

Representative Jeffrey D. Stenquist proposes the following substitute bill:

POINT OF THE MOUNTAIN STATE LAND AUTHORITY

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Jeffrey D. Stenquist

LONG TITLE

General Description:

This bill modifies provisions relating to the Point of the Mountain State Land Authority.

Highlighted Provisions:

This bill:

- ▶ provides that the Point of the Mountain State Land Authority has control over the management, development, and disposition of point of the mountain state land;
- ▶ provides for the role of the Division of Facilities Construction and Management with respect to construction on point of the mountain state land;
- ▶ specifies that local governments do not have zoning authority with respect to the point of the mountain state land;
- ▶ eliminates a limitation on the Authority's ability to spend Authority money;
- ▶ authorizes the Authority to impose an accommodations tax and specifies that the revenue from the tax is to be used for affordable housing;
- ▶ modifies the composition of the Authority board;
- ▶ authorizes the Authority board to hold a closed meeting for a specified purpose; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **11-59-102**, as last amended by Laws of Utah 2022, Chapter 237

33 **11-59-103**, as enacted by Laws of Utah 2018, Chapter 388

34 **11-59-205**, as enacted by Laws of Utah 2022, Chapter 237

35 **11-59-301**, as enacted by Laws of Utah 2018, Chapter 388

36 **11-59-302**, as last amended by Laws of Utah 2021, Chapter 282

37 **11-59-304**, as last amended by Laws of Utah 2021, Chapter 282

38 **11-59-501**, as last amended by Laws of Utah 2021, Chapter 282

39 **52-4-205**, as last amended by Laws of Utah 2022, Chapters 237, 290, 332, 335, 422,

40 and 478

41 **59-12-352**, as last amended by Laws of Utah 2009, Chapter 92

42 **59-12-354**, as last amended by Laws of Utah 2018, Chapters 258 and 312

43 **59-12-355**, as last amended by Laws of Utah 2004, Chapter 255

44

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

46 Section 1. Section **11-59-102** is amended to read:

47 **11-59-102. Definitions.**

48 As used in this chapter:

49 (1) "Authority" means the Point of the Mountain State Land Authority, created in

50 Section **11-59-201**.

51 (2) "Board" means the authority's board, created in Section **11-59-301**.

52 (3) "Development":

53 (a) means the construction, reconstruction, modification, expansion, or improvement of

54 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational amenity, or

55 other facility, including:

56 (i) the demolition or preservation or repurposing of a building, infrastructure, or other
57 facility;

58 (ii) surveying, testing, locating existing utilities and other infrastructure, and other
59 preliminary site work; and

60 (iii) any associated planning, design, engineering, and related activities; and

61 (b) includes all activities associated with:

62 (i) marketing and business recruiting activities and efforts;

63 (ii) leasing, or selling or otherwise disposing of, all or any part of the point of the
64 mountain state land; and

65 (iii) planning and funding for mass transit infrastructure to service the point of the
66 mountain state land.

67 (4) "Facilities division" means the Division of Facilities Construction and
68 Management, created in Section 63A-5b-301.

69 [~~4~~] (5) "New correctional facility" means the state correctional facility being
70 developed in Salt Lake City to replace the state correctional facility in Draper.

71 [~~5~~] (6) "Point of the mountain state land" means the approximately 700 acres of
72 state-owned land in Draper, including land used for the operation of a state correctional facility
73 until completion of the new correctional facility and state-owned land in the vicinity of the
74 current state correctional facility.

75 [~~6~~] (7) "Public entity" means:

76 (a) the state, including each department, division, or other agency of the state; or

77 (b) a county, city, town, metro township, school district, local district, special service
78 district, interlocal cooperation entity, community reinvestment agency, or other political
79 subdivision of the state, including the authority.

80 [~~7~~] (8) "Publicly owned infrastructure and improvements":

81 (a) means infrastructure, improvements, facilities, or buildings that:

82 (i) benefit the public; and

83 (ii) (A) are owned by a public entity or a utility; or

84 (B) are publicly maintained or operated by a public entity; and

85 (b) includes:

86 (i) facilities, lines, or systems that provide:

87 (A) water, chilled water, or steam; or

88 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,
89 microgrids, or telecommunications service;

90 (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking
91 facilities, and public transportation facilities; and

92 (iii) greenspace, parks, trails, recreational amenities, or other similar facilities.

