

TRANSPORTATION REVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Gage Froerer

LONG TITLE

General Description:

This bill modifies provisions relating to transportation funding.

Highlighted Provisions:

This bill:

- ▶ provides that certain registration fees shall be deposited in the Transportation Investment Fund of 2005 rather than the Centennial Highway Fund Restricted Account;

- ▶ provides that certain sales and use tax dedications shall be deposited in the Transportation Investment Fund of 2005 rather than the Centennial Highway Fund Restricted Account and the Critical Highway Access Needs Fund;

- ▶ provides that certain principal, interest, and issuance costs of bonds shall be paid from the Transportation Investment Fund of 2005 rather than the Centennial Highway Fund Restricted Account and the Critical Highway Access Needs Fund;

and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2012.

Utah Code Sections Affected:

AMENDS:

41-1a-1201, as last amended by Laws of Utah 2011, Chapters 189 and 268

30 59-12-103, as last amended by Laws of Utah 2011, Chapters 285, 303, 342, and 441

31 72-2-118, as last amended by Laws of Utah 2011, Chapter 189

32 72-2-124, as last amended by Laws of Utah 2011, Chapter 189

33 72-2-125, as last amended by Laws of Utah 2010, Chapter 278



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

36 Section 1. Section 41-1a-1201 is amended to read:

37 **41-1a-1201. Disposition of fees.**

38 (1) All fees received and collected under this part shall be transmitted daily to the state
39 treasurer.

40 (2) Except as provided in Subsections (3), (6), and (7) and Sections 41-1a-422,
41 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited in
42 the Transportation Fund.

43 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and
44 Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing
45 license plates under Part 4, License Plates and Registration Indicia.

46 (4) In accordance with Section 63J-1-602.2, all funds available to the commission for
47 the purchase and distribution of license plates and decals are nonlapsing.

48 (5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the
49 commission in enforcing and administering this part shall be provided for by legislative
50 appropriation from the revenues of the Transportation Fund.

51 (6) [~~(a) Except as provided in Subsection (6)(b), the~~] The following portions of the
52 registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the
53 [~~Centennial Highway Fund Restricted Account~~] Transportation Investment Fund of 2005
54 created under Section [~~72-2-118~~] 72-2-124:

55 [~~(i) \$10~~] (a) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a),
56 (1)(b), (1)(f), (2), and (5);

57 [~~(ii) \$1~~] (b) \$21 of the registration fees imposed under Subsections

58 41-1a-1206(1)(c)(i)[~~;~~ and (1)(c)(ii)[~~, and (1)(d)(ii)~~];
 59 [~~(iii) \$2~~] (c) \$2.50 of the registration fee imposed under Subsection
 60 41-1a-1206(1)(e)(ii);
 61 [~~(iv) \$3~~] (d) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
 62 [~~and~~]
 63 [~~(v) \$4.50~~] (e) \$24.50 of the registration fee imposed under Subsection
 64 41-1a-1206(1)(e)(i)[~~;~~ and
 65 (f) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

66 [~~(b) When the highway general obligation bonds have been paid off and the highway~~
 67 ~~projects completed that are intended to be paid from revenues deposited in the Centennial~~
 68 ~~Highway Fund Restricted Account as determined by the Executive Appropriations Committee~~
 69 ~~under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under~~
 70 ~~Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of~~
 71 ~~2005 created by Section 72-2-124.]~~

72 [~~(7) The following portions of the registration fees imposed under Section 41-1a-1206~~
 73 ~~for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created by~~
 74 ~~Section 72-2-124;]~~

75 [~~(a) \$20 of each registration fee collected under Subsections 41-1a-1206(1)(a), (1)(b),~~
 76 ~~(1)(c), (1)(d)(i), (1)(e)(i), (1)(f), (2)(a), and (5); and]~~
 77 [~~(b) 50 cents of each registration fee collected under Subsection 41-1a-1206(1)(e)(ii).]~~

78 Section 2. Section **59-12-103** is amended to read:

79 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
 80 **tax revenues.**

81 (1) A tax is imposed on the purchaser as provided in this part for amounts paid or
 82 charged for the following transactions:

- 83 (a) retail sales of tangible personal property made within the state;
- 84 (b) amounts paid for:
 - 85 (i) telecommunications service, other than mobile telecommunications service, that

