

**59-12-355 Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice requirements.**

(1) For purposes of this section:

- (a) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part 4, Annexation.
- (b) "Annexing area" means an area that is annexed into a city or town.

(2)

(a) Except as provided in Subsection (2)(c), if, on or after July 1, 2004, a city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:

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

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

- (i) that the city or town will enact or repeal a tax or change the rate of a tax under this part;
- (ii) the statutory authority for the tax described in Subsection (2)(b)(i);
- (iii) the effective date of the tax described in Subsection (2)(b)(i); and
- (iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (2)(b)(i), the rate of the tax.

(c)

(i) Notwithstanding Subsection (2)(a), for a transaction described in Subsection (2)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period:

- (A) that begins after the effective date of the enactment of the tax or the tax rate increase; and
- (B) if the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under:

- (I) Section 59-12-352; or
- (II) Section 59-12-353.

(ii) Notwithstanding Subsection (2)(a), for a transaction described in Subsection (2)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period:

- (A) that began before the effective date of the repeal of the tax or the tax rate decrease; and
- (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:

- (I) Section 59-12-352; or
- (II) Section 59-12-353.

(iii) Subsections (2)(c)(i) and (ii) apply to transactions subject to a tax under Subsection 59-12-103(1)(i).

(3)

(a) Except as provided in Subsection (3)(c), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

- (i) on the first day of a calendar quarter; and
- (ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.

(b) The notice described in Subsection (3)(a)(ii) shall state:

- (i) that the annexation described in Subsection (3)(a) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;

- (ii) the statutory authority for the tax described in Subsection (3)(b)(i);
  - (iii) the effective date of the tax described in Subsection (3)(b)(i); and
  - (iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (3)(b)(i), the rate of the tax.
- (c)
- (i) Notwithstanding Subsection (3)(a), for a transaction described in Subsection (3)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period:
    - (A) that begins after the effective date of the enactment of the tax or the tax rate increase; and
    - (B) if the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under:
      - (I) Section 59-12-352; or
      - (II) Section 59-12-353.
  - (ii) Notwithstanding Subsection (3)(a), for a transaction described in Subsection (3)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period:
    - (A) that began before the effective date of the repeal of the tax or the tax rate decrease; and
    - (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:
      - (I) Section 59-12-352; or
      - (II) Section 59-12-353.
  - (iii) Subsections (3)(c)(i) and (ii) apply to transactions subject to a tax under Subsection 59-12-103(1)(i).

Amended by Chapter 255, 2004 General Session