93 ~~[(8)]~~ (9) "Taxing entity" means the same as that term is defined in Section [59-2-102](#).

94 Section 2. Section **11-59-103** is amended to read:

95 **11-59-103. Scope of chapter -- Limit on selling or leasing point of the mountain**
96 **state land -- Authority control over point of the mountain state land -- Role of Division of**
97 **Facilities Construction and Management -- Local governing zoning not applicable.**

98 (1) This chapter governs the management of the point of the mountain state land, and
99 the process of planning, managing, and implementing the development of the point of the
100 mountain state land[:].

101 ~~[(a) beginning May 8, 2018;]~~

102 ~~[(b) subject to Subsection (3), during the transition period as prison operations on the~~
103 ~~point of the mountain state land continue and eventually wind down in anticipation of the~~
104 ~~relocation of prison operations to the new correctional facility; and]~~

105 ~~[(c) upon and after the transfer of prison operations to the new correctional facility.]~~

106 (2) (a) No part of the point of the mountain state land may be sold or otherwise
107 disposed of or leased without the approval of the board.

108 (b) Notwithstanding Section [63A-5b-303](#), the authority has complete and exclusive
109 control over the management, development, and disposition of the point of the mountain state
110 land.

111 ~~[(3) Nothing in this chapter may be construed to authorize the authority to:]~~

112 ~~[(a) manage, oversee, or otherwise affect prison operations conducted on the point of~~
113 ~~the mountain state land; or]~~

114 ~~[(b) take an action that would impair or interfere with prison operations conducted on~~
115 ~~the point of the mountain state land.]~~

116 (3) (a) The facilities division serves the role of compliance agency under Title 15A,
117 State Construction and Fire Codes Act, with respect to the point of the mountain state land.

118 (b) The facilities division is the permitting agency responsible for the issuance of a
119 building permit or certificate of occupancy related to construction on the point of the mountain
120 state land, in accordance with applicable building codes and standards.

121 (4) The zoning authority of a local government under Title 10, Chapter 9a, Municipal
122 Land Use, Development, and Management Act, or Title 17, Chapter 27a, County Land Use,
123 Development, and Management Act, does not apply to the use of the point of the mountain
124 state land or to any improvements constructed on the point of the mountain state land,
125 including improvements constructed by an entity other than the authority.

126 Section 3. Section **11-59-205** is amended to read:

127 **11-59-205. Authority funds.**

128 (1) Authority funds consist of all money that the authority receives from any source,
129 including:

- 130 (a) money appropriated by the Legislature;
- 131 (b) money from lease revenue;
- 132 (c) revenue from fees or other charges imposed by the authority; and
- 133 (d) other money paid to or acquired by the authority, as provided in this chapter or
- 134 other applicable law.

135 (2) The authority may use authority funds to carry out any of the powers of the
136 authority under this chapter or for any purpose authorized under this chapter, including:

- 137 (a) providing long-term benefits to the state from the development or use of point of
- 138 the mountain state land;
- 139 (b) investment in authority projects;
- 140 (c) repayment of point of the mountain infrastructure loans;
- 141 (d) repayment of or collateral for authority bonds;
- 142 (e) the sharing of money with other governmental entities under an interlocal
- 143 agreement; and
- 144 (f) paying any consulting fees, staff salaries, and other administrative, overhead, legal,
- 145 and operating expenses of the authority.

146 ~~[(3) The authority may not spend or use any money the authority receives under~~
147 ~~Section 10-1-304, 11-59-206, 11-59-207, or 11-59-208 until after June 30, 2023.]~~

148 Section 4. Section **11-59-301** is amended to read:

149 **11-59-301. Authority board -- Delegation of power.**150 (1) The authority shall be governed by a board, which shall manage and conduct the
151 business and affairs of the authority and shall determine all questions of authority policy.

152 (2) All powers of the authority are exercised through the board.

