

# H.B. 423

## TRANSIT AND ROAD FUNDING AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 1, 2018 8:03 PM

Representative **Francis D. Gibson** proposes the following amendments:

1. Page 1, Line 26

House Committee Amendments

2-27-2018:

26            { ~~59-12-2208, as enacted by Laws of Utah 2010, Chapter 263~~ }

2. Page 53, Line 1618 through Page 55, Line 1680:

1618        { ~~Section 3. Section 59-12-2208 is amended to read:~~  
1619        ~~59-12-2208. Legislative body approval requirements -- Voter approval~~  
1620        ~~requirements.~~  
1621        ~~(1) Subject to the other provisions of this section, before imposing a sales and use tax~~  
1622        ~~under this part, a county, city, or town legislative body [shall]:~~  
1623        ~~(a) shall obtain approval to impose the sales and use tax from a majority of the~~  
1624        ~~members of the county, city, or town legislative body; and~~  
1625        ~~(b) (i) except as provided in Sections 59-12-2220 and 59-12-2221, shall submit an~~  
1626        ~~opinion question to the county's, city's, or town's registered voters voting on the imposition of~~  
1627        ~~the sales and use tax so that each registered voter has the opportunity to express the registered~~  
1628        ~~voter's opinion on whether a sales and use tax should be imposed under this section[.]; or~~  
1629        ~~(ii) may submit an opinion question, as provided in this section, if imposing a sales and~~  
1630        ~~use tax under Section 59-12-2220 or 59-12-2221.~~  
1631        ~~(2) The opinion question required by this section shall state:~~  
1632        ~~"Shall (insert the name of the county, city, or town), Utah, be authorized to impose a~~  
1633        ~~(insert the tax rate of the sales and use tax) sales and use tax for (list the purposes for which the~~  
1634        ~~revenues collected from the sales and use tax shall be expended)?"~~  
1635        ~~(3) (a) Subject to Subsection (3)(b), the election required by this section shall be held:~~  
1636        ~~(i) at a regular general election conducted in accordance with the procedures and~~  
1637        ~~requirements of Title 20A, Election Code, governing regular general elections; or~~  
1638        ~~(ii) at a municipal general election conducted in accordance with the procedures and~~  
1639        ~~requirements of Section 20A-1-202.~~  
1640        ~~(b) (i) Subject to Subsection (3)(b)(ii), the county clerk of the county in which the~~  
1641        ~~opinion question required by this section will be submitted to registered voters shall, no later~~  
1642        ~~than 15 days before the date of the election:~~  
1643        ~~(A) publish a notice:~~

1644 ~~—— (F) once in a newspaper published in that county; and~~  
1645 ~~—— (H) as required in Section 45-1-101; or~~  
1646 ~~—— (B) (I) cause a copy of the notice to be posted in a conspicuous place most likely to~~  
1647 ~~give notice of the election to the registered voters voting on the imposition of the sales and use~~  
1648 ~~tax; and~~  
1649 ~~—— (H) prepare an affidavit of that posting, showing a copy of the notice and the places~~  
1650 ~~where the notice was posted.~~  
1651 ~~—— (ii) The notice under Subsection (3)(b)(i) shall:~~  
1652 ~~—— (A) state that an opinion question will be submitted to the county's, city's, or town's~~  
1653 ~~registered voters voting on the imposition of a sales and use tax under this section so that each~~  
1654 ~~registered voter has the opportunity to express the registered voter's opinion on whether a sales~~  
1655 ~~and use tax should be imposed under this section; and~~  
1656 ~~—— (B) list the purposes for which the revenues collected from the sales and use tax shall~~  
1657 ~~be expended.~~  
1658 ~~—— (4) A county, city, or town that submits an opinion question to registered voters under~~  
1659 ~~this section is subject to Section 20A-11-1203.~~  
1660 ~~—— (5) Subject to Section 59-12-2209, if a county, city, or town legislative body~~  
1661 ~~determines that a majority of the county's, city's, or town's registered voters voting on the~~  
1662 ~~imposition of a sales and use tax under this part have voted in favor of the imposition of the~~  
1663 ~~sales and use tax in accordance with this section, the county, city, or town legislative body shall~~  
1664 ~~impose the sales and use tax.~~  
1665 ~~—— (6) If, after imposing a sales and use tax under this part, a county, city, or town~~  
1666 ~~legislative body seeks to impose a tax rate for the sales and use tax that exceeds or is less than~~  
1667 ~~the tax rate stated in the opinion question described in Subsection (2) or repeals the tax rate~~  
1668 ~~stated in the opinion question described in Subsection (2), the county, city, or town legislative~~  
1669 ~~body shall:~~  
1670 ~~—— (a) obtain approval from a majority of the members of the county, city, or town~~  
1671 ~~legislative body to impose a tax rate for the sales and use tax that exceeds or is less than the tax~~  
1672 ~~rate stated in the opinion question described in Subsection (2) or repeals the tax rate stated in~~  
1673 ~~the opinion question described in Subsection (2); and~~  
1674 ~~—— (b) in accordance with the procedures and requirements of this section, submit an~~  
1675 ~~opinion question to the county's, city's, or town's registered voters voting on the tax rate so that~~  
1676 ~~each registered voter has the opportunity to express the registered voter's opinion on whether to~~  
1677 ~~impose a tax rate for the sales and use tax that exceeds or is less than the tax rate stated in the~~  
1678 ~~opinion question described in Subsection (2) or repeal the tax rate stated in the opinion~~  
1679 ~~question described in Subsection (2). }~~  
1680 Section {4} 3 . Section 59-12-2219 is amended to read:

3. Page 62, Line 1905:

1905            Section   ~~{5}~~   4 . Section **59-12-2220** is enacted to read:

4.   *Page 64, Line 1956:*

1956            Section   ~~{6}~~   5 . Section **59-12-2221** is enacted to read:

5.   *Page 65, Line 2007a*

*House Committee Amendments*

*2-27-2018:*

2007a    ~~H~~→ Section   ~~{7}~~   6 . Effective date.