

SB0278S04 compared with SB0278

~~{Omitted text}~~ shows text that was in SB0278 but was omitted in SB0278S04

inserted text shows text that was not in SB0278 but was inserted into SB0278S04

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1 ~~{Point of the Mountain State Land}~~ Development Authority Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W Stevenson

House Sponsor: Jordan D. Teuscher

2

3 **LONG TITLE**

4 **General Description:**

5 This bill deals with the Point of the Mountain State Land Authority.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ authorizes a municipality to coordinate with a state agency, independent entity, or regional economic development authority with exclusive control over the management, development, and disposition of a parcel of state-owned land in order to ensure future alignment with municipal general plans and land use regulations;

13 ▶ requires a public infrastructure district created by a development authority to have a majority of the public infrastructure district's board members appointed by the governing body of the development authority, subject to exceptions;

16 ▶ provides that a public infrastructure district created by a development authority that issues a bond may not issue additional or subsequent bonds but may refinance bonds one time;

13 ▶

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provides that the Point of the Mountain State Land Authority (authority) may coordinate with Draper when the authority intends to dispose of a parcel of point of the mountain state land to a private party;

- 16 ▶ modifies the distribution percentages of privilege tax to the authority for certain parcels of point of the mountain state land;
- 18 ▶ modifies the percentage of property tax augmentation that shall be distributed to the authority for certain transferred parcels;
- 25 ▶ reduces the percentage of state sales and tax revenue the State Tax Commission is directed to distribute to the authority;
- 27 ▶ authorizes a borrower to request and the Division of Finance to consider an amendment to a loan agreement to extend or forgive a loan made from certain infrastructure revolving loan funds;
- 20 ▶ repeals a sunset date and creates a sunset date; and
- 21 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-20-305 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

11-59-103 (Effective 05/06/26) (Repealed 01/01/29), as last amended by Laws of Utah 2025, First Special Session, Chapter 15

11-59-207 (Effective 05/06/26) (Repealed 01/01/29), as last amended by Laws of Utah 2025, Chapter 31

11-59-208 (Effective 05/06/26) (Repealed 01/01/29), as enacted by Laws of Utah 2022, Chapter 237

17D-4-202 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 347

59-12-103 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 285

63A-3-404 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapters 237, 463

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50 **63I-1-210 (Effective 05/06/26), as last amended by Laws of Utah 2024, Third Special**
Session, Chapter 5

52 **63I-1-211 (Effective 05/06/26), as last amended by Laws of Utah 2024, Third Special**
Session, Chapters 4, 5

54 ENACTS:

55 **17D-4-202.2 (Effective 05/06/26), Utah Code Annotated 1953**

REPEALS:

37 ~~**63I-1-211 (Effective 05/06/26), as last amended by Laws of Utah 2024, Third Special**~~
~~**Session, Chapters 4, 5**~~

56

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

58 Section 1. Section **10-20-305** is amended to read:

59 **10-20-305. State and federal property.**

43 (1) Unless otherwise provided by law, nothing contained in this chapter or Chapter 21, Municipalities
and Housing Supply, may be construed as giving a municipality jurisdiction over property owned by
the state or the United States.

46 (2)

{(a) ~~{As used in this Subsection (2):}~~}

47 (i) ~~{(a)}~~ ~~{"Exempted" As used in this Subsection (2), "exempted~~ government landowner" means a
state agency, independent entity, or regional economic development authority that has exclusive
control over the management, development, and disposition of a parcel of state-owned land.

50 ~~{(ii) "Regional economic development authority" means:}~~

51 ~~{(A) the Utah Inland Port Authority created in Section 11-58-201;}~~

52 ~~{(B) the Point of the Mountain State Land Authority created in Section 11-59-201;}~~

53 ~~{(C) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; or}~~

55 ~~{(D) the Military Installation Development Authority created in Section 63H-1-201.}~~

56 (b) Notwithstanding Subsection (1), when an exempted government landowner intends to dispose
of a parcel of state-owned land, a municipality may coordinate with the exempted government
landowner to develop a prospective land use regulation or general plan amendment for the parcel
in order to ensure alignment between the exempted government landowner's activity and objectives

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and the municipality's role as the land use authority ~~{in the event that}~~ if the parcel is conveyed to a private owner.

- 62 (c) A municipal legislative body that adopts a prospective land use regulation or amends a general plan
under Subsection (2)(b) is not required to comply with the notice provisions of Part 2, Notice, the
procedure specified in Section 10-20-502, or Subsections 10-20-503(2) and (3), if:
- 66 (i) the prospective land use regulation will govern, or the general plan amendment describes, state-
owned land ~~{in the event}~~ if that the state-owned land is transferred to private ownership; and
- 69 (ii) the exempted government landowner requested the prospective land use regulation or general plan
amendment.

82 Section 2. Section **11-59-103** is amended to read:

83 **11-59-103. Scope of chapter -- Limit on selling or leasing point of the mountain state**
land -- Authority control over point of the mountain state land -- Role of Division of Facilities
Construction and Management -- Local government authority not applicable.

76 (1) This chapter governs the management of the point of the mountain state land, and the process of
planning, managing, and implementing the development of the point of the mountain state land.

