

Representative Mike Schultz proposes the following substitute bill:

AMENDMENTS RELATED TO INFRASTRUCTURE FUNDING

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions relating to funding for infrastructure projects.

Highlighted Provisions:

This bill:

- ▶ authorizes the issuance of \$264,000,000 in bonds for specified transportation and transit projects;
- ▶ provides for uses of the bond proceeds;
- ▶ limits the issuance of bonds;
- ▶ enacts other provisions relating to the issuance of the bonds;
- ▶ provides for certain sales tax revenue to be deposited into a specified transportation investment fund; and
- ▶ allocates and appropriates money for infrastructure and other projects.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2022:

- ▶ to Transportation - Transportation Investment Fund of 2005, as a one-time appropriation:
 - from the General Fund, \$765,500,000;
- ▶ to Transportation - Transit Transportation Investment Fund, as a one-time



26 appropriation:

- 27 • from the General Fund, \$101,600,000;
- 28 ▶ to Department of Natural Resources - Parks and Recreation Capital Budget, as a
- 29 one-time appropriation:

- 30 • from the General Fund, \$103,500,000; and
- 31 ▶ to the Governor's Office of Economic Development - Outdoor Recreation
- 32 Infrastructure Account, as a one-time appropriation:

- 33 • from the General Fund, \$9,000,000.

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **59-12-103**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 39 **72-2-124**, as last amended by Laws of Utah 2020, Chapters 366 and 377
- 40 **72-2-131**, as enacted by Laws of Utah 2020, Fourth Special Session, Chapter 2

41 ENACTS:

42 **63B-31-101**, Utah Code Annotated 1953



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

45 Section 1. Section **59-12-103** is amended to read:

46 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
47 **tax revenues.**

48 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
49 sales price for amounts paid or charged for the following transactions:

50 (a) retail sales of tangible personal property made within the state;

51 (b) amounts paid for:

52 (i) telecommunications service, other than mobile telecommunications service, that
53 originates and terminates within the boundaries of this state;

54 (ii) mobile telecommunications service that originates and terminates within the
55 boundaries of one state only to the extent permitted by the Mobile Telecommunications

56 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

- 57 (iii) an ancillary service associated with a:
- 58 (A) telecommunications service described in Subsection (1)(b)(i); or
- 59 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 60 (c) sales of the following for commercial use:
- 61 (i) gas;
- 62 (ii) electricity;
- 63 (iii) heat;
- 64 (iv) coal;
- 65 (v) fuel oil; or
- 66 (vi) other fuels;
- 67 (d) sales of the following for residential use:
- 68 (i) gas;
- 69 (ii) electricity;
- 70 (iii) heat;
- 71 (iv) coal;
- 72 (v) fuel oil; or
- 73 (vi) other fuels;
- 74 (e) sales of prepared food;
- 75 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
- 76 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 77 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 78 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 79 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 80 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 81 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 82 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 83 exhibition, cultural, or athletic activity;
- 84 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 85 property, unless Section [59-12-104](#) provides for an exemption from sales and use tax for:
- 86 (i) the tangible personal property; and
- 87 (ii) parts used in the repairs or renovations of the tangible personal property described

88 in Subsection (1)(g)(i), regardless of whether:

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

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

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

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

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

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

100 (i) stored;

101 (ii) used; or

102 (iii) otherwise consumed;

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

105 (i) stored;

106 (ii) used; or

107 (iii) consumed; and

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

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

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

111 (ii) regardless of whether the sale provides:

112 (A) a right of permanent use of the product; or

113 (B) a right to use the product that is less than a permanent use, including a right:

114 (I) for a definite or specified length of time; and

115 (II) that terminates upon the occurrence of a condition.