153 (3) The board may by resolution:

154 (a) delegate powers to authority staff[-] ; and155 (b) designate an authority officer or employee to execute on behalf of the authority a156 document by which the authority acts to lease, transfer, or otherwise dispose of land that is part157 of the point of the mountain state land.158 Section 5. Section **11-59-302** is amended to read:159 **11-59-302. Number of board members -- Appointment -- Vacancies -- Chairs.**160 (1) The board shall consist of [H] 12 members as provided in Subsection (2).161 (2) (a) The president of the Senate shall appoint two members of the Senate to serve as
162 members of the board.163 (b) The speaker of the House of Representatives shall appoint two members of the
164 House of Representatives to serve as members of the board.165 (c) The governor shall appoint [~~four~~] five individuals to serve as members of the board:

166 (i) one of whom shall be a member of the board of or employed by the Governor's

167 Office of Economic Opportunity, created in Section [63N-1a-301](#); [~~and~~]168 (ii) one of whom shall be an employee of the [~~Division of Facilities Construction and~~169 ~~Management, created in Section [63A-5b-301](#).] facilities division; and~~170 (iii) one of whom shall be an elected official from a municipality in close proximity to171 the municipality in which the point of the mountain state land is located.172 (d) The Salt Lake County mayor shall appoint one board member, who shall be an
173 elected Salt Lake County government official.174 (e) The mayor of Draper, or a member of the Draper city council that the mayor
175 designates, shall serve as a board member.176 (f) The commissioner of higher education, appointed under Section [53B-1-408](#), or the
177 commissioner's designee, shall serve as a board member.178 (3) (a) (i) Subject to Subsection (3)(a)(ii), a vacancy on the board shall be filled in the
179 same manner under this section as the appointment of the member whose vacancy is being

180 filled.

181 (ii) If the mayor of Draper or commissioner of higher education is removed as a board
182 member under Subsection (5), the mayor of Draper or commissioner of higher education, as the
183 case may be, shall designate an individual to serve as a member of the board, as provided in
184 Subsection (2)(e) or (f), respectively.

185 (b) Each person appointed or designated to fill a vacancy shall serve the remaining
186 unexpired term of the member whose vacancy the person is filling.

187 (4) A member of the board appointed by the governor, president of the Senate, or
188 speaker of the House of Representatives serves at the pleasure of and may be removed and
189 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker
190 of the House of Representatives, respectively.

191 (5) A member of the board may be removed by a vote of two-thirds of all members of
192 the board.

193 (6) (a) The governor shall appoint one board member to serve as cochair of the board.

194 (b) The president of the Senate and speaker of the House of Representatives shall
195 jointly appoint one legislative member of the board to serve as cochair of the board.

196 Section 6. Section **11-59-304** is amended to read:

197 **11-59-304. Staff and other support services -- Cooperation from state and local**
198 **government entities.**

199 (1) As used in this section[~~:(a) "Division" means the Division of Facilities~~
200 ~~Construction and Management, created in Section 63A-5b-301.~~ (b) "Office"], "office" means
201 the Governor's Office of Economic Opportunity, created in Section 63N-1a-301.

202 (2) If and as requested by the board:

203 (a) the facilities division shall:

204 (i) provide staff support to the board; and

205 (ii) make available to the board existing division resources and expertise to assist the
206 board in the development, marketing, and disposition of the point of the mountain state land;
207 and

208 (b) the office shall cooperate with and provide assistance to the board in the board's:

209 (i) formulation of a development plan for the point of the mountain state land; and

210 (ii) management and implementation of a development plan, including the marketing

211 of property and recruitment of businesses and others to locate on the point of the mountain
212 state land.

213 (3) A department, division, or other agency of the state and a political subdivision of
214 the state shall cooperate with the authority and the board to the fullest extent possible to
215 provide whatever support, information, or other assistance the board requests that is reasonably
216 necessary to help the authority fulfill its duties and responsibilities under this chapter.

