

1                                   **SEARCH AND RESCUE FUNDING AMENDMENTS**

2   2020 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Kathleen Riebe**

5                                   House Sponsor: Casey Snider

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends provisions of, and provides additional funding for, the Search and  
10 Rescue Financial Assistance Program.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ amends provisions of the Search and Rescue Financial Assistance Program to
- 14 provide for reimbursement for payroll expenses relating to search and rescue;
- 15           ▶ provides for an annual deposit of sales and use tax revenues into the General Fund
- 16 as a dedicated credit to provide for reimbursement for payroll expenses relating to
- 17 search and rescue; and
- 18           ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20           None

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 AMENDS:

25           **53-2a-1102**, as last amended by Laws of Utah 2017, Chapters 167, 168, and 292

26           **59-12-103**, as last amended by Laws of Utah 2019, Chapters 1, 136, and 479



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

29 Section 1. Section **53-2a-1102** is amended to read:

30 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

31 **Rulemaking -- Distribution.**

32 (1) As used in this section:

33 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card  
34 Program created within this section.

35 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a  
36 participant.

37 (c) "Participant" means an individual, family, or group who is registered pursuant to  
38 this section as having a valid card at the time search, rescue, or both are provided.

39 (d) "Program" means the Search and Rescue Financial Assistance Program created  
40 within this section.

41 (e) (i) "Reimbursable base expenses[;]" [~~as used in this section,~~] means those  
42 reasonable expenses incidental to search and rescue activities.

43 (ii) "Reimbursable base expenses" include:

44 (A) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

45 (B) replacement and upgrade of search and rescue equipment;

46 (C) training of search and rescue volunteers;

47 (D) costs of providing workers' compensation benefits for volunteer search and rescue  
48 team members under Section [67-20-7.5](#); and

49 (E) any other equipment or expenses necessary or appropriate for conducting search  
50 and rescue activities.

51 (iii) "Reimbursable base expenses" do not include:

52 (A) any salary or overtime paid to [~~any person~~] an individual on a regular or permanent  
53 payroll, including permanent part-time employees of any agency of the state[;]; or

54 (B) reimbursable payroll expenses.

55 (f) "Reimbursable payroll expenses" means salary or overtime paid to an individual on  
56 a regular or permanent payroll, including permanent part-time employees, of a county law  
57 enforcement agency.

58 [~~(f)~~] (g) "Rescue" means search services, rescue services, or both search and rescue

59 services.

60 (2) There is created the Search and Rescue Financial Assistance Program within the  
61 division.

62 (3) (a) The program shall be funded from the following revenue sources:

63 (i) any voluntary contributions to the state received for search and rescue operations;

64 (ii) money received by the state under Subsection (11) and under Sections [23-19-42](#),  
65 [41-22-34](#), and [73-18-24](#); ~~[and]~~

66 (iii) money deposited into the account under Subsection [59-12-103\(14\)](#); and

67 ~~[(iii)]~~ (iv) appropriations made to the program by the Legislature.

68 (b) ~~[AH]~~ The Division of Finance shall deposit all money received from the revenue  
69 sources in Subsections (3)(a)(i) and (ii) ~~[shall be deposited]~~, and 25% of the money described  
70 in Subsection (3)(a)(iii), into the General Fund as a dedicated credit to be used solely for the  
71 purposes ~~[under]~~ described in this section, other than reimbursable payroll expenses.

72 (c) The Division of Finance shall deposit 75% of the money described in Subsection  
73 (3)(a)(iii) into the General Fund as a dedicated credit to be used solely for reimbursable payroll  
74 expenses.

75 ~~[(c)]~~ (d) All funding for the program is nonlapsing.

76 (4) ~~[The]~~ Subject to Subsections (3)(b) and (c), the director shall use the money  
77 described in this section to reimburse counties for all or a portion of each county's reimbursable  
78 base expenses and reimbursable payroll expenses for search and rescue operations, subject to:

79 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
80 [53-2a-1104](#);

81 (b) money available in the program; and

82 (c) rules made under Subsection (7).

83 ~~[(5) Program money]~~

84 (5) (a) Money described in Subsection (3)(b) may not be used to reimburse for any paid  
85 personnel costs or paid man hours spent in emergency response and search and rescue related  
86 activities.

87 (b) Money described in Subsection (3)(c) may not be used for reimbursable base  
88 expenses.

89 (6) The Legislature finds that these funds are for a general and statewide public

90 purpose.