86 originates and terminates within the boundaries of this state;

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

90 (iii) an ancillary service associated with a:

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

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

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

94 (i) gas;

95 (ii) electricity;

96 (iii) heat;

97 (iv) coal;

98 (v) fuel oil; or

99 (vi) other fuels;

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

101 (i) gas;

102 (ii) electricity;

103 (iii) heat;

104 (iv) coal;

105 (v) fuel oil; or

106 (vi) other fuels;

107 (e) sales of prepared food;

108 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or

109 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,

110 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,

111 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit

112 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf

113 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,

114 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
115 horseback rides, sports activities, or any other amusement, entertainment, recreation,
116 exhibition, cultural, or athletic activity;

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

119 (i) the tangible personal property; and

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

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

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

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

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

130 (i) stored;

131 (ii) used; or

132 (iii) otherwise consumed;

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

135 (i) stored;

136 (ii) used; or

137 (iii) consumed; and

138 (m) amounts paid or charged for a sale:

139 (i) (A) of a product transferred electronically; or

140 (B) of a repair or renovation of a product transferred electronically; and

141 (ii) regardless of whether the sale provides:

- 142 (A) a right of permanent use of the product; or
- 143 (B) a right to use the product that is less than a permanent use, including a right:
 - 144 (I) for a definite or specified length of time; and
 - 145 (II) that terminates upon the occurrence of a condition.
- 146 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
- 147 is imposed on a transaction described in Subsection (1) equal to the sum of:
 - 148 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
 - 149 (A) 4.70%; and
 - 150 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
 - 151 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
 - 152 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
 - 153 State Sales and Use Tax Act; and
 - 154 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
 - 155 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
 - 156 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
 - 157 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
 - 158 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
 - 159 transaction under this chapter other than this part.
 - 160 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
 - 161 on a transaction described in Subsection (1)(d) equal to the sum of:
 - 162 (i) a state tax imposed on the transaction at a tax rate of 2%; and
 - 163 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
 - 164 transaction under this chapter other than this part.
 - 165 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
 - 166 on amounts paid or charged for food and food ingredients equal to the sum of:
 - 167 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at
 - 168 a tax rate of 1.75%; and
 - 169 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the

170 amounts paid or charged for food and food ingredients under this chapter other than this part.

171 (d) (i) For a bundled transaction that is attributable to food and food ingredients and
172 tangible personal property other than food and food ingredients, a state tax and a local tax is
173 imposed on the entire bundled transaction equal to the sum of:

174 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

175 (I) the tax rate described in Subsection (2)(a)(i)(A); and

176 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
177 Sales and Use Tax Act, if the location of the transaction as determined under Sections
178 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
179 Additional State Sales and Use Tax Act; and

180 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
181 Sales and Use Tax Act, if the location of the transaction as determined under Sections
182 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
183 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

184 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
185 described in Subsection (2)(a)(ii).

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

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

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

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

196 (B) if the sales price of a bundled transaction is attributable to two or more items of
197 tangible personal property, products, or services that are subject to taxation under this chapter

198 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
199 higher tax rate unless:

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

203 (II) state or federal law provides otherwise.

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

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

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

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

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

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

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

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

217 (B) Subsection (2)(b)(i);

218 (C) Subsection (2)(c)(i); or

219 (D) Subsection (2)(d)(i)(A)(I).

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

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

225 (B) Subsection (2)(b)(I);

226 (C) Subsection (2)(c)(i); or
227 (D) Subsection (2)(d)(i)(A)(I).
228 (g) (i) For a tax rate described in Subsection (2)(g)(ii), if a tax due on a catalogue sale
229 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
230 or change in a tax rate takes effect:

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

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

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

235 (B) Subsection (2)(b)(i);

236 (C) Subsection (2)(c)(i); or

237 (D) Subsection (2)(d)(i)(A)(I).

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

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

241 (i) the tax imposed by Subsection (2)(a)(i)(A);

242 (ii) the tax imposed by Subsection (2)(b)(i);

243 (iii) the tax imposed by Subsection (2)(c)(i); or

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

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

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

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

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

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

251 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
252 2003, the lesser of the following amounts shall be used as provided in Subsections (4)(b)
253 through (g):

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

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

256 (B) for the fiscal year; or

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

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

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

263 (B) award grants, up to the amount authorized by the Legislature in an appropriations
264 act, to political subdivisions of the state to implement the measures described in Subsections
265 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

271 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
272 Conservation and Development Fund created in Section 73-10-24;

273 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
274 Program Subaccount created in Section 73-10c-5; and

275 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
276 Program Subaccount created in Section 73-10c-5.