217 (4) (a) The authority may request and, upon request, shall receive services that include:

218 (i) fuel dispensing and motor pool services provided by the Division of Fleet

219 Operations;

220 (ii) surplus property services provided by the Division of Purchasing and General

221 Services;

222 (iii) information technology services provided by the Division of Technology Services;

223 (iv) archive services provided by the Division of Archives and Records Services;

224 (v) financial services provided by the Division of Finance;

225 (vi) human resource management services provided by the Division of Human

226 Resource Management;

227 (vii) legal services provided by the Office of the Attorney General; and

228 (viii) banking services provided by the Office of the State Treasurer.

229 (b) Nothing in Subsection (4)(a) may be construed to relieve the authority of the
230 obligation to pay the applicable fee for the service provided.

231 Section 7. Section **11-59-501** is amended to read:

232 **11-59-501. Dissolution of authority -- Restrictions -- Publishing notice of**
233 **dissolution -- Authority records -- Dissolution expenses.**

234 (1) The authority may not be dissolved unless:

235 (a) the authority board first receives approval from the Legislative Management
236 Committee of the Legislature to dissolve the authority; and

237 (b) the authority has no outstanding bonded indebtedness, other unpaid loans,
238 indebtedness, or advances, and no legally binding contractual obligations with persons or
239 entities other than the state.

240 (2) To dissolve the authority, the board shall:

241 (a) obtain the approval of the Legislative Management Committee of the Legislature;

242 and

243 (b) adopt a resolution dissolving the authority, to become effective as provided in the
244 resolution.

245 (3) Upon the dissolution of the authority:

246 (a) the Governor's Office of Economic Opportunity shall publish a notice of
247 dissolution:

248 (i) in a newspaper of general circulation in the county in which the dissolved authority
249 is located; and

250 (ii) as required in Section 45-1-101; and

251 (b) all title to property owned by the authority vests in the [~~Division of Facilities~~
252 ~~Construction and Management, created in Section 63A-5b-301,~~] facilities division for the
253 benefit of the state.

254 (4) The board shall deposit all books, documents, records, papers, and seal of the
255 dissolved authority with the state auditor for safekeeping and reference.

256 (5) The authority shall pay all expenses of the deactivation and dissolution.

257 Section 8. Section 52-4-205 is amended to read:

258 **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed**
259 **meetings.**

260 (1) A closed meeting described under Section 52-4-204 may only be held for:

261 (a) except as provided in Subsection (3), discussion of the character, professional
262 competence, or physical or mental health of an individual;

263 (b) strategy sessions to discuss collective bargaining;

264 (c) strategy sessions to discuss pending or reasonably imminent litigation;

265 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
266 including any form of a water right or water shares, or to discuss a proposed development
267 agreement, project proposal, or financing proposal related to the development of land owned by
268 the state, if public discussion would:

269 (i) disclose the appraisal or estimated value of the property under consideration; or

270 (ii) prevent the public body from completing the transaction on the best possible terms;

271 (e) strategy sessions to discuss the sale of real property, including any form of a water
272 right or water shares, if:

- 273 (i) public discussion of the transaction would:
- 274 (A) disclose the appraisal or estimated value of the property under consideration; or
- 275 (B) prevent the public body from completing the transaction on the best possible terms;
- 276 (ii) the public body previously gave public notice that the property would be offered for
- 277 sale; and
- 278 (iii) the terms of the sale are publicly disclosed before the public body approves the
- 279 sale;
- 280 (f) discussion regarding deployment of security personnel, devices, or systems;
- 281 (g) investigative proceedings regarding allegations of criminal misconduct;
- 282 (h) as relates to the Independent Legislative Ethics Commission, conducting business
- 283 relating to the receipt or review of ethics complaints;
- 284 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
- 285 Subsection [52-4-204\(1\)\(a\)\(iii\)\(C\)](#);
- 286 (j) as relates to the Independent Executive Branch Ethics Commission created in
- 287 Section [63A-14-202](#), conducting business relating to an ethics complaint;
- 288 (k) as relates to a county legislative body, discussing commercial information as
- 289 defined in Section [59-1-404](#);
- 290 (l) as relates to the Utah Higher Education Assistance Authority and its appointed
- 291 board of directors, discussing fiduciary or commercial information as defined in Section
- 292 [53B-12-102](#);
- 293 (m) deliberations, not including any information gathering activities, of a public body
- 294 acting in the capacity of:
- 295 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,
- 296 during the process of evaluating responses to a solicitation, as defined in Section [63G-6a-103](#);
- 297 (ii) a protest officer, defined in Section [63G-6a-103](#), during the process of making a
- 298 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
- 299 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement
- 300 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17,
- 301 Procurement Appeals Board;
- 302 (n) the purpose of considering information that is designated as a trade secret, as
- 303 defined in Section [13-24-2](#), if the public body's consideration of the information is necessary to