91 (7) The division, with the approval of the Search and Rescue Advisory Board, shall  
92 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
93 consistent with this section:

94 (a) specifying the costs that qualify as reimbursable base expenses and reimbursable  
95 payroll expenses;

96 (b) defining the procedures of counties to submit expenses and be reimbursed;

97 (c) defining a participant in the assistance card program, including:

98 (i) individuals; and

99 (ii) families and organized groups who qualify as participants;

100 (d) defining the procedure for issuing a card to a participant;

101 (e) defining excluded expenses that may not be reimbursed under the program,  
102 including medical expenses;

103 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card  
104 Program;

105 (g) establishing the frequency of review of the fee schedule;

106 (h) providing for the administration of the program; and

107 (i) providing a formula to govern the distribution of available money among the  
108 counties for uncompensated search and rescue expenses based on:

109 (i) the total qualifying expenses submitted;

110 (ii) the number of search and rescue incidents per county population;

111 (iii) the number of victims that reside outside the county; and

112 (iv) the number of volunteer hours spent in each county in emergency response and  
113 search and rescue related activities per county population.

114 (8) (a) The division shall, in consultation with the Outdoor Recreation Office, establish  
115 the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection  
116 [63J-1-504\(6\)](#).

117 (b) The division shall provide a discount of not less than 10% of the card fee under  
118 Subsection (8)(a) to a person who has paid a fee under Section [23-19-42](#), [41-22-34](#), or  
119 [73-18-24](#) during the same calendar year in which the person applies to be a participant in the  
120 assistance card program.

121 (9) Counties may not bill reimbursable base expenses, or reimbursable payroll  
122 expenses, to an individual for costs incurred for the rescue of an individual, if the individual is  
123 a current participant in the Utah Search and Rescue Assistance Card Program at the time of  
124 rescue, unless:

125 (a) the rescuing county finds that the participant acted recklessly in creating a situation  
126 resulting in the need for the county to provide rescue services; or

127 (b) the rescuing county finds that the participant intentionally created a situation  
128 resulting in the need for the county to provide rescue services.

129 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The  
130 program is located within the division.

131 (b) The program may not be utilized to cover any expenses, such as medically related  
132 expenses, that are not reimbursable base expenses, or reimbursable payroll expenses, related to  
133 the rescue.

134 (11) (a) To participate in the program, a person shall purchase a search and rescue  
135 assistance card from the division by paying the fee as determined by the division in Subsection  
136 (8).

137 (b) The money generated by the fees shall be deposited into the General Fund as a  
138 dedicated credit for the Search and Rescue Financial Assistance Program created in this  
139 section.

140 (c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34,  
141 and 73-18-24 do not constitute purchase of a card under this section.

142 (12) The division shall consult with the Outdoor Recreation Office regarding:

143 (a) administration of the assistance card program; and

144 (b) outreach and marketing strategies.

145 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance  
146 Card Program under this section is exempt from being considered insurance as that term is  
147 defined in Section 31A-1-301.

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

149 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**  
150 **tax revenues.**

151 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or

152 sales price for amounts paid or charged for the following transactions:  
153       (a) retail sales of tangible personal property made within the state;  
154       (b) amounts paid for:  
155           (i) telecommunications service, other than mobile telecommunications service, that  
156 originates and terminates within the boundaries of this state;  
157           (ii) mobile telecommunications service that originates and terminates within the  
158 boundaries of one state only to the extent permitted by the Mobile Telecommunications  
159 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or  
160       (iii) an ancillary service associated with a:  
161           (A) telecommunications service described in Subsection (1)(b)(i); or  
162           (B) mobile telecommunications service described in Subsection (1)(b)(ii);  
163       (c) sales of the following for commercial use:  
164           (i) gas;  
165           (ii) electricity;  
166           (iii) heat;  
167           (iv) coal;  
168           (v) fuel oil; or  
169           (vi) other fuels;  
170       (d) sales of the following for residential use:  
171           (i) gas;  
172           (ii) electricity;  
173           (iii) heat;  
174           (iv) coal;  
175           (v) fuel oil; or  
176           (vi) other fuels;  
177       (e) sales of prepared food;  
178       (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or  
179 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,  
180 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,  
181 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit  
182 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf

183 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,  
184 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,  
185 horseback rides, sports activities, or any other amusement, entertainment, recreation,  
186 exhibition, cultural, or athletic activity;

