

## HB0022S01 compared with HB0022

~~{deleted text}~~ shows text that was in HB0022 but was deleted in HB0022S01.

inserted text shows text that was not in HB0022 but was inserted into HB0022S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Brad R. Wilson proposes the following substitute bill:

### TOURISM MARKETING PERFORMANCE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

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

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#### LONG TITLE

~~{Committee Note:~~

~~— The Economic Development and Workforce Services Interim Committee recommended this bill.~~

~~{General Description:~~

This bill modifies provisions of the Tourism Marketing Performance Account.

#### Highlighted Provisions:

This bill:

- ▶ modifies the duties of the Board of Tourism Development and the duties of the Governor's Office of Economic Development related to tourism;
- ▶ modifies the formula for determining potential increases in legislative appropriations for the Tourism Marketing Performance Account; and
- ▶ makes technical changes.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

63M-1-1403, as last amended by Laws of Utah 2014, Chapter 429

63M-1-1406, as last amended by Laws of Utah 2014, Chapter 423

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

Section 1. Section 63M-1-1403 is amended to read:

**63M-1-1403. Board duties.**

(1) The board ~~[shall]~~:

(a) ~~[have]~~ has authority to approve a tourism program of out-of-state advertising, marketing, and branding, taking into account the long-term strategic plan, economic trends, and opportunities for tourism development on a statewide basis, as a condition of the distribution of funds to the office from the:

(i) Tourism Marketing Performance Account [under] created in Section 63M-1-1406;  
and

~~[(b) have authority to approve a tourism program of advertising, marketing, and branding of the state, taking into account the long-term strategic plan, economic trends, and opportunities for tourism development on a statewide basis, as a condition of the distribution of money to the office from the]~~

(ii) Stay Another Day and Bounce Back Account, created in Section 63M-1-3411;

~~[(c) (b) shall review [the] office programs [for coordination and integration of] to~~  
coordinate and integrate advertising and branding themes ~~[to be used whenever possible in all~~  
~~office programs, including],~~ which may include recreational, scenic, historic, and tourist  
attractions of the state ~~[at large],~~ to be used in office programs;

~~[(d) (c) shall encourage and assist in [coordination of the] coordinating~~ activities of  
persons, firms, associations, corporations, civic groups, and governmental agencies that are  
engaged in publicizing, developing, and promoting the scenic attractions and tourist advantages

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of the state; and

~~[(c) (i)] (d) shall~~ advise the office in establishing a ~~Cooperative Program from the money in] cooperative program using funds from~~ the Tourism Marketing Performance Account ~~under] created in~~ Section 63M-1-1406 ~~for use by cities, counties, nonprofit destination marketing organizations, and similar public entities for the purpose of supplementing money committed by these entities for advertising and promotion to and for out-of-state residents to attract them to visit sites advertised by and attend events sponsored by these entities;]~~

~~[(ii) the Cooperative Program shall be allocated 20% of the revenues appropriated to the office from the Tourism Marketing Performance Account;]~~

~~[(iii) the office, with approval from the board, shall establish eligibility, advertising, and timing requirements and criteria and provide for an approval process for applications;]~~

~~[(iv) an application from an eligible applicant to receive money from the Cooperative Program must be submitted on or before the appropriate date established by the office; and]~~

~~[(v) Cooperative Program money not used in each fiscal year shall be returned to the Tourism Marketing Performance Account.]~~

(2) The board may:

(a) solicit and accept contributions of money, services, and facilities from any other sources, public or private and shall use these funds for promoting the general interest of the state in tourism; and

(b) establish subcommittees for the purpose of assisting the board in an advisory role ~~only].~~

(3) The board may not, except as otherwise provided in Subsection (1)(a), make policy related to the management or operation of the office.

(4) (a) For each fiscal year, the office shall allocate 20% of the funds appropriated to the Tourism Marketing and Performance Account created in Section 63M-1-1406 to the cooperative program described in Subsection (1)(d) and this Subsection (4).

(b) Money allocated to the cooperative program may be awarded to cities, counties, nonprofit destination marketing organizations, and similar public entities for the purpose of supplementing money committed by these entities for advertising and promoting sites and events in the state.

(c) The office, with approval from the board, shall establish:

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(i) an application and approval process for an entity to receive a cooperative program, including an application deadline;

(ii) the criteria for awarding a cooperative program award, which shall emphasize attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in the state; and

(iii) eligibility, advertising, timing, and reporting requirements of an entity that receives a cooperative program award.

(d) Money allocated to the cooperative program that is not used in each fiscal year shall be returned to the Tourism Marketing Performance Account.

Section ~~63M-1-1406~~2. Section **63M-1-1406** is amended to read:

### **63M-1-1406. Tourism Marketing Performance Account.**

(1) There is created within the General Fund a restricted account known as the Tourism Marketing Performance Account.

(2) The account shall be administered by the office for the purposes listed in Subsection (5).

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

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

(4) The account shall be funded by appropriations made to the account by the Legislature in accordance with this section.

(5) The director shall use account money appropriated to the office to pay for the statewide advertising, marketing, and branding campaign for promotion of the state as conducted by the office.

(6) (a) For [a] each fiscal year beginning on or after July 1, 2007, the office shall annually allocate 10% of the account money appropriated to the office to a sports organization for advertising, marketing, branding, and promoting Utah in attracting sporting events into the state.

(b) The sports organization shall:

(i) provide an annual written report to the office that gives a complete accounting of the use of money the sports organization receives under this Subsection (6); and

(ii) partner with the office to promote the state and to encourage economic growth in the state.