277 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
278 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
279 created in Section 4-18-6.

280 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
281 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water

282 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
283 water rights.

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

285 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
286 Conservation and Development Fund created in Section 73-10-24;

287 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
288 Program Subaccount created in Section 73-10c-5; and

289 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
290 Program Subaccount created in Section 73-10c-5.

291 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
292 in Subsection (4)(a) shall be deposited in the Water Resources Conservation and Development
293 Fund created in Section 73-10-24 for use by the Division of Water Resources.

294 (ii) In addition to the uses allowed of the Water Resources Conservation and
295 Development Fund under Section 73-10-24, the Water Resources Conservation and
296 Development Fund may also be used to:

297 (A) conduct hydrologic and geotechnical investigations by the Division of Water
298 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
299 quantifying surface and ground water resources and describing the hydrologic systems of an
300 area in sufficient detail so as to enable local and state resource managers to plan for and
301 accommodate growth in water use without jeopardizing the resource;

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

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

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

308 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
309 in Subsection (4)(a) shall be deposited in the Drinking Water Loan Program Subaccount

310 created in Section 73-10c-5 for use by the Division of Drinking Water to:

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

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

314 (iii) develop surface water sources.

315 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
316 2006, the difference between the following amounts shall be expended as provided in this
317 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

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

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

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

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

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

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

342 (i) preconstruction costs:

343 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
344 26, Bear River Development Act; and

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

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

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

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

353 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to
354 Subsection (5)(f), 6% of the remaining difference described in Subsection (5)(a) shall be
355 transferred each year as dedicated credits to the Division of Water Rights to cover the costs
356 incurred for employing additional technical staff for the administration of water rights.

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

360 (6) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
361 2003, and for taxes listed under Subsection (3)(a), the amount of revenue generated by a 1/16%
362 tax rate on the transactions described in Subsection (1) for the fiscal year shall be deposited in
363 the Transportation Fund created by Section 72-2-102.

364 (7) [~~(a)~~] Notwithstanding Subsection (3)(a) [~~and until Subsection (7)(b) applies~~],
365 beginning on [~~January 1, 2000~~] July 1, 2012, the Division of Finance shall deposit into the

366 [~~Centennial Highway Fund Restricted Account~~] Transportation Investment Fund of 2005
367 created in Section [~~72-2-118~~] 72-2-124 a portion of the taxes listed under Subsection (3)(a)
368 equal to the revenues generated by a 1/64% tax rate on the taxable transactions under
369 Subsection (1).

370 [~~(b) Notwithstanding Subsection (3)(a), when the highway general obligation bonds~~
371 ~~have been paid off and the highway projects completed that are intended to be paid from~~
372 ~~revenues deposited in the Centennial Highway Fund Restricted Account as determined by the~~
373 ~~Executive Appropriations Committee under Subsection 72-2-118(6)(d), the Division of~~
374 ~~Finance shall deposit into the Transportation Investment Fund of 2005 created by Section~~
375 ~~72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated~~
376 ~~by a 1/64% tax rate on the taxable transactions under Subsection (1).]~~

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

383 [(i) ~~the tax imposed by Subsection (2)(a)(i)(A);]~~

384 [(ii) ~~the tax imposed by Subsection (2)(b)(i);]~~

385 [(iii) ~~the tax imposed by Subsection (2)(c)(i); and]~~

386 [(iv) ~~the tax imposed by Subsection (2)(d)(i)(A)(I).]~~

387 [~~(b) Notwithstanding Subsection (3)(a), in addition to the amount deposited in~~
388 ~~Subsection (7)(a), and until Subsection (8)(c) applies, for the 2011-12 fiscal year only, the~~
389 ~~Division of Finance shall deposit into the Centennial Highway Fund Restricted Account~~
390 ~~created by Section 72-2-118 a portion of the taxes listed under Subsection (3)(a) equal to 8.3%~~
391 ~~of the revenues collected from the following taxes, which represents a portion of the~~
392 ~~approximately 17% of sales and use tax revenues generated annually by the sales and use tax~~
393 ~~on vehicles and vehicle-related products:]~~