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

189 (i) the tangible personal property; and

190 (ii) parts used in the repairs or renovations of the tangible personal property described  
191 in Subsection (1)(g)(i), regardless of whether:

192 (A) any parts are actually used in the repairs or renovations of that tangible personal  
193 property; or

194 (B) the particular parts used in the repairs or renovations of that tangible personal  
195 property are exempt from a tax under this chapter;

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

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

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

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

203 (i) stored;

204 (ii) used; or

205 (iii) otherwise consumed;

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

208 (i) stored;

209 (ii) used; or

210 (iii) consumed; and

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

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

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

214 (ii) regardless of whether the sale provides:  
215 (A) a right of permanent use of the product; or  
216 (B) a right to use the product that is less than a permanent use, including a right:  
217 (I) for a definite or specified length of time; and  
218 (II) that terminates upon the occurrence of a condition.

219 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax  
220 are imposed on a transaction described in Subsection (1) equal to the sum of:  
221 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:  
222 (A) (I) through March 31, 2019, 4.70%; and  
223 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (13)(a);  
224 and  
225 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
226 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
227 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
228 State Sales and Use Tax Act; and  
229 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
230 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
231 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
232 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and  
233 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
234 transaction under this chapter other than this part.

235 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax are  
236 imposed on a transaction described in Subsection (1)(d) equal to the sum of:  
237 (i) a state tax imposed on the transaction at a tax rate of 2%; and  
238 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
239 transaction under this chapter other than this part.

240 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax are  
241 imposed on amounts paid or charged for food and food ingredients equal to the sum of:  
242 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
243 a tax rate of 1.75%; and  
244 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the



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

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

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

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

251 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
252 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
253 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
254 Additional State Sales and Use Tax Act; and

255 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
256 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
257 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
258 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

261 (ii) If an optional computer software maintenance contract is a bundled transaction that  
262 consists of taxable and nontaxable products that are not separately itemized on an invoice or  
263 similar billing document, the purchase of the optional computer software maintenance contract  
264 is 40% taxable under this chapter and 60% nontaxable under this chapter.

265 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled  
266 transaction described in Subsection (2)(d)(i) or (ii):

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

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

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

275 (B) if the sales price of a bundled transaction is attributable to two or more items of

276 tangible personal property, products, or services that are subject to taxation under this chapter  
277 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
278 higher tax rate unless:

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

282 (II) state or federal law provides otherwise.

283 (iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the  
284 seller's regular course of business includes books and records the seller keeps in the regular  
285 course of business for nontax purposes.

286 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)  
287 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
288 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
289 of tangible personal property, other property, a product, or a service that is not subject to  
290 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless  
291 the seller, at the time of the transaction:

292 (A) separately states the portion of the transaction that is not subject to taxation under  
293 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

294 (B) is able to identify by reasonable and verifiable standards, from the books and  
295 records the seller keeps in the seller's regular course of business, the portion of the transaction  
296 that is not subject to taxation under this chapter.

297 (ii) A purchaser and a seller may correct the taxability of a transaction if:

298 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
299 the transaction that is not subject to taxation under this chapter was not separately stated on an  
300 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
301 ignorance of the law; and

302 (B) the seller is able to identify by reasonable and verifiable standards, from the books  
303 and records the seller keeps in the seller's regular course of business, the portion of the  
304 transaction that is not subject to taxation under this chapter.

305 (iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps  
306 in the seller's regular course of business includes books and records the seller keeps in the

307 regular course of business for nontax purposes.

308 (f) (i) If the sales price of a transaction is attributable to two or more items of tangible  
309 personal property, products, or services that are subject to taxation under this chapter at  
310 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate  
311 unless the seller, at the time of the transaction:

312 (A) separately states the items subject to taxation under this chapter at each of the  
313 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

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

317 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the  
318 seller's regular course of business includes books and records the seller keeps in the regular  
319 course of business for nontax purposes.

