapter 1, Special Service District  
Act, except to the extent that:
- 504 (i) some or all of the state land is, on January 1, 2024, included within the boundary of a special district  
or special service district; and
- 506 (ii) the fairpark district elects to receive service from the special district or special service district for  
the state land that is included within the boundary of the special district or special service district,  
respectively.
- 509 (2) The fairpark district has and may exercise all powers relating to the regulation of land uses on state-  
owned land.
- 511 (3)
- (a) Subject to ~~[Subsection]~~ Subsections (3)(b) and (3)(c), the fairpark district has and may exercise all  
powers relating to the regulation of land uses on privately owned land within the fairpark district  
boundary.
- 514 (b)

## SB0336S02 compared with SB0336S03

(i) ~~[Land]~~ Except as provided in Subsection (3)(d), land owned by a qualified owner is subject to a host municipality's land use authority under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, if the qualified owner and the host municipality enter into an agreement, as provided in Subsection (3)(b)(ii), no later than December 31, 2024.

519 (ii)

(A) An agreement under Subsection (3)(b)(i) shall require the host municipality to provide an expedited process for the review and approval of a qualified owner's completed land use application that complies with adopted land use regulations.

523 (B) In an agreement under Subsection (3)(b)(i), the host municipality shall agree to vest the qualified owner in any approved land use for a qualified stadium and related uses.

526 (c)

(i) If the board approves the addition of land owned by a qualified owner to the fairpark district boundary, the host municipality shall, within six months after the day of the board's approval, approve an amendment to the agreement established under Subsection (3)(b) to include the additional land.

530 (ii) A host municipality may not unreasonably withhold, delay, or condition approving the amendment described in Subsection (3)(c)(i).

532 (iii) If a host municipality fails to approve an amendment described in Subsection (3)(c)(i) within the time frame described in Subsection (3)(c)(i), the fairpark district shall become the land use authority for the additional land.

535 (d) If an agreement under Subsection (3)(b) terminates for any reason described in the agreement or by operation of law, the fairpark district shall become the land use authority for the land that was subject to the agreement immediately upon termination of the agreement.

539 (e) Upon expiration of the agreement described in Subsection (3)(b), the host municipality shall remain the sole land use authority for the land that was subject to the expired agreement.

542 ~~[(e)]~~ (f) A host municipality may not prohibit or condition the use of a qualified owner's land for a qualified stadium.

544 ~~[(d)]~~ (g) In making land use decisions affecting land within the fairpark district boundary that is subject to a host municipality's land use authority under this Subsection (3), the legislative body of the host municipality shall consider input from the board.

547 (4)

## SB0336S02 compared with SB0336S03

- (a) No later than December 31, 2024, the host municipality and the host municipality's community reinvestment agency shall take all necessary actions to withdraw from the fairpark district boundary any area that is within a project area of the community reinvestment agency.
- 551 (b) If land is added to the fairpark district boundary, the host municipality and the community reinvestment agency shall take all necessary actions to withdraw from the fairpark district boundary any area that is within a project area of the community reinvestment agency.
- 555 (5) A department, division, or other agency of the state and a political subdivision of the state shall cooperate with the fairpark district to the fullest extent possible to provide whatever support, information, or other assistance the board requests that is reasonably necessary to help the fairpark district fulfill [its] the fairpark district's duties and responsibilities under this chapter.
- 560 (6)
- (a) A host municipality shall provide the same municipal services to the area of the municipality that is within the fairpark district boundary as the municipality provides to other areas of the municipality with similar zoning and a similar development level.
- 563 (b) The level and quality of municipal services that a host municipality provides within the fairpark district boundary shall be fairly and reasonably consistent with the level and quality of municipal services that the municipality provides to other areas of the municipality with similar zoning and a similar development level.
- 567 (c) No later than December 31, 2024, the fairpark district and host municipality shall enter into an agreement providing for the fairpark district to reimburse the host municipality for services the host municipality provides to a project area.
- 570 (7)
- (a) The fairpark district may request and, upon request, shall receive:
- 571 (i) fuel dispensing and motor pool services provided by the Division of Fleet Operations;
- 573 (ii) surplus property services provided by the Division of Purchasing and General Services;
- 575 (iii) information technology services provided by the Division of Technology Services;
- 577 (iv) archive services provided by the Division of Archives and Records Service;
- 578 (v) financial services provided by the Division of Finance;
- 579 (vi) human resources services provided by the Division of Human Resource Management;
- 581 (vii) legal services provided by the Office of the Attorney General; and
- 582 (viii) banking services provided by the Office of the State Treasurer.

## SB0336S02 compared with SB0336S03

- 583 (b) Nothing in Subsection [~~(6)(a) may be construed to relieve~~] (7)(a) relieves the fairpark district of the  
obligation to pay the applicable fee for the service provided.
- 585 (8)
- (a) To govern fairpark district procurements, the board shall adopt a procurement policy that the board reasonably determines to substantially fulfill the purposes described in Section 63G-6a-102.
- 588 (b) The board may delegate to the executive director the responsibility to adopt a procurement policy.
- 590 (c) The board's determination under Subsection [~~(7)(a)~~] (8)(a) is final and conclusive.
- 591 (9) No later than December 31, 2024, the board and the assessor of the county in which the fairpark district is located shall together determine the base taxable value of privately owned property within the fairpark district boundary.
- 594 (10)
- (a) As used in this Subsection (10):
- 595 (i) "District ZIP area" means a ZIP area a majority of which includes land within the fairpark district boundary.
- 597 (ii) "ZIP area" means an area defined by the ZIP Code, as defined in Section 59-12-102, plus the four-digit deliver route extension.
- 599 (b) No later than June 1, 2024, the State Tax Commission shall:
- 600 (i) define the area that consists of all district zip areas; and
- 601 (ii) provide a description of the area under Subsection [~~(9)(b)(i)~~] (10)(b)(i) to the host municipality and the board.
- 603 (c) The State Tax Commission shall annually:
- 604 (i) update the definition of the area under Subsection (10)(b)(i); and
- 605 (ii) provide the updated description to the host municipality and the board.
- 606 (11)
- (a)
- (i) A public infrastructure district created by the fairpark district under Title 17D, Chapter 4, Public Infrastructure District Act, may, subject to limitations of that chapter, levy a property tax for the operations and maintenance of the public infrastructure district's financed public infrastructure and improvements, subject to a maximum rate of .015.
- 611 (ii) A levy under Subsection (11)(a)(i) may be separate from a public infrastructure district property tax levy for a bond.

