



30 charged for the following transactions:

31 (a) retail sales of tangible personal property made within the state;

32 (b) amounts paid for:

33 (i) telecommunications service, other than mobile telecommunications service, that  
34 originates and terminates within the boundaries of this state;

35 (ii) mobile telecommunications service that originates and terminates within the  
36 boundaries of one state only to the extent permitted by the Mobile Telecommunications  
37 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

38 (iii) an ancillary service associated with a:

39 (A) telecommunications service described in Subsection (1)(b)(i); or

40 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

41 (c) sales of the following for commercial use:

42 (i) gas;

43 (ii) electricity;

44 (iii) heat;

45 (iv) coal;

46 (v) fuel oil; or

47 (vi) other fuels;

48 (d) sales of the following for residential use:

49 (i) gas;

50 (ii) electricity;

51 (iii) heat;

52 (iv) coal;

53 (v) fuel oil; or

54 (vi) other fuels;

55 (e) sales of prepared food;

56 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or  
57 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,

58 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,  
59 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed  
60 circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf,  
61 golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,  
62 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,  
63 horseback rides, sports activities, or any other amusement, entertainment, recreation,  
64 exhibition, cultural, or athletic activity;

65 (g) amounts paid or charged for services for repairs or renovations of tangible personal  
66 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

67 (i) the tangible personal property; and

68 (ii) parts used in the repairs or renovations of the tangible personal property described  
69 in Subsection (1)(g)(i), whether or not any parts are actually used in the repairs or renovations  
70 of that tangible personal property;

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

73 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court  
74 accommodations and services that are regularly rented for less than 30 consecutive days;

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

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

78 (i) stored;

79 (ii) used; or

80 (iii) otherwise consumed;

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

83 (i) stored;

84 (ii) used; or

85 (iii) consumed; and

86 (m) amounts paid or charged for a sale:  
87 (i) (A) of a product that:  
88 (I) is transferred electronically; and  
89 (II) would be subject to a tax under this chapter if the product was transferred in a  
90 manner other than electronically; or  
91 (B) of a repair or renovation of a product that:  
92 (I) is transferred electronically; and  
93 (II) would be subject to a tax under this chapter if the product was transferred in a  
94 manner other than electronically; and  
95 (ii) regardless of whether the sale provides:  
96 (A) a right of permanent use of the product; or  
97 (B) a right to use the product that is less than a permanent use, including a right:  
98 (I) for a definite or specified length of time; and  
99 (II) that terminates upon the occurrence of a condition.  
100 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax  
101 is imposed on a transaction described in Subsection (1) equal to the sum of:  
102 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:  
103 (A) 4.70%; and  
104 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
105 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
106 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
107 State Sales and Use Tax Act; and  
108 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
109 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
110 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
111 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and  
112 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
113 transaction under this chapter other than this part.

114 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is  
115 imposed on a transaction described in Subsection (1)(d) equal to the sum of:  
116 (i) a state tax imposed on the transaction at a tax rate of 2%; and  
117 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
118 transaction under this chapter other than this part.

119 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is  
120 imposed on amounts paid or charged for food and food ingredients equal to the sum of:  
121 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
122 a tax rate of 1.75%; and  
123 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
124 amounts paid or charged for food and food ingredients under this chapter other than this part.

125 (d) (i) For a bundled transaction that is attributable to food and food ingredients and  
126 tangible personal property other than food and food ingredients, a state tax and a local tax is  
127 imposed on the entire bundled transaction equal to the sum of:  
128 (A) a state tax imposed on the entire bundled transaction equal to the sum of:  
129 (I) the tax rate described in Subsection (2)(a)(i)(A); and  
130 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
131 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
132 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
133 Additional State Sales and Use Tax Act; and  
134 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
135 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
136 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in  
137 which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and  
138 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates  
139 described in Subsection (2)(a)(ii).

140 (ii) Subject to Subsection (2)(d)(iii), for a bundled transaction other than a bundled  
141 transaction described in Subsection (2)(d)(i):

142 (A) if the sales price of the bundled transaction is attributable to tangible personal  
143 property, a product, or a service that is subject to taxation under this chapter and tangible  
144 personal property, a product, or service that is not subject to taxation under this chapter, the  
145 entire bundled transaction is subject to taxation under this chapter unless:

146 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
147 personal property, product, or service that is not subject to taxation under this chapter from the  
148 books and records the seller keeps in the seller's regular course of business; or

149 (II) state or federal law provides otherwise; or

150 (B) if the sales price of a bundled transaction is attributable to two or more items of  
151 tangible personal property, products, or services that are subject to taxation under this chapter  
152 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
153 higher tax rate unless:

154 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
155 personal property, product, or service that is subject to taxation under this chapter at the lower  
156 tax rate from the books and records the seller keeps in the seller's regular course of business; or

157 (II) state or federal law provides otherwise.

