

1 **POINT OF THE MOUNTAIN STATE LAND AUTHORITY AMENDMENTS**
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jerry W. Stevenson
House Sponsor: Jordan D. Teuscher

2
3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies the definition of point of the mountain state land, for purposes of the Point of
- 9 the Mountain State Land Authority Act;
- 10 ▶ modifies a provision relating to an annual assessment the Authority is authorized to levy
- 11 on leased property;
- 12 ▶ enacts provisions relating to bonds issued by the Authority;
- 13 ▶ modifies provisions relating to limitations on Authority board members; and
- 14 ▶ provides for a portion of state sales tax revenue generated from point of the mountain
- 15 state land to be paid to the Authority until bonds secured by the revenue are paid.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill provides a special effective date.

20 **Utah Code Sections Affected:**

21 AMENDS:

- 22 **11-59-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 16, 263
- 23 **11-59-202 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 139
- 24 **11-59-207 (Effective 05/01/24)**, as enacted by Laws of Utah 2022, Chapter 237
- 25 **11-59-306 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 237
- 26 **59-12-103 (Effective 05/01/24) (Contingently Superseded 01/01/25)**, as last amended by
- 27 Laws of Utah 2023, Chapters 22, 213, 329, 361, and 471

28 **59-12-103 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,
 29 Chapters 22, 213, 329, 361, 459, and 471

30 ENACTS:

31 **11-59-601 (Effective 05/01/24)**, Utah Code Annotated 1953

32 **11-59-602 (Effective 05/01/24)**, Utah Code Annotated 1953

33 **11-59-603 (Effective 05/01/24)**, Utah Code Annotated 1953

34 **11-59-604 (Effective 05/01/24)**, Utah Code Annotated 1953

35 **11-59-605 (Effective 05/01/24)**, Utah Code Annotated 1953

36 **11-59-606 (Effective 05/01/24)**, Utah Code Annotated 1953

37

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

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

40 **11-59-102 (Effective 05/01/24). Definitions.**

41 As used in this chapter:

42 (1) "Authority" means the Point of the Mountain State Land Authority, created in Section
 43 11-59-201.

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

45 (3) "Development":

46 (a) means the construction, reconstruction, modification, expansion, or improvement of
 47 a building, utility, infrastructure, landscape, parking lot, park, trail, recreational
 48 amenity, or other facility, including:

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

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

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

54 (b) includes all activities associated with:

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

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

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

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

62 (5) "New correctional facility" means the state correctional facility being developed in Salt
 63 Lake City to replace the state correctional facility in Draper.

64 (6) "Point of the mountain state land" means :

65 (a) the approximately 700 acres of state-owned land in Draper, including land used for
 66 the operation of a state correctional facility until completion of the new correctional
 67 facility and state-owned land in the vicinity of the current state correctional facility[.];
 68 and

69 (b) any land, in addition to the land described in Subsection (6)(a), that:

70 (i) the state acquires; and

71 (ii) is contiguous to the land described in Subsection (6)(a).

72 (7) "Public entity" means:

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

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

77 (8) "Publicly owned infrastructure and improvements":

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

79 (i) benefit the public; and

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

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

82 (b) includes:

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

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

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

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

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

90 (9) "Taxing entity" means the same as that term is defined in Section 59-2-102.

91 Section 2. Section **11-59-202** is amended to read:

92 **11-59-202 (Effective 05/01/24). Authority powers.**

93 [(+)] The authority may:

94 [(a)] (1) as provided in this chapter, plan, manage, and implement the development of the
 95 point of the mountain state land, including the ongoing operation of facilities on the

96 point of the mountain state land;

97 ~~[(b)]~~ (2) undertake, or engage a consultant to undertake, any study, effort, or activity the

98 board considers appropriate to assist or inform the board about any aspect of the

99 proposed development of the point of the mountain state land, including the best

100 development model and financial projections relevant to the authority's efforts to fulfill

101 its duties and responsibilities under this section and Section 11-59-203;

102 ~~[(e)]~~ (3) sue and be sued;

103 ~~[(d)]~~ (4) enter into contracts generally, including a contract for the sharing of records under

104 Section 63G-2-206;

105 ~~[(e)]~~ (5) buy, obtain an option upon, or otherwise acquire any interest in real or personal

106 property, as necessary to accomplish the duties and responsibilities of the authority,

107 including an interest in real property, apart from point of the mountain state land, or

108 personal property, outside point of the mountain state land, for publicly owned

109 infrastructure and improvements, if the board considers the purchase, option, or other

110 interest acquisition to be necessary for fulfilling the authority's development objectives;