## SB0336S02 compared with SB0336S03

- 613 (b) If a public infrastructure created by the fairpark district issues a bond:  
614 (i) the public infrastructure district may:  
615 (A) delay the effective date of the property tax levy for the bond until after the period of capitalized  
interest payments; and  
617 (B) covenant with bondholders not to reduce or impair the property tax levy; and  
618 (ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public Infrastructure District  
Act, the tax rate for the property tax levy for the bond may not exceed a rate that generates more  
revenue than required to pay the annual debt service of the bond plus administrative costs, subject to  
a maximum rate of .015.
- 622 (c)  
(i) A public infrastructure district created by the fairpark district under Title 17D, Chapter 4, Public  
Infrastructure District Act, may create tax areas, as defined in Section 59-2-102, within the  
public infrastructure district and apply a different property tax rate to each tax area, subject to the  
maximum rate limitations described in Subsections (11)(a)(i) and (11)(b)(ii).
- 627 (ii) If a public infrastructure district created by the fairpark district issues bonds, the public  
infrastructure district may issue bonds secured by property taxes from:  
629 (A) the entire public infrastructure district; or  
630 (B) one or more tax areas within the public infrastructure district.  
631 (d) A public infrastructure district created by the fairpark district may use bond proceeds to:  
633 (i) pay for public infrastructure and improvements; and  
634 (ii) pay costs related to the development, operation, or maintenance of infrastructure described in  
Subsection (11)(d)(i).
- 639 Section 6. Section **11-70-207** is amended to read:  
640 **11-70-207. (Effective 05/07/25)Use of fairpark district funds.**  
638 (1)  
(a) Subject to Subsection (2), the fairpark district may use fairpark district funds for any purpose  
authorized under this chapter, including to pay for:  
640 (i) the development and construction of a qualified stadium;  
641 (ii) administrative, overhead, legal, consulting, and other operating expenses of the fairpark district;  
643 (iii) all or part of the development of land within a project area, including:  
644 (A) financing or refinancing; and

## SB0336S02 compared with SB0336S03

- 645 (B) assisting the ongoing operation of a development or facility within the project area;  
647 (iv) the cost of the installation of public infrastructure and improvements outside a project area if  
the board determines by resolution that the infrastructure and improvements are of benefit to the  
project area;  
650 (v) the principal and interest on bonds issued by the fairpark district;  
651 (vi) the payment of an infrastructure loan, as defined in Section 11-70-104, according to the terms  
of the infrastructure loan; and  
653 (vii) the costs of promoting, facilitating, and implementing other development of land within the  
fairpark district boundary.
- 655 (b) The determination of the board under Subsection (1)(a)(iv) regarding benefit to the project area is  
final.
- 657 (2)
- (a) The fairpark district may use money [it] the fairpark district receives under Subsection  
59-12-1201(2)(a)(ii) and Subsection 59-12-103(16) only for[-] :
- 659 (i) the development and construction of a qualified stadium, including parking structures or  
facilities, lighting facilities, plazas, or open space associated with the qualified stadium; and  
662 (ii) [paying for] the payment of bonds issued to pay for the development and construction of a  
qualified stadium.
- 664 (b) If the amount of money the fairpark district receives under Subsection (2)(a) exceeds the amount  
required to pay the annual debt service on bonds issued to pay for the development and construction  
of a qualified stadium, the fairpark district shall use the excess amount received to pay down the  
principal on those bonds.
- 668 (c) The fairpark district may use money described in Subsection (2)(a) before or after a franchise  
agreement date.
- 670 (3) The fairpark district may share enhanced property tax revenue with a taxing entity that levies  
a property tax on land within the project area from which the enhanced property tax revenue is  
generated.
- 676 Section 7. Section **11-70-304** is amended to read:
- 677 **11-70-304. (Effective 05/07/25)Limitations on board members and executive director --**  
**Annual conflict of interest disclosure statement -- Penalties.**
- 676 (1) As used in this section:

## SB0336S02 compared with SB0336S03

- 677 (a) "Direct financial benefit":  
678 (i) means any form of financial benefit that accrues to an individual directly, including:  
680 (A) compensation, commission, or any other form of a payment or increase of money; and  
682 (B) an increase in the value of a business or property; and  
683 (ii) does not include a financial benefit that accrues to the public generally.  
684 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.  
685 (2) An individual may not serve as a member of the board or as executive director if:  
686 (a) the individual owns real property, other than a personal residence in which the individual resides,  
within the fairpark district boundary, whether or not the ownership interest is a recorded interest;  
689 (b) a family member of the individual owns an interest in real property, other than a personal residence  
in which the family member resides, located within the fairpark district boundary; or  
692 (c) the individual or a family member of the individual owns an interest in, is directly affiliated with,  
or is an employee or officer of a private firm, private company, or other private entity that the  
individual reasonably believes is likely to:  
695 (i) participate in or receive a direct financial benefit from the development of land within the fairpark  
district boundary; or  
697 (ii) acquire an interest in or locate a facility within the fairpark district boundary.  
698 (3) Before taking office as a board member or accepting employment as executive director, an  
individual shall submit to the fairpark district a statement verifying that the individual's service as a  
board member or employment as executive director does not violate Subsection (2).  
702 (4)  
(a) An individual may not, at any time during the individual's service as a board member or  
employment with the fairpark district, acquire, or take any action to initiate, negotiate, or otherwise  
arrange for the acquisition of, an interest in real property located within the fairpark district  
boundary, if:  
706 (i) the acquisition is in the individual's personal capacity or in the individual's capacity as an  
employee or officer of a private firm, private company, or other private entity; and  
709 (ii) the acquisition will enable the individual to receive a direct financial benefit as a result of the  
development of land within the fairpark district boundary.

711

## SB0336S02 compared with SB0336S03

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

715 (5)

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

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

718 (i) expense reimbursements;

719 (ii) per diem pay for board member service, if applicable; or

720 (iii) an employee's compensation or benefits from employment with the fairpark district.

722 (6)

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

726 (i) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and

728 (ii) submit the written disclosure statement to the administrator or clerk of the board.

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

732 (i)

(A) post an electronic copy of the written disclosure statement on the fairpark district website; or

734 (B) if the fairpark district does not have a website, post an electronic copy of the disclosure statement on the Utah Public Notice Website created in Section 63A-16-601; and

737 (ii) provide the lieutenant governor with a link to the posting described in Subsection (6)(b)(i).

739 (c) The administrator or clerk of the board shall ensure that the board member's written disclosure statement remains posted on the website described in Subsection (6)(b)(i) until the board member leaves office.

742 (d) The administrator or clerk of the board shall take the action described in Subsection (6)(e) if:



## SB0336S02 compared with SB0336S03

(i) a board member fails to timely submit the written disclosure statement described in Subsection (6)(a); or

(ii) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).