394 ~~[(i) the tax imposed by Subsection (2)(a)(i)(A);]~~

395 ~~[(ii) the tax imposed by Subsection (2)(b)(i);]~~

396 ~~[(iii) the tax imposed by Subsection (2)(c)(i); and]~~

397 ~~[(iv) the tax imposed by Subsection (2)(d)(i)(A)(I).]~~

398 ~~[(c) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under~~
399 ~~Subsection (7)(b), and until Subsection (8)(d) or (e) applies, when the highway general~~
400 ~~obligation bonds have been paid off and the highway projects completed that are intended to be~~
401 ~~paid from revenues deposited in the Centennial Highway Fund Restricted Account as~~
402 ~~determined by the Executive Appropriations Committee under Subsection 72-2-118(6)(d), the~~
403 ~~Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by~~
404 ~~Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to 8.3% of the~~
405 ~~revenues collected from the following taxes, which represents a portion of the approximately~~
406 ~~17% of sales and use tax revenues generated annually by the sales and use tax on vehicles and~~
407 ~~vehicle-related products:]~~

408 ~~[(i) the tax imposed by Subsection (2)(a)(i)(A);]~~

409 ~~[(ii) the tax imposed by Subsection (2)(b)(i);]~~

410 ~~[(iii) the tax imposed by Subsection (2)(c)(i); and]~~

411 ~~[(iv) the tax imposed by Subsection (2)(d)(i)(A)(I).]~~

412 ~~[(d)]~~ (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
413 Subsection (7)~~[(a), until Subsection (8)(e) applies]~~, and subject to Subsection (8)~~[(f)]~~(b), for a
414 fiscal year beginning on or after July 1, 2012, the Division of Finance shall deposit into the
415 ~~[Centennial Highway Fund Restricted Account]~~ Transportation Investment Fund of 2005
416 created by Section ~~[72-2-118]~~ 72-2-124:

417 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of
418 the revenues collected from the following taxes, which represents a portion of the
419 approximately 17% of sales and use tax revenues generated annually by the sales and use tax
420 on vehicles and vehicle-related products:

421 (A) the tax imposed by Subsection (2)(a)(i)(A);

422 (B) the tax imposed by Subsection (2)(b)(i);
 423 (C) the tax imposed by Subsection (2)(c)(i); and
 424 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus
 425 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the
 426 current fiscal year from the sales and use taxes described in Subsections (8)~~(f)~~(a)(i)(A)
 427 through (D) that exceeds the amount collected from the sales and use taxes described in
 428 Subsections (8)~~(f)~~(a)(i)(A) through (D) in the 2010-11 fiscal year.

429 ~~[(e) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under~~
 430 ~~Subsection (7)(b), and subject to Subsection (8)(f), when the highway general obligation bonds~~
 431 ~~have been paid off and the highway projects completed that are intended to be paid from~~
 432 ~~revenues deposited in the Centennial Highway Fund Restricted Account as determined by the~~
 433 ~~Executive Appropriations Committee under Subsection 72-2-118(6)(d), for a fiscal year~~
 434 ~~beginning on or after July 1, 2012, the Division of Finance shall deposit into the Transportation~~
 435 ~~Investment Fund of 2005 created by Section 72-2-124:]~~

436 ~~[(i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of~~
 437 ~~the revenues collected from the following taxes, which represents a portion of the~~
 438 ~~approximately 17% of sales and use tax revenues generated annually by the sales and use tax~~
 439 ~~on vehicles and vehicle-related products:]~~

440 ~~[(A) the tax imposed by Subsection (2)(a)(i)(A);]~~

441 ~~[(B) the tax imposed by Subsection (2)(b)(i);]~~

442 ~~[(C) the tax imposed by Subsection (2)(c)(i); and]~~

443 ~~[(D) the tax imposed by Subsection (2)(d)(i)(A)(I), plus]~~

444 ~~[(ii) an amount equal to 30% of the growth in the amount of revenues collected in the~~
 445 ~~current fiscal year from the sales and use taxes described in Subsections (8)(e)(i)(A) through~~
 446 ~~(D) that exceeds the amount collected from the sales and use taxes described in Subsections~~
 447 ~~(8)(e)(i)(A) through (D) in the 2010-11 fiscal year.]~~

