

Senator Howard A. Stephenson proposes the following substitute bill:

**TOURISM, RECREATION, CULTURAL, AND
CONVENTION FACILITIES TAX
AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill amends the Tourism, Recreation, Cultural, and Convention Facilities Tax part to address **H→** the transactions that are subject to taxation and **←H** the expenditure of revenues generated by a tax under that part.

Highlighted Provisions:

This bill:

H→ amends the definition of "restaurant"; **←H**

► requires a county of the first class to expend a certain amount of revenue from the imposition of a tax under the Tourism, Recreation, Cultural, and Convention Facilities Tax part to fund a marketing and ticketing system designed for tourism promotion for ski areas within the county; and

► makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:

H→ 59-12-602, as last amended by Chapter 248, Laws of Utah 1995 **←H**

59-12-603, as last amended by Chapters 156 and 255, Laws of Utah 2004



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27 *Be it enacted by the Legislature of the state of Utah:*27a **Ĥ→ Section 1. Section 59-12-602 is amended to read:**27b **59-12-602. Definitions.**27c **As used in this part:**27d **(1) "Convention facility" means any publicly owned or operated convention center, sports**
27e **arena, or other facility at which conventions, conferences, and other gatherings are held and whose**
27f **primary business or function is to host such conventions, conferences, and other gatherings.**27g **(2) "Cultural facility" means any publicly owned or operated museum, theater, art center,**
27h **music hall, or other cultural or arts facility.**27i **(3) "Recreation facility" or "tourist facility" means any publicly owned or operated park,**
27j **campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo,**
27k **bicycle trails, and other recreation or tourism-related facility.**27l **(4) (a) "Restaurant" includes any coffee shop, cafeteria, luncheonette, soda fountain, or**
27m **fast-food service where food is prepared for immediate consumption.**27n **(b) "Restaurant" does not include:**27o **(i) any retail establishment whose primary business or function is the sale of fuel or food items**
27p **for off-premise, but not immediate, consumption; [and]**27q **(ii) a theater that sells food items [~~, but not a dinner theater.~~] ; and**27r **(iii) a dinner theater. ←Ĥ**28 Section **Ĥ→ [±] 2 ←Ĥ** . Section 59-12-603 is amended to read:29 **59-12-603. County tax -- Bases -- Rates -- Use of revenues -- Collection --**30 **Adoption of ordinance required -- Administration -- Distribution -- Enactment or repeal**
31 **of tax or tax rate change -- Effective date -- Notice requirements.**32 **(1) In addition to any other taxes, a county legislative body may, as provided in this**
33 **part, impose a tax as follows:**34 **(a) (i) a county legislative body of any county may impose a tax of not to exceed 3% on**
35 **all short-term leases and rentals of motor vehicles not exceeding 30 days, except for leases and**
36 **rentals of motor vehicles made for the purpose of temporarily replacing a person's motor**
37 **vehicle that is being repaired pursuant to a repair or an insurance agreement; and**38 **(ii) beginning on or after January 1, 1999, a county legislative body of any county**
39 **imposing a tax under Subsection (1)(a)(i) may, in addition to imposing the tax under**
40 **Subsection (1)(a)(i), impose a tax of not to exceed 4% on all short-term leases and rentals of**
41 **motor vehicles not exceeding 30 days, except for leases and rentals of motor vehicles made for**
42 **the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant to**
43 **a repair or an insurance agreement;**44 **(b) a county legislative body of any county may impose a tax of not to exceed 1% of all**
45 **sales of prepared foods and beverages that are sold by restaurants; and**46 **(c) a county legislative body of any county may impose a tax of not to exceed .5% on**

47 charges for the accommodations and services described in Subsection 59-12-103(1)(i).

48 (2) (a) ~~[The revenue]~~ Subject to Subsection (2)(b), revenue from the imposition of the
49 taxes provided for in Subsections (1)(a) through (c) may be used for the purposes of:

50 (i) financing tourism promotion~~[-];~~ and

51 (ii) the development, operation, and maintenance of tourist, recreation, cultural, and
52 convention facilities as defined in Section 59-12-602.

53 (b) A county of the first class shall expend at least ~~H→ [\$500,000]~~ \$450,000 ←H each year
53a of the revenues

54 from the imposition ~~S→ [of the taxes provided for in Subsections]~~ of a tax authorized by

54a Subsection ←S (1) ~~S→ [(a) through]~~ ←S (c) within the

55 county to fund a marketing ~~S→ [ant]~~ and ←S ticketing system designed ~~S→ [for]~~ to:

55a (i) promote ←S tourism ~~S→ [promotion for]~~ in ←S

55a ski areas

56 within the county ~~S→ by persons that do not reside within the state; and~~

56a (ii) combine the sale of:

56b (A) ski lift tickets; ~~H→ and ←H~~

56c (B) accommodations and services described in Subsection 59-12-103(1)(i) ←S .

57 (3) The tax imposed under Subsection (1)(c) shall be in addition to the tax imposed
58 under Part 3, Transient Room Tax, and may be imposed only by a county of the first class.

59 (4) A tax imposed under this part may be pledged as security for bonds, notes, or other
60 evidences of indebtedness incurred by a county under Title 11, Chapter 14, Utah Municipal
61 Bond Act, to finance tourism, recreation, cultural, and convention facilities.

62 (5) (a) In order to impose the tax under Subsection (1), each county legislative body
63 shall annually adopt an ordinance imposing the tax.

