

**LOCAL SALES AND USE TAX DISTRIBUTION**

**REVISIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jim Nielson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Local Sales and Use Tax Act to modify the distribution of the taxes.

**Highlighted Provisions:**

This bill:

- ▶ adds school-age population as a factor in the distribution of the tax under Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act;
- ▶ modifies the distribution of the tax; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2011.

**Utah Code Sections Affected:**

AMENDS:

**59-12-204**, as last amended by Laws of Utah 2009, Chapters 203 and 385

**59-12-205**, as last amended by Laws of Utah 2009, Chapters 92 and 203

**59-12-302**, as last amended by Laws of Utah 2008, Chapter 384

**59-12-354**, as last amended by Laws of Utah 2008, Chapter 384



- 28           **59-12-403**, as last amended by Laws of Utah 2008, Chapters 382 and 384
- 29           **59-12-603**, as last amended by Laws of Utah 2009, Chapter 7
- 30           **59-12-703**, as last amended by Laws of Utah 2008, Chapters 382 and 384
- 31           **59-12-802**, as last amended by Laws of Utah 2008, Chapter 384
- 32           **59-12-804**, as last amended by Laws of Utah 2008, Chapter 384
- 33           **59-12-1102**, as last amended by Laws of Utah 2010, Chapter 90
- 34           **59-12-1302**, as last amended by Laws of Utah 2008, Chapters 382 and 384
- 35           **59-12-1402**, as last amended by Laws of Utah 2008, Chapters 382 and 384
- 36           **59-12-2103**, as enacted by Laws of Utah 2008, Chapter 323
- 37           **59-12-2206**, as enacted by Laws of Utah 2010, Chapter 263
- 38           **63H-1-102**, as last amended by Laws of Utah 2010, Chapter 9
- 39           **63H-1-502**, as last amended by Laws of Utah 2010, Chapter 9

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41 *Be it enacted by the Legislature of the state of Utah:*

42           Section 1. Section **59-12-204** is amended to read:

43           **59-12-204. Sales and use tax ordinance provisions -- Tax rate -- Distribution of**  
 44 **tax revenues -- Commission requirement to retain an amount to be deposited into the**  
 45 **Qualified Emergency Food Agencies Fund.**

46           (1) The tax ordinance adopted pursuant to this part shall impose a tax upon those  
 47 transactions listed in Subsection 59-12-103(1).

48           (2) (a) The tax ordinance under Subsection (1) shall include a provision imposing a tax  
 49 upon every transaction listed in Subsection 59-12-103(1) made within a county, including areas  
 50 contained within the cities and towns located in the county:

51           (i) at the rate of 1% of the purchase price paid or charged; and

52           (ii) if the location of the transaction is [~~consummated~~] within the county [~~in accordance~~  
 53 ~~with Section 59-12-205~~] as determined under Sections 59-12-211 through 59-12-215.

54           (b) Notwithstanding Subsection (2)(a), a tax ordinance under this Subsection (2) shall  
 55 include a provision prohibiting a county, city, or town from imposing a tax under this section  
 56 on the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
 57 exempt from taxation under Section 59-12-104.

58           (3) Such tax ordinance shall include provisions substantially the same as those

59 contained in Part 1, Tax Collection, insofar as they relate to sales or use tax, except that the  
60 name of the county as the taxing agency shall be substituted for that of the state where  
61 necessary for the purpose of this part and that an additional license is not required if one has  
62 been or is issued under Section 59-12-106.

63 (4) Such tax ordinance shall include a provision that the county shall contract, prior to  
64 the effective date of the ordinance, with the commission to perform all functions incident to the  
65 administration or operation of the ordinance.

66 (5) Such tax ordinance shall include a provision that the sale, storage, use, or other  
67 consumption of tangible personal property, the purchase price or the cost of which has been  
68 subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this  
69 part by any county, city, or town in any other county in this state, shall be exempt from the tax  
70 due under this ordinance.

71 (6) Such tax ordinance shall include a provision that any person subject to the  
72 provisions of a city or town sales and use tax shall be exempt from the county sales and use tax  
73 if the city or town sales and use tax is levied under an ordinance including provisions in  
74 substance as follows:

75 (a) a provision imposing a tax upon every transaction listed in Subsection 59-12-103(1)  
76 made within the city or town at the rate imposed by the county in which it is situated pursuant  
77 to Subsection (2);

78 (b) notwithstanding Subsection (2)(a), a provision prohibiting the city or town from  
79 imposing a tax under this section on the sales and uses described in Section 59-12-104 to the  
80 extent the sales and uses are exempt from taxation under Section 59-12-104;

81 (c) provisions substantially the same as those contained in Part 1, Tax Collection,  
82 insofar as they relate to sales and use taxes, except that the name of the city or town as the  
83 taxing agency shall be substituted for that of the state where necessary for the purposes of this  
84 part;

85 (d) a provision that the city or town shall contract prior to the effective date of the city  
86 or town sales and use tax ordinance with the commission to perform all functions incident to  
87 the administration or operation of the sales and use tax ordinance of the city or town;

88 (e) a provision that the sale, storage, use, or other consumption of tangible personal  
89 property, the gross receipts from the sale of or the cost of which has been subject to sales or use

90 tax under a sales and use tax ordinance enacted in accordance with this part by any county  
91 other than the county in which the city or town is located, or city or town in this state, shall be  
92 exempt from the tax; and

93 (f) a provision that the amount of any tax paid under Part 1, Tax Collection, shall not  
94 be included as a part of the purchase price paid or charged for a taxable item.

95 (7) Notwithstanding any other provision of this section, beginning July 1, 2000, the  
96 commission shall:

97 (a) determine and retain the portion of sales and use tax imposed under this section:

98 (i) by each county and by each city and town within that county whose legislative body  
99 consents by resolution to the commission's retaining and depositing sales and use tax revenues  
100 as provided in this Subsection (7); and

101 (ii) that is equal to the revenues generated by a 1/64% tax rate;

102 (b) deposit the revenues described in Subsection (7)(a) into a special fund of the  
103 county, or a city, town, or other political subdivision of the state located within that county, that  
104 has issued bonds to finance sports or recreational facilities or that is leasing sports or  
105 recreational facilities, in order to repay those bonds or to pay the lease payments; and

106 (c) continue to deposit those revenues into the special fund only as long as the bonds or  
107 leases are outstanding.

108 (8) (a) Notwithstanding any other provision of this section, beginning on July 1, 2009,  
109 the commission shall calculate and retain a portion of the sales and use tax collected under this  
110 part as provided in this Subsection (8).

111 (b) For a city, town, or unincorporated area of a county that imposes a tax under this  
112 part, the commission shall calculate a percentage each month by dividing the sales and use tax  
113 collected under this part for that month within the boundaries of that city, town, or  
114 unincorporated area of a county by the total sales and use tax collected under this part for that  
115 month within the boundaries of all of the cities, towns, and unincorporated areas of the  
116 counties that impose a tax under this part.

117 (c) For a city, town, or unincorporated area of a county that imposes a tax under this  
118 part, the commission shall retain each month an amount equal to the product of:

119 (i) the percentage the commission determines for the month under Subsection (8)(b)  
120 for the city, town, or unincorporated area of a county; and

121 (ii) \$25,417.

122 (d) The commission shall deposit an amount the commission retains in accordance  
123 with this Subsection (8) into the Qualified Emergency Food Agencies Fund created by Section  
124 9-4-1409.

125 (e) An amount the commission deposits into the Qualified Emergency Food Agencies  
126 Fund shall be expended as provided in Section 9-4-1409.

127 Section 2. Section **59-12-205** is amended to read:

128 **59-12-205. Definitions -- Ordinances to conform with statutory amendments --**  
129 **Distribution of tax revenues -- Determination of population.**

130 (1) As used in this section:

131 (a) "Population" means:

132 (i) if available, the most recent United States Census Bureau official census or census  
133 estimate of total population of a county, city, or town; or

134 (ii) the total population as estimated by the Utah Population Estimates Committee  
135 created by executive order of the governor if ~~H~~→ [;

136 ~~——(A) ~~←H~~ a needed population estimate is not available from the United States Census~~  
137 ~~Bureau ~~H~~→ [; or~~

138 ~~——(B) a county, city, or town demonstrates to the satisfaction of the Utah Population~~  
139 ~~Estimates Committee that the United States Census Bureau population estimate is inaccurate] ~~←H~~ .~~

140 (b) "School-age population" means:

141 (i) ~~H~~→ [if available,] the product of:

141a (A) ~~←H~~ the most recent United States Census Bureau official ~~H~~→ decennial ~~←H~~  
141b census ~~H~~→ [or census

142 estimate] count ~~←H~~ of the population that is greater than four years old and less than 18 years old  
142a within a

143 county, city, or town ~~H~~→ divided by the most recent United States Census Bureau official  
143a decennial census count of the total population within the county, city, or town; and

143b (B) the most recent population estimate for the county, city, or town made in accordance with  
143c Subsection (1)(a) ~~←H~~ ; or

144 (ii) the population that is greater than four years old and less than 18 years old within a  
145 county, city, or town as estimated by the Utah Population Estimates Committee if ~~H~~→ [;

146 ~~——(A) ~~←H~~ a needed population estimate is not available from the United States Census~~  
147 ~~Bureau ~~H~~→ [; or~~

148 ~~——(B) a county, city, or town demonstrates to the satisfaction of the Utah Population~~  
149 ~~Estimates Committee that the United States Census Bureau population estimate is inaccurate] ~~←H~~ .~~

150 (c) "Utah Population Estimates Committee" means the Utah Population Estimates  
151 Committee created by executive order of the governor.