448 ~~[(f) (b) (i) Subject to Subsections (8)~~(f)~~(b)(ii) and (iii), in any fiscal year that the~~
 449 ~~portion of the sales and use taxes deposited under Subsection (8)~~(f)~~(a) ~~[or (e)]~~ represents an~~

450 amount that is a total lower percentage of the sales and use taxes described in Subsections
 451 (8)(~~(e)~~)(a)(i)(A) through (D) generated in the current fiscal year than the total percentage of
 452 sales and use taxes deposited in the previous fiscal year, the Division of Finance shall deposit
 453 an amount under Subsection (8)(~~(d)~~)(a) [~~or (e)~~] equal to the product of:

454 (A) the total percentage of sales and use taxes deposited under Subsection (8)(~~(d)~~)(a)
 455 [~~or (e)~~] in the previous fiscal year; and

456 (B) the total sales and use tax revenue generated by the taxes described in Subsections
 457 (8)(~~(e)~~)(a)(i)(A) through (D) in the current fiscal year.

458 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under
 459 Subsection (8)(~~(d)~~)(a) [~~or (e)~~] would exceed 17% of the revenues collected from the sales and
 460 use taxes described in Subsections (8)(~~(e)~~)(a)(i)(A) through (D) in the current fiscal year, the
 461 Division of Finance shall deposit 17% of the revenues collected from the sales and use taxes
 462 described in Subsections (8)(~~(e)~~)(a)(i)(A) through (D) for the current fiscal year under
 463 Subsection (8)(~~(d)~~)(a) [~~or (e)~~].

464 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected
 465 from the sales and use taxes described in Subsections (8)(~~(e)~~)(a)(i)(A) through (D) was
 466 deposited under Subsection (8)(~~(d)~~)(a) [~~or (e)~~], the Division of Finance shall annually deposit
 467 17% of the revenues collected from the sales and use taxes described in Subsections
 468 (8)(~~(e)~~)(a)(i)(A) through (D) in the current fiscal year under Subsection (8)(~~(d)~~)(a) [~~or (e)~~].

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

472 [~~(b)~~] (9) Notwithstanding Subsection (3)(a) [~~and until Subsection (9)(c) applies~~], and in
 473 addition to the amounts deposited under Subsections (7) and (8), for a fiscal year beginning on
 474 or after July 1, [2009] 2012, the Division of Finance shall annually deposit \$90,000,000 of the
 475 revenues generated by the taxes listed under Subsection (3)(a) into the [~~Critical Highway~~
 476 ~~Needs~~] Transportation Investment Fund of 2005 created by Section [~~72-2-125~~] 72-2-124.

477 [~~(c) Notwithstanding Subsection (3)(a) and in addition to any amounts deposited under~~

478 Subsections (7) and (8), when the general obligation bonds authorized by Section 63B-16-101
479 have been paid off and the highway projects completed that are included in the prioritized
480 project list under Subsection 72-2-125(4) as determined in accordance with Subsection
481 72-2-125(6), the Division of Finance shall annually deposit \$90,000,000 of the revenues
482 generated by the taxes listed under Subsection (3)(a) into the Transportation Investment Fund
483 of 2005 created by Section 72-2-124.]

484 (10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
485 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
486 created by Section 9-4-1409 and expended as provided in Section 9-4-1409.

487 (11) (a) [(†)] Notwithstanding Subsection (3)(a), except as provided in Subsection
488 (11)[(a)(ii)](b), and [until Subsection (11)(b) applies] in addition to any amounts deposited
489 under Subsections (7), (8), and (9), beginning on [January 1, 2009] July 1, 2012, the Division
490 of Finance shall deposit into the [Critical Highway Needs Fund] Transportation Investment
491 Fund of 2005 created by Section [72-2-125] 72-2-124 the amount of tax revenue generated by a
492 .025% tax rate on the transactions described in Subsection (1).

493 [(†)] (b) For purposes of Subsection (11)(a)[(†)], the Division of Finance may not
494 deposit into the [Critical Highway Needs Fund] Transportation Investment Fund of 2005 any
495 tax revenue generated by amounts paid or charged for food and food ingredients, except for tax
496 revenue generated by a bundled transaction attributable to food and food ingredients and
497 tangible personal property other than food and food ingredients described in Subsection (2)(e).