64 (b) The ordinance under Subsection (5)(a) shall include provisions substantially the
65 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on
66 those items and sales described in Subsection (1).

67 (c) The name of the county as the taxing agency shall be substituted for that of the state
68 where necessary, and an additional license is not required if one has been or is issued under
69 Section 59-12-106.

70 (6) In order to maintain in effect its tax ordinance adopted under this part, each county
71 legislative body shall, within 30 days of any amendment of any applicable provisions of Part 1,
72 Tax Collection, adopt amendments to its tax ordinance to conform with the applicable
73 amendments to Part 1, Tax Collection.

74 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), a tax authorized under this part
75 shall be administered, collected, and enforced in accordance with:

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

77 (I) Part 1, Tax Collection; or

78 (II) Part 2, Local Sales and Use Tax Act; and

79 (B) Chapter 1, General Taxation Policies.

80 (ii) Notwithstanding Subsection (7)(a)(i), a tax under this part is not subject to:

81 (A) Sections 59-12-107.1 through 59-12-107.3;

82 (B) Subsections 59-12-205(2) through (9); or

83 (C) Sections 59-12-207.1 through 59-12-207.4.

84 (b) Except as provided in Subsection (7)(c):

85 (i) for a tax under this part other than the tax under Subsection (1)(a)(ii), the
86 commission shall distribute the revenues to the county imposing the tax; and

87 (ii) for a tax under Subsection (1)(a)(ii), the commission shall distribute the revenues

88 according to the distribution formula provided in Subsection (8).

89 (c) Notwithstanding Subsection (7)(b), the commission shall deduct from the
90 distributions under Subsection (7)(b) an administrative charge for collecting the tax as provided
91 in Section 59-12-206.

92 (8) The commission shall distribute the revenues generated by the tax under Subsection
93 (1)(a)(ii) to each county collecting a tax under Subsection (1)(a)(ii) according to the following
94 formula:

95 (a) the commission shall distribute 70% of the revenues based on the percentages
96 generated by dividing the revenues collected by each county under Subsection (1)(a)(ii) by the
97 total revenues collected by all counties under Subsection (1)(a)(ii); and

98 (b) the commission shall distribute 30% of the revenues based on the percentages
99 generated by dividing the population of each county collecting a tax under Subsection (1)(a)(ii)
100 by the total population of all counties collecting a tax under Subsection (1)(a)(ii).

101 (9) (a) For purposes of this Subsection (9):

102 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,
103 Annexation to County.

104 (ii) "Annexing area" means an area that is annexed into a county.

105 (b) (i) Except as provided in Subsection (9)(c), if, on or after July 1, 2004, a county
106 enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or
107 change shall take effect:

108 (A) on the first day of a calendar quarter; and

109 (B) after a 90-day period beginning on the date the commission receives notice meeting
110 the requirements of Subsection (9)(b)(ii) from the county.

111 (ii) The notice described in Subsection (9)(b)(i)(B) shall state:

112 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;

113 (B) the statutory authority for the tax described in Subsection (9)(b)(ii)(A);

114 (C) the effective date of the tax described in Subsection (9)(b)(ii)(A); and

115 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
116 (9)(b)(ii)(A), the rate of the tax.

117 (c) (i) Notwithstanding Subsection (9)(b)(i), for a transaction described in Subsection
118 (9)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the

119 first billing period:

120 (A) that begins after the effective date of the enactment of the tax or the tax rate
121 increase; and

122 (B) if the billing period for the transaction begins before the effective date of the
123 enactment of the tax or the tax rate increase imposed under Subsection (1).

124 (ii) Notwithstanding Subsection (9)(b)(i), for a transaction described in Subsection
125 (9)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last
126 billing period:

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

129 (B) if the billing period for the transaction begins before the effective date of the repeal
130 of the tax or the tax rate decrease imposed under Subsection (1).

131 (iii) Subsections (9)(c)(i) and (ii) apply to transactions subject to a tax under:

132 (A) Subsection 59-12-103(1)(e);

133 (B) Subsection 59-12-103(1)(i); or

134 (C) Subsection 59-12-103(1)(k).

135 (d) (i) Except as provided in Subsection (9)(e), if, for an annexation that occurs on or
136 after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a
137 tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

138 (A) on the first day of a calendar quarter; and

139 (B) after a 90-day period beginning on the date the commission receives notice meeting
140 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.

141 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:

142 (A) that the annexation described in Subsection (9)(d)(i) will result in an enactment,
143 repeal, or change in the rate of a tax under this part for the annexing area;

144 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);

145 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and

146 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
147 (9)(d)(ii)(A), the rate of the tax.

148 (e) (i) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection
149 (9)(e)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the

150 first billing period:

151 (A) that begins after the effective date of the enactment of the tax or the tax rate
152 increase; and

153 (B) if the billing period for the transaction begins before the effective date of the
154 enactment of the tax or the tax rate increase imposed under Subsection (1).

155 (ii) Notwithstanding Subsection (9)(d)(i), for a transaction described in Subsection
156 (9)(e)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last
157 billing period:

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

160 (B) if the billing period for the transaction begins before the effective date of the repeal
161 of the tax or the tax rate decrease imposed under Subsection (1).

162 (iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:

163 (A) Subsection 59-12-103(1)(e);

164 (B) Subsection 59-12-103(1)(i); or

165 (C) Subsection 59-12-103(1)(k).

166 Section ~~H~~→ [2] 3 ←~~H~~ . **Effective date.**

167 This bill takes effect on July 1, 2005.