304 properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;

305 (o) the purpose of discussing information provided to the public body during the
306 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of
307 the meeting:

308 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be
309 disclosed to a member of the public or to a participant in the procurement process; and

310 (ii) the public body needs to review or discuss the information to properly fulfill its
311 role and responsibilities in the procurement process;

312 (p) as relates to the governing board of a governmental nonprofit corporation, as that
313 term is defined in Section 11-13a-102, the purpose of discussing information that is designated
314 as a trade secret, as that term is defined in Section 13-24-2, if:

315 (i) public knowledge of the discussion would reasonably be expected to result in injury
316 to the owner of the trade secret; and

317 (ii) discussion of the information is necessary for the governing board to properly
318 discharge the board's duties and conduct the board's business;

319 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board,
320 to review confidential information regarding violations and security requirements in relation to
321 the operation of cannabis production establishments; [or]

322 (r) a discussion of the board of the Point of the Mountain State Land Authority, created
323 in Section 11-59-201, regarding a potential tenant of point of the mountain state land, as
324 defined in Section 11-59-102; or

325 [(+) (s) a purpose for which a meeting is required to be closed under Subsection (2).

326 (2) The following meetings shall be closed:

327 (a) a meeting of the Health and Human Services Interim Committee to review a report
328 described in Subsection 62A-16-301(1)(a), and the responses to the report described in
329 Subsections 62A-16-301(2) and (4);

330 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

331 (i) review a report described in Subsection 62A-16-301(1)(a), and the responses to the
332 report described in Subsections 62A-16-301(2) and (4); or

333 (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);

334 (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in

335 Section 26-7-13, to review and discuss an individual case, as described in Subsection
336 26-7-13(10);

337 (d) a meeting of a conservation district as defined in Section 17D-3-102 for the
338 purpose of advising the Natural Resource Conservation Service of the United States
339 Department of Agriculture on a farm improvement project if the discussed information is
340 protected information under federal law;

341 (e) a meeting of the Compassionate Use Board established in Section 26-61a-105 for
342 the purpose of reviewing petitions for a medical cannabis card in accordance with Section
343 26-61a-105;

344 (f) a meeting of the Colorado River Authority of Utah if:

345 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in
346 the Colorado River system; and

347 (ii) failing to close the meeting would:

348 (A) reveal the contents of a record classified as protected under Subsection
349 63G-2-305(82);

350 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
351 Colorado River system;

352 (C) harm the ability of the Colorado River Authority of Utah or river commissioner to
353 negotiate the best terms and conditions regarding the use of water in the Colorado River
354 system; or

355 (D) give an advantage to another state or to the federal government in negotiations
356 regarding the use of water in the Colorado River system;

357 (g) a meeting of the General Regulatory Sandbox Program Advisory Committee if:

358 (i) the purpose of the meeting is to discuss an application for participation in the
359 regulatory sandbox as defined in Section 63N-16-102; and

360 (ii) failing to close the meeting would reveal the contents of a record classified as
361 protected under Subsection 63G-2-305(83);

362 (h) a meeting of a project entity if:

363 (i) the purpose of the meeting is to conduct a strategy session to discuss market
364 conditions relevant to a business decision regarding the value of a project entity asset if the
365 terms of the business decision are publicly disclosed before the decision is finalized and a

366 public discussion would:

367 (A) disclose the appraisal or estimated value of the project entity asset under
368 consideration; or

369 (B) prevent the project entity from completing on the best possible terms a
370 contemplated transaction concerning the project entity asset;

371 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could
372 cause commercial injury to, or confer a competitive advantage upon a potential or actual
373 competitor of, the project entity;

374 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
375 which could cause commercial injury to, or confer a competitive advantage upon a potential or
376 actual competitor of, the project entity; or

377 (iv) failing to close the meeting would prevent the project entity from getting the best
378 price on the market; and

379 (i) a meeting of the School Activity Eligibility Commission, described in Section
380 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002, to
381 consider, discuss, or determine, in accordance with Section 53G-6-1004, an individual student's
382 eligibility to participate in an interscholastic activity, as that term is defined in Section
383 53G-6-1001, including the commission's determinative vote on the student's eligibility.