(e) If a circumstance described in Subsection (6)(d) occurs, the administrator or clerk of the board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.

(f)

(i) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (6)(e).

(ii) A board member who violates Subsection (6)(f)(i) is guilty of a class B misdemeanor.

(iii) The administrator or clerk of the board shall report a violation of Subsection (6)(f)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (6)(f)(ii), the administrator or clerk of the board shall impose a civil fine of \$100 against a board member who violates Subsection (6)(f)(i).

(g) The administrator or clerk of the board shall deposit a fine collected under this section into the board's account to pay for the costs of administering this section.

(7) For a board member who is also a state legislator, a member of a county or municipal legislative body, or who is otherwise required to make the written disclosure statement described in Subsection (6)(a) under another provision of law:

(a) Subsection (6) does not apply; and

(b) the administrator or clerk of the board shall, instead:

(i) post an electronic link, on the website described in Subsection (6)(b)(i), to the written disclosure statement the board member made in the board member's capacity as:

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

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

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

(D) an individual who is required to make the written disclosure statement described in Subsection (6)(a) under another provision of law; and

## SB0336S02 compared with SB0336S03

- 779 (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (7)(b)  
780 (i).
- 781 [(6)] (8) Nothing in this section may be construed to affect the application or effect of any other code  
782 provision applicable to a board member or employee relating to ethics or conflicts of interest.
- 783 Section 8. Section **11-70-401** is amended to read:
- 784 **11-70-401. (Effective 05/07/25)Enhanced property tax revenue to be paid to fairpark**  
785 **district.**
- 786 (1) Subject to Subsection (5), the fairpark district shall be paid 90% of enhanced property tax revenue  
787 generated from each parcel of privately owned land within the fairpark district boundary:
- 788 (a) beginning the tax year that begins on January 1, 2025; and  
789 (b) until the transition date for that parcel.
- 790 (2) Subject to Subsection (5), during the payment period the fairpark district shall be paid up to 100% of  
791 enhanced property tax revenue:
- 792 (a) generated from designated parcels of privately owned land within a project area; and  
793 (b) as the board specifies in a designation resolution adopted in consultation with a qualified owner.
- 794 (3) For purposes of the payment of enhanced property tax revenue under this section, a payment period  
795 shall begin, as specified in the designation resolution, on January 1 of a year that begins after the  
796 designation resolution is adopted.
- 797 (4)
- 798 (a) For purposes of this section, the fairpark district may designate an improved portion of a parcel in a  
799 project area as a separate parcel.
- 800 (b) A fairpark district designation of an improved portion of a parcel as a separate parcel under  
801 Subsection (4)(a) does not constitute a subdivision, as defined in Section 10-9a-103 or Section  
802 17-27a-103.
- 803 (c) A county recorder shall assign a separate tax identification number to the improved portion of a  
804 parcel designated by the fairpark district as a separate parcel under Subsection (4)(a).
- 805 (5) A host municipality shall be paid a minimum of 25% of the enhanced property tax revenue  
806 generated by a property tax imposed by the host municipality to reimburse the host municipality for  
807 services the host municipality provides to a project area in accordance with Subsection 11-70-206(6)  
(c), with the exact amount determined in an agreement between the host municipality and the  
fairpark district.

## SB0336S02 compared with SB0336S03

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

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

- (1) A project area plan may provide for the development and construction of a qualified stadium on land that, until conveyed to the fairpark district as provided in Subsection (3)(b), is owned by a qualified owner.
- (2) A project area plan under Subsection (1) shall include a requirement that the qualified owner and fairpark district enter an agreement relating to:
  - (a) the development, construction, operation, and ownership of a qualified stadium; and
  - (b) the development of other land owned by the qualified owner within the fairpark district boundary.
- (3)
  - (a) An agreement under Subsection (2) shall:
    - (i) limit the stadium contribution to the lesser of:
      - (A) half the actual cost of developing and constructing the qualified stadium; or
      - (B) \$900,000,000;
    - (ii) require the qualified owner to convey to the fairpark district, as soon as practicable after the franchise agreement date, title to the property on which the qualified stadium will be constructed;
    - (iii) require the qualified owner, if the major league sports team leaves the qualified stadium before 30 years after the franchise agreement date, to[;] :
  - (A) pay the remaining outstanding balance of bonds issued by the fairpark district for the development and construction of the qualified stadium; and
  - (B) pay to the fairpark district the difference between the stadium contribution and the amount paid under Subsection (3)(a)(iii)(A);
  - (iv) provide for the fairpark district to possess full ownership rights to the qualified stadium;
  - (v) provide for the qualified owner to sell and control sponsorship rights relating to the qualified stadium;
  - (vi) provide for the fairpark district to lease the qualified stadium to the major league sports team for lease payments of \$150,000 per month for 360 months;
  - (vii) require the qualified owner to operate and maintain the qualified stadium and to pay for all operation and maintenance costs;

## SB0336S02 compared with SB0336S03

(viii) require the qualified owner to cooperate and coordinate with the fairpark district to allow events other than events of the major league sports team to occur at the qualified stadium if those other events do not interfere with the use of the qualified stadium for events of the major league sports team;

(ix) include negotiated terms that are fair and reasonable;

(x) establish the timing and process for the development of the qualified owner's property within the fairpark district boundary, based on the qualified owner's development plan;

(xi) establish the timing and process for assisting the fair park authority to complete the fair park authority's master plan; and

(xii) require the major league sports team to be given a name that includes "Utah."

(b) Before approving an agreement under Subsection (3)(a), the board shall:

(i) hold at least one public meeting to consider and discuss the draft agreement; and

(ii) provide notice of the public meeting as provided in Subsection 11-70-503(2).

(c) A legal action or other challenge to an agreement under Subsection (3)(a) by a person other than a party to the agreement is barred unless brought within 30 days after the execution of the agreement.

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

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

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

~~(1)~~ A public infrastructure district~~[:]~~

~~[(1)]~~ has all of the authority conferred upon a special district under Section 17B-1-103~~[:and]~~ .

