

1st Sub. S.B. 207

TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE

Senator **Dennis E. Stowell** proposes the following amendments:

1. *Page 1, Lines 22 through 23:*

- 22 ▶ provides for termination of an exemption; ~~{-and-}~~
= ▶ addresses appropriation to the class B and class C road account; and
23 ▶ makes technical and conforming changes.

2. *Page 2, Lines 33 through 34:*

- 33 59-14-204.5, as enacted by Laws of Utah 2004, Chapter 217
= 72-2-107, as last amended by Laws of Utah 2008, Chapters 109 and 389
34 ENACTS:

3. *Page 3, Line 62:*

- 62 special fuel that is sold, used, or received for sale or ~~{-used-}~~ use on Cedar Band reservation land; or

4. *Page 5, Lines 123 through 125:*

- 123 (III) ~~{-if it is impractical to meet the requirements of Subsection (1)(g)(ii)(B)(I) or (H)-}~~
124 provide a government service that meets a critical need of the Cedar Band, whether provided
125 by the Cedar Band or through contract with another governmental body;

5. *Page 6, Lines 171 through 174:*

- 171 (f) addresses any other issue related to the commission's administration of an
172 exemption from an applicable tax; ~~{-and-}~~
173 (g) provides for procedures and conditions related to terminating the agreement ~~{-}~~ ; and
(h) addresses the administration of an exemption under this part when, on the basis of a law other
than this part, the state is not authorized to impose an applicable tax on a transaction located on Cedar
Band reservation land involving a member of the Paiute Indian Tribe of Utah.
174 (2) The agreement described in Subsection (1):

6. *Page 7, Lines 204 through 211:*

- 204 (3) A transaction that occurs on Cedar Band reservation land may be exempt from
205 taxation under this part only;
206 (a) on or after July 1, 2011; ~~{-and-}~~

207 (b) for an applicable tax other than a tax imposed under Chapter 13, Motor and Special Fuel
Tax Act, to the following extent:

208 (i) on and after July 1, 2011, but on and before June 30, 2012, an exemption is 50% of
209 the combined state and local tax rate; and

210 (ii) on and after July 1, 2012, an exemption is 100% of the combined state and local
211 tax rate {~~-~~} ; and

(c) for an applicable tax imposed under Chapter 13, Motor and Special Fuel Tax Act, on and after
July 1, 2011, an exemption is equal to percentage used to determine the appropriation under Section
72-2-107 from the Transportation Fund to the class B and class C roads account.

7. *Page 8, Lines 221 through 222:*

221 Cedar Band on the transaction.

= (5) In accordance with Section 72-2-107, in calculating the amount of the appropriation under
Section 72-2-107 the Division of Finance may not include the revenue collected under Chapter 13, Motor
and Special Fuel Tax Act, on a transaction subject to an exemption under this part.

222 Section 7. Section **59-1-1507** is enacted to read:

8. *Page 41, Line 1262:*

1262 Related to the Cedar Band of the Paiute Tribe Act.

= Section 14. Section 72-2-107 is amended to read:
72-2-107. Appropriation from Transportation Fund -- Deposit in class B and class C roads
account.

(1) There is appropriated to the department from the Transportation Fund annually an amount equal to
30% of an amount which the director of finance shall compute in the following manner: The total revenue
deposited into the Transportation Fund during the fiscal year from state highway-user taxes and fees, minus:

(a) those amounts appropriated or transferred from the Transportation Fund during the same fiscal year
to:

(i) the Department of Public Safety;

(ii) the State Tax Commission;

(iii) the Division of Finance;

(iv) the Utah Travel Council; and

(v) any other amounts appropriated or transferred for any other state agencies not a part of the
department; ~~{and}~~

= (vi) revenue collected under Title 59, Chapter 13, Motor and Special Fuel Tax Act, for a
transaction on Cedar Band reservation land if the partial exemption from a tax imposed under Title 59,
Chapter 13, is in effect in accordance with Title 59, Chapter 1, Part 15, Exemptions Related to the Cedar
Band of the Paiute Tribe Act; and

(b) the amount of sales and use tax revenue deposited in the Transportation Fund in accordance with

Section 59-12-103.

(2) (a) Except as provided in Subsection (2)(b), all of this money shall be placed in an account to be known as the class B and class C roads account to be used as provided in this title.

(b) The director of finance shall annually transfer \$500,000 of the amount calculated under Subsection (1) to the department as nonlapsing dedicated credits for the State Park Access Highways Improvement Program created in Section 72-3-207.

(3) Each quarter of every year the director of finance shall make the necessary accounting entries to transfer the money appropriated under this section to the class B and class C roads account.

(4) The funds in the class B and class C roads account shall be expended under the direction of the department as the Legislature shall provide.