498 [(b) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b)(ii),
499 and in addition to any amounts deposited under Subsections (7), (9), and (10), when the general
500 obligation bonds authorized by Section 63B-16-101 have been paid off and the highway
501 projects completed that are included in the prioritized project list under Subsection 72-2-125(4)
502 as determined in accordance with Subsection 72-2-125(6), the Division of Finance shall
503 deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the
504 amount of tax revenue generated by a .025% tax rate on the transactions described in
505 Subsection (1).]

506 ~~[(ii) For purposes of Subsection (11)(b)(i), the Division of Finance may not deposit~~
 507 ~~into the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or~~
 508 ~~charged for food and food ingredients, except for tax revenue generated by a bundled~~
 509 ~~transaction attributable to food and food ingredients and tangible personal property other than~~
 510 ~~food and food ingredients described in Subsection (2)(e).]~~

511 (12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection
 512 (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the
 513 Transportation Fund created by Section 72-2-102 the amount of tax revenue generated by a
 514 .025% tax rate on the transactions described in Subsection (1) to be expended to address
 515 chokepoints in construction management.

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

521 Section 3. Section **72-2-118** is amended to read:

522 **72-2-118. Centennial Highway Fund Restricted Account.**

523 (1) There is created a restricted account entitled the Centennial Highway Fund
 524 Restricted Account within the Transportation Investment Fund of 2005 created by Section
 525 72-2-124.

526 (2) The account consists of money generated from the following revenue sources:

527 (a) any voluntary contributions received for the construction, major reconstruction, or
 528 major renovation of state or federal highways; and

529 (b) appropriations made to the fund by the Legislature[;].

530 ~~[(c) registration fees designated under Subsection 41-1a-1201(6)(a); and]~~

531 ~~[(d) the sales and use tax amounts provided for in Section 59-12-103.]~~

532 (3) (a) The account shall earn interest.

533 (b) All interest earned on account money shall be deposited into the account.

534 (4) The executive director may use account money, as prioritized by the Transportation
535 Commission, only to pay the costs of construction, major reconstruction, or major renovation
536 to state and federal highways.

537 (5) When the highway general obligation bonds have been paid off and the highway
538 projects completed that are intended to be paid from revenues deposited in the account as
539 determined by the Executive Appropriations Committee under Subsection (6)(d), the Division
540 of Finance shall transfer any existing balance in the account into the Transportation Investment
541 Fund of 2005 created by Section 72-2-124.

542 (6) (a) The Division of Finance shall monitor the highway general obligation bonds
543 that are being paid from revenues deposited in the account.

544 (b) The department shall monitor the highway construction, major reconstruction, or
545 major renovation projects that are being paid from revenues deposited in the account.

546 (c) Upon request by the Executive Appropriations Committee of the Legislature:

547 (i) the Division of Finance shall report to the committee the status of all highway
548 general obligation bonds that are being paid from revenues deposited in the account; and

549 (ii) the department shall report to the committee the status of all highway construction,
550 major reconstruction, or major renovation projects that are being paid from revenues deposited
551 in the account.

552 (d) The Executive Appropriations Committee of the Legislature shall notify the State
553 Tax Commission, the department, and the Division of Finance when:

554 (i) all highway general obligation bonds that are intended to be paid from revenues
555 deposited in the account have been paid off; and

556 (ii) all highway projects that are intended to be paid from revenues deposited in the
557 account have been completed.

558 ~~[(7) (a) The Division of Finance shall, from funds that are deposited into the~~
559 ~~Centennial Highway Fund Restricted Account, transfer into the Transportation Investment~~
560 ~~Fund of 2005 created by Section 72-2-124 the amount of funds certified by the Transportation~~
561 ~~Commission in accordance with Subsection (7)(b) that are not required to pay.]~~

562 ~~[(i) principal, interest, and issuance costs of bonds issued for projects in the Centennial~~
563 ~~Highway Program in the current fiscal year; or]~~

564 ~~[(ii) construction or reconstruction costs for projects in the Centennial Highway~~
565 ~~Program in the current fiscal year.]~~

566 ~~[(b) The Division of Finance shall transfer the amount under Subsection (7)(a) when~~
567 ~~the Division of Finance receives a written letter from the Transportation Commission certifying~~
568 ~~the amount of funds available under Subsection (7)(a).]~~

569 Section 4. Section **72-2-124** is amended to read:

570 **72-2-124. Transportation Investment Fund of 2005.**

571 (1) There is created a special revenue fund entitled the Transportation Investment Fund
572 of 2005.