116 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
117 are imposed on a transaction described in Subsection (1) equal to the sum of:

118 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

119 (A) (I) through March 31, 2019, 4.70%; and
120 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (13)(a);
121 and
122 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
123 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
124 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
125 State Sales and Use Tax Act; and
126 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
127 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
128 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
129 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
130 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
131 transaction under this chapter other than this part.
132 (b) Except as provided in Subsection (2)(d) or (e) and subject to Subsection (2)(j), a
133 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
134 the sum of:
135 (i) a state tax imposed on the transaction at a tax rate of 2%; and
136 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
137 transaction under this chapter other than this part.
138 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax are
139 imposed on amounts paid or charged for food and food ingredients equal to the sum of:
140 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at
141 a tax rate of 1.75%; and
142 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
143 amounts paid or charged for food and food ingredients under this chapter other than this part.
144 (d) (i) For a bundled transaction that is attributable to food and food ingredients and
145 tangible personal property other than food and food ingredients, a state tax and a local tax is
146 imposed on the entire bundled transaction equal to the sum of:
147 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
148 (I) the tax rate described in Subsection (2)(a)(i)(A); and
149 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State

150 Sales and Use Tax Act, if the location of the transaction as determined under Sections
151 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
152 Additional State Sales and Use Tax Act; and

153 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
154 Sales and Use Tax Act, if the location of the transaction as determined under Sections
155 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
156 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

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

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

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

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

173 (B) if the sales price of a bundled transaction is attributable to two or more items of
174 tangible personal property, products, or services that are subject to taxation under this chapter
175 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
176 higher tax rate unless:

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

180 (II) state or federal law provides otherwise.

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

184 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)
185 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
186 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
187 of tangible personal property, other property, a product, or a service that is not subject to
188 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
189 the seller, at the time of the transaction:

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

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

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

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

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

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

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

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

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

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

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

- 220 (i) Subsection (2)(a)(i)(A);
- 221 (ii) Subsection (2)(b)(i);
- 222 (iii) Subsection (2)(c)(i); or
- 223 (iv) Subsection (2)(d)(i)(A)(I).

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

- 227 (A) Subsection (2)(a)(i)(A);
- 228 (B) Subsection (2)(b)(i);
- 229 (C) Subsection (2)(c)(i); or
- 230 (D) Subsection (2)(d)(i)(A)(I).

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

- 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 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
239 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
240 change in a tax rate takes effect:

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

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

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

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

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

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

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

250 (j) (i) For a location described in Subsection (2)(j)(ii), the commission shall determine
251 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
252 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

253 (ii) Subsection (2)(j)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
254 or other fuel is furnished through a single meter for two or more of the following uses:

255 (A) a commercial use;

256 (B) an industrial use; or

257 (C) a residential use.

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

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

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

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

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

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

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

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

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

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

269 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
270 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
271 through (g):

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

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

274 (B) for the fiscal year; or

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

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

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

281 (B) award grants, up to the amount authorized by the Legislature in an appropriations
282 act, to political subdivisions of the state to implement the measures described in Subsections
283 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

332 (iii) develop surface water sources.

333 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
334 2006, the difference between the following amounts shall be expended as provided in this
335 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

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

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

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

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

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

356 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
357 remaining difference described in Subsection (5)(a) shall be deposited into the Water
358 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
359 Division of Water Resources for:

360 (i) preconstruction costs:

361 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
362 26, Bear River Development Act; and

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

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

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

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

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

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

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

381 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)
382 shall be deposited into the Transportation Investment Fund of 2005 created by Section
383 72-2-124;

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

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

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

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

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

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

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

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

397 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the

398 Water Infrastructure Restricted Account created by Section 73-10g-103;

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

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

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

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

407 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
408 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
409 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
410 created by Section 72-2-124:

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

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

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

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

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

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

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

429 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the
430 previous fiscal year; and

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

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

438 (iii) (A) ~~[It]~~ Subject to Subsection (7)(a)(iii)(B), in all subsequent fiscal years after a
439 year in which 17% of the revenues collected from the sales and use taxes described in
440 Subsections (7)(a)(i)(A) through (D) was deposited under Subsection (7)(a), the Division of
441 Finance shall annually deposit 17% of the revenues collected from the sales and use taxes
442 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year under Subsection
443 (7)(a).