79 (2)

(a) No part of the point of the mountain state land may be sold or otherwise disposed of or leased
without the approval of the board.

81 (b) The authority has complete and exclusive control over the management, development, and
disposition of the point of the mountain state land.

83 (3)

(a) The facilities division serves the role of compliance agency under Title 15A, State Construction and
Fire Codes Act, with respect to the point of the mountain state land.

85 (b) The facilities division is the permitting agency responsible for the issuance of a building permit
or certificate of occupancy related to construction on the point of the mountain state land, in
accordance with applicable building codes and standards.

88 (4) The authority of a local government under Title 10, Chapter 20, Municipal Land Use, Development,
and Management Act, or Title 17, Chapter 79, County Land Use, Development, and Management
Act, does not apply to the use of the point of the mountain state land or to any improvements
constructed on the point of the mountain state land, including improvements constructed by an
entity other than the authority.

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- 93 (5) If the authority intends to dispose of a parcel of point of the mountain state land to a private party,
the authority {may} shall:
- 95 (a) coordinate with Draper in accordance with Section 10-20-305 to ensure:
- 96 (i) the authority's objectives described in Section 11-59-203 are achieved in regard to the parcel;
- 98 (ii) the highest and best use of the parcel; and
- 99 (iii) that the planning for and development of the parcel, if any, may continue after disposal in the same
manner as before disposal; {and} and
- 101 (b) provide Draper with a draft land use regulation to govern the parcel of point of the mountain state
land.

114 Section 3. Section **11-59-207** is amended to read:

115 **11-59-207. Privilege tax on leased property on state-owned land.**

106 (1) As used in this section:

- 107 (a) "Exempt property" means real property that is exempt from ad valorem property tax because the real
property is owned by the state.
- 109 (b) "Lease agreement" means an agreement by which a private person leases from the state real property
that is part of the point of the mountain state land.
- 111 (c)
- (i) "Leased property" means real property that:
- 112 (A) is part of the point of the mountain state land;
- 113 (B) is leased by a private person; and
- 114 (C) would be subject to ad valorem property tax if the real property were owned by the private
person.
- 116 (ii) "Leased property" includes attachments and other improvements to the real property that would
be included in an assessment of the value of the real property if the real property were not exempt
property.
- 119 (d) "Lessee" means a private person that leases property that is part of the point of the mountain state
land under a lease agreement.
- 121 (e) "Phase one land" means a portion of the leased property that:
- 122 (i) is identified by a plat or legal description;
- 123 (ii) consists, or will consist, of one or more parcels;

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(iii) is identified by the authority in a written agreement, executed before January 1, 2026, as either intended for development as:

126 (A) the first phase of development of the point of the mountain state land; or

127 (B) an event center and related facilities, including parking and public infrastructure; and

129 (iv) does not exceed 105 total acres.

130 [(e)] (f) "Privilege tax" means a tax imposed under Section 59-4-101.

131 (2) Beginning January 1 of the year immediately following the execution of a lease agreement, the possession or other beneficial use enjoyed by any person of property on point of the mountain state land, if that property is used in connection with a business conducted for profit, is subject to Title 59, Chapter 4, Privilege Tax.

135 (3) The treasurer of the county in which the point of the mountain state land is located shall, in the manner and at the time provided in Section 59-2-1365:

137 (a) collect privilege tax from a lessee; and

138 (b) distribute privilege tax revenue to the authority in the following percentages:

139 (i) for phase one land:

140 [(i)] (A) beginning January 1, 2025, 100% of the privilege tax revenue~~[-generated by the privilege tax on point of the mountain state land];~~

142 [(ii)] (B) beginning January 1, 2038, 96.3% of the privilege tax revenue~~[-generated by the privilege tax on point of the mountain state land];~~

144 [(iii)] (C) beginning January 1, 2044, 92.5% of the privilege tax revenue~~[-generated by the privilege tax on point of the mountain state land];~~

146 [(iv)] (D) beginning January 1, 2049, 90% of the privilege tax revenue~~[-generated by the privilege tax on point of the mountain state land];~~

148 [(v)] (E) beginning January 1, 2054, 87.5% of the privilege tax revenue~~[-generated by the privilege tax on point of the mountain state land];~~ and

150 [(vi)] (F) beginning January 1, 2068, 25% of the privilege tax revenue~~[-generated by the privilege tax on point of the mountain state land.] ; and~~

152 (ii) for point of the mountain state land that is not phase one land, according to the same terms as in Subsection (3)(b)(i), unless the authority provides notice to the county treasurer that a lower percentage of privilege tax shall be distributed to the authority.

156 (4) If applicable, the authority shall provide the notice described in Subsection (3)(b)(ii):

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- 157 (a) in writing; and
158 (b) by no later than October 1 of the year before the reduced distribution percentage for the privilege
tax revenue generated on point of the mountain state land that is not phase one land is intended to
commence.

172 Section 4. Section **11-59-208** is amended to read:

173 **11-59-208. Portion of property tax augmentation to be paid to authority.**

164 (1) As used in this section:

165 (a) "Base taxable value" means the taxable value in the year before the transfer date.