573 (2) The fund consists of money generated from the following sources:

574 (a) any voluntary contributions received for the maintenance, construction,
575 reconstruction, or renovation of state and federal highways;

576 (b) appropriations made to the fund by the Legislature;

577 (c) the sales and use tax revenues deposited into the fund in accordance with Section
578 59-12-103; and

579 (d) registration fees designated under ~~[Subsection]~~ Section 41-1a-1201~~[(7)]~~.

580 ~~[(3) When the highway general obligation bonds have been paid off and the highway~~
581 ~~projects completed that are intended to be paid from revenues deposited in the Centennial~~
582 ~~Highway Fund Restricted Account as determined by the Executive Appropriations Committee~~
583 ~~under Subsection 72-2-118(6)(d), the fund shall also consist of money generated from the~~
584 ~~following sources:]~~

585 ~~[(a) registration fees designated under Subsection 41-1a-1201(6)(a); and]~~

586 ~~[(b) the sales and use tax amounts provided for in Section 59-12-103.]~~

587 ~~[(4)]~~ (3) (a) The fund shall earn interest.

588 (b) All interest earned on fund money shall be deposited into the fund.

589 ~~[(5)]~~ (4) (a) Except as provided in Subsection ~~[(5)]~~ (4)(b), the executive director may

590 use fund money only to pay:

591 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
592 federal highways prioritized by the Transportation Commission through the prioritization
593 process for new transportation capacity projects adopted under Section 72-1-304;

594 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
595 projects described in Subsection 63B-18-401(2); [~~and~~]

596 (iii) principal, interest, and issuance costs of bonds authorized by Section
597 63B-18-401[-];

598 (iv) principal, interest, and issuance costs of bonds authorized by Section 63-16-101
599 for projects prioritized in accordance with Section 72-2-125; and

600 (v) all highway general obligation bonds that are intended to be paid from revenues in
601 the Centennial Highway Fund Restricted Account created by Section 72-2-118.

602 (b) The executive director may use fund money to exchange for an equal or greater
603 amount of federal transportation funds to be used as provided in Subsection [~~(5)~~] (4)(a).

604 [~~(6)~~] (5) (a) Before bonds authorized by Section 63B-18-401 may be issued in any
605 fiscal year, the department and the commission shall appear before the Executive
606 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
607 department needs to provide funding for the projects identified in Subsection 63B-18-401(2)
608 for the next fiscal year.

609 (b) The Executive Appropriations Committee of the Legislature shall review and
610 comment on the amount of bond proceeds needed to fund the projects.

611 [~~(7)~~] (6) The Division of Finance shall, from money deposited into the fund, transfer
612 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized
613 by Section 63B-18-401 in the current fiscal year to the appropriate debt service or sinking fund.

614 Section 5. Section 72-2-125 is amended to read:

615 **72-2-125. Critical Highway Needs Fund.**

616 (1) There is created a special revenue fund within the Transportation Investment Fund
617 of 2005 known as the "Critical Highway Needs Fund."

618 (2) The fund consists of money generated from the following sources:
619 (a) any voluntary contributions received for the maintenance, construction,
620 reconstruction, or renovation of state and federal highways; and
621 (b) appropriations made to the fund by the Legislature~~;~~and.
622 ~~[(c) the sales and use tax revenues deposited into the fund in accordance with Section~~
623 ~~59-12-103.]~~
624 (3) (a) The fund shall earn interest.
625 (b) Interest on fund money shall be deposited into the fund.
626 (4) (a) The executive director shall use money deposited into the fund to pay~~[-(i)]~~ the
627 costs of right-of-way acquisition, maintenance, construction, reconstruction, or renovation to
628 state and federal highways identified by the department and prioritized by the commission in
629 accordance with this Subsection (4)~~;~~and.
630 ~~[(ii) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101.]~~
631 (b) (i) The department shall:
632 (A) establish a complete list of projects to be maintained, constructed, reconstructed, or
633 renovated using the funding described in Subsection (4)(a) based on the following criteria:
634 (I) the highway construction project is a high priority project due to high growth in the
635 surrounding area;
636 (II) the highway construction project addresses critical access needs that have a high
637 impact due to commercial and energy development;
638 (III) the highway construction project mitigates congestion;
639 (IV) whether local matching funds are available for the highway construction project;
640 and
641 (V) the highway construction project is a critical alternative route for priority Interstate
642 15 reconstruction projects; and
643 (B) submit the list of projects to the commission for prioritization in accordance with
644 Subsection (4)(c).
645 (ii) A project that is included in the list under this Subsection (4):