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(c) For purposes of this Subsection (6), "sports organization" means an organization that is:

(i) exempt from federal income taxation in accordance with Section 501(c)(3), Internal Revenue Code; and

(ii) created to foster national and international sports competitions in the state, including competitions related to Olympic sports, and to promote and encourage sports tourism throughout the state, including advertising, marketing, branding, and promoting Utah for the purpose of attracting sporting events into the state.

(7) Money deposited into the account shall ~~[consist of]~~ include a legislative appropriation from the cumulative sales and use tax revenue increases ~~[identified]~~ described in Subsection (8), plus any additional appropriation made by the Legislature.

(8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax revenues determined under this Subsection (8) shall be certified as a set-aside for the account by the State Tax Commission and reported to the Office of Legislative Fiscal Analyst.

(b) ~~[The]~~ For fiscal years 2016 through 2019, the State Tax Commission shall ~~[determine]~~ calculate the set-aside under this Subsection (8) in each fiscal year by applying the following formula: ~~[if the increase in the state sales and use tax revenues derived from the retail sales of tourist-oriented goods and services, in the fiscal year two years prior to the fiscal year in which the set-aside is to be made for the account, is at least 3% over the state sales and use tax revenues derived from the retail sales of tourist-oriented goods and services generated in the fiscal year three years prior to the fiscal year in which the set-aside is to be made, an amount equal to 1/2 of the state sales and use tax revenues generated above the 3% increase shall be calculated by the commission and set aside by the state treasurer for appropriation to the account.]~~ if the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made to the fiscal year two years before the fiscal year in which the set-aside is to be made is greater than the annual percentage change in the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor for the fiscal year two years before the fiscal year in which the set-aside is to be made, then the difference between the annual percentage change in the state sales and use tax revenues attributable to the retail sales

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of tourist-oriented goods and services and the percentage change in the Consumer Price Index shall be multiplied by an amount equal to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made.

(c) The total money appropriated to the account in ~~[any]~~ a fiscal year under Subsections (8)(a) and (b) may not exceed the amount ~~[in the account under this section in the fiscal year immediately preceding the current]~~ appropriated to the account in the preceding fiscal year by more than \$3,000,000.

(d) As used in this Subsection (8), "state sales and use tax revenues" are revenues collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i).

~~[(d)]~~ (e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services" are ~~[those sales by businesses]~~ calculated by adding the following percentages of sales from each business registered with the State Tax Commission under one of the following codes of the ~~[1997]~~ 2012 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:

- ~~[(i) NAICS Code 453 Miscellaneous Store Retailers;]~~
- ~~[(ii) NAICS Code 481 Passenger Air Transportation;]~~
- ~~[(iii) NAICS Code 487 Scenic and Sightseeing Transportation;]~~
- ~~[(iv) NAICS Code 711 Performing Arts, Spectator Sports and Related Industries;]~~
- ~~[(v) NAICS Code 712 Museums, Historical Sites and Similar Institutions;]~~
- ~~[(vi) NAICS Code 713 Amusement, Gambling and Recreation Industries;]~~
- ~~[(vii) NAICS Code 721 Accommodations;]~~
- ~~[(viii) NAICS Code 722 Food Services and Drinking Places;]~~
- ~~[(ix) NAICS Code 4483 Jewelry, Luggage, and Leather Goods Stores;]~~
- ~~[(x) NAICS Code 4853 Taxi and Limousine Service;]~~
- ~~[(xi) NAICS Code 4855 Charter Bus;]~~
- ~~[(xii) NAICS Code 5615 Travel Arrangement and Reservation Services;]~~
- ~~[(xiii) NAICS Code 44611 Pharmacies and Drug Stores;]~~
- ~~[(xiv) NAICS Code 45111 Sporting Goods Stores;]~~
- ~~[(xv) NAICS Code 45112 Hobby Toy and Game Stores;]~~
- ~~[(xvi) NAICS Code 45121 Book Stores and News Dealers;]~~
- ~~[(xvii) NAICS Code 445120 Convenience Stores without Gas Pumps;]~~

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~~[(xviii) NAICS Code 447110 Gasoline Stations with Convenience Stores;]~~

~~[(xix) NAICS Code 447190 Other Gasoline Stations;]~~

~~[(xx) NAICS Code 532111 Passenger Car Rental; and]~~

~~[(xxi) NAICS Code 532292 Recreational Goods Rental;]~~

~~[(e) The Division of Finance shall for each fiscal year transfer the first \$6,000,000 of ongoing money in the account to the General Fund.]~~

(i) 80% of the sales from each business under NAICS Codes:

(A) 532111 Passenger Car Rental;

(B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

(C) 5615 Travel Arrangement and Reservation Services;

(D) 7211 Traveler Accommodation; and

(E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

(ii) 25% of the sales from each business under NAICS Codes:

(A) 51213 Motion Picture and Video Exhibition;

(B) 532292 Recreational Goods Rental;

(C) 711 Performing Arts, Spectator Sports, and Related Industries;

(D) 712 Museums, Historical Sites, and Similar Institutions; and

(E) 713 Amusement, Gambling, and Recreation Industries;

(iii) 20% of the sales from each business under NAICS Code 722 Food Services and

Drinking Places;

(iv) 18% of the sales from each business under NAICS Codes:

(A) 447 Gasoline Stations; and

(B) 81293 Parking Lots and Garages;

(v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair and Maintenance; and

(vi) 5% of the sales from each business under NAICS Codes:

(A) 445 Food and Beverage Stores;

(B) 446 Health and Personal Care Stores;

(C) 448 Clothing and Clothing Accessories Stores;

(D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;

(E) 452 General Merchandise Stores; and

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(F) 453 Miscellaneous Store Retailers.

Section ~~{2}~~3. **Effective date.**

This bill takes effect on July 1, 2015.

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**Legislative Review Note**

~~as of 10-15-14 5:01 PM~~

~~Office of Legislative Research and General Counsel~~