166 (b) "Property tax augmentation":

167 (i) means the amount of property tax that is the difference between:

168 (A) the amount of property tax revenues generated each tax year by all taxing entities from a transferred
parcel, using the current assessed value of the property; and

171 (B) the amount of property tax revenues that would be generated from that same transferred parcel
using the base taxable value of the property; and

173 (ii) does not include property tax revenue from:

174 (A) a county additional property tax or multicounty assessing and collecting levy imposed in
accordance with Section 59-2-1602;

176 (B) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330; or

178 (C) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general obligation bond.

180 (c) "Transfer date" means the date that fee title to land that is part of the point of the mountain state land
is transferred to a private person.

182 (d) "Transferred parcel" means a parcel of land:

183 (i) that is part of the point of the mountain state land; and

184 (ii) the fee title to which has been transferred to a private person.

185 (2) Beginning January 1, [~~2023~~] 2026, the authority shall be paid [~~75%~~] 25% of property tax
augmentation from a transferred parcel:

187 (a) for a period of 25 years beginning January 1 of the year immediately following the transfer date for
the transferred parcel; and

189 (b) for a period of an additional 15 years beyond the period stated in Subsection (2)(a) if:

190 (i) the board determines by resolution that the additional years will produce a significant benefit to the
authority; and

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- 192 (ii) the resolution is adopted before the end of the 25-year period under Subsection (2)(a).
194 (3) A county that collects property tax on property within the county in which the point of the
mountain state land is located shall pay and distribute to the authority the amount of property tax
augmentation that the authority is entitled to collect under Subsection (2), in the manner and at the
time provided in Section 59-2-1365.

209 Section 5. Section 17D-4-202 is amended to read:

210 **17D-4-202. Public infrastructure district board -- Governing document.**

- 212 (1)
- (a) The legislative body or board of the creating entity shall appoint the initial members of the board of
a public infrastructure district, in accordance with:
- 214 (i) the governing document[-] ; and
215 (ii) this part.
- 216 (b) A governing document approved by the legislative body or board of the creating entity may
provide for the board of a public infrastructure district to, upon a vacancy on the board, appoint
an individual to the board so long as the individual meets the requirements to serve on a public
infrastructure district board described in this section.
- 221 (c) For public infrastructure districts not described in Subsection (1)(b), and except as provided in
Subsection (1)(d):
- 223 (i) if there is a vacancy on the board of a public infrastructure district, or a board member provides
notice to the legislative body or board of the creating entity of the board member's intention
to resign from the board, the legislative body or board of the creating entity shall appoint a
replacement board member within 45 days from the day on which the vacancy first occurs or the
board member provides notice of the board member's intent to resign; and
- 229 (ii) if a legislative body or board of the creating entity fails to fill a vacancy on the board within the time
period described in Subsection (1)(c)(i), the board of the public infrastructure district may appoint
an individual who is eligible to serve on the board according to the requirements of this section to
fill the board vacancy.
- 233 (d) If a public infrastructure district board position has transitioned from appointment to election, as
described in Subsection (4), and an elected board position becomes vacant, the provisions of Section
20A-1-512 apply to fill the vacancy.
- 236 (2)

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- 238 (a) Unless otherwise limited in the governing document and except as provided in Subsection (2)(b), the initial term of each member of the board is four years.
- 241 (b) Notwithstanding Subsection (2)(a), approximately half of the members of the initial board shall
242 serve a six-year term so that, after the expiration of the initial term, the term of approximately half
243 the board members expires every two years.
- 245 (c) A board may elect that a majority of the board serve an initial term of six years.
- 242 (d) After the initial term, the term of each member of the board is four years.
- 243 (e) A member of the board who is appointed shall continue to serve on the board of the public
infrastructure district until a replacement board member is appointed.
- 245 (3)
- (a) Notwithstanding Subsection 17B-1-302(1)(b), a board member is not required to be a resident within
the boundaries of the public infrastructure district if:
- 247 (i) all of the surface property owners consent to the waiver of the residency requirement;
- 249 (ii) there are no residents within the boundaries of the public infrastructure district;
- 250 (iii) no qualified candidate timely files to be considered for appointment to the board; or
- 252 (iv) no qualified individual files a declaration of candidacy for a board position in accordance with
Subsection 17B-1-306(5).
- 254 (b) Except under the circumstances described in Subsection (3)(a)(iii) or (iv), the residency requirement
in Subsection 17B-1-302(1)(b) is applicable to any board member elected for a division or board
position that has transitioned from an appointed to an elected board member in accordance with this
section.
- 258 (c) An individual who is not a resident within the boundaries of the public infrastructure district may
not serve as a board member unless the individual is:
- 260 (i) an owner of land or an agent or officer of the owner of land within the boundaries of the public
infrastructure district; and
- 262 (ii) a registered voter at the individual's primary residence.
- 263 (d) If the creating entity determines that a public infrastructure district is not anticipated to have
permanent residents within the public infrastructure district's boundaries, or is anticipated to be
primarily composed of non-residential property or non-primary residential property, a governing
document may allow the creating entity to continue to appoint a property owner, or the agent of a
property owner, to the public infrastructure district board.