158 (iii) For purposes of Subsection (2)(d)(ii), books and records that a seller keeps in the  
159 seller's regular course of business includes books and records the seller keeps in the regular  
160 course of business for nontax purposes.

161 (e) Subject to Subsections (2)(f) and (g), a tax rate repeal or tax rate change for a tax  
162 rate imposed under the following shall take effect on the first day of a calendar quarter:

163 (i) Subsection (2)(a)(i)(A);

164 (ii) Subsection (2)(b)(i);

165 (iii) Subsection (2)(c)(i); or

166 (iv) Subsection (2)(d)(i)(A)(I).

167 (f) (i) A tax rate increase shall take effect on the first day of the first billing period that  
168 begins after the effective date of the tax rate increase if the billing period for the transaction  
169 begins before the effective date of a tax rate increase imposed under:

- 170 (A) Subsection (2)(a)(i)(A);
- 171 (B) Subsection (2)(b)(i);
- 172 (C) Subsection (2)(c)(i); or
- 173 (D) Subsection (2)(d)(i)(A)(I).

174 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
175 billing period that began before the effective date of the repeal of the tax or the tax rate  
176 decrease if the billing period for the transaction begins before the effective date of the repeal  
177 of the tax or the tax rate decrease imposed under:

- 178 (A) Subsection (2)(a)(i)(A);
- 179 (B) Subsection (2)(b)(i);
- 180 (C) Subsection (2)(c)(i); or
- 181 (D) Subsection (2)(d)(i)(A)(I).

182 (g) (i) For a tax rate described in Subsection (2)(g)(ii), if a tax due on a catalogue sale  
183 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal  
184 or change in a tax rate takes effect:

- 185 (A) on the first day of a calendar quarter; and
- 186 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

187 (ii) Subsection (2)(g)(i) applies to the tax rates described in the following:

- 188 (A) Subsection (2)(a)(i)(A);
- 189 (B) Subsection (2)(b)(i);
- 190 (C) Subsection (2)(c)(i); or
- 191 (D) Subsection (2)(d)(i)(A)(I).

192 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
193 the commission may by rule define the term "catalogue sale."

194 (3) (a) The following state taxes shall be deposited into the General Fund:

- 195 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 196 (ii) the tax imposed by Subsection (2)(b)(i);
- 197 (iii) the tax imposed by Subsection (2)(c)(i); or

198 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

199 (b) The following local taxes shall be distributed to a county, city, or town as provided  
200 in this chapter:

201 (i) the tax imposed by Subsection (2)(a)(ii);

202 (ii) the tax imposed by Subsection (2)(b)(ii);

203 (iii) the tax imposed by Subsection (2)(c)(ii); and

204 (iv) the tax imposed by Subsection (2)(d)(i)(B).

205 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July  
206 1, 2003, the lesser of the following amounts shall be used as provided in Subsections (4)(b)  
207 through (g):

208 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

209 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

210 (B) for the fiscal year; or

211 (ii) \$17,500,000.

212 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount  
213 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the  
214 Department of Natural Resources to:

215 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to  
216 protect sensitive plant and animal species; or

217 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
218 act, to political subdivisions of the state to implement the measures described in Subsections  
219 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

220 (ii) Money transferred to the Department of Natural Resources under Subsection  
221 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
222 person to list or attempt to have listed a species as threatened or endangered under the  
223 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

224 (iii) At the end of each fiscal year:

225 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources

226 Conservation and Development Fund created in Section 73-10-24;

227       (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan

228 Program Subaccount created in Section 73-10c-5; and

229       (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan

230 Program Subaccount created in Section 73-10c-5.

231       (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in

232 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund

233 created in Section 4-18-6.

234       (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described

235 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water

236 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of

237 water rights.

238       (ii) At the end of each fiscal year:

239       (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources

240 Conservation and Development Fund created in Section 73-10-24;

241       (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan

242 Program Subaccount created in Section 73-10c-5; and

243       (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan

244 Program Subaccount created in Section 73-10c-5.

245       (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount

246 described in Subsection (4)(a) shall be deposited in the Water Resources Conservation and

247 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

248       (ii) In addition to the uses allowed of the Water Resources Conservation and

249 Development Fund under Section 73-10-24, the Water Resources Conservation and

250 Development Fund may also be used to:

251       (A) conduct hydrologic and geotechnical investigations by the Division of Water

252 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of

253 quantifying surface and ground water resources and describing the hydrologic systems of an

254 area in sufficient detail so as to enable local and state resource managers to plan for and  
255 accommodate growth in water use without jeopardizing the resource;

256 (B) fund state required dam safety improvements; and

257 (C) protect the state's interest in interstate water compact allocations, including the  
258 hiring of technical and legal staff.

