

**Representative Carl R. Albrecht** proposes the following substitute bill:

**TRANSIENT ROOM TAX PROVISIONS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl R. Albrecht**

Senate Sponsor: Evan J. Vickers

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to the transient room tax.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies expenditure requirements for certain counties that impose a transient room tax;
- ▶ requires a county that imposes a transient room tax to include certain expenditure information in the county's annual report;
- ▶ allows a county auditor to coordinate with the State Tax Commission in determining whether to require an audit of any person that is required to remit a transient room tax;
- ▶ removes certain time limitations applicable to a municipality's authority to impose a transient room tax; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2021:

- ▶ to the State Tax Commission -- Tax Administration -- as an ongoing appropriation:



- from the General Fund Restricted - Sales and Use Tax Admin. Fees, \$264,000.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-31-2**, as last amended by Laws of Utah 2019, Chapters 136 and 304

**17-31-5.5**, as last amended by Laws of Utah 2019, Chapter 304

**59-12-118**, as last amended by Laws of Utah 1994, Chapter 259

**59-12-302**, as last amended by Laws of Utah 2018, Chapters 258 and 312

**59-12-353**, as last amended by Laws of Utah 2015, Chapter 258

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

Section 1. Section **17-31-2** is amended to read:

**17-31-2. Purposes of transient room tax and expenditure of revenue -- Purchase or lease of facilities -- Mitigating impacts of recreation, tourism, or conventions --**

**Issuance of bonds.**

(1) As used in this section:

(a) "Aircraft" means the same as that term is defined in Section 72-10-102.

(b) "Airport" means the same as that term is defined in Section 72-10-102.

(c) "Airport authority" means the same as that term is defined in Section 72-10-102.

(d) "Airport operator" means the same as that term is defined in Section 72-10-102.

(e) "Base year revenue" means the amount of revenue generated by a transient room tax and collected by a county for fiscal year 2018-19.

(f) "Base year promotion expenditure" means the amount of revenue generated by a transient room tax that a county spent for the purpose described in Subsection (2)(a) during fiscal year 2018-19.

~~(a)~~ (g) "Eligible town" means a town that:

(i) is located within a county that has a national park within or partially within the county's boundaries; and

(ii) imposes a resort communities tax authorized by Section **59-12-401**.

(h) "Emergency medical services provider" means an eligible town, a local district, or a

57 special service district.

58 ~~[(b)]~~ (i) "Town" means a municipality that is classified as a town in accordance with  
59 Section 10-2-301.

60 ~~[(c)]~~ (i) "Transient room tax" means a tax at a rate not to exceed 4.25% authorized by  
61 Section 59-12-301.

62 (2) ~~[Any]~~ Subject to the requirements of this section, a county legislative body may  
63 impose the transient room tax for the purposes of:

64 (a) establishing and promoting recreation, tourism, film production, and conventions;

65 (b) acquiring, leasing, constructing, furnishing, maintaining, or operating:

66 (i) convention meeting rooms;

67 (ii) exhibit halls;

68 (iii) visitor information centers;

69 (iv) museums;

70 (v) sports and recreation facilities including practice fields, stadiums, and arenas; ~~[and]~~

71 (vi) related facilities;

72 (vii) if a national park is located within or partially within the county, the following on  
73 any route designated by the county legislative body:

74 (A) transit service, including shuttle service; and

75 (B) parking infrastructure; and

76 (viii) an airport, if:

77 (A) the county is a county of the fourth, fifth, or sixth class; and

78 (B) the county is the airport operator of the airport;

79 (c) acquiring land, leasing land, or making payments for construction or infrastructure  
80 improvements required for or related to the purposes listed in Subsection (2)(b); ~~[and]~~

81 (d) as required to mitigate the impacts of recreation, tourism, or conventions in  
82 counties of the fourth, fifth, and sixth class, paying for:

83 (i) solid waste disposal operations;

84 (ii) emergency medical services;

85 (iii) search and rescue activities;

86 (iv) law enforcement activities; and

87 (v) road repair and upgrade of:

88 (A) class B roads, as defined in Section 72-3-103;  
 89 (B) class C roads, as defined in Section 72-3-104; or  
 90 (C) class D roads, as defined in Section 72-3-105[:]; and  
 91 (e) making the annual payment of principal, interest, premiums, and necessary reserves  
 92 for any of the aggregate of bonds authorized under Subsection (5).