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- 269 (e) A governing document may allow for a property owner to recommend a property owner or a
property owner's agent for appointment to the public infrastructure district board in numbers
proportional to the property owner's ownership of land, or value of land, within a public
infrastructure district.
- 273 (4)
- (a) A governing document may provide for a transition from legislative body appointment under
Subsection (1) to a method of election by registered voters based upon milestones or events that the
governing document identifies, including a milestone for each division or individual board position
providing that when the milestone is reached:
- 278 (i) for a division, the registered voters of the division elect a member of the board in place of an
appointed member at the next municipal general election for the board position; or
- 281 (ii) for an at large board position established in the governing document, the registered voters of the
public infrastructure district elect a member of the board in place of an appointed member at the
next municipal general election for the board position.
- 285 (b) Regardless of whether a board member is elected under Subsection (4)(a), the position of each
remaining board member shall continue to be appointed under Subsection (1) until the member's
respective division or board position surpasses the density milestone described in the governing
document.
- 289 (5)
- (a) Subject to Subsection (5)(c), the board may, in the board's discretion but no more frequently than
every four years, reestablish the boundaries of each division so that each division that has reached a
milestone specified in the governing document, as described in Subsection (4)(a), has, as nearly as
possible, the same number of eligible voters.
- 294 (b) In reestablishing division boundaries under Subsection (5)(a), the board shall consider existing or
potential developments within the divisions that, when completed, would increase or decrease the
number of eligible voters within the division.
- 298 (c) The governing document may prohibit the board from reestablishing, without the consent of the
creating entity, the division boundaries as described in Subsection (5)(a).
- 301 (6) A public infrastructure district may not compensate a board member for the member's service on the
board under Section 17B-1-307 unless the board member is a resident within the boundaries of the
public infrastructure district.

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- 304 (7) A governing document shall:
- 305 (a) include a boundary description and a map of the public infrastructure district;
- 306 (b) state the number of board members;
- 307 (c) describe any divisions of the public infrastructure district;
- 308 (d) establish any applicable property tax levy rate limit for the public infrastructure district;
- 310 (e) establish any applicable limitation on the principal amount of indebtedness for the public
infrastructure district; and
- 312 (f) include other information that the public infrastructure district or the creating entity determines to be
necessary or advisable.
- 314 (8)
- (a) Except as provided in Subsection (8)(b), the board and the governing body of the creating entity
may amend a governing document by each adopting a resolution that approves the amended
governing document.
- 317 (b) Notwithstanding Subsection (8)(a), any amendment to increase a property tax levy rate limitation
requires the consent of 100% of surface property owners within the boundaries of the public
infrastructure district.
- 320 (9) A board member is not in violation of Section 67-16-9 if the board member:
- 321 (a) discloses a business relationship in accordance with Sections 67-16-7 and 67-16-8 and files the
disclosure with the creating entity:
- 323 (i) before any appointment or election; and
- 324 (ii) upon any significant change in the business relationship; and
- 325 (b) conducts the affairs of the public infrastructure district in accordance with this title and any
parameters described in the governing document.
- 327 (10) Notwithstanding any other provision of this section, the governing document [~~governs~~] and
Section 17D-4-202.2, unless inconsistent with existing contractual obligations, govern the
number, appointment, and terms of board members of a public infrastructure district created by the
development authority.
- 331 Section 6. Section **6** is enacted to read:
- 332 **17D-4-202.2. Public infrastructure district created by a development authority -- Board --**
Governing document.
- 334 (1) As used in this section:

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- 335 (a) "Governing body" means the governing body of the development authority that created a public
infrastructure district.
- 337 (b) "Grandfathered public infrastructure district" means a public infrastructure district:
- 338 (i) created by the Point of the Mountain State Land Authority created in Section 11-59-201; and
- 340 (ii) that is not a specified public infrastructure district.
- 341 (c) "Specified public infrastructure district" means a public infrastructure district created by a
development authority on or after May 6, 2026.
- 343 (2) Except as provided in Subsection (4), the governing document of a specified public infrastructure
district shall require that a majority of the board members of the specified public infrastructure
district be appointed by the governing body.
- 346 (3) Beginning May 6, 2026, a grandfathered public infrastructure district shall modify the public
infrastructure district's governing document by no later than July 1, 2026, to ensure that at least 40%
of the public infrastructure board's seats are appointed by the governing body.
- 350 (4) The governing document of a specified public infrastructure district may provide for a different
board structure than described in Subsection (2) if:
- 352 (a) the governing body finds that a compelling reason exists to reduce the number of appointments
made by the governing body;
- 354 (b) the board and the governing body both make a 2/3 vote to modify the governing document to reduce
the number of appointments made by the governing body; and
- 356 (c) the governing body retains the ability to appoint a minimum of 40% of the board.
- 357 (5) A public infrastructure district created by a development authority that issues a bond may only issue
additional bonds or create new debt:
- 359 (a) in accordance with the governing document approved by the governing body; or
- 360 (b) if a majority of the public infrastructure district's board members are appointed by the governing
body.

362 Section 7. Section 59-12-103 is amended to read:

363 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax**
revenue.