152           ~~[(1) Each]~~ (2) A county, city, ~~[and]~~ or town, in order to maintain in effect sales and  
 153 use tax ordinances adopted pursuant to Section 59-12-204, shall, within 30 days of ~~[any]~~ an  
 154 amendment ~~[of any]~~ to an applicable ~~[provisions]~~ provision of Part 1, Tax Collection, adopt  
 155 amendments ~~[of their respective]~~ to the county's, city's, or town's sales and use tax ordinances  
 156 as required to conform ~~[with]~~ to the amendments to Part 1, Tax Collection~~[, insofar as they~~  
 157 ~~relate to sales and use taxes].~~

158           ~~[(2)]~~ (3) Except as provided in Subsections ~~[(3) through (5)]~~ (4) and (5), the  
 159 commission shall distribute:

160           (a) 50% of each dollar collected from the sales and use tax authorized by this part  
 161 ~~[shall be paid]~~ to each county, city, and town on the basis of the percentage that the population  
 162 of the county, city, or town bears to the total population of all counties, cities, and towns in the  
 163 state; ~~[and]~~

164           (b) (i) except as provided in Subsection ~~[(2)]~~ (3)(b)(ii), ~~[50%]~~ 25% of each dollar  
 165 collected from the sales and use tax authorized by this part ~~[shall be paid]~~ to each county, city,  
 166 and town on the basis of the location ~~[where]~~ of the transaction ~~[is consummated]~~ as  
 167 determined under Sections 59-12-211 through 59-12-215; and

168           (ii) ~~[50%]~~ 25% of each dollar collected from the sales and use tax authorized by this  
 169 part within a project area described in a project area plan adopted by the military installation  
 170 development authority under Title 63H, Chapter 1, Military Installation Development  
 171 Authority Act, ~~[shall be paid]~~ to the military installation development authority created in  
 172 Section 63H-1-201~~[-]; and~~

173           (c) 25% of each dollar collected from the sales and use tax authorized by this part to  
 174 each county, city, and town on the basis of the percentage that the school-age population of the  
 175 county, city, or town bears to the total school-age population of all counties, cities, and towns  
 176 in the state.

177           ~~[(3)]~~ (4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal  
 178 year 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75%  
 179 of the taxable sales within the boundaries of the county, city, or town.

180           (b) The commission shall proportionally reduce monthly distributions to any county,  
 181 city, or town that, but for the reduction, would receive a distribution in excess of 1% of the  
 182 sales and use tax revenue collected within the boundaries of the county, city, or town.

183 ~~[(4)]~~ (5) (a) As used in this Subsection ~~[(4)]~~ (5):

184 (i) "Alternative minimum tax revenue distribution" means:

185 (A) if the total amount of tax revenue distributions to all counties, cities, and towns  
 186 under this part for a fiscal year are greater than or equal to the total amount of tax revenue  
 187 distributions to all counties, cities, and towns under this part for fiscal year 2010-11, the total  
 188 amount of tax revenue distributions a county, city, or town received under this part for fiscal  
 189 year 2010-11; or

190 (B) if the total amount of tax revenue distributions to all counties, cities, and towns  
 191 under this part for a fiscal year are less than the total amount of tax revenue distributions to all  
 192 counties, cities, and towns under this part for fiscal year 2010-11, the county's, city's, or town's  
 193 percentage of total tax revenue distributions under this part for fiscal year 2010-11 multiplied  
 194 by the total amount of revenues to be distributed to all counties, cities, or towns under this part  
 195 for the fiscal year.

196 ~~[(i)]~~ (ii) "Eligible county, city, or town" means a county, city, or town that receives  
 197 \$2,000 or more in tax revenue distributions in accordance with Subsection ~~[(3)]~~ (4) for each of  
 198 the following fiscal years:

199 (A) fiscal year 2002-03;

200 (B) fiscal year 2003-04; and

201 (C) fiscal year 2004-05.

202 ~~[(ii)]~~ (iii) "Minimum tax revenue distribution" means the greater of:

203 (A) the total amount of tax revenue distributions an eligible county, city, or town  
 204 receives from a tax imposed in accordance with this part for fiscal year 2000-01; or

205 (B) the total amount of tax revenue distributions an eligible county, city, or town  
 206 receives from a tax imposed in accordance with this part for fiscal year 2004-05.

207 (b) (i) Notwithstanding Subsection ~~[(2)]~~ (3) and except as provided in Subsection ~~[(4)]~~  
 208 (5)(b)(ii), [beginning with fiscal year 2006-07 and ending with fiscal year 2012-13,] the  
 209 commission shall distribute to an eligible county, city, or town [shall receive] a tax revenue  
 210 distribution for a tax imposed in accordance with this part equal to the greater of:

211 (A) the payment required by Subsection ~~[(2)]~~ (3); ~~[or]~~

212 (B) beginning with fiscal year 2006-07 and ending with fiscal year 2012-13, the  
 213 minimum tax revenue distribution[-]; or

214 (C) beginning with fiscal year 2011-12 and ending with fiscal year 2020-21, the  
215 alternative minimum tax revenue distribution.

216 (ii) If the tax revenue distribution required by Subsection [~~(4)~~] (5)(b)(i) for an eligible  
217 county, city, or town is equal to the amount described in Subsection [~~(4)~~] (5)(b)(i)(A) for three  
218 consecutive fiscal years, for fiscal years beginning with the fiscal year immediately following  
219 that three consecutive fiscal year period, the commission shall distribute to the eligible county,  
220 city, or town [~~shall receive the~~] a tax revenue distribution equal to the greater of:

221 (A) the payment required by Subsection [~~(2)~~] (3); or

222 (B) beginning with fiscal year 2011-12 and ending with fiscal year 2020-21, the  
223 alternative minimum tax revenue distribution.

224 (c) For a fiscal year beginning with fiscal year 2013-14 and ending with fiscal year  
225 2015-16, the commission shall distribute to an eligible county, city, or town [~~shall receive~~] the  
226 greater of the minimum tax revenue distribution or the alternative minimum tax revenue  
227 distribution for that fiscal year, if for fiscal year 2012-13 the payment required by Subsection  
228 [~~(2)~~] (3) to that eligible county, city, or town is less than or equal to the product of:

229 (i) the minimum tax revenue distribution; and

230 (ii) .90.

231 [~~(5)(a) Population figures for purposes of this section shall be based on the most recent~~  
232 ~~official census or census estimate of the United States Census Bureau.]~~

233 [~~(b) If a needed population estimate is not available from the United States Census~~  
234 ~~Bureau, population figures shall be derived from the estimate from the Utah Population~~  
235 ~~Estimates Committee created by executive order of the governor.]~~

236 (d) Beginning with fiscal year 2011-12 and ending with fiscal year 2020-21, the  
237 commission shall distribute to a county, city, or town that is not an eligible county, city, or  
238 town a tax revenue distribution for a tax imposed in accordance with this part equal to the  
239 greater of:

240 (i) the payment required by Subsection (3); or

241 (ii) the alternative minimum tax revenue distribution.

242 (6) The population of a county for purposes of this section shall be determined solely  
243 from the unincorporated area of the county.

244 Section 3. Section **59-12-302** is amended to read:



245           **59-12-302. Collection of tax -- Administrative fee -- Penalties -- Commission to**  
246 **interpret, audit, and adjudicate transient room tax.**

247           (1) (a) Except as provided in Subsection (1)(b) or (c), the tax authorized under this part  
248 shall be administered, collected, and enforced in accordance with:

249           (i) the same procedures used to administer, collect, and enforce the tax under:

250           (A) Part 1, Tax Collection; or

251           (B) Part 2, Local Sales and Use Tax Act; and

252           (ii) Chapter 1, General Taxation Policies.

253           (b) (i) Notwithstanding Section 59-12-206, each county may collect the tax imposed by  
254 the county and need not transmit the tax to the commission or contract with the commission to  
255 collect the tax.

256           (ii) The amount of tax collected shall be reported to the commission as provided in  
257 Sections 59-12-211 through 59-12-215.

258           (c) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or  
259 Subsections 59-12-205~~(2)~~(3) through (6).

260           (d) (i) If the commission collects a tax under this part, the commission:

261           (A) except as provided in Subsection (1)(d)(i)(B), shall distribute the revenues  
262 generated by the tax to the county within which the revenues were generated; and

263           (B) notwithstanding Subsection (1)(d)(i)(A), may retain an amount of tax collected  
264 under this part of not to exceed the lesser of:

265           (I) 1.5%; or

266           (II) an amount equal to the cost to the commission of administering this part.

267           (ii) Any amount the commission retains under Subsection (1)(d)(i)(B) shall be:

268           (A) placed in the Sales and Use Tax Administrative Fees Account; and

269           (B) used as provided in Subsection 59-12-206(2).

270           (2) (a) The tax ordinance adopted by a county pursuant to Section 59-12-301 may  
271 include provisions for the imposition of penalties and interest if a person or entity required to  
272 pay a tax under this part fails to timely remit the tax to the collecting agent.

273           (b) A county legislative body may not establish penalties and interest by ordinance that  
274 exceed the penalties and interest rates authorized for the commission in Sections 59-1-401 and  
275 59-1-402.

276 (3) A county may adopt an ordinance imposing penalties and interest under Subsection  
277 (2) only if the county does not contract with the commission to collect the tax.

278 (4) If a county elects to collect the tax as provided in Subsection (1), the commission  
279 shall interpret, audit, and adjudicate the tax imposed under this part.

280 Section 4. Section **59-12-354** is amended to read:

281 **59-12-354. Collection of tax -- Administrative fee -- Penalties -- Commission to**  
282 **interpret, audit, and adjudicate transient room tax.**

283 (1) Except as provided in Subsections (2) and (3), the tax authorized under this part  
284 shall be administered, collected, and enforced in accordance with:

285 (a) the same procedures used to administer, collect, and enforce the tax under:

- 286 (i) Part 1, Tax Collection; or
- 287 (ii) Part 2, Local Sales and Use Tax Act; and

288 (b) Chapter 1, General Taxation Policies.

289 (2) Notwithstanding Section 59-12-206, a municipality imposing a tax under this part:

290 (a) may collect the tax and is not required to:

291 (i) transmit revenues generated by the tax to the commission; or

292 (ii) contract with the commission to collect the tax;

293 (b) shall report the revenues it collects to the commission as provided in Sections  
294 59-12-211 through 59-12-215; and

295 (c) subject to the limitations of Subsections (4) and (5), may adopt an ordinance  
296 imposing penalties and interest on a person who:

297 (i) is required to pay the tax under this part; and

298 (ii) does not remit the tax to the collecting agent in a timely manner.

299 (d) (i) If the commission collects a tax under this part, the commission:

300 (A) except as provided in Subsection (2)(d)(i)(B), shall distribute the revenues  
301 generated by the tax to the municipality within which the revenues were generated; and

302 (B) notwithstanding Subsection (2)(d)(i)(A), may retain an amount of tax collected  
303 under this part of not to exceed the lesser of:

304 (I) 1.5%; or

305 (II) an amount equal to the cost to the commission of administering this part.