93 (3) (a) The county legislative body of a county that imposes a transient room tax at a  
 94 rate of 3% or less may expend the revenue generated as provided in Subsection (4), after  
 95 making any reduction required by Subsection (6).

96 (b) The county legislative body of a county that imposes a transient room tax at a rate  
 97 that exceeds 3% or increases the rate of transient room tax above 3% may expend:

98 (i) the revenue generated from the transient room tax at a rate of 3% as provided in  
 99 Subsection (4), after making any reduction required by Subsection (6); and

100 (ii) the revenue generated from the portion of the rate that exceeds 3%:

101 (A) for any combination of the purposes described in Subsections (2) and (5); and

102 (B) regardless of the limitation on expenditures for the purposes described in  
 103 Subsection (4).

104 (4) Subject to Subsection (6), a county may not expend more than 1/3 of the revenue  
 105 generated by a rate of transient room tax that does not exceed 3%, for any combination of the  
 106 ~~[following purposes:]~~ purposes described in Subsections (2)(b) through (2)(e).

107 ~~[(a) (i) acquiring, leasing, constructing, furnishing, maintaining, or operating:]~~

108 ~~[(A) convention meeting rooms;]~~

109 ~~[(B) exhibit halls;]~~

110 ~~[(C) visitor information centers;]~~

111 ~~[(D) museums;]~~

112 ~~[(E) sports and recreation facilities including practice fields, stadiums, and arenas; and]~~

113 ~~[(F) related facilities; and]~~

114 ~~[(ii) acquiring land, leasing land, or making payments for construction or infrastructure~~  
 115 ~~improvements required for or related to the purposes described in Subsection (4)(a)(i);]~~

116 ~~[(b) as required to mitigate the impacts of recreation, tourism, or conventions in~~  
 117 ~~counties of the fourth, fifth, and sixth class, to pay for:]~~

118 ~~[(i) solid waste disposal operations;]~~

119 ~~[(ii) emergency medical services;]~~  
 120 ~~[(iii) search and rescue activities;]~~  
 121 ~~[(iv) law enforcement activities; and]~~  
 122 ~~[(v) road repair and upgrade of:]~~  
 123 ~~[(A) class B roads, as defined in Section 72-3-103;]~~  
 124 ~~[(B) class C roads, as defined in Section 72-3-104; or]~~  
 125 ~~[(C) class D roads, as defined in Section 72-3-105; or]~~  
 126 ~~[(e) making the annual payment of principal, interest, premiums, and necessary~~  
 127 ~~reserves for any or the aggregate of bonds authorized under Subsection (5).]~~

128 (5) (a) The county legislative body may issue bonds or cause bonds to be issued, as  
 129 permitted by law, to pay all or part of any costs incurred for the purposes set forth in  
 130 ~~[Subsection (4)(a) or (b)]~~ Subsections (2)(b) through (2)(d) that are permitted to be paid from  
 131 bond proceeds.

132 (b) If a county legislative body does not need the revenue generated by the transient  
 133 room tax for payment of principal, interest, premiums, and reserves on bonds issued as  
 134 provided in Subsection ~~[(4)(e)]~~ (2)(e), the county legislative body shall expend that revenue for  
 135 the purposes described in Subsection (2), subject to the limitation of Subsection (4).

136 (6) (a) In addition to the purposes described in Subsection (2), a county legislative  
 137 body may expend up to 4% of the total revenue generated by a transient room tax to pay a  
 138 provider for emergency medical services in one or more eligible towns.

139 ~~[(b) An emergency medical services provider means an eligible town, a local district,~~  
 140 ~~or a special service district.]~~

141 ~~[(e)]~~ (b) A county legislative body shall reduce the amount that the county is  
 142 authorized to expend for the purposes described in Subsection (4) by subtracting the amount of  
 143 transient room tax revenue expended in accordance with Subsection (6)(a) from the amount of  
 144 revenue described in Subsection (4).