- 365 (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:
- 367 (a) retail sales of tangible personal property made within the state;

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- 368 (b) amounts paid for:
- 369 (i) telecommunications service, other than mobile telecommunications service, that originates and
terminates within the boundaries of this state;
- 371 (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
- 374 (iii) an ancillary service associated with a:
- 375 (A) telecommunications service described in Subsection (1)(b)(i); or
- 376 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 377 (c) sales of the following for commercial use:
- 378 (i) gas;
- 379 (ii) electricity;
- 380 (iii) heat;
- 381 (iv) coal;
- 382 (v) fuel oil; or
- 383 (vi) other fuels;
- 384 (d) sales of the following for residential use:
- 385 (i) gas;
- 386 (ii) electricity;
- 387 (iii) heat;
- 388 (iv) coal;
- 389 (v) fuel oil; or
- 390 (vi) other fuels;
- 391 (e) sales of prepared food;
- 392 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for
theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts,
carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting
events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard
parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating
rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,

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river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;

402 (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:

405 (i) the tangible personal property; and

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

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

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

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

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

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

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

419 (i) stored;

420 (ii) used; or

421 (iii) otherwise consumed;

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

424 (i) stored;

425 (ii) used; or

426 (iii) consumed;

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

428 (i)

(A) of a product transferred electronically; or

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

430 (ii) regardless of whether the sale provides:

431 (A) a right of permanent use of the product; or

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- 432 (B) a right to use the product that is less than a permanent use, including a right:
433 (I) for a definite or specified length of time; and
434 (II) that terminates upon the occurrence of a condition; and
435 (n) sales of leased tangible personal property from the lessor to the lessee made in the state.
437 (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:
439 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
440 (A) 4.70%;
441 (B) the rate specified in Subsection (6)(a); and
442 (C) 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
447 (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.
449 (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:
452 (i) a state tax imposed on the transaction at a tax rate of 2%; and
453 (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.
455 (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:
457 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of
1.75%; and
459 (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.
462 (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 equal to the sum of
the rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B).
466 (e)

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(i)

(A) The rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B) do not apply to car sharing, a car sharing program, a shared vehicle driver, or a shared vehicle owner, for a car sharing or shared vehicle transaction 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.

471 (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.

474 (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.

477 (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.

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

482 (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).

485 (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.

490 (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 Subsections (2)(a)(i)(A) and (2)(a)(i)(B) for that tax period.

494 (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.

496 (vi) A car-sharing program shall:

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

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

SB0278 compared with SB0278S04

- 500 (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:
- 503 (A) the tax rates described in Subsection (2)(a)(i); and
- 504 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).
- 506 (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.
- 511 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):
- 513 (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:
- 518 (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
- 522 (II) state or federal law provides otherwise; or
- 523 (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:
- 527 (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
- 531 (II) state or federal law provides otherwise.
- 532 (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.

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- 535 (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:
- 542 (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
- 545 (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.
- 548 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 549 (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
- 553 (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.
- 556 (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.
- 559 (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:
- 563 (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
- 566

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- (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.
- 570 (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.
- 573 (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:
- 575 (i) Subsection (2)(a)(i)(A);
- 576 (ii) Subsection (2)(a)(i)(B);
- 577 (iii) Subsection (2)(b)(i);
- 578 (iv) Subsection (2)(c)(i); or
- 579 (v) Subsection (2)(f)(i)(A).
- 580 (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:
- 584 (A) Subsection (2)(a)(i)(A);
- 585 (B) Subsection (2)(a)(i)(B);
- 586 (C) Subsection (2)(b)(i);
- 587 (D) Subsection (2)(c)(i); or
- 588 (E) Subsection (2)(f)(i)(A).
- 589 (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:
- 592 (A) Subsection (2)(a)(i)(A);
- 593 (B) Subsection (2)(a)(i)(B);
- 594 (C) Subsection (2)(b)(i);
- 595 (D) Subsection (2)(c)(i); or
- 596 (E) Subsection (2)(f)(i)(A).
- 597 (k)

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- (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:
- 600 (A) on the first day of a calendar quarter; and
601 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 603 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 604 (A) Subsection (2)(a)(i)(A);
605 (B) Subsection (2)(a)(i)(B);
606 (C) Subsection (2)(b)(i);
607 (D) Subsection (2)(c)(i); or
608 (E) Subsection (2)(f)(i)(A).
- 609 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 611 (l)
- (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.
- 615 (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:
- 618 (A) a commercial use;
619 (B) an industrial use; or
620 (C) a residential use.
- 621 (3)
- (a) The commission shall deposit the following state taxes into the General Fund:
- 622 (i) the tax imposed by Subsection (2)(a)(i)(A);
623 (ii) the tax imposed by Subsection (2)(b)(i);
624 (iii) the tax imposed by Subsection (2)(c)(i);
625 (iv) the tax imposed by Subsection (2)(d); and
626 (v) the tax imposed by Subsection (2)(f)(i)(A).
- 627 (b) The commission shall distribute the following local taxes to a county, city, or town as provided in this chapter:

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- 629 (i) the tax imposed by Subsection (2)(a)(ii);
630 (ii) the tax imposed by Subsection (2)(b)(ii);
631 (iii) the tax imposed by Subsection (2)(c)(ii); and
632 (iv) the tax imposed by Subsection (2)(f)(i)(B).
633 (4)
- (a) Notwithstanding Subsection (3)(a), for each fiscal year the commission shall make the deposits described in Subsections (4)(b) through (4)(h) from the revenue from the taxes imposed by:
- 636 (i) Subsection (2)(a)(i)(A);
637 (ii) Subsection (2)(b)(i);
638 (iii) Subsection (2)(c)(i); and
639 (iv) Subsection (2)(f)(i)(A).
- 640 (b) The commission shall deposit 15% of the difference between 1.4543% of the revenue described in Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Rights Restricted Account created in Section 73-2-1.6.
- 643 (c) The commission shall deposit 85% of the difference between 1.4543% of the revenue described in Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources for:
- 647 (i) preconstruction costs:
648 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River Development Act; and
650 (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;
- 652 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;
654 (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
657 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (5)(b)(iv) (B) after funding the uses specified in Subsections (4)(c)(i) through (iii).
- 660 (d) The commission shall deposit 1.4543% of the revenue described in Subsection (4)(a) into the Water Infrastructure Restricted Account created in Section 73-10g-103.

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- 662 (e)
- (i) Subject to Subsection (4)(e)(ii), the commission shall deposit 26.24% of the revenue described in Subsection (4)(a) into the Transportation Investment Fund of 2005 created in Section 72-2-124.
- 665 (ii) The commission shall annually reduce the deposit described in Subsection (4)(e)(i) by the sum of:
- 667 (A) \$1,813,400;
- 668 (B) the earmark described in Subsection (5)(c); and
- 669 (C) an amount equal to 35% of the 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 in the state that exceeds 29.4 cents per gallon.
- 672 (iii) The amount described in Subsection (4)(e)(ii)(C) shall be annually deposited into the Transit Transportation Investment Fund created in Section 72-2-124.
- 674 (f) The commission shall deposit .44% of the revenue described in Subsection (4)(a) into the Cottonwood Canyons Transportation Investment Fund created in Section 72-2-124.
- 677 (g) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Commuter Rail Subaccount created in Section 72-2-124.
- 679 (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:
- 682 (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
- 685 (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.
- 688 (5)
- (a) Notwithstanding Subsection (3)(a), each fiscal year the commission shall make the deposits described in this Subsection (5).
- 690 (b)
- (i)
- (A) The commission shall deposit \$500,000 to the Department of Natural Resources to be used for watershed rehabilitation or restoration.
- 692

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- (B) At the end of each fiscal year, 100% of any unexpended amount described in Subsection (5) (b)(i)(A) shall lapse into the Water Resources Conservation and Development Fund created in Section 73-10-24.
- 695 (ii) The commission shall deposit \$150,000 to the Division of Water Resources for cloud-seeding
projects authorized by Title 73, Chapter 15, Modification of Weather.
- 698 (iii) The commission shall deposit \$525,000 into the Division of Conservation created in Section
4-46-401 to implement water related programs.
- 700 (iv) The commission shall deposit \$7,175,000 into the Water Resources Conservation and Development
Fund created in Section 73-10-24 for use by the Division of Water Resources:
- 703 (A) for the uses allowed of the Water Resources Conservation and Development Fund under Section
73-10-24;
- 705 (B) to 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;
- 711 (C) to fund state required dam safety improvements; and
- 712 (D) to protect the state's interest in interstate water compact allocations, including the hiring of technical
and legal staff.
- 714 (v) The commission shall deposit \$3,587,500 into the Utah Wastewater Loan Program Subaccount
created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.
- 717 (vi) The commission shall deposit \$3,587,500 into the Drinking Water Loan Program Subaccount
created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 720 (A) 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;
- 723 (B) develop underground sources of water, including springs and wells; and
- 724 (C) develop surface water sources.
- 725 (vii) The commission shall deposit \$2,450,000 to the Division of Wildlife Resources to:
- 727 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect sensitive
plant and animal species; or
- 729

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- (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.
- 733 (viii) Funds transferred to the Division of Wildlife Resources under Subsection (5)(b)(vii)(A) may not
be used to assist the United States Fish and Wildlife Service or any other person to list or attempt
738 to have listed a species as threatened or endangered under the Endangered Species Act of 1973, 16
U.S.C. Sec. 1531, et seq.
- (ix) At the end of each fiscal year, any unexpended amounts described in Subsections (5)(b)(vii)(A) and
(B) shall lapse:
- 740 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;
742 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
744 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 746 (x) The commission shall allocate \$175,000 to the Division of Water Rights to cover the costs incurred
in hiring legal and technical staff for the adjudication of water rights.
- 749 (xi) At the end of each fiscal year, any unexpended amounts described in Subsection (5)(b)(x) shall
lapse:
- 751 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;
753 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
755 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 757 (c) The commission shall deposit \$45,000,000 into the Active Transportation Investment Fund created
in Section 72-2-124.
- 759 (d) The commission shall deposit \$533,750 into the Qualified Emergency Food Agencies Fund created
by and expended in accordance with Section 35A-8-1009.
- 761 (e) The commission shall deposit \$200,000 into the General Fund as a dedicated credit for the sole
use of the Search and Rescue Financial Assistance Program created by and to be expended in
accordance with Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 765 (6)
- (a) The rate specified in this Subsection (6) is 0.15%.
- 766 (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 (6)

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(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(B) into the Medicaid ACA Fund created in Section 26B-1-315.