306 (ii) Any amount the commission retains under Subsection (2)(d)(i)(B) shall be:

307 (A) placed in the Sales and Use Tax Administrative Fees Account; and

308 (B) used as provided in Subsection 59-12-206(2).

309 (3) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or  
310 Subsections 59-12-205~~(2)~~(3) through (6).

311 (4) A governing body of a municipality adopting an ordinance imposing penalties and  
312 interest under Subsection (2)(c) may impose penalties and interest in amounts that are less than  
313 or equal to the penalties and interest rates authorized for the commission under Sections  
314 59-1-401 and 59-1-402.

315 (5) A municipality may adopt an ordinance imposing penalties and interest under  
316 Subsection (2)(c) only if the municipality does not contract with the commission to collect the  
317 tax.

318 (6) If a municipality elects to collect the tax as provided in Subsection (2), the  
319 commission shall interpret, audit, and adjudicate the tax imposed under this part.

320 Section 5. Section **59-12-403** is amended to read:

321 **59-12-403. Enactment or repeal of tax -- Tax rate change -- Effective date --**  
322 **Notice requirements -- Administration, collection, and enforcement of tax.**

323 (1) For purposes of this section:

324 (a) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part  
325 4, Annexation.

326 (b) "Annexing area" means an area that is annexed into a city or town.

327 (2) (a) Except as provided in Subsection (2)(c) or (d), if, on or after April 1, 2008, a  
328 city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment,  
329 repeal, or change shall take effect:

330 (i) on the first day of a calendar quarter; and

331 (ii) after a 90-day period beginning on the date the commission receives notice meeting  
332 the requirements of Subsection (2)(b) from the city or town.

333 (b) The notice described in Subsection (2)(a)(ii) shall state:

334 (i) that the city or town will enact or repeal a tax or change the rate of a tax under this  
335 part;

336 (ii) the statutory authority for the tax described in Subsection (2)(b)(i);

337 (iii) the effective date of the tax described in Subsection (2)(b)(i); and

338 (iv) if the city or town enacts the tax or changes the rate of the tax described in  
339 Subsection (2)(b)(i), the rate of the tax.

340 (c) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of  
341 the first billing period:

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

344 (B) if the billing period for the transaction begins before the effective date of the  
345 enactment of the tax or the tax rate increase imposed under:

346 (I) Section 59-12-401; or

347 (II) Section 59-12-402.

348 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
349 billing period:

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

352 (B) if the billing period for the transaction begins before the effective date of the repeal  
353 of the tax or the tax rate decrease imposed under:

354 (I) Section 59-12-401; or

355 (II) Section 59-12-402.

356 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
357 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
358 a tax described in Subsection (2)(a) takes effect:

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

360 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
361 rate of the tax under Subsection (2)(a).

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

364 (3) (a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs  
365 on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the  
366 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
367 effect:

368 (i) on the first day of a calendar quarter; and

369 (ii) after a 90-day period beginning on the date the commission receives notice meeting  
370 the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.

371 (b) The notice described in Subsection (3)(a)(ii) shall state:

372 (i) that the annexation described in Subsection (3)(a) will result in an enactment,  
373 repeal, or change in the rate of a tax under this part for the annexing area;

374 (ii) the statutory authority for the tax described in Subsection (3)(b)(i);

375 (iii) the effective date of the tax described in Subsection (3)(b)(i); and

376 (iv) if the city or town enacts the tax or changes the rate of the tax described in

377 Subsection (3)(b)(i), the rate of the tax.

378 (c) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of  
379 the first billing period:

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

382 (B) if the billing period for the transaction begins before the effective date of the  
383 enactment of the tax or the tax rate increase imposed under:

384 (I) Section 59-12-401; or

385 (II) Section 59-12-402.

386 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
387 billing period:

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

390 (B) if the billing period for the transaction begins before the effective date of the repeal  
391 of the tax or the tax rate decrease imposed under:

392 (I) Section 59-12-401; or

393 (II) Section 59-12-402.

394 (d) (i) Notwithstanding Subsection (3)(a), if a tax due under this chapter on a catalogue  
395 sale is computed on the basis of sales and use tax rates published in the catalogue, an  
396 enactment, repeal, or change in the rate of a tax described in Subsection (3)(a) takes effect:

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

398 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
399 rate of the tax under Subsection (3)(a).

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

402 (4) (a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be  
403 administered, collected, and enforced in accordance with:

404 (i) the same procedures used to administer, collect, and enforce the tax under:

405 (A) Part 1, Tax Collection; or

406 (B) Part 2, Local Sales and Use Tax Act; and

407 (ii) Chapter 1, General Taxation Policies.

408 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to  
409 Subsections 59-12-205~~(2)~~(3) through (6).

410 Section 6. Section **59-12-603** is amended to read:

411 **59-12-603. County tax -- Bases -- Rates -- Use of revenues -- Adoption of**  
412 **ordinance required -- Advisory board -- Administration -- Collection -- Distribution --**  
413 **Enactment or repeal of tax or tax rate change -- Effective date -- Notice requirements.**

414 (1) (a) In addition to any other taxes, a county legislative body may, as provided in this  
415 part, impose a tax as follows:

416 (i) (A) a county legislative body of any county may impose a tax of not to exceed 3%  
417 on all short-term leases and rentals of motor vehicles not exceeding 30 days, except for leases  
418 and rentals of motor vehicles made for the purpose of temporarily replacing a person's motor  
419 vehicle that is being repaired pursuant to a repair or an insurance agreement; and

420 (B) beginning on or after January 1, 1999, a county legislative body of any county  
421 imposing a tax under Subsection (1)(a)(i)(A) may, in addition to imposing the tax under  
422 Subsection (1)(a)(i)(A), impose a tax of not to exceed 4% on all short-term leases and rentals  
423 of motor vehicles not exceeding 30 days, except for leases and rentals of motor vehicles made  
424 for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant  
425 to a repair or an insurance agreement;

426 (ii) a county legislative body of any county may impose a tax of not to exceed 1% of all  
427 sales of the following that are sold by a restaurant:

428 (A) alcoholic beverages;

429 (B) food and food ingredients; or

430 (C) prepared food; and

431 (iii) a county legislative body of a county of the first class may impose a tax of not to  
432 exceed .5% on charges for the accommodations and services described in Subsection  
433 59-12-103(1)(i).

434 (b) A tax imposed under Subsection (1)(a) is subject to the audit provisions of Section  
435 17-31-5.5.

436 (2) (a) Subject to Subsection (2)(b), revenue from the imposition of the taxes provided  
437 for in Subsections (1)(a)(i) through (iii) may be used for:

438 (i) financing tourism promotion; and

439 (ii) the development, operation, and maintenance of:

440 (A) an airport facility;

441 (B) a convention facility;

442 (C) a cultural facility;

443 (D) a recreation facility; or

444 (E) a tourist facility.

445 (b) A county of the first class shall expend at least \$450,000 each year of the revenues  
446 from the imposition of a tax authorized by Subsection (1)(a)(iii) within the county to fund a  
447 marketing and ticketing system designed to:

448 (i) promote tourism in ski areas within the county by persons that do not reside within  
449 the state; and

450 (ii) combine the sale of:

451 (A) ski lift tickets; and

452 (B) accommodations and services described in Subsection 59-12-103(1)(i).

453 (3) A tax imposed under this part may be pledged as security for bonds, notes, or other  
454 evidences of indebtedness incurred by a county, city, or town under Title 11, Chapter 14, Local  
455 Government Bonding Act, or a community development and renewal agency under Title 17C,  
456 Chapter 1, Part 5, Agency Bonds, to finance:

457 (a) an airport facility;

458 (b) a convention facility;

459 (c) a cultural facility;

460 (d) a recreation facility; or

461 (e) a tourist facility.

462 (4) (a) In order to impose the tax under Subsection (1), each county legislative body  
463 shall adopt an ordinance imposing the tax.

464 (b) The ordinance under Subsection (4)(a) shall include provisions substantially the  
465 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on  
466 those items and sales described in Subsection (1).

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

470 (5) In order to maintain in effect its tax ordinance adopted under this part, each county  
471 legislative body shall, within 30 days of any amendment of any applicable provisions of Part 1,  
472 Tax Collection, adopt amendments to its tax ordinance to conform with the applicable  
473 amendments to Part 1, Tax Collection.

474 (6) (a) Regardless of whether a county of the first class creates a tourism tax advisory  
475 board in accordance with Section 17-31-8, the county legislative body of the county of the first  
476 class shall create a tax advisory board in accordance with this Subsection (6).

477 (b) The tax advisory board shall be composed of nine members appointed as follows:

478 (i) four members shall be appointed by the county legislative body of the county of the  
479 first class as follows:

480 (A) one member shall be a resident of the unincorporated area of the county;

481 (B) two members shall be residents of the incorporated area of the county; and

482 (C) one member shall be a resident of the unincorporated or incorporated area of the  
483 county; and

484 (ii) subject to Subsections (6)(c) and (d), five members shall be mayors of cities or  
485 towns within the county of the first class appointed by an organization representing all mayors  
486 of cities and towns within the county of the first class.

487 (c) Five members of the tax advisory board constitute a quorum.

488 (d) The county legislative body of the county of the first class shall determine:

489 (i) terms of the members of the tax advisory board;

490 (ii) procedures and requirements for removing a member of the tax advisory board;

491 (iii) voting requirements, except that action of the tax advisory board shall be by at  
492 least a majority vote of a quorum of the tax advisory board;



493 (iv) chairs or other officers of the tax advisory board;  
494 (v) how meetings are to be called and the frequency of meetings; and  
495 (vi) the compensation, if any, of members of the tax advisory board.  
496 (e) The tax advisory board under this Subsection (6) shall advise the county legislative  
497 body of the county of the first class on the expenditure of revenues collected within the county  
498 of the first class from the taxes described in Subsection (1)(a).

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

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

502 (I) Part 1, Tax Collection; or

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

504 (B) Chapter 1, General Taxation Policies.

505 (ii) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or  
506 Subsections 59-12-205[~~(2)~~](3) through (6).

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

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

510 (ii) for a tax under Subsection (1)(a)(i)(B), the commission shall distribute the revenues  
511 according to the distribution formula provided in Subsection (8).

512 (c) The commission shall deduct from the distributions under Subsection (7)(b) an  
513 administrative charge for collecting the tax as provided in Section 59-12-206.