145 (7) (a) A county legislative body in a county of the fourth, fifth, or sixth class shall  
 146 expend the revenue generated by a transient room tax as follows:

147 (i) an amount equal to the county's base year promotion expenditure for the purpose  
 148 described in Subsection (2)(a);

149 (ii) an amount equal to the difference between the county's base year revenue and the

150 county's base year promotion expenditure in accordance with Subsections (3) through (6); and  
151 (iii) (A) 37% of the revenue that exceeds the county's base year revenue for the purpose  
152 described in Subsection (2)(a); and

153 (B) subject to Subsection (7)(b), 63% of the revenue that exceeds the county's base  
154 year revenue for any combination of the purposes described in Subsections (2)(b) through (e)  
155 or to pay an emergency medical services provider for emergency medical services in one or  
156 more eligible towns.

157 (b) A county legislative body in a county of the fourth, fifth, or sixth class may not:

158 (i) expend more than 4% of the revenue generated by a transient room tax to pay an  
159 emergency medical services provider for emergency medical services in one or more eligible  
160 towns; or

161 (ii) expend revenue generated by a transient room tax for the purpose described in  
162 Subsection (2)(e) in an amount that exceeds the county's base year promotion expenditure.

163 (c) The provisions of this Subsection (7) apply notwithstanding any other provision of  
164 this section.

165 (d) If the total amount of revenue generated by a transient room tax in a county of the  
166 fourth, fifth, or sixth class is less than the county's base year promotion expenditure:

167 (i) Subsections (7)(a) through (c) do not apply; and

168 (ii) the county legislative body shall expend the revenue generated by the transient  
169 room tax in accordance with Subsections (3) through (6).

170 Section 2. Section 17-31-5.5 is amended to read:

171 **17-31-5.5. Report to county legislative body -- Content.**

172 (1) The legislative body of each county that imposes a transient room tax under Section  
173 59-12-301 or a tourism, recreation, cultural, convention, and airport facilities tax under Section  
174 59-12-603 shall prepare annually a report in accordance with Subsection (2).

175 (2) The report described in Subsection (1) shall include a breakdown of expenditures  
176 into the following categories:

177 (a) for the transient room tax, identification of expenditures for:

178 (i) establishing and promoting:

179 (A) recreation;

180 (B) tourism;

- 181 (C) film production; and
- 182 (D) conventions;
- 183 (ii) acquiring, leasing, constructing, furnishing, or operating:
- 184 (A) convention meeting rooms;
- 185 (B) exhibit halls;
- 186 (C) visitor information centers;
- 187 (D) museums; and
- 188 (E) related facilities;
- 189 (iii) acquiring or leasing land required for or related to the purposes listed in
- 190 Subsection (2)(a)(ii);
- 191 (iv) mitigation costs as identified in Subsection 17-31-2(2)(d); and
- 192 (v) making the annual payment of principal, interest, premiums, and necessary reserves
- 193 for any or the aggregate of bonds issued to pay for costs referred to in Subsections
- 194 17-31-2~~(4)(c)~~ (2)(e) and (5)(a); and
- 195 (b) for the tourism, recreation, cultural, convention, and airport facilities tax,
- 196 identification of expenditures for:
- 197 (i) financing tourism promotion, which means an activity to develop, encourage,
- 198 solicit, or market tourism that attracts transient guests to the county, including planning,
- 199 product development, and advertising;
- 200 (ii) the development, operation, and maintenance of the following facilities as defined
- 201 in Section 59-12-602:
- 202 (A) an airport facility;
- 203 (B) a convention facility;
- 204 (C) a cultural facility;
- 205 (D) a recreation facility; and
- 206 (E) a tourist facility; and
- 207 (iii) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).
- 208 (3) For the transient room tax, the report described in Subsection (1) shall include a
- 209 breakdown of each expenditure described in Subsection (2)(a)(i), including:
- 210 (a) whether the expenditure was used for in-state and out-of-state promotion efforts;
- 211 (b) an explanation of how the expenditure targeted a cost created by tourism; and

212 (c) an accounting of the expenditure showing that the expenditure was used only for  
213 costs directly related to a cost created by tourism.

214 ~~[(3)]~~ (4) A county legislative body shall provide a copy of the report described in  
215 Subsection (1) to:

216 (a) the Utah Office of Tourism within the Governor's Office of Economic  
217 Development;

218 (b) its tourism tax advisory board; and

219 (c) the Office of the Legislative Fiscal Analyst.