384 (3) In a closed meeting, a public body may not:

385 (a) interview a person applying to fill an elected position;

386 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
387 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office;
388 or

389 (c) discuss the character, professional competence, or physical or mental health of the
390 person whose name was submitted for consideration to fill a midterm vacancy or temporary
391 absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and
392 Temporary Absence in Elected Office.

393 Section 9. Section 59-12-352 is amended to read:

394 **59-12-352. Transient room tax authority for municipalities, military installation**
395 **development authority, and Point of the Mountain State Land Authority -- Purposes for**
396 **which revenues may be used.**

397 (1) (a) Except as provided in Subsection (5), the governing body of a municipality may
398 impose a tax of not to exceed 1% on charges for the accommodations and services described in
399 Subsection [59-12-103\(1\)\(i\)](#).

400 (b) Subject to Section [63H-1-203](#), the military installation development authority
401 created in Section [63H-1-201](#) may impose a tax under this section for accommodations and
402 services described in Subsection [59-12-103\(1\)\(i\)](#) within a project area described in a project
403 area plan adopted by the authority under Title 63H, Chapter 1, Military Installation
404 Development Authority Act, as though the authority were a municipality.

405 (2) Subject to the limitations of Subsection (1), a governing body of a municipality
406 may, by ordinance, increase or decrease the tax under this part.

407 (3) A governing body of a municipality shall regulate the tax under this part by
408 ordinance.

409 (4) A municipality may use revenues generated by the tax under this part for general
410 fund purposes.

411 (5) (a) A municipality may not impose a tax under this section for accommodations and
412 services described in Subsection [59-12-103\(1\)\(i\)](#) within a project area described in a project
413 area plan adopted by the authority under Title 63H, Chapter 1, Military Installation
414 Development Authority Act.

415 (b) Subsection (5)(a) does not apply to the military installation development authority's
416 imposition of a tax under this section.

417 (6) (a) As used in this Subsection (6):

418 (i) "Authority" means the Point of the Mountain State Land Authority, created in
419 Section [11-59-201](#).

420 (ii) "Authority board" means the board referred to in Section [11-59-301](#).

421 (b) The authority may, by a resolution adopted by the authority board, impose a tax of
422 not to exceed 5% on charges for the accommodations and services described in Subsection
423 [59-12-103\(1\)\(i\)](#) for transactions that occur on point of the mountain state land, as defined in
424 Section [11-59-102](#).

425 (c) The authority board, by resolution, shall regulate the tax under this Subsection (6).

426 (d) The authority shall use all revenue from a tax imposed under this Subsection (6) to
427 provide affordable housing, consistent with the manner that a community reinvestment agency

428 uses funds for affordable housing under Section 17C-1-412.

429 (e) A tax under this Subsection (6) is in addition to any other tax that may be imposed
430 under this part.

431 Section 10. Section **59-12-354** is amended to read:

432 **59-12-354. Collection of tax -- Administrative charge.**

433 (1) Except as provided in Subsections (2) and (3), the tax authorized under this part
434 shall be administered, collected, and enforced in accordance with:

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

436 (i) Part 1, Tax Collection; or

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

438 (b) Chapter 1, General Taxation Policies.

439 (2) (a) The location of a transaction shall be determined in accordance with Sections
440 59-12-211 through 59-12-215.

441 (b) The commission:

442 (i) except as provided in Subsection (2)(b)(ii), shall distribute the revenue collected
443 from the tax to:

444 (A) the municipality within which the revenue was collected, for a tax imposed under
445 this part by a municipality; and

446 (B) the Point of the Mountain State Land Authority, for a tax imposed under Subsection
447 59-12-352(6);

448 (ii) shall retain and deposit an administrative charge in accordance with Section
449 59-1-306 from the revenue the commission collects from a tax under this part.