111 ~~[(f)]~~ (6) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or

112 personal property;

113 ~~[(g)]~~ (7) enter into a lease agreement on real or personal property, either as lessee or lessor;

114 ~~[(h)]~~ (8) provide for the development of the point of the mountain state land under one or

115 more contracts, including the development of publicly owned infrastructure and

116 improvements and other infrastructure and improvements on or related to the point of

117 the mountain state land;

118 ~~[(i)]~~ (9) exercise powers and perform functions under a contract, as authorized in the

119 contract;

120 ~~[(j)]~~ (10) accept financial or other assistance from any public or private source for the

121 authority's activities, powers, and duties, and expend any funds so received for any of

122 the purposes of this chapter;

123 ~~[(k)]~~ (11) borrow money, contract with, or accept financial or other assistance from the

124 federal government, a public entity, or any other source for any of the purposes of this

125 chapter and comply with any conditions of the loan, contract, or assistance;

126 ~~[(h)]~~ (12) subject to ~~[Subsection (2)]~~ Part 6, Authority Bonds, issue bonds to finance the

127 undertaking of any development objectives of the authority~~[-including]~~ ;

128 (13) issue bonds under Title 11, Chapter 17, Utah Industrial Facilities and Development

129 Act, and bonds under Title 11, Chapter 42, Assessment Area Act;

- 130 ~~[(m)]~~ (14) hire employees, including contract employees, in addition to or in place of staff
 131 provided under Section 11-59-304;
- 132 ~~[(n)]~~ (15) transact other business and exercise all other powers provided for in this chapter;
- 133 ~~[(o)]~~ (16) enter into a development agreement with a developer of some or all of the point of
 134 the mountain state land;
- 135 ~~[(p)]~~ (17) provide for or finance an energy efficiency upgrade, a renewable energy system,
 136 or electric vehicle charging infrastructure as defined in Section 11-42a-102, in
 137 accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy
 138 Act;
- 139 ~~[(q)]~~ (18) exercise powers and perform functions that the authority is authorized by statute
 140 to exercise or perform;
- 141 ~~[(r)]~~ (19) enter into one or more interlocal agreements under Title 11, Chapter 13, Interlocal
 142 Cooperation Act, with one or more local government entities for the delivery of services
 143 to the point of the mountain state land;
- 144 ~~[(s)]~~ (20) enter into an agreement with the federal government or an agency of the federal
 145 government, as the board considers necessary or advisable, to enable or assist the
 146 authority to exercise its powers or fulfill its duties and responsibilities under this chapter;
- 147 ~~[(t)]~~ (21) provide funding for the development of publicly owned infrastructure and
 148 improvements or other infrastructure and improvements on or related to the point of the
 149 mountain state land; and
- 150 ~~[(u)]~~ (22) impose impact fees under Title 11, Chapter 36a, Impact Fees Act, and other fees
 151 related to development activities.
- 152 ~~[(2) The authority may not issue bonds under this part unless the board first:]~~
- 153 ~~[(a) adopts a parameters resolution for the bonds that sets forth:]~~
- 154 ~~[(i) the maximum:]~~
- 155 ~~[(A) amount of bonds;]~~
- 156 ~~[(B) term; and]~~
- 157 ~~[(C) interest rate; and]~~
- 158 ~~[(ii) the expected security for the bonds; and]~~
- 159 ~~[(b) submits the parameters resolution for review and recommendation to the State Finance~~
 160 ~~Review Commission created in Section 63C-25-201.]~~
- 161 ~~[(3) No later than 60 days after the closing day of any bonds, the authority shall report the~~
 162 ~~bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:]~~
- 163 ~~[(a) the Executive Appropriations Committee; and]~~

164 ~~[(b) the State Finance Review Commission created in Section 63C-25-201.]~~

165 Section 3. Section **11-59-207** is amended to read:

166 **11-59-207 (Effective 05/01/24). Annual assessment on leased property.**

167 (1) As used in this section:

168 (a) "Annual [fee] assessment" means [a fee] an assessment:

169 (i) that is levied and collected each year, as provided in this section; and

170 (ii) in an amount that is the equivalent of the cumulative real property tax that would
171 be levied and collected on leased property by all taxing entities if the leased
172 property were not exempt property.

173 (b) "Exempt property" means real property that is exempt from ad valorem property tax
174 because the real property is owned by the state.

175 (c) "Lease agreement" means an agreement by which a private person leases from the
176 state real property that is part of the point of the mountain state land.

177 (d) (i) "Leased property" means real property that:

178 (A) is part of the point of the mountain state land;

179 (B) is leased by a private person; and

180 (C) would be subject to ad valorem property tax if the real property were owned
181 by the private person.

