

## H.B. 125

# COUNTY OPTION FUNDING FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 19, 2004 11:17 AM

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Representative **David L. Hogue** proposes the following amendments:

1. Page 1, Line 10  
House Committee Amendments  
dated 2-6-2004:  
After "amends the" delete "Sales and Use Tax Act" and insert  
"County Option Funding for Botanical, Cultural, Recreational, and  
Zoological Organizations or Facilities part"
2. Page 1, Line 15  
House Committee Amendments  
dated 2-6-2004:  
After ";" delete "and" and after line 15 insert:  
"► limits the amount of sales and use tax revenues dedicated to  
support recreational facilities that a county of the first class may  
expend to support a cultural facility; and"
3. Page 1, Line 23  
House Committee Amendments  
dated 2-6-2004:  
After line 23 insert:  
"**59-12-704**, as last amended by Chapter 296, Laws of Utah 2003"
4. Page 4, Line 93:  
After line 93 insert:  
"Section 2. Section **59-12-704**, is amended to read:  
**59-12-704. Distribution of revenues -- Advisory board  
creation -- Determining operating expenses.**  
(1) Except as provided in Subsections (3)(b) and (5), and subject  
to the requirements of this section, any revenues collected by a  
county of the first class under this part shall be distributed annually  
by the county legislative body to support recreational and  
zoological facilities and botanical, cultural, and zoological  
organizations within that first class county as follows:  
(a) (i) subject to Subsection (1)(a)(ii), 30% of the revenue  
collected by the county under this section shall be distributed by  
the county legislative body to support recreational facilities located

within the county; and

(ii) no more than 30% of the revenues described in Subsection (1)(a)(i) may be expended to support one or more cultural facilities located within the county;

(b) (i) subject to Subsection (1)(b)(ii) and except as provided in Subsection (1)(b)(iii), 12-1/8% of the revenue collected by the county under this section shall be distributed by the county legislative body to support no more than three zoological facilities and organizations located within the county, with 94.5% of that revenue being distributed to zoological facilities and organizations with average annual operating expenses of \$2,000,000 or more and 5.5% of that revenue being distributed to zoological facilities and organizations with average annual operating expenses of less than \$2,000,000;

(ii) except as provided in Subsection (1)(b)(iii), the county legislative body shall distribute the monies described in Subsection (1)(b)(i) among the zoological facilities and organizations in proportion to their average annual operating expenses as determined under Subsection (3); and

(iii) if a zoological facility or organization is created or relocated within the county after June 1, 2003, the county legislative body shall distribute the monies described in Subsection (1)(b)(i) as it determines appropriate;

(c) (i) 48-7/8% of the revenue collected by the county under this section shall be distributed to no more than 23 botanical and cultural organizations with average annual operating expenses of more than \$250,000 as determined under Subsection (3);

(ii) subject to Subsection (1)(c)(iii), the county legislative body shall distribute the monies described in Subsection (1)(c)(i) among the organizations and in proportion to their average annual operating expenses as determined under Subsection (3); and

(iii) the amount distributed to any organization described in Subsection (1)(c)(i) may not exceed 35% of the organization's operating budget; and

(d) (i) 9% of the revenue collected by the county under this section shall be distributed to botanical and cultural organizations that do not receive revenue under Subsection (1)(c)(i); and

(ii) the county legislative body shall determine how the monies shall be distributed among the organizations described in

Subsection (1)(d)(i).

(2) (a) The county legislative body of each county shall create an advisory board to advise the county legislative body on disbursement of funds to botanical and cultural organizations under Subsection (1)(c)(i).

(b) (i) The advisory board under Subsection (2)(a) shall consist of seven members appointed by the county legislative body.

(ii) In a county of the first class, two of the seven members of the advisory board under Subsection (2)(a) shall be appointed from the Utah Arts Council.

(3) (a) Except as provided in Subsection (3)(b), to be eligible to receive monies collected by the county under this part, a botanical, cultural, and zoological organization located within a county of the first class shall, every three years:

(i) calculate their average annual operating expenses based upon audited operating expenses for three preceding fiscal years; and

(ii) submit to the appropriate county legislative body:

(A) a verified audit of annual operating expenses for each of those three preceding fiscal years; and

(B) the average annual operating expenses as calculated under Subsection (3)(a)(i).

(b) Notwithstanding Subsection (3)(a), the county legislative body may waive the operating expenses reporting requirements under Subsection (3)(a) for organizations described in Subsection (1)(d)(i).

(4) When calculating average annual operating expenses as described in Subsection (3), each botanical, cultural, and zoological organization shall use the same three-year fiscal period as determined by the county legislative body.

(5) (a) By July 1 of each year, the county legislative body of a first class county may index the threshold amount in Subsections (1)(c) and (d).

(b) Any change under Subsection (5)(a) shall be rounded off to the nearest \$100.

(6) (a) Beginning on July 1, 2001, in a county except for a county of the first class, the county legislative body shall by ordinance provide for the distribution of the entire amount of the revenues generated by the tax imposed by this section as provided in this Subsection (6).

(b) Pursuant to an interlocal agreement established in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, a county described in Subsection (6)(a) may distribute to a city, town, or political subdivision within the county revenues generated by a tax under this part.

(c) The revenues distributed under Subsection (6)(a) or (b) shall be used for one or more organizations or facilities defined in Section 59-12-702 regardless of whether the revenues are distributed:

(i) directly by the county described in Subsection (6)(a) to be used for an organization or facility defined in Section 59-12-702; or

(ii) in accordance with an interlocal agreement described in Subsection (6)(b).

(7) A county legislative body may retain up to 1.5% of the proceeds from a tax under this part for the cost of administering the provisions of this part.

(8) The commission may retain an amount not to exceed 1-1/2% of the tax collected under this part for the cost of administering this part."

5. Page 4, Line 94:

Delete "2" and insert "3"