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

452 Section 11. Section **59-12-355** is amended to read:

453 **59-12-355. Enactment or repeal of tax -- Tax rate change -- Effective date --**
454 **Notice requirements.**

455 (1) For purposes of this section:

456 (a) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
457 4, Annexation.

458 (b) "Annexing area" means an area that is annexed into a city or town.

459 (2) (a) Except as provided in Subsection (2)(c), if, on or after July 1, 2004, a city or
460 town enacts or repeals a tax or changes the rate of a tax under this part, or if the Point of the
461 Mountain State Land Authority imposes or repeals a tax under Subsection 59-12-352(6) or
462 changes the rate of the tax, the enactment, repeal, or change shall take effect:

463 (i) on the first day of a calendar quarter; and

464 (ii) after a 90-day period beginning on the date the commission receives notice meeting
465 the requirements of Subsection (2)(b) from the city or town.

466 (b) The notice described in Subsection (2)(a)(ii) shall state:

467 (i) that the city or town will enact or repeal a tax or change the rate of a tax under this
468 part;

469 (ii) the statutory authority for the tax described in Subsection (2)(b)(i);

470 (iii) the effective date of the tax described in Subsection (2)(b)(i); and

471 (iv) if the city or town enacts the tax or changes the rate of the tax described in
472 Subsection (2)(b)(i), the rate of the tax.

473 (c) (i) Notwithstanding Subsection (2)(a), for a transaction described in Subsection
474 (2)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the
475 first billing period:

476 (A) that begins after the effective date of the enactment of the tax or the tax rate
477 increase; and

478 (B) if the billing period for the transaction begins before the effective date of the
479 enactment of the tax or the tax rate increase imposed under:

480 (I) Section 59-12-352; or

481 (II) Section 59-12-353.

482 (ii) Notwithstanding Subsection (2)(a), for a transaction described in Subsection
483 (2)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last
484 billing period:

485 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;
486 and

487 (B) if the billing period for the transaction begins before the effective date of the repeal
488 of the tax or the tax rate decrease imposed under:

489 (I) Section 59-12-352; or

490 (II) Section 59-12-353.

491 (iii) Subsections (2)(c)(i) and (ii) apply to transactions subject to a tax under

492 Subsection 59-12-103(1)(i).

493 (3) (a) Except as provided in Subsection (3)(c), if, for an annexation that occurs on or
494 after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a
495 tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

496 (i) on the first day of a calendar quarter; and

497 (ii) after a 90-day period beginning on the date the commission receives notice meeting
498 the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.

499 (b) The notice described in Subsection (3)(a)(ii) shall state:

500 (i) that the annexation described in Subsection (3)(a) will result in an enactment,
501 repeal, or change in the rate of a tax under this part for the annexing area;

502 (ii) the statutory authority for the tax described in Subsection (3)(b)(i);

503 (iii) the effective date of the tax described in Subsection (3)(b)(i); and

504 (iv) if the city or town enacts the tax or changes the rate of the tax described in
505 Subsection (3)(b)(i), the rate of the tax.

506 (c) (i) Notwithstanding Subsection (3)(a), for a transaction described in Subsection
507 (3)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the
508 first billing period:

509 (A) that begins after the effective date of the enactment of the tax or the tax rate
510 increase; and

511 (B) if the billing period for the transaction begins before the effective date of the
512 enactment of the tax or the tax rate increase imposed under:

513 (I) Section 59-12-352; or

514 (II) Section 59-12-353.

515 (ii) Notwithstanding Subsection (3)(a), for a transaction described in Subsection
516 (3)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last
517 billing period:

518 (A) that began before the effective date of the repeal of the tax or the tax rate decrease;
519 and

520 (B) if the billing period for the transaction begins before the effective date of the repeal

521 of the tax or the tax rate decrease imposed under:

522 (I) Section 59-12-352; or

523 (II) Section 59-12-353.

524 (iii) Subsections (3)(c)(i) and (ii) apply to transactions subject to a tax under

525 Subsection 59-12-103(1)(i).