444 (B) Beginning fiscal year 2022, if 17% of the revenue collected from the sales and use
445 taxes described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year is more than
446 3% more than 17% of the revenue collected from the sales and use taxes described in
447 Subsections (7)(a)(i)(A) through (D) in the previous fiscal year, the Division of Finance shall
448 annually deposit into the Cottonwood Canyons Transportation Investment Fund, created in
449 Subsection [72-2-124](#)(10), 25% of that additional revenue over the 3% growth, subject to a
450 maximum, when combined with revenue deposited into the Cottonwood Canyons
451 Transportation Investment Fund under Subsection (8)(c)(iv), of \$20,000,000.

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

456 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under
457 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit
458 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
459 Transportation Investment Fund of 2005 created by Section [72-2-124](#).

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

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

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

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

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

470 (ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
471 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i)
472 by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year
473 by the portion of the tax imposed on motor and special fuel that is sold, used, or received for
474 sale or use in this state that exceeds 29.4 cents per gallon.

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

477 (iv) Beginning fiscal year 2022, if 3.68% of the revenue collected from the taxes
478 described in Subsections (8)(c)(i)(A) through (D) in the current fiscal year is more than 3%
479 more than 3.68% of the revenue collected from the sales and use taxes described in Subsections
480 (8)(c)(i)(A) through (D) in the previous fiscal year, the Division of Finance shall annually
481 deposit into the Cottonwood Canyons Transportation Investment Fund, created in Subsection
482 72-2-124(10), 25% of that additional revenue over the 3% growth, subject to a maximum,
483 when combined with revenue deposited into the Cottonwood Canyons Transportation
484 Investment Fund under Subsection (7)(b)(iii)(B), of \$20,000,000.

485 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
486 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
487 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

488 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),
489 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17
490 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund

491 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on
492 the transactions described in Subsection (1).

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

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

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

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

503 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a
504 .05% tax rate on the transactions described in Subsection (1); and

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

507 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not
508 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts
509 paid or charged for food and food ingredients, except for tax revenue generated by a bundled
510 transaction attributable to food and food ingredients and tangible personal property other than
511 food and food ingredients described in Subsection (2)(d).

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

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

521 (b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division of

522 Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under
523 Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

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

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

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

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

534 (14) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
535 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated
536 credit solely for use of the Search and Rescue Financial Assistance Program created in, and
537 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

538 (15) (a) For each fiscal year beginning with fiscal year 2020-21, the Division of
539 Finance shall annually transfer \$1,813,400 of the revenue deposited into the Transportation
540 Investment Fund of 2005 under Subsections (6) through (8) to the General Fund.

541 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
542 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of
543 Finance shall transfer the total revenue deposited into the Transportation Investment Fund of
544 2005 under Subsections (6) through (8) during the fiscal year to the General Fund.

545 Section 2. Section 63B-31-101 is enacted to read:

546 CHAPTER 31. 2021 BONDING AND FINANCING AUTHORIZATIONS

547 Part 1. General Provisions

548 **63B-31-101. General obligation bonds -- Maximum amount -- Use of proceeds for**
549 **projects.**

550 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
551 under this section may not exceed \$264,000,000 for acquisition and construction proceeds, plus
552 additional amounts as provided in Subsection (1)(b).

553 (b) When the Department of Transportation certifies to the commission the amount of
554 bond proceeds needed to provide funding for the projects described in this section, the
555 commission may issue and sell general obligation bonds in an amount equal to the certified
556 amount, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest,
557 and to fund any existing debt service reserve requirements, not to exceed 1% of the certified
558 amount.

559 (c) The commission may not issue general obligation bonds authorized under this
560 section if the issuance of the general obligation bonds would result in the total current
561 outstanding general obligation debt of the state exceeding 50% of the limitation described in
562 the Utah Constitution, Article XIV, Section 1.

563 (2) Proceeds from the bonds issued under this section shall be provided to the
564 Department of Transportation to pay for, or to provide funds in accordance with this section to
565 pay for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or
566 improvements with respect to projects described in this section.

567 (3) It is the intent of the Legislature that as transportation projects are prioritized under
568 Section 72-2-124, the Transportation Commission give consideration to projects beyond the
569 normal programming horizon.