514 (8) The commission shall distribute the revenues generated by the tax under Subsection  
515 (1)(a)(i)(B) to each county collecting a tax under Subsection (1)(a)(i)(B) according to the  
516 following formula:

517 (a) the commission shall distribute 70% of the revenues based on the percentages  
518 generated by dividing the revenues collected by each county under Subsection (1)(a)(i)(B) by  
519 the total revenues collected by all counties under Subsection (1)(a)(i)(B); and

520 (b) the commission shall distribute 30% of the revenues based on the percentages  
521 generated by dividing the population of each county collecting a tax under Subsection  
522 (1)(a)(i)(B) by the total population of all counties collecting a tax under Subsection (1)(a)(i)(B).

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

524 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,  
525 [~~Annexation to County~~] Part 2, County Annexation.

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

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

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

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

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

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

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

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

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

539 (c) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of  
540 the first billing period:

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

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

545 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
546 billing period:

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

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

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

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

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

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

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

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

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

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

564 (e) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of  
565 the first billing period:

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

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

570 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
571 billing period:

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

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

576 Section 7. Section **59-12-703** is amended to read:

577 **59-12-703. Opinion question election -- Base -- Rate -- Imposition of tax -- Uses of**  
578 **tax money -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

579 (1) (a) (i) A county legislative body may submit an opinion question to the residents of  
580 that county, by majority vote of all members of the legislative body, so that each resident of the  
581 county, except residents in municipalities that have already imposed a sales and use tax under  
582 Part 14, City or Town Option Funding For Botanical, Cultural, Recreational, and Zoological  
583 Organizations or Facilities, has an opportunity to express the resident's opinion on the  
584 imposition of a local sales and use tax of .1% on the transactions described in Subsection  
585 59-12-103(1) located within the county, to fund recreational and zoological facilities, botanical,

586 cultural, and zoological organizations, and rural radio stations, in that county.

587 (ii) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a  
588 tax under this section on:

589 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
590 are exempt from taxation under Section 59-12-104;

591 (B) sales and uses within municipalities that have already imposed a sales and use tax  
592 under Part 14, City or Town Option Funding For Botanical, Cultural, Recreational, and  
593 Zoological Organizations or Facilities; and

594 (C) except as provided in Subsection (1)(c), amounts paid or charged for food and food  
595 ingredients.

596 (b) For purposes of this Subsection (1), the location of a transaction shall be  
597 determined in accordance with Sections 59-12-211 through 59-12-215.

598 (c) A county legislative body imposing a tax under this section shall impose the tax on  
599 amounts paid or charged for food and food ingredients if the food and food ingredients are sold  
600 as part of a bundled transaction attributable to food and food ingredients and tangible personal  
601 property other than food and food ingredients.

602 (d) The election shall follow the procedures outlined in Title 11, Chapter 14, Local  
603 Government Bonding Act.

604 (2) (a) If the county legislative body determines that a majority of the county's  
605 registered voters voting on the imposition of the tax have voted in favor of the imposition of  
606 the tax as prescribed in Subsection (1)(a), the county legislative body may impose the tax by a  
607 majority vote of all members of the legislative body on the transactions:

608 (i) described in Subsection (1); and

609 (ii) within the county, including the cities and towns located in the county, except those  
610 cities and towns that have already imposed a sales and use tax under Part 14, City or Town  
611 Option Funding For Botanical, Cultural, Recreational, and Zoological Organizations or  
612 Facilities.

613 (b) A county legislative body may revise county ordinances to reflect statutory changes  
614 to the distribution formula or eligible recipients of revenues generated from a tax imposed  
615 under Subsection (2)(a):

616 (i) after the county legislative body submits an opinion question to residents of the

617 county in accordance with Subsection (1) giving them the opportunity to express their opinion  
618 on the proposed revisions to county ordinances; and

619 (ii) if the county legislative body determines that a majority of those voting on the  
620 opinion question have voted in favor of the revisions.

621 (3) The money generated from any tax imposed under Subsection (2) shall be used for  
622 funding:

623 (a) recreational and zoological facilities located within the county or a city or town  
624 located in the county, except a city or town that has already imposed a sales and use tax under  
625 Part 14, City or Town Option Funding For Botanical, Cultural, Recreational, and Zoological  
626 Organizations or Facilities; and

627 (b) ongoing operating expenses of:

628 (i) recreational facilities described in Subsection (3)(a);

629 (ii) botanical, cultural, and zoological organizations within the county; and

630 (iii) rural radio stations within the county.

631 (4) (a) A tax authorized under this part shall be:

632 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in  
633 accordance with:

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

635 (I) Part 1, Tax Collection; or

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

637 (B) Chapter 1, General Taxation Policies; and

638 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year  
639 period in accordance with this section.

640 (b) Notwithstanding Subsection (4)(a)(i), a tax under this part is not subject to  
641 Subsections 59-12-205[(2)](3) through (6).

642 (5) (a) For purposes of this Subsection (5):

643 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,

644 [~~Annexation to County~~] Part 2, County Annexation.

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

646 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a  
647 county enacts or repeals a tax under this part, the enactment or repeal shall take effect:

648 (A) on the first day of a calendar quarter; and  
649 (B) after a 90-day period beginning on the date the commission receives notice meeting  
650 the requirements of Subsection (5)(b)(ii) from the county.

651 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:  
652 (A) that the county will enact or repeal a tax under this part;  
653 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);  
654 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and  
655 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the  
656 tax.

657 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:  
658 (A) that begins after the effective date of the enactment of the tax; and  
659 (B) if the billing period for the transaction begins before the effective date of the  
660 enactment of the tax under this section.

661 (ii) The repeal of a tax shall take effect on the first day of the last billing period:  
662 (A) that began before the effective date of the repeal of the tax; and  
663 (B) if the billing period for the transaction begins before the effective date of the repeal  
664 of the tax imposed under this section.

665 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
666 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
667 Subsection (5)(b)(i) takes effect:  
668 (A) on the first day of a calendar quarter; and  
669 (B) beginning 60 days after the effective date of the enactment or repeal under  
670 Subsection (5)(b)(i).

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

673 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs  
674 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
675 part for an annexing area, the enactment or repeal shall take effect:  
676 (A) on the first day of a calendar quarter; and  
677 (B) after a 90-day period beginning on the date the commission receives notice meeting  
678 the requirements of Subsection (5)(e)(ii) from the county that annexes the annexing area.

- 679 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:
- 680 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or  
681 repeal of a tax under this part for the annexing area;
- 682 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);
- 683 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and
- 684 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).
- 685 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:
- 686 (A) that begins after the effective date of the enactment of the tax; and
- 687 (B) if the billing period for the transaction begins before the effective date of the  
688 enactment of the tax under this section.
- 689 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
- 690 (A) that began before the effective date of the repeal of the tax; and
- 691 (B) if the billing period for the transaction begins before the effective date of the repeal  
692 of the tax imposed under this section.
- 693 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
694 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
695 Subsection (5)(e)(i) takes effect:
- 696 (A) on the first day of a calendar quarter; and
- 697 (B) beginning 60 days after the effective date of the enactment or repeal under  
698 Subsection (5)(e)(i).
- 699 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
700 commission may by rule define the term "catalogue sale."
- 701 Section 8. Section **59-12-802** is amended to read:
- 702 **59-12-802. Imposition of rural county health care facilities tax -- Expenditure of**  
703 **tax revenues -- Base -- Rate -- Administration, collection, and enforcement of tax.**
- 704 (1) (a) A county legislative body of a county of the third, fourth, fifth, or sixth class  
705 may impose a sales and use tax of up to 1%:
- 706 (i) on the transactions described in Subsection 59-12-103(1) located within the county;  
707 and
- 708 (ii) subject to Subsection (3), to fund:
- 709 (A) for a county of the third, fourth, or fifth class, rural county health care facilities in

710 that county; or

711 (B) for a county of the sixth class:

712 (I) emergency medical services in that county;

713 (II) federally qualified health centers in that county;

714 (III) freestanding urgent care centers in that county;

715 (IV) rural county health care facilities in that county;

716 (V) rural health clinics in that county; or

717 (VI) a combination of Subsections (1)(a)(ii)(B)(I) through (V).

718 (b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a  
719 tax under this section on:

720 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
721 are exempt from taxation under Section 59-12-104;

722 (ii) a transaction to the extent a rural city hospital tax is imposed on that transaction in  
723 a city that imposes a tax under Section 59-12-804; and

724 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and  
725 food ingredients.

726 (c) For purposes of this Subsection (1), the location of a transaction shall be  
727 determined in accordance with Sections 59-12-211 through 59-12-215.

728 (d) A county legislative body imposing a tax under this section shall impose the tax on  
729 amounts paid or charged for food and food ingredients if the food and food ingredients are sold  
730 as part of a bundled transaction attributable to food and food ingredients and tangible personal  
731 property other than food and food ingredients.

732 (2) (a) Before imposing a tax under Subsection (1)(a), a county legislative body shall  
733 obtain approval to impose the tax from a majority of the:

734 (i) members of the county's legislative body; and

735 (ii) county's registered voters voting on the imposition of the tax.

736 (b) The county legislative body shall conduct the election according to the procedures  
737 and requirements of Title 11, Chapter 14, Local Government Bonding Act.

738 (3) (a) The money generated by a tax imposed under Subsection (1) by a county  
739 legislative body of a county of the third, fourth, or fifth class may only be used for the  
740 financing of:



741 (i) ongoing operating expenses of a rural county health care facility within that county;  
742 (ii) the acquisition of land for a rural county health care facility within that county; or  
743 (iii) the design, construction, equipping, or furnishing of a rural county health care  
744 facility within that county.

745 (b) The money generated by a tax imposed under Subsection (1) by a county of the  
746 sixth class may only be used for the financing of:

747 (i) ongoing operating expenses of a center, clinic, or facility described in Subsection  
748 (1)(a)(ii)(B) within that county;

749 (ii) the acquisition of land for a center, clinic, or facility described in Subsection  
750 (1)(a)(ii)(B) within that county;

751 (iii) the design, construction, equipping, or furnishing of a center, clinic, or facility  
752 described in Subsection (1)(a)(ii)(B) within that county; or

753 (iv) the provision of rural emergency medical services within that county.

754 (4) (a) A tax under this section shall be:

755 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in  
756 accordance with:

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

758 (I) Part 1, Tax Collection; or

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

760 (B) Chapter 1, General Taxation Policies; and

761 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year  
762 period by the county legislative body as provided in Subsection (1).