(2) A public infrastructure district may:

(a) issue negotiable bonds to pay:

(i) all or part of the costs of acquiring, acquiring an interest in, improving, or extending any of the improvements, facilities, or property allowed under Section 11-14-103;

(ii) capital costs of improvements in an energy assessment area, as defined in Section 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;

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

(iv) capital costs related to public transportation;

## SB0336S02 compared with SB0336S03

- (v) for a public infrastructure district created by a development authority, the cost of acquiring or financing public infrastructure and improvements; and
- 880 (vi) 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;
- 883 (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;
- 887 (c) acquire completed or partially completed improvements for fair market value as reasonably determined by:
- 889 (i) the board;
- 890 (ii) the creating entity, if required in the governing document; or
- 891 (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;
- 894 (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
- 898 (e) for a public infrastructure district created by a development authority:
- 899 (i)
- (A) operate and maintain public infrastructure and improvements the district acquires or finances; and
- 901 (B) use fees, assessments, or taxes to pay for the operation and maintenance of those public infrastructure and improvements; and
- 903 (ii) issue bonds under Title 11, Chapter 42, Assessment Area Act; and
- 904 (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.
- 907 (3) A public infrastructure district created by the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, may:
- 909 (a) pay for the cost of the development and construction of a qualified stadium, as defined in Section 11-70-101; and

## SB0336S02 compared with SB0336S03

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

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

917 **51-9-902. (Effective 07/01/25)Outdoor Adventure Infrastructure Restricted Account.**

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

916 (2) The account shall consist of:

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

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

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

920 (a) new construction of outdoor recreation infrastructure;

921 (b) upgrades of outdoor recreation infrastructure;

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

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

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

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

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

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

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

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

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

938 (b) at least 22% to the Department of Natural Resources - Division of Outdoor Recreation - Capital, to be expended for competitive Recreation Restoration Infrastructure grants or Outdoor Recreational

## SB0336S02 compared with SB0336S03

Infrastructure grants for outdoor recreation capital projects and related maintenance expenses, where maintenance expenses do not exceed 15% of the appropriation;~~[-and]~~

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

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

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

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

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

(1) As used in this section:

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

(i) the commission administers under:

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

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

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

(D) Section 19-6-805;

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

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

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

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

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

(i) a county, city, or town;

(ii) the military installation development authority created in Section 63H-1-201;~~[-or]~~

(iii) the Utah Inland Port Authority created in Section 11-58-201; or

(iv) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.

## SB0336S02 compared with SB0336S03

976 (2)

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

978 (i) a tax commissioner;

979 (ii) an agent, clerk, or other officer or employee of the commission; or

980 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.

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

985 (i) in accordance with judicial order;

986 (ii) on behalf of the commission in any action or proceeding under:

987 (A) this title; or

988 (B) other law under which persons are required to file returns with the commission;

990 (iii) on behalf of the commission in any action or proceeding to which the commission is a party; or

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

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

997 (3) This section does not prohibit:

998 (a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;

1000 (b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and

1002 (c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:

1004 (i) who brings action to set aside or review a tax based on the report or return;

1005 (ii) against whom an action or proceeding is contemplated or has been instituted under this title; or

1007 (iii) against whom the state has an unsatisfied money judgment.

1008 (4)



## SB0336S02 compared with SB0336S03

- (a) Notwithstanding Subsection (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:
- 1012 (i) the United States Internal Revenue Service; or
- 1013 (ii) the revenue service of any other state.
- 1014 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share 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, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.
- 1022 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.
- 1027 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the Division of Environmental Response and Remediation, as defined in Section 19-6-402, as requested by the director of the Division of Environmental Response and Remediation, any records, returns, or other information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program participation fee.
- 1033 (e) Notwithstanding Subsection (2), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:
- 1036 (i) Chapter 13, Part 2, Motor Fuel; or
- 1037 (ii) Chapter 13, Part 4, Aviation Fuel.
- 1038 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer, as defined in Section 59-22-202, the commission shall report to the manufacturer:
- 1040 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59-14-407; and
- 1043

## SB0336S02 compared with SB0336S03

- (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).
- 1047 

(g) Notwithstanding Subsection (2), the commission shall notify manufacturers, distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling cigarettes to consumers within the state under Subsection 59-14-210(2).
- 1051 

(h) Notwithstanding Subsection (2), the commission may:
- 1052 

(i) provide to the Division of Consumer Protection within the Department of Commerce and the attorney general data:
- 1054 

(A) reported to the commission under Section 59-14-212; or
- 1055 

(B) related to a violation under Section 59-14-211; and
- 1056 

(ii) upon request, provide to any person data reported to the commission under Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 1058 

(i) Notwithstanding Subsection (2), the commission shall, at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning and Budget, provide to the committee or office the total amount of revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.
- 1063 

(j) Notwithstanding Subsection (2), the commission shall make the directory required by Section 59-14-603 available for public inspection.
- 1065 

(k) Notwithstanding Subsection (2), the commission may share information with federal, state, or local agencies as provided in Subsection 59-14-606(3).
- 1067 

(l)
- (i) Notwithstanding Subsection (2), the commission shall provide the Office of Recovery Services within the Department of Health and Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.
- 1072 

(ii) The information described in Subsection (4)(l)(i) may be provided by the Office of Recovery Services to any other state's child support collection agency involved in enforcing that support obligation.
- 1075 

(m)

## SB0336S02 compared with SB0336S03

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

1079 (ii) The state court administrator may use the information described in Subsection (4)(m)(i) only as a  
source list for the master jury list described in Section 78B-1-106.

1082 (n)

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

1083 [~~(A)~~] "~~GOEO~~" means the Governor's Office of Economic Opportunity created in Section  
~~63N-1a-301.~~]

1085 [~~(B)~~] (A) "Income tax information" means information gained by the commission that is required  
to be attached to or included in a return filed with the commission under Chapter 7, Corporate  
Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1089 [~~(C)~~] (B) "Other tax information" means information gained by the commission that is required to  
be attached to or included in a return filed with the commission except for a return filed under  
Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1093 [~~(D)~~] (C) "Tax information" means income tax information or other tax information.

1095 (ii)

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

1098 (B) For purposes of a request for income tax information made under Subsection (4)(n)(ii)(A), GOEO  
may not request and the commission may not provide to GOEO a person's address, name, social  
security number, or taxpayer identification number.

1102 (C) In providing income tax information to GOEO, the commission shall in all instances protect the  
privacy of a person as required by Subsection (4)(n)(ii)(B).

1104 (iii)

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

1107 (B) Before providing other tax information to GOEO, the commission shall redact or remove any name,  
address, social security number, or taxpayer identification number.

1110

## SB0336S02 compared with SB0336S03

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

1112 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1113 (B) if the tax information is classified to prevent the identification of a particular return.

1115 (v)

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

1119 (B) GOEO may not provide to a person that requests tax information in accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information GOEO provides in accordance with Subsection (4)(n)(iv).

1122 (o) Notwithstanding Subsection (2), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

1125 (i) the following relating to an agreement sales and use tax:

1126 (A) information contained in a return filed with the commission;

1127 (B) information contained in a report filed with the commission;

1128 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

1129 (D) a document filed with the commission; or

1130 (ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

1132 (p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:

1135 (i) requests the information; and

1136 (ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.

1138 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah Communications Authority, or a division of the Utah Communications Authority, the information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and 63H-7a-502.