570 (4) (a) Two hundred thirty-two million dollars of the proceeds of bonds issued under
571 this section shall be used to pay for the following transit projects, to be repaid from the Transit
572 Transportation Investment Fund under Subsection 72-2-124(9):

573 (i) subject to Subsection (4)(b), \$200,000,000 to double track strategic sections of the
574 FrontRunner commuter rail system;

575 (ii) \$12,000,000 to pay for construction and improvements to the S-line streetcar
576 facilities in Salt Lake City;

577 (iii) \$11,000,000 for bus rapid transit in the Salt Lake midvalley area;

578 (iv) \$5,000,000 for an environmental study at the point of the mountain area; and

579 (v) \$4,000,000 for a Utah Transit Authority and Sharp-Tintic railroad consolidation
580 project.

581 (b) The issuance of the \$200,000,000 of bonds for the purpose described in Subsection
582 (4)(a)(i) is contingent upon the establishment of an agreement between the Department of
583 Transportation and the Utah Transit Authority whereby the Utah Transit Authority agrees to

584 pay \$5,000,000 per year for 15 years toward repayment of the bonds.

585 (5) (a) Twenty-nine million dollars of the proceeds of bonds issued under this section
586 shall be provided to the Department of Transportation to pass through to Brigham City to be
587 used for a Forest Street rail bridge project in Brigham City.

588 (b) Payments shall be made from the Rail Transportation Restricted Account created in
589 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in the amount
590 per year of the principal and interest payments due under the bonds issued under Subsection
591 (5)(a) until those bonds have been repaid in full.

592 (6) (a) Three million dollars of the proceeds of bonds issued under this section shall be
593 provided to the Department of Transportation to pass through to the city of North Salt Lake for
594 an environmental study for a grade separation at 1100 North in North Salt Lake.

595 (b) Payments shall be made from the Rail Transportation Restricted Account created in
596 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in the amount
597 per year of the principal and interest payments due under the bonds issued under Subsection
598 (6)(a) until those bonds have been repaid in full.

599 (7) The costs under Subsection (2) may include the costs of studies necessary to make
600 transportation infrastructure improvements, the costs of acquiring land, interests in land, and
601 easements and rights-of-way, the costs of improving sites and making all improvements
602 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to
603 accrue on these bonds during the period to be covered by construction of the projects plus a
604 period of six months after the end of the construction period, interest estimated to accrue on
605 any bond anticipation notes issued under the authority of this title, and all related engineering,
606 architectural, and legal fees.

607 (8) The commission or the state treasurer may make any statement of intent relating to
608 a reimbursement that is necessary or desirable to comply with federal tax law.

609 (9) The Department of Transportation may enter into agreements related to the projects
610 described in Subsection (4) before the receipt of proceeds of bonds issued under this section.

611 Section 3. Section 72-2-124 is amended to read:

612 **72-2-124. Transportation Investment Fund of 2005.**

613 (1) There is created a capital projects fund entitled the Transportation Investment Fund
614 of 2005.

- 615 (2) The fund consists of money generated from the following sources:
- 616 (a) any voluntary contributions received for the maintenance, construction,
- 617 reconstruction, or renovation of state and federal highways;
- 618 (b) appropriations made to the fund by the Legislature;
- 619 (c) registration fees designated under Section 41-1a-1201;
- 620 (d) the sales and use tax revenues deposited into the fund in accordance with Section
- 621 59-12-103; and
- 622 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 623 (3) (a) The fund shall earn interest.
- 624 (b) All interest earned on fund money shall be deposited into the fund.
- 625 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
- 626 fund money to pay:
- 627 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 628 federal highways prioritized by the Transportation Commission through the prioritization
- 629 process for new transportation capacity projects adopted under Section 72-1-304;
- 630 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
- 631 projects described in Subsections 63B-18-401(2), (3), and (4);
- 632 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 633 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
- 634 with Subsection 72-2-121(4)(e);
- 635 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 636 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
- 637 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
- 638 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 639 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 640 for projects prioritized in accordance with Section 72-2-125;
- 641 (vi) all highway general obligation bonds that are intended to be paid from revenues in
- 642 the Centennial Highway Fund created by Section 72-2-118;
- 643 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 644 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
- 645 in Section 72-2-121; ~~and~~

646 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
647 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
648 nonmotorized transportation for projects that:

649 (A) mitigate traffic congestion on the state highway system;

650 (B) are part of an active transportation plan approved by the department; and

651 (C) are prioritized by the commission through the prioritization process for new
652 transportation capacity projects adopted under Section [72-1-304](#)[-];

653 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,

654 reconstruction, or renovation of or improvement to the following projects:

655 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

656 (B) Geneva Road from University Parkway to 1800 South;

657 (C) the SR-97 interchange at 5600 South on I-15;

658 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

659 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

660 (F) improvements to 1600 North in Orem from 1200 West to State Street;

661 (G) widening I-15 between mileposts 6 and 8;

662 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

663 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in

664 Spanish Fork Canyon;

665 (J) I-15 northbound between mileposts 43 and 56;

666 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
667 and 45.1;

668 (L) east Zion SR-9 improvements;

669 (M) Toquerville Parkway;

670 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

671 (O) for construction of an interchange on Bangerter Highway at 13400 South; and

672 (P) an environmental impact study for Kimball Junction in Summit County;

673 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

674 costs based upon a statement of cash flow that the local jurisdiction where the project is located
675 provides to the department demonstrating the need for money for the project, for the following

676 projects in the following amounts:

- 677 (A) \$5,000,000 for Payson Main Street repair and replacement;
678 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
679 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
680 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
681 between mile markers 7 and 10; and
- 682 (xi) \$32,500,000 for paved pedestrian or paved nonmotorized transportation projects,
683 contingent on the political subdivision where the project takes place providing a contribution
684 equal to or greater than 20% of the costs needed for construction, reconstruction, or renovation
685 of the paved pedestrian or paved nonmotorized transportation projects.
- 686 (b) The executive director may use fund money to exchange for an equal or greater
687 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 688 (5) (a) Except as provided in Subsection (5)(b), the executive director may not program
689 fund money to a project prioritized by the commission under Section 72-1-304, including fund
690 money from the Transit Transportation Investment Fund, within the boundaries of a
691 municipality that is required to adopt a moderate income housing plan element as part of the
692 municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has
693 failed to adopt a moderate income housing plan element as part of the municipality's general
694 plan or has failed to implement the requirements of the moderate income housing plan as
695 determined by the results of the Department of Workforce Service's review of the annual
696 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).
- 697 (b) Within the boundaries of a municipality that is required under Subsection
698 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
699 income housing plan element as part of the municipality's general plan or has failed to
700 implement the requirements of the moderate income housing plan as determined by the results
701 of the Department of Workforce Service's review of the annual moderate income housing
702 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:
- 703 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
704 facility or interchange connecting limited-access facilities;
- 705 (ii) may not program fund money for the construction, reconstruction, or renovation of
706 an interchange on a limited-access facility;
- 707 (iii) may program Transit Transportation Investment Fund money for a

708 multi-community fixed guideway public transportation project; and

709 (iv) may not program Transit Transportation Investment Fund money for the
710 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
711 transportation project.

712 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
713 director before May 1, 2020, for projects prioritized by the commission under Section
714 [72-1-304](#).

715 (6) (a) Except as provided in Subsection (6)(b), the executive director may not program
716 fund money to a project prioritized by the commission under Section [72-1-304](#), including fund
717 money from the Transit Transportation Investment Fund, within the boundaries of the
718 unincorporated area of a county, if the county is required to adopt a moderate income housing
719 plan element as part of the county's general plan as described in Subsection [17-27a-401\(3\)](#) and
720 if the county has failed to adopt a moderate income housing plan element as part of the county's
721 general plan or has failed to implement the requirements of the moderate income housing plan
722 as determined by the results of the Department of Workforce Service's review of the annual
723 moderate income housing report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#).

724 (b) Within the boundaries of the unincorporated area of a county where the county is
725 required under Subsection [17-27a-401\(3\)](#) to plan for moderate income housing growth but has
726 failed to adopt a moderate income housing plan element as part of the county's general plan or
727 has failed to implement the requirements of the moderate income housing plan as determined
728 by the results of the Department of Workforce Service's review of the annual moderate income
729 housing report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

730 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
731 facility to a project prioritized by the commission under Section [72-1-304](#);

732 (ii) may not program fund money for the construction, reconstruction, or renovation of
733 an interchange on a limited-access facility;

734 (iii) may program Transit Transportation Investment Fund money for a
735 multi-community fixed guideway public transportation project; and

736 (iv) may not program Transit Transportation Investment Fund money for the
737 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
738 transportation project.