763 (b) Notwithstanding Subsection (4)(a)(i), a tax under this section is not subject to  
764 Subsections 59-12-205[~~(2)~~](3) through (6).

765 (5) The commission may retain an amount not to exceed 1-1/2% of the tax collected  
766 under this section for the cost of administering this tax.

767 Section 9. Section **59-12-804** is amended to read:

768 **59-12-804. Imposition of rural city hospital tax -- Base -- Rate -- Administration,**  
769 **collection, and enforcement of tax.**

770 (1) (a) A city legislative body may impose a sales and use tax of up to 1%:

771 (i) on the transactions described in Subsection 59-12-103(1) located within the city;

772 and

773 (ii) to fund rural city hospitals in that city.

774 (b) Notwithstanding Subsection (1)(a)(i), a city legislative body may not impose a tax  
775 under this section on:

776 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
777 are exempt from taxation under Section 59-12-104; and

778 (ii) except as provided in Subsection (1)(d), amounts paid or charged for food and food  
779 ingredients.

780 (c) For purposes of this Subsection (1), the location of a transaction shall be  
781 determined in accordance with Sections 59-12-211 through 59-12-215.

782 (d) A city legislative body imposing a tax under this section shall impose the tax on  
783 amounts paid or charged for food and food ingredients if the food and food ingredients are sold  
784 as part of a bundled transaction attributable to food and food ingredients and tangible personal  
785 property other than food and food ingredients.

786 (2) (a) Before imposing a tax under Subsection (1)(a), a city legislative body shall  
787 obtain approval to impose the tax from a majority of the:

788 (i) members of the city legislative body; and

789 (ii) city's registered voters voting on the imposition of the tax.

790 (b) The city legislative body shall conduct the election according to the procedures and  
791 requirements of Title 11, Chapter 14, Local Government Bonding Act.

792 (3) The money generated by a tax imposed under Subsection (1) may only be used for  
793 the financing of:

794 (a) ongoing operating expenses of a rural city hospital;

795 (b) the acquisition of land for a rural city hospital; or

796 (c) the design, construction, equipping, or furnishing of a rural city hospital.

797 (4) (a) A tax under this section shall be:

798 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in  
799 accordance with:

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

801 (I) Part 1, Tax Collection; or

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

803 (B) Chapter 1, General Taxation Policies; and  
804 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year  
805 period by the city legislative body as provided in Subsection (1).

806 (b) Notwithstanding Subsection (4)(a)(i), a tax under this section is not subject to  
807 Subsections 59-12-205~~(2)~~(3) through (6).

808 (5) The commission may retain an amount not to exceed 1-1/2% of the tax collected  
809 under this section for the cost of administering the tax.

810 Section 10. Section **59-12-1102** is amended to read:

811 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**  
812 **Administration -- Commission requirement to retain an amount to be deposited into the**  
813 **Qualified Emergency Food Agencies Fund -- Enactment or repeal of tax -- Effective date**  
814 **-- Notice requirements.**

815 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax  
816 authorized by this chapter, a county may impose by ordinance a county option sales and use tax  
817 of .25% upon the transactions described in Subsection 59-12-103(1).

818 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this  
819 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
820 exempt from taxation under Section 59-12-104.

821 (b) For purposes of this Subsection (1), the location of a transaction shall be  
822 determined in accordance with Sections 59-12-211 through 59-12-215.

823 (c) The county option sales and use tax under this section shall be imposed:

824 (i) upon transactions that are located within the county, including transactions that are  
825 located within municipalities in the county; and

826 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of  
827 January:

828 (A) of the next calendar year after adoption of the ordinance imposing the tax if the  
829 ordinance is adopted on or before May 25; or

830 (B) of the second calendar year after adoption of the ordinance imposing the tax if the  
831 ordinance is adopted after May 25.

832 (d) Notwithstanding Subsection (1)(c)(ii), the county option sales and use tax under  
833 this section shall be imposed:

834 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before  
835 September 4, 1997; or

836 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997  
837 but after September 4, 1997.

838 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a  
839 county shall hold two public hearings on separate days in geographically diverse locations in  
840 the county.

841 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting  
842 time of no earlier than 6 p.m.

843 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven  
844 days after the day the first advertisement required by Subsection (2)(c) is published.

845 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county  
846 shall advertise:

847 (A) its intent to adopt a county option sales and use tax;

848 (B) the date, time, and location of each public hearing; and

849 (C) a statement that the purpose of each public hearing is to obtain public comments  
850 regarding the proposed tax.

851 (ii) The advertisement shall be published:

852 (A) in a newspaper of general circulation in the county once each week for the two  
853 weeks preceding the earlier of the two public hearings; and

854 (B) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks  
855 preceding the earlier of the two public hearings.

856 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8  
857 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch  
858 border.

859 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that  
860 portion of the newspaper where legal notices and classified advertisements appear.

861 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

862 (A) the advertisement shall appear in a newspaper that is published at least five days a  
863 week, unless the only newspaper in the county is published less than five days a week; and

864 (B) the newspaper selected shall be one of general interest and readership in the

865 community, and not one of limited subject matter.

866 (d) The adoption of an ordinance imposing a county option sales and use tax is subject  
867 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part  
868 6, Local Referenda - Procedures.

869 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a  
870 county option sales and use tax under Subsection (1) is less than 75% of the state population,  
871 the tax levied under Subsection (1) shall be distributed to the county in which the tax was  
872 collected.

873 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a  
874 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state  
875 population:

876 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to  
877 the county in which the tax was collected; and

878 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection  
879 (1) in each county shall be distributed proportionately among all counties imposing the tax,  
880 based on the total population of each county.

881 (c) Except as provided in Subsection (5), the amount to be distributed annually to a  
882 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county  
883 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

884 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall  
885 be increased so that, when combined with the amount distributed to the county under  
886 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

887 (ii) the amount to be distributed annually to all other counties under Subsection  
888 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under  
889 Subsection (3)(c)(i).

890 (d) The commission shall establish rules to implement the distribution of the tax under  
891 Subsections (3)(a), (b), and (c).

892 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part  
893 shall be administered, collected, and enforced in accordance with:

894 (i) the same procedures used to administer, collect, and enforce the tax under:

895 (A) Part 1, Tax Collection; or

896 (B) Part 2, Local Sales and Use Tax Act; and  
897 (ii) Chapter 1, General Taxation Policies.  
898 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to  
899 Subsections 59-12-205[(2)](3) through (6).  
900 (c) Notwithstanding Subsection (4)(a), the fee charged by the commission under  
901 Section 59-12-206 shall be based on the distribution amounts resulting after:  
902 (i) the applicable distribution calculations under Subsection (3) have been made; and  
903 (ii) the commission retains the amount required by Subsection (5).  
904 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion  
905 of the sales and use tax collected under this part as provided in this Subsection (5).  
906 (b) For a county that imposes a tax under this part, the commission shall calculate a  
907 percentage each month by dividing the sales and use tax collected under this part for that  
908 month within the boundaries of that county by the total sales and use tax collected under this  
909 part for that month within the boundaries of all of the counties that impose a tax under this part.  
910 (c) For a county that imposes a tax under this part, the commission shall retain each  
911 month an amount equal to the product of:  
912 (i) the percentage the commission determines for the month under Subsection (5)(b)  
913 for the county; and  
914 (ii) \$6,354.  
915 (d) The commission shall deposit an amount the commission retains in accordance  
916 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section  
917 9-4-1409.  
918 (e) An amount the commission deposits into the Qualified Emergency Food Agencies  
919 Fund shall be expended as provided in Section 9-4-1409.  
920 (6) (a) For purposes of this Subsection (6):  
921 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, [~~County~~  
922 ~~Consolidations and Annexations~~] Part 2, County Annexation.  
923 (ii) "Annexing area" means an area that is annexed into a county.  
924 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a  
925 county enacts or repeals a tax under this part:  
926 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

927 (II) the repeal shall take effect on the first day of a calendar quarter; and  
928 (B) after a 90-day period beginning on the date the commission receives notice meeting  
929 the requirements of Subsection (6)(b)(ii) from the county.

930 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:  
931 (A) that the county will enact or repeal a tax under this part;  
932 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);  
933 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and  
934 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the  
935 tax.

936 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:  
937 (A) that begins after the effective date of the enactment of the tax; and  
938 (B) if the billing period for the transaction begins before the effective date of the  
939 enactment of the tax under Subsection (1).

940 (ii) The repeal of a tax shall take effect on the first day of the last billing period:  
941 (A) that began before the effective date of the repeal of the tax; and  
942 (B) if the billing period for the transaction begins before the effective date of the repeal  
943 of the tax imposed under Subsection (1).

944 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
945 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
946 Subsection (6)(b)(i) takes effect:  
947 (A) on the first day of a calendar quarter; and  
948 (B) beginning 60 days after the effective date of the enactment or repeal under  
949 Subsection (6)(b)(i).

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

952 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs  
953 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
954 part for an annexing area, the enactment or repeal shall take effect:  
955 (A) on the first day of a calendar quarter; and  
956 (B) after a 90-day period beginning on the date the commission receives notice meeting  
957 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

- 958 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
- 959 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
- 960 repeal of a tax under this part for the annexing area;
- 961 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
- 962 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
- 963 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).
- 964 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:
- 965 (A) that begins after the effective date of the enactment of the tax; and
- 966 (B) if the billing period for the transaction begins before the effective date of the
- 967 enactment of the tax under Subsection (1).
- 968 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
- 969 (A) that began before the effective date of the repeal of the tax; and
- 970 (B) if the billing period for the transaction begins before the effective date of the repeal
- 971 of the tax imposed under Subsection (1).
- 972 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
- 973 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
- 974 Subsection (6)(e)(i) takes effect:
- 975 (A) on the first day of a calendar quarter; and
- 976 (B) beginning 60 days after the effective date of the enactment or repeal under
- 977 Subsection (6)(e)(i).
- 978 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 979 commission may by rule define the term "catalogue sale."
- 980 Section 11. Section **59-12-1302** is amended to read:
- 981 **59-12-1302. Imposition of tax -- Base -- Rate -- Enactment or repeal of tax -- Tax**
- 982 **rate change -- Effective date -- Notice requirements.**
- 983 (1) Beginning on or after January 1, 1998, the governing body of a town may impose a
- 984 tax as provided in this part in an amount that does not exceed 1%.
- 985 (2) A town may impose a tax as provided in this part if the town imposed a license fee
- 986 or tax on businesses based on gross receipts under Section 10-1-203 on or before January 1,
- 987 1996.
- 988 (3) A town imposing a tax under this section shall:



989 (a) except as provided in Subsection (4), impose the tax on the transactions described  
990 in Subsection 59-12-103(1) located within the town; and

991 (b) provide an effective date for the tax as provided in Subsection (5).