259 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
260 in Subsection (4)(a) shall be deposited in the Utah Wastewater Loan Program Subaccount  
261 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

262 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
263 in Subsection (4)(a) shall be deposited in the Drinking Water Loan Program Subaccount  
264 created in Section 73-10c-5 for use by the Division of Drinking Water to:

265 (i) provide for the installation and repair of collection, treatment, storage, and  
266 distribution facilities for any public water system, as defined in Section 19-4-102;

267 (ii) develop underground sources of water, including springs and wells; and

268 (iii) develop surface water sources.

269 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July  
270 1, 2006, the difference between the following amounts shall be expended as provided in this  
271 Subsection (5), if that difference is greater than \$1:

272 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
273 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

274 (ii) \$17,500,000.

275 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

276 (A) transferred each fiscal year to the Department of Natural Resources as dedicated  
277 credits; and

278 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
279 restoration.

280 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits  
281 described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and

282 Development Fund created in Section 73-10-24.

283 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
284 remaining difference described in Subsection (5)(a) shall be:

285 (A) transferred each fiscal year to the Division of Water Resources as dedicated  
286 credits; and

287 (B) expended by the Division of Water Resources for cloud-seeding projects  
288 authorized by Title 73, Chapter 15, Modification of Weather.

289 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits  
290 described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and  
291 Development Fund created in Section 73-10-24.

292 (d) After making the transfers required by Subsections (5)(b) and (c), 94% of the  
293 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
294 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
295 Division of Water Resources for:

296 (i) preconstruction costs:

297 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
298 26, Bear River Development Act; and

299 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
300 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

301 (ii) the cost of employing a civil engineer to oversee any project authorized by Title  
302 73, Chapter 26, Bear River Development Act;

303 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
304 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

305 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, 73-10-30, and  
306 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

307 (e) Any unexpended monies described in Subsection (5)(d) that remain in the Water  
308 Resources Conservation and Development Fund at the end of the fiscal year are nonlapsing.

309 (f) After making the transfers required by Subsections (5)(b) and (c) and subject to

310 Subsection (5)(g), 6% of the remaining difference described in Subsection (5)(a) shall be  
311 transferred each year as dedicated credits to the Division of Water Rights to cover the costs  
312 incurred for employing additional technical staff for the administration of water rights.

313 (g) At the end of each fiscal year, any unexpended dedicated credits described in  
314 Subsection (5)(f) over \$150,000 lapse to the Water Resources Conservation and Development  
315 Fund created in Section 73-10-24.

316 (6) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
317 2003, and for taxes listed under Subsection (3)(a), the amount of revenue generated by a  
318 1/16% tax rate on the transactions described in Subsection (1) for the fiscal year shall be  
319 deposited in the Transportation Fund created by Section 72-2-102.

320 (7) (a) Notwithstanding Subsection (3)(a) and until Subsection (7)(b) applies,  
321 beginning on January 1, 2000, the Division of Finance shall deposit into the Centennial  
322 Highway Fund Restricted Account created in Section 72-2-118 a portion of the taxes listed  
323 under Subsection (3)(a) equal to the revenues generated by a 1/64% tax rate on the taxable  
324 transactions under Subsection (1).

325 (b) Notwithstanding Subsection (3)(a), when the highway general obligation bonds  
326 have been paid off and the highway projects completed that are intended to be paid from  
327 revenues deposited in the Centennial Highway Fund Restricted Account as determined by the  
328 Executive Appropriations Committee under Subsection 72-2-118(6)(d), the Division of  
329 Finance shall deposit into the Transportation Investment Fund of 2005 created by Section  
330 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated  
331 by a 1/64% tax rate on the taxable transactions under Subsection (1).

332 (8) (a) Notwithstanding Subsection (3)(a) and in addition to the amount deposited in  
333 Subsection (7)(a), for the 2010-11 fiscal year only, the Division of Finance shall deposit into  
334 the Centennial Highway Fund Restricted Account created by Section 72-2-118 a portion of the  
335 taxes listed under Subsection (3)(a) equal to 1.93% of the revenues collected from the  
336 following taxes, which represents a portion of the approximately 17% of sales and use tax  
337 revenues generated annually by the sales and use tax on vehicles and vehicle-related products:

- 338 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 339 (ii) the tax imposed by Subsection (2)(b)(i);
- 340 (iii) the tax imposed by Subsection (2)(c)(i); and
- 341 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

342 ~~[(8)-(a)]~~ (b) Notwithstanding Subsection (3)(a), in addition to the amount deposited in  
343 Subsection (7)(a), and until Subsection (8)~~[(b)]~~(c) applies, for a fiscal year beginning on or  
344 after July 1, ~~[2007]~~ 2011, the Division of Finance shall deposit into the Centennial Highway  
345 Fund Restricted Account created by Section 72-2-118 a portion of the taxes listed under  
346 Subsection (3)(a) equal to 8.3% of the revenues collected from the following taxes, which  
347 represents a portion of the approximately 17% of sales and use tax revenues generated  
348 annually by the sales and use tax on vehicles and vehicle-related products:

- 349 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 350 (ii) the tax imposed by Subsection (2)(b)(i);
- 351 (iii) the tax imposed by Subsection (2)(c)(i); and
- 352 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

353 ~~[(b)]~~ (c) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited  
354 under Subsection (7)(b), when the highway general obligation bonds have been paid off and  
355 the highway projects completed that are intended to be paid from revenues deposited in the  
356 Centennial Highway Fund Restricted Account as determined by the Executive Appropriations  
357 Committee under Subsection 72-2-118(6)(d), the Division of Finance shall deposit into the  
358 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes  
359 listed under Subsection (3)(a) equal to 8.3% of the revenues collected from the following  
360 taxes, which represents a portion of the approximately 17% of sales and use tax revenues  
361 generated annually by the sales and use tax on vehicles and vehicle-related products:

- 362 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 363 (ii) the tax imposed by Subsection (2)(b)(i);
- 364 (iii) the tax imposed by Subsection (2)(c)(i); and
- 365 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

366 (9) (a) Notwithstanding Subsection (3)(a) and for the fiscal year 2008-09 only, the  
367 Division of Finance shall deposit \$55,000,000 of the revenues generated by the taxes listed  
368 under Subsection (3)(a) into the Critical Highway Needs Fund created by Section 72-2-125.

369 (b) Notwithstanding Subsection (3)(a) and until Subsection (9)(c) applies, for a fiscal  
370 year beginning on or after July 1, 2009, the Division of Finance shall annually deposit  
371 \$90,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the  
372 Critical Highway Needs Fund created by Section 72-2-125.

373 (c) Notwithstanding Subsection (3)(a) and in addition to any amounts deposited under  
374 Subsections (7) and (8), when the general obligation bonds authorized by Section 63B-16-101  
375 have been paid off and the highway projects completed that are included in the prioritized  
376 project list under Subsection 72-2-125(4) as determined in accordance with Subsection  
377 72-2-125(6), the Division of Finance shall annually deposit \$90,000,000 of the revenues  
378 generated by the taxes listed under Subsection (3)(a) into the Transportation Investment Fund  
379 of 2005 created by Section 72-2-124.

380 (10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
381 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
382 created by Section 9-4-1409 and expended as provided in Section 9-4-1409.

383 (11) (a) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection  
384 (11)(a)(ii), and until Subsection (11)(b) applies, beginning on January 1, 2009, the Division of  
385 Finance shall deposit into the Critical Highway Needs Fund created by Section 72-2-125 the  
386 amount of tax revenue generated by a .025% tax rate on the transactions described in  
387 Subsection (1).

388 (ii) For purposes of Subsection (11)(a)(i), the Division of Finance may not deposit into  
389 the Critical Highway Needs Fund any tax revenue generated by amounts paid or charged for  
390 food and food ingredients, except for tax revenue generated by a bundled transaction  
391 attributable to food and food ingredients and tangible personal property other than food and  
392 food ingredients described in Subsection (2)(e).

393 (b) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b)(ii),

394 and in addition to any amounts deposited under Subsections (7), (9), and (10), when the  
395 general obligation bonds authorized by Section 63B-16-101 have been paid off and the  
396 highway projects completed that are included in the prioritized project list under Subsection  
397 72-2-125(4) as determined in accordance with Subsection 72-2-125(6), the Division of  
398 Finance shall deposit into the Transportation Investment Fund of 2005 created by Section  
399 72-2-124 the amount of tax revenue generated by a .025% tax rate on the transactions  
400 described in Subsection (1).

401 (ii) For purposes of Subsection (11)(b)(i), the Division of Finance may not deposit into  
402 the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or  
403 charged for food and food ingredients, except for tax revenue generated by a bundled  
404 transaction attributable to food and food ingredients and tangible personal property other than  
405 food and food ingredients described in Subsection (2)(e).

406 (12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection  
407 (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the  
408 Transportation Fund created by Section 72-2-102 the amount of tax revenue generated by a  
409 .025% tax rate on the transactions described in Subsection (1) to be expended to address  
410 chokepoints in construction management.

411 (b) For purposes of Subsection (12)(a), the Division of Finance may not deposit into  
412 the Transportation Fund any tax revenue generated by amounts paid or charged for food and  
413 food ingredients, except for tax revenue generated by a bundled transaction attributable to  
414 food and food ingredients and tangible personal property other than food and food ingredients  
415 described in Subsection (2)(e).

416 Section 2. **Effective date.**

417 This bill takes effect on July 1, 2010.