739 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
740 director before July 1, 2020, for projects prioritized by the commission under Section
741 [72-1-304](#).

742 (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be issued
743 in any fiscal year, the department and the commission shall appear before the Executive
744 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
745 department needs to provide funding for the projects identified in Subsections [63B-18-401](#)(2),
746 (3), and (4) or Subsection [63B-27-101](#)(2) for the current or next fiscal year.

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

749 (8) The Division of Finance shall, from money deposited into the fund, transfer the
750 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
751 Section [63B-18-401](#) or [63B-27-101](#) in the current fiscal year to the appropriate debt service or
752 sinking fund.

753 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
754 Transportation Investment Fund.

755 (b) The fund shall be funded by:

756 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);

757 (ii) appropriations into the account by the Legislature;

758 (iii) private contributions; and

759 (iv) donations or grants from public or private entities.

760 (c) (i) The fund shall earn interest.

761 (ii) All interest earned on fund money shall be deposited into the fund.

762 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund
763 for public transit capital development of new capacity projects to be used as prioritized by the
764 commission.

765 (e) (i) The Legislature may only appropriate money from the fund for a public transit
766 capital development project or pedestrian or nonmotorized transportation project that provides
767 connection to the public transit system if the public transit district or political subdivision
768 provides funds of equal to or greater than 40% of the costs needed for the project.

769 (ii) A public transit district or political subdivision may use money derived from a loan

770 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
771 part of the 40% requirement described in Subsection (9)(e)(i) if:

772 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
773 State Infrastructure Bank Fund; and

774 (B) the proposed capital project has been prioritized by the commission pursuant to
775 Section [72-1-303](#).

776 (10) (a) There is created in the Transportation Investment Fund of 2005 the
777 Cottonwood Canyons Transportation Investment Fund.

778 (b) The fund shall be funded by:

779 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);

780 (ii) appropriations into the account by the Legislature;

781 (iii) private contributions; and

782 (iv) donations or grants from public or private entities.

783 (c) (i) The fund shall earn interest.

784 (ii) All interest earned on fund money shall be deposited into the fund.

785 (d) The Legislature may appropriate money from the fund for public transit or
786 transportation projects in the Cottonwood Canyons of Salt Lake County.

787 Section 4. Section **72-2-131** is amended to read:

788 **72-2-131. Rail Transportation Restricted Account -- Grants for railroad crossing**
789 **safety.**

790 (1) As used in this section, "eligible entity" means:

791 (a) a public entity; or

792 (b) a private entity that is exempt from federal income taxation under Section
793 501(c)(3), Internal Revenue Code.

794 (2) There is created in the Transit Transportation Investment Fund, created in Section
795 [72-2-124](#), the Rail Transportation Restricted Account.

796 (3) The account shall be funded by:

797 (a) appropriations to the account by the Legislature;

798 (b) private contributions;

799 (c) donations or grants from public or private entities; and

800 (d) interest earned on money in the account.

801 (4) Upon appropriation, the department shall:

802 (a) use an amount equal to 10% of the money deposited into the account to provide
803 grants in accordance with Subsection (5);

804 (b) use an amount equal to 10% of the money deposited into the account to pay the
805 costs of performing environmental impact studies in connection with construction,
806 reconstruction, or renovation projects related to railroad crossings on class A, class B, or class
807 C roads; and

808 (c) use the remaining money deposited into the account to pay:

809 (i) the costs of construction, reconstruction, or renovation projects related to railroad
810 crossings on class A, class B, or class C roads; [or]

811 (ii) debt service related to a project described in Subsection (4)(b)[-]; or

812 (iii) the appropriate debt service or sinking fund for the repayment of bonds issued
813 under Subsections 63B-31-101(5) and (6).