320 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax  
321 rate imposed under the following shall take effect on the first day of a calendar quarter:

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

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

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

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

326 (h) (i) A tax rate increase takes effect on the first day of the first billing period that  
327 begins on or after the effective date of the tax rate increase if the billing period for the  
328 transaction begins before the effective date of a tax rate increase imposed under:

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

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

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

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

333 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
334 statement for the billing period is rendered on or after the effective date of the repeal of the tax  
335 or the tax rate decrease imposed under:

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

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

- 338 (C) Subsection (2)(c)(i); or
- 339 (D) Subsection (2)(d)(i)(A)(I).
- 340 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
- 341 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
- 342 change in a tax rate takes effect:
  - 343 (A) on the first day of a calendar quarter; and
  - 344 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 345 (ii) Subsection (2)(i)(i) applies to the tax rates described in the following:
  - 346 (A) Subsection (2)(a)(i)(A);
  - 347 (B) Subsection (2)(b)(i);
  - 348 (C) Subsection (2)(c)(i); or
  - 349 (D) Subsection (2)(d)(i)(A)(I).
- 350 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 351 the commission may by rule define the term "catalogue sale."
  - 352 (3) (a) The following state taxes shall be deposited into the General Fund:
    - 353 (i) the tax imposed by Subsection (2)(a)(i)(A);
    - 354 (ii) the tax imposed by Subsection (2)(b)(i);
    - 355 (iii) the tax imposed by Subsection (2)(c)(i); or
    - 356 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).
  - 357 (b) The following local taxes shall be distributed to a county, city, or town as provided
  - 358 in this chapter:
    - 359 (i) the tax imposed by Subsection (2)(a)(ii);
    - 360 (ii) the tax imposed by Subsection (2)(b)(ii);
    - 361 (iii) the tax imposed by Subsection (2)(c)(ii); and
    - 362 (iv) the tax imposed by Subsection (2)(d)(i)(B).
  - 363 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
  - 364 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
  - 365 through (g):
    - 366 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
      - 367 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
      - 368 (B) for the fiscal year; or

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

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

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

375 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
376 act, to political subdivisions of the state to implement the measures described in Subsections  
377 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

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

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

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

389 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
390 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund  
391 created in Section 4-18-106.

392 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
393 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water  
394 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of  
395 water rights.

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

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

399 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan

400 Program Subaccount created in Section 73-10c-5; and

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

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

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

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

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

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

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

420 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
421 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount  
422 created in Section 73-10c-5 for use by the Division of Drinking Water to:

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

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

426 (iii) develop surface water sources.

427 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
428 2006, the difference between the following amounts shall be expended as provided in this  
429 Subsection (5), if that difference is greater than \$1:

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

431 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and  
432 (ii) \$17,500,000.

433 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:  
434 (A) transferred each fiscal year to the Department of Natural Resources as dedicated  
435 credits; and  
436 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
437 restoration.

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

441 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
442 remaining difference described in Subsection (5)(a) shall be:  
443 (A) transferred each fiscal year to the Division of Water Resources as dedicated  
444 credits; and  
445 (B) expended by the Division of Water Resources for cloud-seeding projects  
446 authorized by Title 73, Chapter 15, Modification of Weather.

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

450 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the  
451 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
452 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
453 Division of Water Resources for:  
454 (i) preconstruction costs:  
455 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
456 26, Bear River Development Act; and  
457 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
458 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;  
459 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,  
460 Chapter 26, Bear River Development Act;  
461 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project

462 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

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

465 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to  
466 Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be  
467 transferred each year as dedicated credits to the Division of Water Rights to cover the costs  
468 incurred for employing additional technical staff for the administration of water rights.

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

472 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), the  
473 amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection  
474 (1) for the fiscal year shall be deposited as follows:

475 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)  
476 shall be deposited into the Transportation Investment Fund of 2005 created by Section  
477 72-2-124;

478 (b) for fiscal year 2017-18 only:

479 (i) 80% of the revenue described in this Subsection (6) shall be deposited into the  
480 Transportation Investment Fund of 2005 created by Section 72-2-124; and

481 (ii) 20% of the revenue described in this Subsection (6) shall be deposited into the  
482 Water Infrastructure Restricted Account created by Section 73-10g-103;

483 (c) for fiscal year 2018-19 only:

484 (i) 60% of the revenue described in this Subsection (6) shall be deposited into the  
485 Transportation Investment Fund of 2005 created by Section 72-2-124; and

486 (ii) 40% of the revenue described in this Subsection (6) shall be deposited into the  
487 Water Infrastructure Restricted Account created by Section 73-10g-103;

488 (d) for fiscal year 2019-20 only:

489 (i) 40% of the revenue described in this Subsection (6) shall be deposited into the  
490 Transportation Investment Fund of 2005 created by Section 72-2-124; and

491 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the  
492 Water Infrastructure Restricted Account created by Section 73-10g-103;



493 (e) for fiscal year 2020-21 only:

494 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the  
495 Transportation Investment Fund of 2005 created by Section 72-2-124; and

496 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the  
497 Water Infrastructure Restricted Account created by Section 73-10g-103; and

498 (f) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described  
499 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account  
500 created by Section 73-10g-103.

