

**Senator Lincoln Fillmore** proposes the following substitute bill:

**LOCAL OPTION SALES TAX DISTRIBUTION**

**AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Candice B. Pierucci

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to county option funding for botanical, cultural, recreational, and zoological organizations or facilities.

**Highlighted Provisions:**

This bill:

- ▶ addresses the distribution of revenue generated by a county option sales tax for funding botanical, cultural, recreational, and zoological organizations or facilities by amending the eligibility requirements for certain botanical and cultural organizations to receive revenue; and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**59-12-704**, as last amended by Laws of Utah 2020, Chapter 419



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

Section 1. Section **59-12-704** is amended to read:

**59-12-704. Distribution of revenues -- Advisory board creation -- Determining operating expenses -- Administrative charge.**

(1) Except as provided in Subsections [~~(3)~~] (4)(b) and [~~(5)~~] (6), and subject to the requirements of this section, any revenues collected by a county of the first class under this part shall be distributed annually by the county legislative body to support cultural facilities, recreational facilities, and zoological facilities and botanical organizations, cultural organizations, and zoological organizations within that first class county as follows:

(a) 30% of the revenue collected by the county under this section shall be distributed by the county legislative body to support cultural facilities and recreational facilities located within the county;

(b) (i) subject to Subsection (1)(b)(ii) and except as provided in Subsection (1)(b)(iii), 16% of the revenue collected by the county under this section shall be distributed by the county legislative body to support no more than three zoological facilities and zoological organizations located within the county, having average annual operating expenses of \$1,500,000 or more as determined under Subsection [~~(3)~~] (4), with:

(A) 63.5% of that revenue being distributed to support a zoological organization having as its primary purpose the operation of a zoological park, or a zoological facility that is part of or integrated with a zoological park;

(B) 28.25% of that revenue being distributed to support a zoological organization having as its primary purpose the operation of an aquarium, or a zoological facility that is part of or integrated with an aquarium; and

(C) 8.25% of that revenue being distributed to support a zoological organization having as its primary purpose the operation of an aviary, or a zoological facility that is part of or integrated with an aviary;

(ii) if more than one zoological organization or zoological facility qualifies to receive the money described in Subsection (1)(b)(i)(A), (B), or (C), the county legislative body shall distribute the money described in the subsection for which more than one zoological organization or zoological facility qualifies to whichever zoological organization or zoological

57 facility the county legislative body determines is most appropriate, except that a zoological  
58 organization or zoological facility may not receive money under more than one subsection  
59 under Subsection (1)(b)(i); and

60 (iii) if no zoological organization or zoological facility qualifies to receive money  
61 described in Subsection (1)(b)(i)(A), (B), or (C), the county legislative body shall distribute the  
62 money described in the subsection for which no zoological organization or zoological facility  
63 qualifies among the zoological organizations or zoological facilities qualifying for and  
64 receiving money under the other subsections in proportion to the zoological organizations' or  
65 zoological facilities' average annual operating expenses as determined under Subsection (3);

66 (c) (i) 45% of the revenue collected by the county under this section shall be distributed  
67 to no more than 22 botanical organizations and cultural organizations ~~[with]~~:

68 (A) each of which has average annual operating expenses of more than \$250,000 as  
69 determined under Subsection (3); and

70 (B) whose activities impact all or a significant region of the county or state;

71 (ii) subject to Subsection (1)(c)(iii), the county legislative body shall distribute the  
72 money described in Subsection (1)(c)(i) among the botanical organizations and cultural  
73 organizations in proportion to their average annual operating expenses as determined under  
74 Subsection ~~[(3)]~~ (4); and

75 (iii) the amount distributed to any botanical organization or cultural organization  
76 described in Subsection (1)(c)(i) may not exceed 35% of the botanical organization's or cultural  
77 organization's operating budget; and

78 (d) (i) 9% of the revenue collected by the county under this section shall be distributed  
79 to botanical organizations and cultural organizations that do not receive revenue under  
80 Subsection (1)(c)(i) in communities throughout the county; and

81 (ii) the county legislative body shall determine how the money shall be distributed  
82 among the botanical organizations and cultural organizations described in Subsection (1)(d)(i).

83 (2) (a) The county legislative body of each county shall create an advisory board to  
84 advise the county legislative body on disbursement of funds to botanical organizations and  
85 cultural organizations under Subsection (1)(c)(i).

86 (b) (i) The advisory board under Subsection (2)(a) shall consist of seven members  
87 appointed by the county legislative body.

88 (ii) In a county of the first class, two of the seven members of the advisory board under  
89 Subsection (2)(a) shall be appointed by the Division of Arts and Museums created in Section  
90 9-6-201.

91 (3) (a) Except as provided in Subsection (3)(b), to be eligible to receive money  
92 collected by the county under this part, a botanical organization, cultural organization,  
93 zoological organization, and zoological facility located within a county of the first class shall,  
94 every year:

95 (i) calculate its average annual operating expenses based upon audited operating  
96 expenses for three preceding fiscal years; and

97 (ii) submit to the appropriate county legislative body:

98 (A) a verified audit of annual operating expenses for each of those three preceding  
99 fiscal years; and

100 (B) the average annual operating expenses as calculated under Subsection (3)(a)(i).

101 (b) The county legislative body may waive the operating expenses reporting  
102 requirements under Subsection (3)(a) for organizations described in Subsection (1)(d)(i).

103 (4) When calculating average annual operating expenses as described in Subsection  
104 (3), each botanical organization, cultural organization, and zoological organization shall use the  
105 same three-year fiscal period as determined by the county legislative body.

106 (5) (a) By July 1 of each year, the county legislative body of a first class county may  
107 index the threshold amount in Subsections (1)(c) and (d).

108 (b) Any change under Subsection (5)(a) shall be rounded off to the nearest \$100.

109 (6) (a) In a county except for a county of the first class, the county legislative body  
110 shall by ordinance provide for the distribution of the entire amount of the revenues generated  
111 by the tax imposed by this section:

112 (i) as provided in this Subsection (6); and

113 (ii) as stated in the opinion question described in Subsection 59-12-703(1).

114 (b) Pursuant to an interlocal agreement established in accordance with Title 11,  
115 Chapter 13, Interlocal Cooperation Act, a county described in Subsection (6)(a) may distribute  
116 to a city, town, or political subdivision within the county revenues generated by a tax under this  
117 part.

118 (c) The revenues distributed under Subsection (6)(a) or (b) shall be used for one or

119 more organizations or facilities defined in Section 59-12-702 regardless of whether the  
120 revenues are distributed:

121 (i) directly by the county described in Subsection (6)(a) to be used for an organization  
122 or facility defined in Section 59-12-702; or

123 (ii) in accordance with an interlocal agreement described in Subsection (6)(b).

124 (7) A county legislative body may retain up to 1.5% of the proceeds from a tax under  
125 this part for the cost of administering this part.

126 (8) The commission shall retain and deposit an administrative charge in accordance  
127 with Section 59-1-306 from the revenues the commission collects from a tax under this part.

128 Section 2. **Effective date.**

129 This bill takes effect on January 1, 2022.