814 (5) (a) The department may award grants to one or more eligible entities to be used for
815 the purpose of improving safety at railroad crossings on class A, class B, or class C roads.

816 (b) An eligible entity may use grant money for any expense related to improving safety
817 at railroad crossings on class A, class B, or class C roads, including:

818 (i) signage; and

819 (ii) safety enhancements to a railroad crossing.

820 (c) The department shall prioritize, in the following order, grants to applicants that
821 propose projects impacting railroad crossings that:

822 (i) have demonstrated safety concerns, including emergency services access; and

823 (ii) have high levels of vehicular and pedestrian traffic.

824 **Section 5. Appropriation.**

825 The following sums of money are appropriated for the fiscal year beginning July 1,
826 2021 and ending June 30, 2022. These are additions to amounts otherwise appropriated for
827 fiscal year 2022.

828 Subsection 4(a). Operating and Capital Budgets.

829 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
830 Legislature appropriates the following sums of money from the funds or accounts indicated for
831 the use and support of the government of the state of Utah.

832 ITEM 1833 To Transportation - Transportation Investment Fund Capacity Program834 From Transportation Investment Fund of 2005, One-time \$765,500,000835 Schedule of Programs:836 Transportation Investment Fund Capacity Program \$765,500,000837 The Legislature intends that the department use money from this appropriation for the838 projects listed in Subsections [72-2-124\(4\)\(a\)\(ix\)](#), (x), and (xi).839 ITEM 2840 To Transportation - Transit Transportation Investment841 From Transit Transportation Investment Fund, One-time \$101,600,000842 Schedule of Programs:843 Transit Transportation Investment \$101,600,000844 The Legislature intends that the department use money from this appropriation as845 follows: \$100,000,000 to pay to double track strategic sections of the FrontRunner commuter846 rail system; and \$1,600,000 to pay for a rail station in the city of Vineyard.847 ITEM 3848 To Department of Natural Resources - Parks and Recreation Capital Budget849 From General Fund, One-time \$103,500,000850 Schedule of Programs:851 Renovation and Development \$103,500,000852 The Legislature intends that the department use money from this appropriation as853 follows: \$36,000,000 for new Utah Raptor and Lost Creek state parks; and \$67,500,000 for854 enhancements to existing state parks.855 Subsection 4(b). **Expendable Funds and Accounts.**856 The Legislature has reviewed the following expendable funds. The Legislature857 authorizes the State Division of Finance to transfer amounts between funds and accounts as858 indicated. Outlays and expenditures from the funds or accounts to which the money is859 transferred may be made without further legislative action, in accordance with statutory860 provisions relating to the funds or accounts.861 ITEM 4862 To Governor's Office of Economic Development - Outdoor Recreation

863	<u>Infrastructure Account</u>	
864	<u>From General Fund, One-time</u>	<u>\$9,000,000</u>
865	<u>Schedule of Programs:</u>	
866	<u>Outdoor Recreation Infrastructure Account</u>	<u>\$9,000,000</u>
867	<u>The Legislature intends that the office use money from this appropriation for outdoor</u>	
868	<u>recreation grants, including \$5,000,000 for outdoor recreation grants specifically related to the</u>	
869	<u>Bonneville Shoreline Trail.</u>	
870	<u>Subsection 4(c). Capital Project Funds.</u>	
871	<u>The Legislature has reviewed the following capital project funds. The Legislature</u>	
872	<u>authorizes the Division of Finance to transfer amounts between funds and accounts as</u>	
873	<u>indicated.</u>	
874	<u>ITEM 5</u>	
875	<u>To Transportation - Transportation Investment Fund of 2005</u>	
876	<u>From General Fund, One-time</u>	<u>\$765,500,000</u>
877	<u>Schedule of Programs:</u>	
878	<u>Transportation Investment Fund</u>	<u>\$765,500,000</u>
879	<u>ITEM 6</u>	
880	<u>To Transportation - Transit Transportation Investment Fund</u>	
881	<u>From General Fund, One-time</u>	<u>\$101,600,000</u>
882	<u>Schedule of Programs:</u>	
883	<u>Transit Transportation Investment Fund</u>	<u>\$101,600,000</u>