992 (4) (a) Notwithstanding Subsection (3)(a), a town may not impose a tax under this  
993 section on:

994 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
995 are exempt from taxation under Section 59-12-104; and

996 (ii) except as provided in Subsection (4)(c), amounts paid or charged for food and food  
997 ingredients.

998 (b) For purposes of this Subsection (4), the location of a transaction shall be  
999 determined in accordance with Sections 59-12-211 through 59-12-215.

1000 (c) A town imposing a tax under this section shall impose the tax on amounts paid or  
1001 charged for food and food ingredients if the food and food ingredients are sold as part of a  
1002 bundled transaction attributable to food and food ingredients and tangible personal property  
1003 other than food and food ingredients.

1004 (5) (a) For purposes of this Subsection (5):

1005 (i) "Annexation" means an annexation to a town under Title 10, Chapter 2, Part 4,  
1006 Annexation.

1007 (ii) "Annexing area" means an area that is annexed into a town.

1008 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a  
1009 town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal,  
1010 or change shall take effect:

1011 (A) on the first day of a calendar quarter; and

1012 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1013 the requirements of Subsection (5)(b)(ii) from the town.

1014 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:

1015 (A) that the town will enact or repeal a tax or change the rate of a tax under this part;

1016 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

1017 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

1018 (D) if the town enacts the tax or changes the rate of the tax described in Subsection  
1019 (5)(b)(ii)(A), the rate of the tax.

1020 (c) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of  
1021 the first billing period:

1022 (A) that begins after the effective date of the enactment of the tax or the tax rate  
1023 increase; and

1024 (B) if the billing period for the transaction begins before the effective date of the  
1025 enactment of the tax or the tax rate increase imposed under Subsection (1).

1026 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
1027 billing period:

1028 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;  
1029 and

1030 (B) if the billing period for the transaction begins before the effective date of the repeal  
1031 of the tax or the tax rate decrease imposed under Subsection (1).

1032 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1033 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
1034 a tax described in Subsection (5)(b)(i) takes effect:

1035 (A) on the first day of a calendar quarter; and

1036 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
1037 rate of the tax under Subsection (5)(b)(i).

1038 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1039 commission may by rule define the term "catalogue sale."

1040 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs  
1041 on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the  
1042 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
1043 effect:

1044 (A) on the first day of a calendar quarter; and

1045 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1046 the requirements of Subsection (5)(e)(ii) from the town that annexes the annexing area.

1047 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

1048 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment,  
1049 repeal, or change in the rate of a tax under this part for the annexing area;

1050 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

- 1051 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and
- 1052 (D) if the town enacts the tax or changes the rate of the tax described in Subsection
- 1053 (5)(e)(ii)(A), the rate of the tax.
- 1054 (f) (i) The enactment of a tax or a tax rate increase shall take effect on the first day of
- 1055 the first billing period:
- 1056 (A) that begins after the effective date of the enactment of the tax or the tax rate
- 1057 increase; and
- 1058 (B) if the billing period for the transaction begins before the effective date of the
- 1059 enactment of the tax or the tax rate increase imposed under Subsection (1).
- 1060 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last
- 1061 billing period:
- 1062 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;
- 1063 and
- 1064 (B) if the billing period for the transaction begins before the effective date of the repeal
- 1065 of the tax or the tax rate decrease imposed under Subsection (1).
- 1066 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
- 1067 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of
- 1068 a tax described in Subsection (5)(e)(i) takes effect:
- 1069 (A) on the first day of a calendar quarter; and
- 1070 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
- 1071 rate of the tax under Subsection (5)(e)(i).
- 1072 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1073 commission may by rule define the term "catalogue sale."
- 1074 (6) The commission shall:
- 1075 (a) except as provided in Subsection (6)(c), distribute the revenues generated by the tax
- 1076 under this section to the town imposing the tax;
- 1077 (b) except as provided in Subsection (7), administer, collect, and enforce the tax
- 1078 authorized under this section in accordance with:
- 1079 (i) the same procedures used to administer, collect, and enforce the tax under:
- 1080 (A) Part 1, Tax Collection; or
- 1081 (B) Part 2, Local Sales and Use Tax Act; and

1082 (ii) Chapter 1, General Taxation Policies; and  
1083 (c) deduct from the distribution under Subsection (6)(a) an administrative charge for  
1084 collecting the tax as provided in Section 59-12-206.

1085 (7) Notwithstanding Subsection (6)(b), a tax under this section is not subject to  
1086 Subsections 59-12-205~~(2)~~(3) through (6).

1087 Section 12. Section **59-12-1402** is amended to read:

1088 **59-12-1402. Opinion question election -- Base -- Rate -- Imposition of tax -- Uses**  
1089 **of tax money -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

1090 (1) (a) (i) Subject to Subsection (6), beginning on January 1, 2003, a city or town  
1091 legislative body subject to this part may submit an opinion question to the residents of that city  
1092 or town, by majority vote of all members of the legislative body, so that each resident of the  
1093 city or town has an opportunity to express the resident's opinion on the imposition of a local  
1094 sales and use tax of .1% on the transactions described in Subsection 59-12-103(1) located  
1095 within the city or town, to fund recreational and zoological facilities and botanical, cultural,  
1096 and zoological organizations in that city or town.

1097 (ii) Notwithstanding Subsection (1)(a)(i), a city or town legislative body may not  
1098 impose a tax under this section:

1099 (A) if the county in which the city or town is located imposes a tax under Part 7,  
1100 County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or  
1101 Facilities;

1102 (B) on the sales and uses described in Section 59-12-104 to the extent the sales and  
1103 uses are exempt from taxation under Section 59-12-104; and

1104 (C) except as provided in Subsection (1)(c), on amounts paid or charged for food and  
1105 food ingredients.

1106 (b) For purposes of this Subsection (1), the location of a transaction shall be  
1107 determined in accordance with Sections 59-12-211 through 59-12-215.

1108 (c) A city or town legislative body imposing a tax under this section shall impose the  
1109 tax on amounts paid or charged for food and food ingredients if the food and food ingredients  
1110 are sold as part of a bundled transaction attributable to food and food ingredients and tangible  
1111 personal property other than food and food ingredients.

1112 (d) The election shall be held at a regular general election or a municipal general

1113 election, as those terms are defined in Section 20A-1-102, and shall follow the procedures  
1114 outlined in Title 11, Chapter 14, Local Government Bonding Act, except as provided in  
1115 Subsection (6).

1116 (2) If the city or town legislative body determines that a majority of the city's or town's  
1117 registered voters voting on the imposition of the tax have voted in favor of the imposition of  
1118 the tax as prescribed in Subsection (1)(a), the city or town legislative body may impose the tax  
1119 by a majority vote of all members of the legislative body.

1120 (3) The money generated from any tax imposed under Subsection (2) shall be used for  
1121 financing:

1122 (a) recreational and zoological facilities within the city or town or within the  
1123 geographic area of entities that are parties to an interlocal agreement, to which the city or town  
1124 is a party, providing for recreational or zoological facilities; and

1125 (b) ongoing operating expenses of botanical, cultural, and zoological organizations  
1126 within the city or town or within the geographic area of entities that are parties to an interlocal  
1127 agreement, to which the city or town is a party, providing for the support of botanical, cultural,  
1128 or zoological organizations.

1129 (4) (a) A tax authorized under this part shall be:

1130 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in  
1131 accordance with:

1132 (A) the same procedures used to administer, collect, and enforce the tax under:

1133 (I) Part 1, Tax Collection; or

1134 (II) Part 2, Local Sales and Use Tax Act; and

1135 (B) Chapter 1, General Taxation Policies; and

1136 (ii) (A) levied for a period of eight years; and

1137 (B) may be reauthorized at the end of the eight-year period in accordance with this  
1138 section.

1139 (b) Notwithstanding Subsection (4)(a)(i), a tax under this section is not subject to  
1140 Subsections 59-12-205[~~(2)~~](3) through (6).

1141 (5) (a) For purposes of this Subsection (5):

1142 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part  
1143 4, Annexation.

1144 (ii) "Annexing area" means an area that is annexed into a city or town.  
1145 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a city  
1146 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:  
1147 (A) on the first day of a calendar quarter; and  
1148 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1149 the requirements of Subsection (5)(b)(ii) from the city or town.  
1150 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:  
1151 (A) that the city or town will enact or repeal a tax under this part;  
1152 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);  
1153 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and  
1154 (D) if the city or town enacts the tax described in Subsection (5)(b)(ii)(A), the rate of  
1155 the tax.  
1156 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:  
1157 (A) that begins after the effective date of the enactment of the tax; and  
1158 (B) if the billing period for the transaction begins before the effective date of the  
1159 enactment of the tax under this section.  
1160 (ii) The repeal of a tax shall take effect on the first day of the last billing period:  
1161 (A) that began before the effective date of the repeal of the tax; and  
1162 (B) if the billing period for the transaction begins before the effective date of the repeal  
1163 of the tax imposed under this section.  
1164 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1165 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1166 Subsection (5)(b)(i) takes effect:  
1167 (A) on the first day of a calendar quarter; and  
1168 (B) beginning 60 days after the effective date of the enactment or repeal under  
1169 Subsection (5)(b)(i).  
1170 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1171 commission may by rule define the term "catalogue sale."  
1172 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs  
1173 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
1174 part for an annexing area, the enactment or repeal shall take effect:

- 1175 (A) on the first day of a calendar quarter; and
- 1176 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1177 the requirements of Subsection (5)(e)(ii) from the city or town that annexes the annexing area.
- 1178 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:
- 1179 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or  
1180 repeal a tax under this part for the annexing area;
- 1181 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);
- 1182 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and
- 1183 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).
- 1184 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:
- 1185 (A) that begins after the effective date of the enactment of the tax; and
- 1186 (B) if the billing period for the transaction begins before the effective date of the  
1187 enactment of the tax under this section.
- 1188 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
- 1189 (A) that began before the effective date of the repeal of the tax; and
- 1190 (B) if the billing period for the transaction begins before the effective date of the repeal  
1191 of the tax imposed under this section.
- 1192 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1193 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1194 Subsection (5)(e)(i) takes effect:
- 1195 (A) on the first day of a calendar quarter; and
- 1196 (B) beginning 60 days after the effective date of the enactment or repeal under  
1197 Subsection (5)(e)(i).
- 1198 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1199 commission may by rule define the term "catalogue sale."
- 1200 (6) (a) Before a city or town legislative body submits an opinion question to the  
1201 residents of the city or town under Subsection (1)(a)(i), the city or town legislative body shall:
- 1202 (i) submit to the county legislative body in which the city or town is located a written  
1203 notice of the intent to submit the opinion question to the residents of the city or town; and
- 1204 (ii) receive from the county legislative body:
- 1205 (A) a written resolution passed by the county legislative body stating that the county

1206 legislative body is not seeking to impose a tax under Part 7, County Option Funding for  
1207 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; or

1208 (B) a written statement that in accordance with Subsection (6)(b) the results of a county  
1209 opinion question submitted to the residents of the county under Part 7, County Option Funding  
1210 for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, permit the city  
1211 or town legislative body to submit the opinion question to the residents of the city or town in  
1212 accordance with this part.