1142 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah Educational Savings Plan information related to a resident or nonresident individual's contribution to a Utah Educational

## **SB0336S02 compared with SB0336S03**

Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.

- 1147 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under Sections 26B-3-106  
and 26B-3-903, the commission shall provide an eligibility worker with the Department of Health  
and Human Services or its designee with the adjusted gross income of an individual if:
- 1151 (i) an eligibility worker with the Department of Health and Human Services or its designee requests the  
information from the commission; and
- 1153 (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections  
26B-3-106 and 26B-3-903.
- 1155 (t) Notwithstanding Subsection (2), the commission may provide to a county, as determined by the  
commission, information declared on an individual income tax return in accordance with Section  
59-10-103.1 that relates to eligibility to claim a residential exemption authorized under Section  
59-2-103.
- 1159 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding any access line  
provider that is over 90 days delinquent in payment to the commission of amounts the access line  
provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service  
Charges, to the board of the Utah Communications Authority created in Section 63H-7a-201.
- 1164 (v) Notwithstanding Subsection (2), the commission shall provide the Department of Environmental  
Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar  
year under Section 59-24-103.5.
- 1167 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the Department of  
Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is  
relevant to the duties of the Department of Workforce Services.
- 1171 (x) Notwithstanding Subsection (2), the commission may provide the Public Service Commission or the  
Division of Public Utilities information related to a seller that collects and remits to the commission  
a charge described in Subsection 69-2-405(2), including the seller's identity and the number of  
charges described in Subsection 69-2-405(2) that the seller collects.
- 1176 (y)
- (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying jurisdiction the  
collection data necessary to verify the revenue collected by the commission for a distributed tax, fee,  
or charge collected within the qualifying jurisdiction.

## SB0336S02 compared with SB0336S03

- 1180 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission shall provide a  
qualifying jurisdiction with copies of returns and other information relating to a distributed tax, fee,  
or charge collected within the qualifying jurisdiction.
- 1184 (iii)
- (A) To obtain the information described in Subsection (4)(y)(ii), the chief executive officer or the  
chief executive officer's designee of the qualifying jurisdiction shall submit a written request to the  
commission that states the specific information sought and how the qualifying jurisdiction intends to  
use the information.
- 1189 (B) The information described in Subsection (4)(y)(ii) is available only in official matters of the  
qualifying jurisdiction.
- 1191 (iv) Information that a qualifying jurisdiction receives in response to a request under this subsection is:
- 1193 (A) classified as a private record under Title 63G, Chapter 2, Government Records Access and  
Management Act; and
- 1195 (B) subject to the confidentiality requirements of this section.
- 1196 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic Beverage Services  
Commission, upon request, with taxpayer status information related to state tax obligations  
necessary to comply with the requirements described in Section 32B-1-203.
- 1200 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of Workforce  
Services, as soon as practicable, whether an individual claimed and is entitled to claim a federal  
earned income tax credit for the year requested by the Department of Workforce Services if:
- 1204 (i) the Department of Workforce Services requests this information; and
- 1205 (ii) the commission has received the information release described in Section 35A-9-604.
- 1207 (bb)
- (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means the administrator or  
the administrator's agent, as those terms are defined in Section 67-4a-102.
- 1210 (ii)
- (A) Notwithstanding Subsection (2), upon request from the unclaimed property administrator and  
to the extent allowed under federal law, the commission shall provide the unclaimed property  
administrator the name, address, telephone number, county of residence, and social security number  
or federal employer identification number on any return filed under Chapter 7, Corporate Franchise  
and Income Taxes, or Chapter 10, Individual Income Tax Act.

## SB0336S02 compared with SB0336S03

- 1216 (B) The unclaimed property administrator may use the information described in Subsection (4)(bb)(ii)  
1217 (A) only for the purpose of returning unclaimed property to the property's owner in accordance with  
1218 Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.
- 1220 (iii) The unclaimed property administrator is subject to the confidentiality provisions of this section  
1221 with respect to any information the unclaimed property administrator receives under this Subsection  
1222 (4)(bb).
- 1223 (cc) Notwithstanding Subsection (2), the commission may, upon request, disclose a taxpayer's state  
1224 individual income tax information to a program manager of the Utah Fits All Scholarship Program  
1225 under Section 53F-6-402 if:
- 1226 (i) the taxpayer consents in writing to the disclosure;
- 1227 (ii) the taxpayer's written consent includes the taxpayer's name, social security number, and any other  
1228 information the commission requests that is necessary to verify the identity of the taxpayer; and
- 1230 (iii) the program manager provides the taxpayer's written consent to the commission.
- 1231 (dd) Notwithstanding Subsection (2), the commission may provide to the Division of Finance within the  
1232 Department of Government Operations any information necessary to facilitate a payment from the  
1233 commission to a taxpayer, including:
- 1234 (i) the name of the taxpayer entitled to the payment or any other person legally authorized to receive the  
1235 payment;
- 1236 (ii) the taxpayer identification number of the taxpayer entitled to the payment;
- 1237 (iii) the payment identification number and amount of the payment;
- 1238 (iv) the tax year to which the payment applies and date on which the payment is due;
- 1239 (v) a mailing address to which the payment may be directed; and
- 1240 (vi) information regarding an account at a depository institution to which the payment may be directed,  
1241 including the name of the depository institution, the type of account, the account number, and the  
1242 routing number for the account.
- 1243 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of revenues  
1244 collected by the commission under Subsection 59-5-202(5):
- 1245 (i) at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the  
1246 Governor's Office of Planning and Budget, to the committee or office for the time period specified  
1247 by the committee or office; and
- 1248

## SB0336S02 compared with SB0336S03

(ii) to the Division of Finance for purposes of the Division of Finance administering Subsection 59-5-202(5).

1250 (ff) Notwithstanding Subsection (2), the commission may provide the Department of Agriculture and Food with information from a return filed in accordance with Chapter 31, Cannabinoid Licensing and Tax Act.

1253 (5)

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

1254 (b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or return.

1256 (6)

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

1257 (b) If the individual described in Subsection (6)(a) is an officer or employee of the state, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.

1260 (c) Notwithstanding Subsection (6)(a) or (b), GOEO, when requesting information in accordance with Subsection (4)(n)(iii), or an individual who requests information in accordance with Subsection (4)(n)(v):

1263 (i) is not guilty of a class A misdemeanor; and

1264 (ii) is not subject to:

1265 (A) dismissal from office in accordance with Subsection (6)(b); or

1266 (B) disqualification from holding public office in accordance with Subsection (6)(b).