771 (7)

(a) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), and as described in Section 63N-3-610, beginning the first day of a calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation Investment Fund created in Section 72-2-124.

780 (b) Beginning no sooner than January 1, 2026, notwithstanding Subsection (3)(a), and except as provided in Subsections (11), (12), and (13), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the year set in the proposal and after the sales and use tax boundary for a convention center reinvestment zone is established in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 50% of the sales and use tax increment as defined in Section 63N-3-602 from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 and specified in the convention center reinvestment zone proposal submitted [~~pursuant to~~] in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

793 (8) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), 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), on transactions occurring within the district sales tax area, as defined in Section 11-70-101.

798 (9)

(a) As used in this Subsection (9):

799

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- (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 (9)(c).
- 802 (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority,
created in Section 11-59-201.
- 804 (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.
- 806 (b) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), the
commission shall distribute to the point of the mountain authority [50] 25% of the revenue from the
sales and use tax imposed by Subsection (2)(a)(i)(A), on transactions occurring on the point of the
mountain state land.
- 810 (c) The distribution under Subsection (9)(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:
- 813 (i) accurately describes the point of the mountain state land; and
- 814 (ii) the point of the mountain authority certifies as accurate.
- 815 (d) A distribution under Subsection (9)(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:
- 818 (i) accurately describes the point of the mountain state land, including the additional land; and
- 820 (ii) the point of the mountain authority certifies as accurate.
- 821 (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 (9)(b), the point of the mountain authority shall
immediately notify the commission in writing that the bonds are paid in full.
- 825 (ii) The commission shall discontinue distributions of sales and use tax revenue under Subsection
(9)(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 (9)(e)(i).
- 829 (10) Notwithstanding Subsection (3)(a), the amount of state sales tax revenues described in Section
63N-2-503.5 is deposited into the Convention Incentive Fund created in Section 63N-2-503.5.
- 832 (11)
- (a) As used in this Subsection (11):
- 833 (i) "Applicable percentage" means:

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- 834 (A) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, 15% of the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(A);
- 839 (B) for 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 for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(B); and
- 843 (C) for the Point of the Mountain State Land Authority created in Section 11-59-201, [50] 25% of the revenue from sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(C).
- 847 (ii) "Qualified development zone" means:
- 848 (A) the sales and use tax boundary of a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Act;
- 851 (B) the district sales tax boundary as defined in Section 11-70-101 for the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201; or
- 854 (C) the sales and use tax boundary of point of the mountain state land, as defined in Section 11-59-102, under the Point of the Mountain State Land Authority created in Section 11-59-201.
- 857 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J or a substantially similar form as designated by the commission.
- 860 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be deposited into the General Fund.
- 862 (12)
- (a) As used in Subsections (12) and (13):
- 863 (i) "Applicable percentage" means, for a convention center reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to 50% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (12)(a)(ii).
- 869 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

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- 872 (iii) "Qualifying construction materials" means construction materials that are:
873 (A) delivered to a delivery outlet within a qualified development zone; and
874 (B) intended to be permanently attached to real property within the qualified development zone.
876 (b) For a sale of qualifying construction materials, the commission shall distribute the product
calculated in Subsection (12)(c) to a qualified development zone if the seller of the construction
materials:
879 (i) establishes a delivery outlet with the commission within the qualified development zone;
881 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (12)(b)
(i); and
883 (iii) does not report the sales of the construction materials on a simplified electronic return.
885 (c) For the purposes of Subsection (12)(b), the product is equal to:
886 (i) the sales price or purchase price of the qualifying construction materials; and
887 (ii) the applicable percentage.
888 (13)
(a) As used in this Subsection (13), "Schedule J sale" means a sale reported on State Tax Commission
Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.
891 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified
development zone shall be distributed into the General Fund.

893 Section 8. Section 63A-3-404 is amended to read:

894 **63A-3-404. Loan agreement.**

- 895 (1)
(a) A borrower that borrows money from an infrastructure fund shall enter into a loan agreement with
the division for repayment of the money.
897 (b)
(i) A loan agreement under Subsection (1)(a) shall be secured by:
898 (A) bonds, notes, or another evidence of indebtedness validly issued under state law; or
900 (B) revenue generated from an infrastructure project.
901 (ii) The security provided under Subsection (1)(b)(i) may include the borrower's pledge of some or all
of a revenue source that the borrower controls.