1213 (b) (i) Within 60 days after the day the county legislative body receives from a city or  
1214 town legislative body described in Subsection (6)(a) the notice of the intent to submit an  
1215 opinion question to the residents of the city or town, the county legislative body shall provide  
1216 the city or town legislative body:

1217 (A) the written resolution described in Subsection (6)(a)(ii)(A); or

1218 (B) written notice that the county legislative body will submit an opinion question to  
1219 the residents of the county under Part 7, County Option Funding for Botanical, Cultural,  
1220 Recreational, and Zoological Organizations or Facilities, for the county to impose a tax under  
1221 that part.

1222 (ii) If the county legislative body provides the city or town legislative body the written  
1223 notice that the county legislative body will submit an opinion question as provided in  
1224 Subsection (6)(b)(i)(B), the county legislative body shall submit the opinion question by no  
1225 later than, from the date the county legislative body sends the written notice, the later of:

1226 (A) a 12-month period;

1227 (B) the next regular primary election; or

1228 (C) the next regular general election.

1229 (iii) Within 30 days of the date of the canvass of the election at which the opinion  
1230 question under Subsection (6)(b)(ii) is voted on, the county legislative body shall provide the  
1231 city or town legislative body described in Subsection (6)(a) written results of the opinion  
1232 question submitted by the county legislative body under Part 7, County Option Funding for  
1233 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, indicating that:

1234 (A) (I) the city or town legislative body may not impose a tax under this part because a  
1235 majority of the county's registered voters voted in favor of the county imposing the tax and the  
1236 county legislative body by a majority vote approved the imposition of the tax; or



1237 (II) for at least 12 months from the date the written results are submitted to the city or  
 1238 town legislative body, the city or town legislative body may not submit to the county legislative  
 1239 body a written notice of the intent to submit an opinion question under this part because a  
 1240 majority of the county's registered voters voted against the county imposing the tax and the  
 1241 majority of the registered voters who are residents of the city or town described in Subsection  
 1242 (6)(a) voted against the imposition of the county tax; or

1243 (B) the city or town legislative body may submit the opinion question to the residents  
 1244 of the city or town in accordance with this part because although a majority of the county's  
 1245 registered voters voted against the county imposing the tax, the majority of the registered voters  
 1246 who are residents of the city or town voted for the imposition of the county tax.

1247 (c) Notwithstanding Subsection (6)(b), at any time a county legislative body may  
 1248 provide a city or town legislative body described in Subsection (6)(a) a written resolution  
 1249 passed by the county legislative body stating that the county legislative body is not seeking to  
 1250 impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and  
 1251 Zoological Organizations or Facilities, which permits the city or town legislative body to  
 1252 submit under Subsection (1)(a)(i) an opinion question to the city's or town's residents.

1253 Section 13. Section **59-12-2103** is amended to read:

1254 **59-12-2103. Imposition of tax -- Base -- Rate -- Expenditure of revenues collected**  
 1255 **from the tax -- Administration, collection, and enforcement of tax by commission --**  
 1256 **Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.**

1257 (1) (a) Subject to the other provisions of this section and except as provided in  
 1258 Subsection (2), beginning on January 1, 2009 and ending on June 30, 2016, if a city or town  
 1259 receives a distribution for the 12 consecutive months of fiscal year 2005-06 because the city or  
 1260 town would have received a tax revenue distribution of less than .75% of the taxable sales  
 1261 within the boundaries of the city or town but for Subsection 59-12-205[(3)](4)(a), the city or  
 1262 town legislative body may impose a sales and use tax of up to .20% on the transactions:

1263 (i) described in Subsection 59-12-103(1); and

1264 (ii) within the city or town.

1265 (b) A city or town legislative body that imposes a tax under Subsection (1)(a) shall  
 1266 expend the revenues collected from the tax for the same purposes for which the city or town  
 1267 may expend the city's or town's general fund revenues.

1268 (c) For purposes of this Subsection (1), the location of a transaction shall be  
1269 determined in accordance with Sections 59-12-211 through 59-12-215.

1270 (2) (a) A city or town legislative body may not impose a tax under this section on:  
1271 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
1272 are exempt from taxation under Section 59-12-104; and  
1273 (ii) except as provided in Subsection (2)(b), amounts paid or charged for food and food  
1274 ingredients.

1275 (b) A city or town legislative body imposing a tax under this section shall impose the  
1276 tax on amounts paid or charged for food and food ingredients if the food and food ingredients  
1277 are sold as part of a bundled transaction attributable to food and food ingredients and tangible  
1278 personal property other than food and food ingredients.

1279 (3) To impose a tax under this part, a city or town legislative body shall obtain  
1280 approval from a majority of the members of the city or town legislative body.

1281 (4) The commission shall transmit revenues collected within a city or town from a tax  
1282 under this part:

1283 (a) to the city or town legislative body;  
1284 (b) monthly; and  
1285 (c) by electronic funds transfer.

1286 (5) (a) Except as provided in Subsection (5)(b), the commission shall administer,  
1287 collect, and enforce a tax under this part in accordance with:

1288 (i) the same procedures used to administer, collect, and enforce the tax under:  
1289 (A) Part 1, Tax Collection; or  
1290 (B) Part 2, Local Sales and Use Tax Act; and  
1291 (ii) Chapter 1, General Taxation Policies.

1292 (b) A tax under this part is not subject to Subsections 59-12-205[~~(2)~~](3) through (6).

1293 (6) (a) The commission may retain an amount of tax collected under this part of not to  
1294 exceed the lesser of:

1295 (i) 1.5%; or  
1296 (ii) an amount equal to the cost to the commission of administering this part.

1297 (b) Any amount the commission retains under Subsection (6)(a) shall be:  
1298 (i) deposited into the Sales and Use Tax Administrative Fees Account; and

1299 (ii) used as provided in Subsection 59-12-206(2).  
1300 (7) (a) (i) Except as provided in Subsection (7)(b) or (c), if, on or after January 1, 2009,  
1301 a city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment,  
1302 repeal, or change shall take effect:  
1303 (A) on the first day of a calendar quarter; and  
1304 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1305 the requirements of Subsection (7)(a)(i) from the city or town.  
1306 (ii) The notice described in Subsection (7)(a)(i)(B) shall state:  
1307 (A) that the city or town will enact or repeal a tax or change the rate of the tax under  
1308 this part;  
1309 (B) the statutory authority for the tax described in Subsection (7)(a)(ii)(A);  
1310 (C) the effective date of the tax described in Subsection (7)(a)(ii)(A); and  
1311 (D) if the city or town enacts the tax or changes the rate of the tax described in  
1312 Subsection (7)(a)(ii)(A), the rate of the tax.  
1313 (b) (i) If the billing period for a transaction begins before the enactment of the tax or  
1314 the tax rate increase under Subsection (1), the enactment of a tax or a tax rate increase shall  
1315 take effect on the first day of the first billing period that begins after the effective date of the  
1316 enactment of the tax or the tax rate increase.  
1317 (ii) If the billing period for a transaction begins before the effective date of the repeal  
1318 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of a tax or a tax rate  
1319 decrease shall take effect on the first day of the last billing period that began before the  
1320 effective date of the repeal of the tax or the tax rate decrease.  
1321 (c) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales  
1322 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax  
1323 described in Subsection (7)(a)(i) takes effect:  
1324 (A) on the first day of a calendar quarter; and  
1325 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
1326 rate of the tax under Subsection (7)(a)(i).  
1327 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1328 commission may by rule define the term "catalogue sale."  
1329 (d) (i) Except as provided in Subsection (7)(e) or (f), if, for an annexation that occurs

1330 on or after January 1, 2009, the annexation will result in the enactment, repeal, or change in the  
1331 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
1332 effect:

1333 (A) on the first day of a calendar quarter; and

1334 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1335 the requirements of Subsection (7)(d)(ii) from the city or town that annexes the annexing area.

1336 (ii) The notice described in Subsection (7)(d)(i)(B) shall state:

1337 (A) that the annexation described in Subsection (7)(d)(i)(B) will result in the  
1338 enactment, repeal, or change in the rate of a tax under this part for the annexing area;

1339 (B) the statutory authority for the tax described in Subsection (7)(d)(ii)(A);

1340 (C) the effective date of the tax described in Subsection (7)(d)(ii)(A); and

1341 (D) if the city or town enacts the tax or changes the rate of the tax described in  
1342 Subsection (7)(d)(ii)(A), the rate of the tax.

1343 (e) (i) If the billing period for a transaction begins before the effective date of the  
1344 enactment of the tax or a tax rate increase under Subsection (1), the enactment of a tax or a tax  
1345 rate increase shall take effect on the first day of the first billing period that begins after the  
1346 effective date of the enactment of the tax or the tax rate increase.

1347 (ii) If the billing period for a transaction begins before the effective date of the repeal  
1348 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of a tax or a tax rate  
1349 decrease shall take effect on the first day of the last billing period that began before the  
1350 effective date of the repeal of the tax or the tax rate decrease.