1268 (d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an individual described in Subsection (2):

1271 (i) is not guilty of a class A misdemeanor; and

1272 (ii) is not subject to:

1273 (A) dismissal from office in accordance with Subsection (6)(b); or

1274 (B) disqualification from holding public office in accordance with Subsection (6)(b).

1276 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

1284 Section 13. Section **59-12-103** is amended to read:

1285



## SB0336S02 compared with SB0336S03

### **59-12-103. (Effective 07/01/25)Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax revenue.**

- 1280 (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:
- 1282 (a) retail sales of tangible personal property made within the state;
- 1283 (b) amounts paid for:
- 1284 (i) telecommunications service, other than mobile telecommunications service, that originates and  
terminates within the boundaries of this state;
- 1286 (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
- 1289 (iii) an ancillary service associated with a:
- 1290 (A) telecommunications service described in Subsection (1)(b)(i); or
- 1291 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 1292 (c) sales of the following for commercial use:
- 1293 (i) gas;
- 1294 (ii) electricity;
- 1295 (iii) heat;
- 1296 (iv) coal;
- 1297 (v) fuel oil; or
- 1298 (vi) other fuels;
- 1299 (d) sales of the following for residential use:
- 1300 (i) gas;
- 1301 (ii) electricity;
- 1302 (iii) heat;
- 1303 (iv) coal;
- 1304 (v) fuel oil; or
- 1305 (vi) other fuels;
- 1306 (e) sales of prepared food;
- 1307 (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,

## SB0336S02 compared with SB0336S03

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;

- 1317 (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:
- 1320 (i) the tangible personal property; and
- 1321 (ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1)  
(g)(i), regardless of whether:
- 1323 (A) any parts are actually used in the repairs or renovations of that tangible personal property; or
- 1325 (B) the particular parts used in the repairs or renovations of that tangible personal property are exempt  
from a tax under this chapter;
- 1327 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or  
washing of tangible personal property;
- 1329 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court  
accommodations and services;
- 1331 (j) amounts paid or charged for laundry or dry cleaning services;
- 1332 (k) amounts paid or charged for leases or rentals of tangible personal property if within this state the  
tangible personal property is:
- 1334 (i) stored;
- 1335 (ii) used; or
- 1336 (iii) otherwise consumed;
- 1337 (l) amounts paid or charged for tangible personal property if within this state the tangible personal  
property is:
- 1339 (i) stored;
- 1340 (ii) used; or
- 1341 (iii) consumed;
- 1342 (m) amounts paid or charged for a sale:
- 1343 (i)

## SB0336S02 compared with SB0336S03

- (A) of a product transferred electronically; or
- 1344 (B) of a repair or renovation of a product transferred electronically; and
- 1345 (ii) regardless of whether the sale provides:
- 1346 (A) a right of permanent use of the product; or
- 1347 (B) a right to use the product that is less than a permanent use, including a right:
- 1348 (I) for a definite or specified length of time; and
- 1349 (II) that terminates upon the occurrence of a condition; and
- 1350 (n) sales of leased tangible personal property from the lessor to the lessee made in the state.
- 1352 (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:
- 1354 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1355 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 1356 (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
- 1361 (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
- 1366 (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.
- 1368 (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:
- 1371 (i) a state tax imposed on the transaction at a tax rate of 2%; and
- 1372 (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.
- 1374 (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:

## SB0336S02 compared with SB0336S03

- 1376 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of  
1.75%; and
- 1378 (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.
- 1381 (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%.
- 1384 (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.
- 1389 (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.
- 1392 (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.
- 1395 (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.
- 1399 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.
- 1400 (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).
- 1403 (B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the  
shared vehicle is an individual-owned shared vehicle certified with the commission as described in  
Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction  
imposed on the shared vehicle owner.

1408

## SB0336S02 compared with SB0336S03

(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.

1412 (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.

1414 (vi) A car-sharing program shall:

1415 (A) retain tax information for each car-sharing program transaction; and

1416 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the  
commission's request.

1418 (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:

1421 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1422 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1423 (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

1428 (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

1433 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).

1435 (ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.

1440

## SB0336S02 compared with SB0336S03

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

1442 (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:

1447 (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

1451 (II) state or federal law provides otherwise; or

1452 (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:

1456 (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

1460 (II) state or federal law provides otherwise.

1461 (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.

1464 (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:

1471 (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

1474

## SB0336S02 compared with SB0336S03

(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.

- 1477 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 1478 (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
- 1482 (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.
- 1485 (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.
- 1488 (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:
- 1492 (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
- 1495 (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.
- 1499 (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.
- 1502 (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:
- 1504 (i) Subsection (2)(a)(i)(A);
- 1505 (ii) Subsection (2)(b)(i);
- 1506 (iii) Subsection (2)(c)(i); or

## SB0336S02 compared with SB0336S03

- 1507 (iv) Subsection (2)(f)(i)(A)(I).  
1508 (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:  
1512 (A) Subsection (2)(a)(i)(A);  
1513 (B) Subsection (2)(b)(i);  
1514 (C) Subsection (2)(c)(i); or  
1515 (D) Subsection (2)(f)(i)(A)(I).  
1516 (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:  
1519 (A) Subsection (2)(a)(i)(A);  
1520 (B) Subsection (2)(b)(i);  
1521 (C) Subsection (2)(c)(i); or  
1522 (D) Subsection (2)(f)(i)(A)(I).  
1523 (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:  
1526 (A) on the first day of a calendar quarter; and  
1527 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.  
1529 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:  
1530 (A) Subsection (2)(a)(i)(A);  
1531 (B) Subsection (2)(b)(i);  
1532 (C) Subsection (2)(c)(i); or  
1533 (D) Subsection (2)(f)(i)(A)(I).  
1534 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
may by rule define the term "catalogue sale."  
1536 (l)



## SB0336S02 compared with SB0336S03

(i) For a location described in Subsection (2)(l)(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.

1540 (ii) Subsection (2)(l)(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:

1543 (A) a commercial use;

1544 (B) an industrial use; or

1545 (C) a residential use.

1546 (3)

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

1547 (i) the tax imposed by Subsection (2)(a)(i)(A);

1548 (ii) the tax imposed by Subsection (2)(b)(i);

1549 (iii) the tax imposed by Subsection (2)(c)(i); and

1550 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1551 (b) The following local taxes shall be distributed to a county, city, or town as provided in this chapter:

1553 (i) the tax imposed by Subsection (2)(a)(ii);

1554 (ii) the tax imposed by Subsection (2)(b)(ii);

1555 (iii) the tax imposed by Subsection (2)(c)(ii); and

1556 (iv) the tax imposed by Subsection (2)(f)(i)(B).

1557 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.

1558 (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):

1561 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

1562 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1563 (B) for the fiscal year; or

1564 (ii) \$17,500,000.