903

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- (c) The respective loan approval body may determine that property tax revenue or revenue from the infrastructure project for which the infrastructure loan is obtained is sufficient security for an infrastructure loan.
- 906 (2) An infrastructure loan shall bear interest at a rate not to exceed .5% above bond market interest rates available to the state.
- 908 (3)
- (a) Subject to Subsection (3)(b), the respective loan approval body shall determine the length of term of an infrastructure loan.
- 910 (b) If the security for an infrastructure loan is property tax revenue, the repayment terms of the infrastructure loan agreement shall allow sufficient time for the property tax revenue to generate sufficient money to cover payments under the infrastructure loan.
- 913 (4) An infrastructure loan agreement may provide for a portion of the loan proceeds to be applied to a reserve fund to secure repayment of the infrastructure loan.
- 915 (5)
- (a) If a borrower fails to comply with the terms of an infrastructure loan agreement, the division may:
- 917 (i) seek any legal or equitable remedy to obtain:
- 918 (A) compliance with the agreement; or
- 919 (B) the payment of damages; and
- 920 (ii) request a state agency with money due to the borrower to withhold payment of the money to the borrower and instead to pay the money to the division to pay any amount due under the infrastructure loan agreement.
- 923 (b) A state agency that receives a request from the division under Subsection (5)(a)(ii) shall pay to the division the money due to the borrower to the extent of the amount due under the infrastructure loan agreement.
- 926 (6) Upon approval from the respective loan approval body the division shall loan money from an infrastructure fund according to the terms established by the respective loan approval body.
- 929 (7)
- (a) The division shall administer and enforce an infrastructure loan according to the terms of the infrastructure loan agreement.
- 931 (b)

SB0278 compared with SB0278S04

- (i) Beginning May 5, 2021, the division shall assume responsibility from the State Infrastructure Bank Fund for servicing the loan under Subsection 63B-27-101(3)(a)(i).
- 934 (ii) Payments due on or after October 1, 2021, under the loan under Subsection 63B-27-101(3)(a)(i) shall be made to the division rather than to the State Infrastructure Bank Fund, to be deposited into the military development fund.
- 937 (iii) Notwithstanding Subsection (7)(b)(ii) and upon receipt of each debt service payment, the division shall deposit an amount equal to interest payments due on the bond described in Subsection 63B-27-101(3)(a)(i) into the Transportation Investment Fund of 2005 created in Section 72-2-124.
- 941 (8) A borrower may request, and the division may consider, an amendment to a loan agreement described in this section that:
- 943 (a) extends the term of the borrower's repayment; or
- 944 (b) forgives the balance of the borrower's loan.
- 945 (9)
- (a) The division may agree to a request described in Subsection (8) and amend a loan agreement as described in this Subsection (9).
- 947 (b) Upon receiving a request described in Subsection (8), the division shall notify the Executive Appropriations Committee no later than 10 days after the day on which the division receives the request.
- 950 (c) Before amending a loan agreement, the division shall:
- 951 (i) consider factors necessitating the amendment and whether the amendment is in the best interests of the state, including if:
- 953 (A) the infrastructure project was properly managed and loan funds were wisely invested;
- 955 (B) external factors existed beyond the borrower's control that made the infrastructure projects impossible or impractical to complete; and
- 957 (C) changes to the infrastructure project would avoid the need for extension or forgiveness and additional investment of funds;
- 959 (ii) consider how and if the state shall be made financially whole, in whole or in part, under the proposed amendment; and
- 961 (iii) provide notice to, and receive advice from, the Executive Appropriations Committee as described in Subsection (9)(d).
- 963 (d)

SB0278 compared with SB0278S04

(i) The division shall notify the Executive Appropriations Committee of a proposed amendment to a loan agreement at least 45 days before the division executes the amendment.

966 (ii) The Executive Appropriations Committee may provide, and the division shall consider, advice regarding a proposed amendment described in this Subsection (9).

968 Section 9. Section 63I-1-210 is amended to read:

969 **63I-1-210. Repeal dates: Title 10.**

970 (1) Subsection 10-1-104(5)(c), regarding a preliminary municipality, is repealed January 1, 2031.

972 (2) Subsection 10-2a-201.5(1)(b), regarding a preliminary municipality, is repealed January 1, 2031.

974 (3) Subsection 10-2a-202(5), regarding a feasibility request, is repealed January 1, 2031.

975 (4) Title 10, Chapter 2a, Part 5, Incorporation of a Preliminary Municipality, is repealed January 1, 2031.

977 (5) Subsection 10-20-305(2), authorizing a municipality to coordinate with the exempted government landowner to develop a prospective land use regulation or general plan amendment for a parcel of state-owned land, is repealed January 1, 2036.

980 Section 10. Section 63I-1-211 is amended to read:

981 **63I-1-211. Repeal dates: Title 11.**

[Title 11, Chapter 59, Point of the Mountain State Land Authority Act, is repealed January 1, 2029.]

Subsection 11-59-103(5), authorizing the Point of the Mountain State Land Authority to coordinate with the city of Draper before disposing of certain parcels of state-owned land, is repealed January 1, 2036.

987 **Section 11. Effective date.**

Effective Date.

{~~This~~} Except as provided in Subsection (2), this bill takes effect {~~on~~} May 6, 2026.

989 (2) The actions affecting Section 59-12-103 (Effective 07/01/26) take effect on July 1, 2026.

Section 7. Repealer.

This Bill Repeals:

200 **Section 63I-1-211, Repeal dates: Title 11.**

3-6-26 9:41 PM