1351 (f) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales  
1352 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax  
1353 described in Subsection (7)(d)(i) takes effect:

1354 (A) on the first day of a calendar quarter; and

1355 (B) beginning 60 days after the effective date of the enactment, repeal, or change under  
1356 Subsection (7)(d)(i).

1357 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1358 commission may by rule define the term "catalogue sale".

1359 Section 14. Section **59-12-2206** is amended to read:

1360 **59-12-2206. Administration, collection, and enforcement of a sales and use tax**

1361 **under this part -- Transmission of revenues monthly by electronic funds transfer --**  
1362 **Transfer of revenues to a public transit district.**

1363 (1) Except as provided in Subsection (2), the commission shall administer, collect, and  
1364 enforce a sales and use tax imposed under this part.

1365 (2) The commission shall administer, collect, and enforce a sales and use tax imposed  
1366 under this part in accordance with:

1367 (a) the same procedures used to administer, collect, and enforce a tax under:

1368 (i) Part 1, Tax Collection; or

1369 (ii) Part 2, Local Sales and Use Tax Act; and

1370 (b) Chapter 1, General Taxation Policies.

1371 (3) A sales and use tax under this part is not subject to Subsections 59-12-205~~(2)~~(3)  
1372 through (6).

1373 (4) Subject to Section 59-12-2207 and except as provided in Subsection (5) or another  
1374 provision of this part, the state treasurer shall transmit revenues collected within a county, city,  
1375 or town from a sales and use tax under this part to the county, city, or town legislative body  
1376 monthly by electronic funds transfer.

1377 (5) Subject to Section 59-12-2207, the state treasurer shall transfer revenues collected  
1378 within a county, city, or town from a sales and use tax under this part directly to a public transit  
1379 district organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act, if the county,  
1380 city, or town legislative body:

1381 (a) provides written notice to the state treasurer requesting the transfer; and

1382 (b) designates the public transit district to which the county, city, or town legislative  
1383 body requests the state treasurer to transfer the revenues.

1384 Section 15. Section **63H-1-102** is amended to read:

1385 **63H-1-102. Definitions.**

1386 As used in this chapter:

1387 (1) "Authority" means the Military Installation Development Authority, created under  
1388 Section 63H-1-201.

1389 (2) "Base taxable value" means:

1390 (a) for military land or other land that was exempt from a property tax at the time that a  
1391 project area was created that included the military land or other land, a taxable value of zero; or

1392 (b) for private property that is included in a project area, the taxable value of the  
1393 property within any portion of the project area, as designated by board resolution, from which  
1394 tax increment will be collected, as shown upon the assessment roll last equalized before the  
1395 year in which the authority issues a building permit for a building within that portion of the  
1396 project area.

1397 (3) "Board" means the governing body of the authority created under Section  
1398 63H-1-301.

1399 (4) (a) "Dedicated supplemental tax increment" means supplemental tax increment that  
1400 results from a property tax levied by:

1401 (i) a county, including any district the county has established under Subsection  
1402 17-34-3(2) to levy a property tax under Title 17, Chapter 34, Municipal-Type Services to  
1403 Unincorporated Areas; or

1404 (ii) an included municipality.

1405 (b) "Dedicated supplemental tax increment" does not include a property tax levied by a  
1406 county to assess and collect property taxes under Subsections 59-2-1602(1) and (4).

1407 (5) "Development project" means a project to develop land within a project area.

1408 (6) "Elected member" means a member of the authority board who:

1409 (a) is a mayor or member of a legislative body appointed under Subsection  
1410 63H-1-302(2)(b); or

1411 (b) (i) is appointed to the authority board under Subsection 63H-1-302(2)(a) or (3); and

1412 (ii) concurrently serves in an elected state, county, or municipal office.

1413 (7) "Included municipality" means a municipality, some or all of which is included  
1414 within a project area.

1415 (8) "Military land" means any land or facility, including any leased land or facility, that  
1416 is part of a base, camp, post, station, yard, center, or installation under the jurisdiction of the  
1417 U.S. Department of Defense or the Utah National Guard.

1418 (9) "Municipal energy tax" means a municipal energy sales and use tax under Title 10,  
1419 Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.

1420 (10) "Municipal services revenue" means revenue that the authority:

1421 (a) collects from the authority's:

1422 (i) levy of a municipal energy tax;

- 1423 (ii) levy of a telecommunications tax;
- 1424 (iii) imposition of a transient room tax; and
- 1425 (iv) imposition of a resort communities tax;
- 1426 (b) receives under Subsection 59-12-205[~~(2)~~](3)(b)(ii); and
- 1427 (c) receives as dedicated supplemental tax increment.
- 1428 (11) "Municipal tax" means a municipal energy tax, telecommunications tax, transient
- 1429 room tax, or resort communities tax.
- 1430 (12) "Project area" means the land, including military land, whether consisting of a
- 1431 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft
- 1432 project area plan where the development project set forth in the project area plan or draft
- 1433 project area plan takes place or is proposed to take place.
- 1434 (13) "Project area budget" means a multiyear projection of annual or cumulative
- 1435 revenues and expenses and other fiscal matters pertaining to a project area that includes:
- 1436 (a) the base taxable value of property in the project area;
- 1437 (b) the projected tax increment expected to be generated within the project area;
- 1438 (c) the amount of tax increment expected to be shared with other taxing entities;
- 1439 (d) the amount of tax increment expected to be used to implement the project area plan,
- 1440 including the estimated amount of tax increment to be used for land acquisition, public
- 1441 improvements, infrastructure improvements, and loans, grants, or other incentives to private
- 1442 and public entities;
- 1443 (e) the tax increment expected to be used to cover the cost of administering the project
- 1444 area plan;
- 1445 (f) if tax increment is to be collected at different times or from different portions of the
- 1446 project area, or both:
- 1447 (i) (A) the tax identification numbers of the parcels from which tax increment will be
- 1448 collected; or
- 1449 (B) a legal description of the portion of the project area from which tax increment will
- 1450 be collected; and
- 1451 (ii) an estimate of when other portions of the project area will become subject to tax
- 1452 increment collection; and
- 1453 (g) for property that the authority owns or leases and expects to sell or sublease, the

1454 expected total cost of the property to the authority and the expected selling price or lease  
1455 payments.

1456 (14) "Project area plan" means a written plan that, after its effective date, guides and  
1457 controls the development within a project area.

1458 (15) "Property tax" includes privilege tax and each levy on an ad valorem basis on  
1459 tangible or intangible personal or real property.

1460 (16) "Public entity" means:

1461 (a) the state, including any of its departments or agencies; or

1462 (b) a political subdivision of the state, including a county, city, town, school district,  
1463 local district, special service district, or interlocal cooperation entity.

1464 (17) "Publicly owned infrastructure and improvements" means water, sewer, storm  
1465 drainage, electrical, telecommunications, and other similar systems and lines, streets, roads,  
1466 curb, gutter, sidewalk, walkways, parking facilities, public transportation facilities, and other  
1467 buildings, facilities, infrastructure, and improvements that:

1468 (a) benefit the public; and

1469 (b) are:

1470 (i) publicly owned or owned by a utility; or

1471 (ii) publicly owned or publicly maintained or operated by the authority or another  
1472 public entity.

1473 (18) "Remaining municipal services revenue" means municipal services revenue that  
1474 the authority has not spent during its fiscal year for municipal services as provided in  
1475 Subsection 63H-1-503(1).

1476 (19) "Resort communities tax" means a sales and use tax imposed under Section  
1477 59-12-401.

1478 (20) "Supplemental tax increment" means tax increment remaining after the authority  
1479 is paid the tax increment it is entitled to receive under Subsection 63H-1-501(1).

1480 (21) "Taxable value" means the value of property as shown on the last equalized  
1481 assessment roll as certified by the county assessor.

1482 (22) "Tax increment" means the difference between:

1483 (a) the amount of property tax revenues generated each tax year by all taxing entities  
1484 from the area within a project area designated in the project area plan as the area from which



1485 tax increment is to be collected, using the current assessed value of the property; and

1486 (b) the amount of property tax revenues that would be generated from that same area  
1487 using the base taxable value of the property.

1488 (23) "Taxing entity" means a public entity that levies a tax on property within a project  
1489 area.

1490 (24) "Telecommunications tax" means a telecommunications license tax under Title  
1491 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

1492 (25) "Transient room tax" means a tax under Section 59-12-352.

1493 Section 16. Section **63H-1-502** is amended to read:

1494 **63H-1-502. Allowable uses of tax increment and other funds.**

1495 (1) The authority may use tax increment and other funds available to the authority,  
1496 other than municipal services revenue:

1497 (a) for any purpose authorized under this chapter;

1498 (b) for administrative, overhead, legal, and other operating expenses of the authority;

1499 (c) to pay for, including financing or refinancing, all or part of the development of land  
1500 within the project area from which the tax increment funds or other funds were collected,  
1501 including assisting the ongoing operation of any development or facility within the project area;

1502 (d) to pay the cost of the installation and construction of any publicly owned  
1503 infrastructure and improvements within the project area from which the tax increment funds  
1504 were collected;

1505 (e) to pay the cost of the installation of publicly owned infrastructure and  
1506 improvements outside the project area if the authority board determines by resolution that the  
1507 infrastructure and improvements are of benefit to the project area; and

1508 (f) to pay the principal of and interest on bonds issued by the authority.

1509 (2) The authority may use revenue generated from the operation of publicly owned  
1510 infrastructure operated by the authority or improvements operated by the authority to:

1511 (a) operate and maintain the infrastructure or improvements; and

1512 (b) pay for authority operating expenses, including administrative, overhead, and legal  
1513 expenses.

1514 (3) For purposes of Subsection (1), the authority may use:

1515 (a) tax revenues received under Subsection 59-12-205[~~(2)~~](3)(b)(ii); and

1516 (b) resort communities tax revenues generated from a project area that contains private  
1517 land.

1518 (4) The determination of the authority board under Subsection (1)(e) regarding benefit  
1519 to the project area shall be final and conclusive.

1520 Section 17. **Effective date.**

1521 This bill takes effect on July 1, 2011.

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**Legislative Review Note**  
**as of 2-2-11 5:22 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 135

SHORT TITLE: Local Sales and Use Tax Distribution Revisions - As Amended

SPONSOR: Nielson, J.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill will have no net impact. There will be a shift in sales tax revenue between local entities.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.