1565 (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:

## SB0336S02 compared with SB0336S03

- 1568 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect  
sensitive plant and animal species; or
- 1570 (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.
- 1574 (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.
- 1579 (iii) At the end of each fiscal year:
- 1580 (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;
- 1583 (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
- 1585 (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.
- 1587 (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.
- 1590 (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.
- 1594 (ii) At the end of each fiscal year:
- 1595 (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;
- 1598 (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
- 1600 (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.

## SB0336S02 compared with SB0336S03

- 1602 (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.
- 1606 (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:
- 1609 (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;
- 1615 (B) fund state required dam safety improvements; and
- 1616 (C) protect the state's interest in interstate water compact allocations, including the hiring of technical and legal staff.
- 1618 (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.
- 1622 (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:
- 1625 (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;
- 1627 (ii) develop underground sources of water, including springs and wells; and
- 1628 (iii) develop surface water sources.
- 1629 (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:
- 1632 (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
- 1635 (ii) \$17,500,000.

## SB0336S02 compared with SB0336S03

- 1636 (b)
- 1637 (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 1639 (A) transferred each fiscal year to the Department of Natural Resources as designated sales and use  
tax revenue; and
- 1639 (B) expended by the Department of Natural Resources for watershed rehabilitation or restoration.
- 1641 (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.
- 1644 (c)
- 1644 (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the remaining difference  
described in Subsection (5)(a) shall be:
- 1646 (A) transferred each fiscal year to the Division of Water Resources as designated sales and use tax  
revenue; and
- 1648 (B) expended by the Division of Water Resources for cloud-seeding projects authorized by Title 73,  
Chapter 15, Modification of Weather.
- 1650 (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.
- 1653 (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:
- 1657 (i) preconstruction costs:
- 1658 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River  
Development Act; and
- 1660 (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;
- 1662 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26,  
Bear River Development Act;
- 1664 (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
- 1667

## SB0336S02 compared with SB0336S03

- (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).
- 1670 (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.
- 1673 (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.
- 1677 (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:
- 1682 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1683 (ii) the tax imposed by Subsection (2)(b)(i);
- 1684 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1685 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1686 (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:
- 1690 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1691 (B) the tax imposed by Subsection (2)(b)(i);
- 1692 (C) the tax imposed by Subsection (2)(c)(i); and
- 1693 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1694 (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.
- 1697 (c)

## SB0336S02 compared with SB0336S03

(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] Subsection (8)(b)[~~and (d)(ii)~~], 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);

## SB0336S02 compared with SB0336S03

- 1733 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1734 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1735 (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.
- 1740 (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.
- 1742 (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.
- 1745 (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.
- 1751 (11)
- (a) The rate specified in this subsection is 0.15%.
- 1752 (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.
- 1757 (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.
- 1761 (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.

## SB0336S02 compared with SB0336S03

- 1764 (b) If the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections  
1768 (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.
- 1768 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610, beginning the first  
day of the calendar quarter one year after the sales and use tax boundary for a housing and transit  
reinvestment zone is established, the commission, at least annually, shall transfer an amount equal to  
15% of the sales and use tax increment within an established sales and use tax boundary, as defined  
in Section 63N-3-602, into the Transit Transportation Investment Fund created in Section 72-2-124.
- 1774 (15)
- (a) ~~Notwithstanding Subsection (3)(a), [the commission shall, for a fiscal year beginning on or after  
July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted Account, created in  
Section 51-9-902,]~~ for a fiscal year beginning on or after July 1, 2025, the commission shall, in  
accordance with Subsection (15)(b), transfer a portion of the taxes listed under Subsection (3)(a)  
equal to 1% of the revenue collected from the following sales and use taxes:
- 1780 [(a)] (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1781 [(b)] (ii) the tax imposed by Subsection (2)(b)(i);
- 1782 [(c)] (iii) the tax imposed by Subsection (2)(c)(i); and
- 1783 [(d)] (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1784 (b) The commission shall transfer the portion of the taxes described in Subsection (15)(a) as follows:
- 1786 (i) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902, an  
amount equal to the amount that was deposited into the Outdoor Adventure Infrastructure Restricted  
Account in fiscal year 2025; and
- 1789 (ii) for any amount exceeding the amount described in Subsection (15)(b)(i), 50% into the Outdoor  
Adventure Infrastructure Restricted Account and 50% to the Utah Fairpark Area Investment and  
Restoration District created in Section 11-70-201.
- 1793 (16) Notwithstanding Subsection (3)(a), 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.
- 1798 (17)



## SB0336S02 compared with SB0336S03

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

- 1799 (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).
- 1802 (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority,  
created in Section 11-59-201.
- 1804 (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.
- 1806 (b) Notwithstanding Subsection (3)(a), 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.
- 1810 (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:
- 1813 (i) accurately describes the point of the mountain state land; and
- 1814 (ii) the point of the mountain authority certifies as accurate.
- 1815 (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:
- 1818 (i) accurately describes the point of the mountain state land, including the additional land; and
- 1820 (ii) the point of the mountain authority certifies as accurate.
- 1821 (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.
- 1825 (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).
- 1836 Section 14. Section **59-12-352** is amended to read:
- 1837 **59-12-352. (Effective 05/07/25) Transient room tax authority for municipalities, military  
installation development authority, Utah Fairpark Area Investment and Restoration District, and  
Point of the Mountain State Land Authority -- Purposes for which revenues may be used.**
- 1833 (1)

## SB0336S02 compared with SB0336S03

- (a) Except as provided in Subsection (5), the governing body of a municipality may impose a tax of not to exceed 1% on charges for the accommodations and services described in Subsection 59-12-103(1)(i).
- 1836 (b) Subject to Section 63H-1-203, the military installation development authority created in Section 63H-1-201 may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act, as though the authority were a municipality.
- 1841 (c) Beginning October 1, 2024, the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within the district sales tax area, as defined in Section 11-70-101, to the same extent and in the same manner as a municipality may impose a tax under this section.
- 1846 (2) Subject to the limitations of Subsection (1), a governing body of a municipality may, by ordinance, increase or decrease the tax under this part.
- 1848 (3) A governing body of a municipality shall regulate the tax under this part by ordinance.
- 1849 (4) A municipality may use revenues generated by the tax under this part for general fund purposes.
- 1851 (5)
- (a) A municipality may not impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within:
- 1853 (i) a project area described in a project area plan adopted by [-]
- 1854 [(i)] the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act; or
- 1856 (ii) [~~the Utah Fairpark Area Investment and Restoration District under Title 11, Chapter 70, Utah Fairpark Area Investment and Restoration District~~] the district sales tax area, as defined in Section 11-70-101.
- 1859 (b) Subsection (5)(a) does not apply to:
- 1860 (i) [-]the military installation development authority's imposition of a tax under this section[-] ; or
- 1862 (ii) the imposition of a tax under this section by the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.
- 1864 (6)
- (a) As used in this Subsection (6):

