

Effective 5/3/2023

Superseded 5/7/2025

59-5-121 Severance tax revenue for aviation fuel incentive account.

(1) As used in this section:

- (a) "Base revenue year" means the fiscal year designated by the port authority under Subsection (3).
- (b) "Incentive account" means the same as that term is defined in Section 11-58-208.
- (c) "Incremental revenue" means the amount that is calculated by subtracting the net severance revenue for the base revenue year from the net severance revenue for the applicable incremental revenue year.
- (d) "Incremental revenue year" means any of the first 10 consecutive fiscal years immediately following the base revenue year.
- (e) "Net severance revenue" means the amount of severance tax revenue collected during a fiscal year under Section 59-5-102, after deducting the amount of severance tax revenue required to be distributed under Sections 51-9-305, 51-9-306, 59-5-116, and 59-5-119.
- (f) "Port authority" means the Utah Inland Port Authority created in Section 11-58-201.

(2) Subject to Subsections (3) and (4), for each of the 10 consecutive fiscal years beginning the first incremental revenue year, the Division of Finance shall deposit incremental revenue into the incentive account.

(3)

- (a) The port authority shall designate as the base revenue year the fiscal year that:
 - (i) begins on or after July 1, 2023; and
 - (ii) the port authority determines will precede the first fiscal year during which the effects of the aviation fuel incentive program under Section 11-58-208 on the amount of severance tax revenue under Section 59-5-102 are expected to begin to occur.
- (b) No later than September 30 of the first incremental revenue year, the port authority shall provide written notification to the Division of Finance of the fiscal year that the port authority designates as the base revenue year.

(4)

- (a) The Division of Finance may not deposit incremental revenue under Subsection (2) that exceeds \$1,000,000 per fiscal year.
- (b) The maximum cumulative amount of incremental revenue that the Division of Finance may deposit into the incentive account is \$10,000,000.
- (c) If the amount of incremental revenue for any incentive year is less than \$1,000,000, the Division of Finance shall deposit into the incentive account the amount of incremental revenue available.