182 (ii) "Leased property" includes attachments and other improvements to the real
183 property that would be included in an assessment of the value of the real property
184 if the real property were not exempt property.

185 (e) "Leased property value" means the value that leased property would have if the
186 leased property were subject to ad valorem property tax.

187 (f) "Lessee" means a private person that leases property that is part of the point of the
188 mountain state land under a lease agreement.

189 (2) Beginning January 1 of the year immediately following the execution of a lease
190 agreement, a lessee under the lease agreement shall pay an annual [fee] assessment with
191 respect to the leased property that is the subject of the lease agreement.

192 (3) In a county in which the point of the mountain state land is located:

193 (a) the county assessor shall determine the leased property value of leased property that
194 is subject to an annual [fee] assessment as though the leased property were subject to
195 ad valorem property tax;

196 (b) the county treasurer shall collect an annual [fee] assessment in the same way and at
197 the same time that the treasurer would collect ad valorem property tax on the leased

- 198 property if the leased property were subject to ad valorem property tax;
- 199 (c) the county may retain an administrative fee for collecting and distributing the annual [
200 fee] assessment in the same amount that would apply if the leased property were not
201 exempt property; and
- 202 (d) the county treasurer shall distribute to the authority all revenue from an annual [fee]
203 assessment on leased property in the same way and at the same time as the treasurer
204 distributes ad valorem property tax revenue to taxing entities in accordance with
205 Section 59-2-1365.
- 206 (4) Leased property is not subject to a privilege tax under Title 59, Chapter 4, Privilege Tax.
207 Section 4. Section **11-59-306** is amended to read:
- 208 **11-59-306 (Effective 05/01/24). Limitations on board members.**
- 209 (1) As used in this section:
- 210 (a) "Designated individual" means an individual:
- 211 (i) (A) who is a member of the Senate or House of Representatives;
- 212 (B) who has been appointed as a member of the board under Subsection 11-59-302
213 (2)(a) or (b); and
- 214 (C) whose legislative district includes some or all of the point of the mountain
215 state land; or
- 216 (ii) who is designated to serve as a board member under Subsection 11-59-302(2)(e)
217 or (f).
- 218 (b) "Direct financial benefit":
- 219 (i) means any form of financial benefit that accrues to an individual directly as a
220 result of the development of the point of the mountain state land, including:
- 221 (A) compensation, commission, or any other form of a payment or increase of
222 money; and
- 223 (B) an increase in the value of a business or property; and
- 224 (ii) does not include a financial benefit that accrues to the public generally as a result
225 of the development of the point of the mountain state land.
- 226 (c) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 227 (d) (i) "Interest in real property" means every type of real property interest, whether
228 recorded or unrecorded, including:
- 229 [(+)] (A) a legal or equitable interest;
- 230 [(+)] (B) an option on real property;
- 231 [(+)] (C) an interest under a contract;

- 232 [(iv)] (D) fee simple ownership;
- 233 [(v)] (E) ownership as a tenant in common or in joint tenancy or another joint
- 234 ownership arrangement;
- 235 [(vi)] (F) ownership through a partnership, limited liability company, or
- 236 corporation that holds title to a real property interest in the name of the
- 237 partnership, limited liability company, or corporation;
- 238 [(vii)] (G) leasehold interest; and
- 239 [(viii)] (H) any other real property interest that is capable of being owned.
- 240 (ii) "Interest in real property" does not include:
- 241 (A) an interest in a personal residence in which the individual resides or, in the
- 242 case of an intended future acquisition, intends to reside; or
- 243 (B) an interest as a tenant paying market-rate rent in a building that is located on
- 244 point of the mountain state land.
- 245 (2) An individual may not serve as a member of the board if:
- 246 (a) subject to Subsection (5) for a designated individual, the individual owns an interest
- 247 in real property~~[, other than a personal residence in which the individual resides,]~~ on
- 248 or within five miles of the point of the mountain state land;
- 249 (b) a family member of the individual owns an interest in real property~~[, other than a~~
- 250 ~~personal residence in which the family member resides,]~~ located on or within
- 251 one-half mile of the point of the mountain state land;
- 252 (c) the individual or a family member of the individual owns an interest in, is directly
- 253 affiliated with, or is an employee or officer of a firm, company, or other entity that
- 254 the individual reasonably believes is likely to participate in or receive compensation
- 255 or other direct financial benefit from the development of the point of the mountain
- 256 state land; or
- 257 (d) the individual or a family member of the individual receives or is expected to receive
- 258 a direct financial benefit.
- 259 (3) (a) Before taking office as a board member, an individual shall submit to the
- 260 authority a statement:
- 261 (i) verifying that the individual's service as a board member does not violate
- 262 Subsection (2); and
- 263 (ii) for a designated individual, identifying any interest in real property~~[, other than a~~
- 264 ~~personal residence in which the individual resides,]~~ located on or within five miles
- 265 of the point of the mountain state land.