## SB0336S02 compared with SB0336S03

- 1865 (i) "Authority" means the Point of the Mountain State Land Authority, created in Section  
11-59-201.
- 1867 (ii) "Authority board" means the board referred to in Section 11-59-301.
- 1868 (b) The authority may, by a resolution adopted by the authority board, impose a tax of not to exceed  
5% on charges for the accommodations and services described in Subsection 59-12-103(1)(i) for  
transactions that occur on point of the mountain state land, as defined in Section 11-59-102.
- 1872 (c) The authority board, by resolution, shall regulate the tax under this Subsection (6).
- 1873 (d) The authority shall use all revenue from a tax imposed under this Subsection (6) to provide  
affordable housing, consistent with the manner that a community reinvestment agency uses funds  
for income targeted housing under Section 17C-1-412.
- 1876 (e) A tax under this Subsection (6) is in addition to any other tax that may be imposed under this part.
- 1887 Section 15. Section **59-12-1201** is amended to read:
- 1888 **59-12-1201. (Effective 05/07/25)Motor vehicle rental tax -- Rate -- Exemptions --  
Administration, collection, and enforcement of tax -- Administrative charge -- Deposits.**
- 1882 (1) As used in this section:
- 1883 (a) "Fairpark district board" means the board of the fairpark district.
- 1884 (b) "Fairpark district" means the Utah Fairpark Area Investment and Restoration District, created in  
Section 11-70-201.
- 1886 (c) "Franchise agreement date" means the same as that term is defined in Section 11-70-101.
- 1888 (d) "Stadium contribution" means the same as that term is defined in Section 11-70-101.
- 1889 (e) "Transition date" means the first day of the calendar quarter that begins at least 90 days after the  
fairpark district board delivers to the commission the certificate described in Subsection (2)(a)(ii)  
(B).
- 1892 (2)
- (a)
- (i) Except as provided in Subsections (4) and (5), there is imposed a tax of 2.5% on all short-term  
rentals of motor vehicles.
- 1894 (ii)
- (A) In addition to the tax imposed under Subsection (2)(a)(i) and except as provided in Subsections (4)  
and (5), beginning on the transition date there is imposed a tax of 1.5% on all short-term [leases and  
rentals of motor vehicles][not exceeding 30 days].

## SB0336S02 compared with SB0336S03

- 1898 (B) After the franchise agreement date, the fairpark district board shall deliver to the commission a  
certificate verifying the execution of a franchise agreement, as defined in Section 11-70-101, and  
providing the franchise agreement date.
- 1901 (C) A tax under this Subsection (2)(a)(ii) is imposed only if the franchise agreement date is on or before  
June 30, 2032.
- 1903 (b) The tax imposed in this section is in addition to all other state, county, or municipal fees and taxes  
imposed on rentals of motor vehicles.
- 1905 (3)  
(a) Subject to Subsection (3)(b), a tax rate repeal or tax rate change for the tax imposed under  
Subsection (2) shall take effect on the first day of a calendar quarter.
- 1907 (b)  
(i) For a transaction subject to a tax under Subsection (2), a tax rate increase shall take effect on the first  
day of the first billing period:  
1909 (A) that begins after the effective date of the tax rate increase; and  
1910 (B) if the billing period for the transaction begins before the effective date of a tax rate increase  
imposed under Subsection (2).
- 1912 (ii) For a transaction subject to a tax under Subsection (2), the repeal of a tax or a tax rate decrease shall  
take effect on the first day of the last billing period:  
1914 (A) that began before the effective date of the repeal of the tax or the tax rate decrease; and  
1916 (B) if the billing period for the transaction begins before the effective date of the repeal of the tax or the  
tax rate decrease imposed under Subsection [~~(1)~~] (2).
- 1918 (4) A tax imposed under this section applies at the same rate 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.
- 1921 (5) A motor vehicle is exempt from the tax imposed under this section if:  
1922 (a) the motor vehicle is registered for a gross laden weight of 12,001 or more pounds;  
1923 (b) the motor vehicle is rented as a personal household goods moving van; or  
1924 (c) the lease or rental of the motor vehicle is made for the purpose of temporarily replacing a person's  
motor vehicle that is being repaired pursuant to a repair agreement or an insurance agreement.
- 1927 (6)  
(a)

## SB0336S02 compared with SB0336S03

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

1929 (A) the same procedures used to administer, collect, and enforce the tax under Part 1, Tax  
Collection; and

1931 (B) Chapter 1, General Taxation Policies.

1932 (ii) Notwithstanding Subsection [(5)(a)(i)] (6)(a)(i), a tax under this part is not subject to  
Subsections 59-12-103(4) through (9) or Section 59-12-107.1 or 59-12-123.

1934 (b) 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.

1936 (c) Except as provided under Subsections (6)(b) and (d):

1937 (i) the commission shall deposit daily with the state treasurer all revenue received under this section;  
and

1939 (ii) the state treasurer shall credit monthly all revenue received under this section to the Marda Dillree  
Corridor Preservation Fund under Section 72-2-117.

1941 (d)

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

1943 (ii) Within 10 days after the fairpark district completes payment of the stadium contribution, the  
fairpark district board shall deliver to the commission a written statement verifying that the fairpark  
district has completed payment of the stadium contribution.

1947 (iii) Upon receipt of the written statement under Subsection (6)(d)(ii), the commission shall:

1949 (A) discontinue collecting revenue under Subsection (2)(a)(ii), beginning the first day of the calendar  
quarter that is at least 90 days after the commission's receipt of the written statement;

1952 (B) discontinue distributing revenue under Subsection (2)(a)(ii) to the fairpark district, beginning the  
first day of the calendar quarter that is at least 90 days after the commission's receipt of the written  
statement; and

1955 (C) notify the Executive Appropriations Committee of the Legislature that the commission is  
discontinuing collecting and distributing revenue under Subsection (2)(a)(ii).

1966 Section 16. **Effective date.**

Effective Date.

~~{ This }~~ Except as provided in Subsection (2), this bill takes effect ~~{ on }~~ May 7, 2025.

## SB0336S02 compared with SB0336S03

1968 (2) The actions affecting the following sections take effect on July 1, 2025:

1969 (a) Section 51-9-902 (Effective 07/01/25); and

1970 (b) Section 59-12-103 (Effective 07/01/25).

1971 Section 17. **Coordinating S.B. 336 with S.B. 27.**

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

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

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

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

3-7-25 10:05 AM