501 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in  
502 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,  
503 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005  
504 created by Section 72-2-124:

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

509 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

510 (B) the tax imposed by Subsection (2)(b)(i);

511 (C) the tax imposed by Subsection (2)(c)(i); and

512 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

513 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the  
514 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through  
515 (D) that exceeds the amount collected from the sales and use taxes described in Subsections  
516 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

517 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of  
518 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total  
519 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)  
520 generated in the current fiscal year than the total percentage of sales and use taxes deposited in  
521 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection  
522 (7)(a) equal to the product of:

523 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the

524 previous fiscal year; and

525 (B) the total sales and use tax revenue generated by the taxes described in Subsections  
526 (7)(a)(i)(A) through (D) in the current fiscal year.

527 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under  
528 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes  
529 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of  
530 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in  
531 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

532 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected  
533 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited  
534 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues  
535 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the  
536 current fiscal year under Subsection (7)(a).

537 (8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited  
538 under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall  
539 deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into  
540 the Transportation Investment Fund of 2005 created by Section [72-2-124](#).

541 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under  
542 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit  
543 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the  
544 Transportation Investment Fund of 2005 created by Section [72-2-124](#).

545 (c) (i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
546 Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or  
547 after July 1, 2018, the commission shall annually deposit into the Transportation Investment  
548 Fund of 2005 created by Section [72-2-124](#) a portion of the taxes listed under Subsection (3)(a)  
549 in an amount equal to 3.68% of the revenues collected from the following taxes:

550 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

551 (B) the tax imposed by Subsection (2)(b)(i);

552 (C) the tax imposed by Subsection (2)(c)(i); and

553 (D) the tax imposed by Subsection (2)(d)(i)(A)(I).

554 (ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually

555 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i)  
556 by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year  
557 by the portion of the tax imposed on motor and special fuel that is sold, used, or received for  
558 sale or use in this state that exceeds 29.4 cents per gallon.

559 (iii) The commission shall annually deposit the amount described in Subsection  
560 (8)(c)(ii) into the Transit and Transportation Investment Fund created in Section 72-2-124.

561 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
562 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
563 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

564 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),  
565 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17  
566 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund  
567 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on  
568 the transactions described in Subsection (1).

569 (b) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c), and in  
570 addition to any amounts deposited under Subsections (6), (7), and (8), the Division of Finance  
571 shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the  
572 amount of revenue described as follows:

573 (i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%  
574 tax rate on the transactions described in Subsection (1);

575 (ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a .05%  
576 tax rate on the transactions described in Subsection (1);

577 (iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%  
578 tax rate on the transactions described in Subsection (1);

579 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a  
580 .05% tax rate on the transactions described in Subsection (1); and

581 (v) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%  
582 tax rate on the transactions described in Subsection (1).

583 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not  
584 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts  
585 paid or charged for food and food ingredients, except for tax revenue generated by a bundled

586 transaction attributable to food and food ingredients and tangible personal property other than  
587 food and food ingredients described in Subsection (2)(d).

588 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
589 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that  
590 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of  
591 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue  
592 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,  
593 created in Section 63N-2-512.

594 (12) (a) Notwithstanding Subsection (3)(a), for the 2016-17 fiscal year only, the  
595 Division of Finance shall deposit \$26,000,000 of the revenues generated by the taxes listed  
596 under Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

597 (b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division of  
598 Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under  
599 Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

600 (13) (a) The rate specified in this subsection is 0.15%.

601 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

602 (i) on or before September 30, 2019, transfer the amount of revenue collected from the  
603 rate described in Subsection (13)(a) beginning on April 1, 2019, and ending on June 30, 2019,  
604 on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into  
605 the Medicaid Expansion Fund created in Section 26-36b-208; and

606 (ii) for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of  
607 revenue collected from the rate described in Subsection (13)(a) on the transactions that are  
608 subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion  
609 Fund created in Section 26-36b-208.

610 (14) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
611 2020-21, the Division of Finance shall deposit \$1,000,000 into the General Fund as a dedicated  
612 credit solely for use of the Search and Rescue Financial Assistance Program created in, and  
613 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.