220 Section 3. Section **59-12-118** is amended to read:

221 **59-12-118. Commission's authority to administer sales and use tax.**

222 Except as provided in ~~[Section]~~ Sections 59-12-209 and 59-12-302, the commission  
223 shall have exclusive authority to administer, operate, and enforce the provisions of this chapter  
224 including:

225 (1) determining, assessing, and collecting any sales and use tax imposed pursuant to  
226 this chapter;

227 (2) representing each county, city, and town's interest in any administrative proceeding  
228 involving the state or local option sales and use tax;

229 (3) adjudicating any administrative proceedings involving the state or local option sales  
230 and use tax;

231 (4) waiving, reducing, or compromising any penalty and interest imposed in connection  
232 with any determination of state or local option sales or use tax; and

233 (5) prescribing forms and rules to conform with this chapter for the making of returns  
234 and for the ascertainment, assessment, and collection of the taxes imposed under this chapter.

235 Section 4. Section **59-12-302** is amended to read:

236 **59-12-302. Collection of tax -- Administrative charge.**

237 (1) Except as provided in ~~[Subsection (2) or (3)]~~ Subsections (2), (3), and (4), the tax  
238 authorized under this part shall be administered, collected, and enforced in accordance with:

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

240 (i) Part 1, Tax Collection; or

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

242 (b) Chapter 1, General Taxation Policies.



243 (2) The location of a transaction shall be determined in accordance with Sections  
244 59-12-211 through 59-12-215.

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

247 (4) A county auditor may coordinate with the commission in determining whether to  
248 require an audit of any person that is required to remit a tax authorized under this part.

249 ~~[(4)]~~ (5) The commission:

250 (a) shall distribute the revenue collected from the tax to the county within which the  
251 revenue was collected; and

252 (b) shall retain and deposit an administrative charge in accordance with Section  
253 59-1-306 from revenue the commission collects from a tax under this part.

254 Section 5. Section 59-12-353 is amended to read:

255 **59-12-353. Additional municipal transient room tax.**

256 ~~[(1) Subject to the limitations of Subsection (2), the]~~ The governing body of a  
257 municipality may, in addition to the tax authorized under Section 59-12-352, impose a tax of  
258 not to exceed .5% on charges for the accommodations and services described in Subsection  
259 59-12-103(1)(i) if the governing body of the municipality:

260 ~~[(a)]~~ (1) before January 1, 1996, levied and collected a license fee or tax under Section  
261 10-1-203; and

262 ~~[(b)]~~ (2) before January 1, 1997, took official action to obligate the municipality in  
263 reliance on the license fees or taxes under Subsection (1)~~[(a)]~~ to the payment of debt service on  
264 bonds or other indebtedness, including lease payments under a lease purchase agreement.

265 ~~[(2) The governing body of a municipality may impose the tax under this section until~~  
266 ~~the sooner of:]~~

267 ~~[(a) the day on which the following have been paid in full:]~~

268 ~~[(i) the debt service on bonds or other indebtedness, including lease payments under a~~  
269 ~~lease purchase agreement described in Subsection (1)(b); and]~~

270 ~~[(ii) refunding obligations that the municipality incurred as a result of the debt service~~  
271 ~~on bonds or other indebtedness, including lease payments under a lease purchase agreement~~  
272 ~~described in Subsection (1)(b); or]~~

273 ~~[(b) 25 years from the day on which the municipality levied the tax under this section.]~~

274 Section 6. **Appropriation.**

275 The following sums of money are appropriated for the fiscal year beginning July 1,  
276 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for  
277 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
278 Act, the Legislature appropriates the following sums of money from the funds or accounts  
279 indicated for the use and support of the government of the state of Utah.

280 ITEM 1

281 To State Tax Commission -- Tax Administration

282 From General Fund Restricted - Sales and Use Tax Admin. Fees \$264,000

283 Schedule of Programs:

284 Auditing Division \$140,000

285 Tax Payer Services \$124,000

286 The Legislature intends that the State Tax Commission use the appropriation under this  
287 item to employ staff or purchase resources to ensure that persons in counties of the fourth, fifth,  
288 and sixth class comply with the collection and remittance requirements of a transient room tax  
289 authorized in Title 17, Chapter 31, Recreational, Tourist, and Convention Bureaus, and Section  
290 [59-12-301](#).