646 (A) is not required to be currently listed in the statewide long-range plan; and

647 (B) is not required to be prioritized through the prioritization process for new
648 transportation capacity projects adopted under Section 72-1-304.

649 (c) (i) The commission shall prioritize the project list submitted by the department in
650 accordance with Subsection (4)(b).

651 (ii) For projects prioritized under this Subsection (4)(c), the commission shall give
652 priority consideration to fully funding a project that meets the criteria under Subsection
653 (4)(b)(i)(A)(V).

654 (d) (i) Expenditures of bond proceeds issued in accordance with Section 63B-16-101
655 by the department for the construction of highway projects prioritized under this Subsection (4)
656 may not exceed \$1,200,000,000.

657 (ii) Money expended from the fund for principal, interest, and issuance costs of bonds
658 issued under Section 63B-16-101 is not considered an expenditure for purposes of the
659 \$1,200,000,000 cap under Subsection (4)(d)(i).

660 (e) (i) Before bonds authorized by Section 63B-16-101 may be issued in any fiscal
661 year, the department and the commission shall appear before the Executive Appropriations
662 Committee of the Legislature and present:

663 (A) the commission's current list of projects established and prioritized in accordance
664 with this Subsection (4); and

665 (B) the amount of bond proceeds that the department needs to provide funding for
666 projects on the project list prioritized in accordance with this Subsection (4) for the next fiscal
667 year.

668 (ii) The Executive Appropriations Committee of the Legislature shall review and
669 comment on the prioritized project list and the amount of bond proceeds needed to fund the
670 projects on the prioritized list.

671 (f) The Division of Finance shall, from money deposited into the fund, transfer the
672 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
673 Section 63B-16-101 in the current fiscal year to the appropriate debt service or sinking fund.

674 (5) When the general obligation bonds authorized by Section 63B-16-101 have been
675 paid off and the highway projects completed that are included in the prioritized project list
676 under Subsection (4), the Division of Finance shall transfer any existing balance in the fund
677 into the Transportation Investment Fund of 2005 created by Section 72-2-124.

678 (6) (a) The Division of Finance shall monitor the general obligation bonds authorized
679 by Section 63B-16-101.

680 (b) The department shall monitor the highway construction or reconstruction projects
681 that are included in the prioritized project list under Subsection (4).

682 (c) Upon request by the Executive Appropriations Committee of the Legislature:

683 (i) the Division of Finance shall report to the committee the status of all general
684 obligation bonds issued under Section 63B-16-101; and

685 (ii) the department shall report to the committee the status of all highway construction
686 or reconstruction projects that are included in the prioritized project list under Subsection (4).

687 (d) When the Division of Finance has reported that the general obligation bonds issued
688 by Section 63B-16-101 have been paid off and the department has reported that projects
689 included in the prioritized project list are complete to the Executive Appropriations Committee
690 of the Legislature, the Division of Finance shall transfer any existing fund balance in
691 accordance with Subsection (5).

692 (7) (a) Unless prioritized and approved by the Transportation Commission, the
693 department may not delay a project prioritized under this section to a different fiscal year than
694 programmed by the commission due to an unavoidable shortfall in revenues if:

695 (i) the prioritized project was funded by the Legislature in an appropriations act; or

696 (ii) general obligation bond proceeds have been issued for the project in the current
697 fiscal year.

698 (b) For projects identified under Subsection (7)(a), the commission shall prioritize and
699 approve any project delays for projects prioritized under this section due to an unavoidable
700 shortfall in revenues if:

701 (i) the prioritized project was funded by the Legislature in an appropriations act; or

702 (ii) general obligation bond proceeds have been issued for the project in the current
703 fiscal year.

704 Section 6. **Effective date.**

705 This bill takes effect on July 1, 2012.