- 266 (b) If a designated individual takes action, during the individual's service as a board
 267 member, to initiate, negotiate, or otherwise arrange for the acquisition of an interest
 268 in real property[~~other than a personal residence in which the individual intends to~~
 269 live,] located on or within five miles of the point of the mountain state land, the
 270 designated individual shall submit a written statement to the board chair describing
 271 the action, the interest in real property that the designated individual intends to
 272 acquire, and the location of the real property.
- 273 (4) Except for a board member who is a designated individual, a board member is
 274 disqualified from further service as a board member if the board member, at any time
 275 during the board member's service on the board, takes any action to initiate, negotiate, or
 276 otherwise arrange for the acquisition of an interest in real property[~~other than a~~
 277 ~~personal residence in which the member intends to reside,~~] located on or within five
 278 miles of the point of the mountain state land.
- 279 (5) A designated individual who submits a written statement under Subsection (3)(a)(ii) or
 280 (b) may not serve or continue to serve as a board member unless at least two-thirds of all
 281 other board members conclude that the designated individual's service as a board
 282 member does not and will not create a material conflict of interest impairing the ability
 283 of the designated individual to exercise fair and impartial judgment as a board member
 284 and to act in the best interests of the authority.
- 285 (6) (a) The board may not allow a firm, company, or other entity to participate in
 286 planning, managing, or implementing the development of the point of the mountain
 287 state land if a board member or a family member of a board member owns an interest
 288 in, is directly affiliated with, or is an employee or officer of the firm, company, or
 289 other entity.
- 290 (b) Before allowing a firm, company, or other entity to participate in planning,
 291 managing, or implementing the development of the point of the mountain state land,
 292 the board may require the firm, company, or other entity to certify that no board
 293 member or family member of a board member owns an interest in, is directly
 294 affiliated with, or is an employee or officer of the firm, company, or other entity.
- 295 Section 5. Section **11-59-601** is enacted to read:

Part 6. Authority Bonds

297 **11-59-601 (Effective 05/01/24). Resolution authorizing issuance of authority**
 298 **bonds -- Characteristics of bonds -- Notice.**

- 299 (1) The authority may not issue bonds under this part unless the board first:
300 (a) adopts a parameters resolution, as defined in Section 63C-25-101, for the bonds; and
301 (b) submits the parameters resolution for review and recommendation to the State
302 Finance Review Commission created in Section 63C-25-201.
- 303 (2) (a) As provided in the authority resolution authorizing the issuance of bonds under
304 this part or the trust indenture under which the bonds are issued, bonds issued under
305 this part may be issued in one or more series and may be sold at public or private sale
306 and in the manner provided in the resolution or indenture.
- 307 (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest
308 at the rate, be in the denomination and in the form, carry the conversion or
309 registration privileges, have the rank or priority, be executed in the manner, be
310 subject to the terms of redemption or tender, with or without premium, be payable in
311 the medium of payment and at the place, and have other characteristics as provided in
312 the authority resolution authorizing the issuance of the bonds or the trust indenture
313 under which the bonds are issued.
- 314 (3) Upon the board's adoption of a resolution providing for the issuance of bonds, the board
315 may provide for the publication of the resolution:
- 316 (a) for the area within the authority's boundaries, as a class A notice under Section
317 63G-30-102, for at least 30 days; and
- 318 (b) as required in Section 45-1-101.
- 319 (4) In lieu of publishing the entire resolution, the board may publish notice of bonds that
320 contains the information described in Subsection 11-14-316(2).
- 321 (5) For a period of 30 days after the publication, any person in interest may contest:
- 322 (a) the legality of the resolution or proceeding;
323 (b) any bonds that may be authorized by the resolution or proceeding; or
324 (c) any provisions made for the security and payment of the bonds.
- 325 (6) (a) (i) A person may contest the matters set forth in Subsection (5) by filing a
326 verified written complaint in a court with jurisdiction under Title 78A, Judiciary
327 and Judicial Administration, within 30 days after the publication under Subsection
328 (5).
- 329 (ii) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a person filing a
330 complaint under Subsection (6)(a)(i) shall bring the action in the county in which
331 the person resides if the action is brought in district court.
- 332 (b) A person may not contest the matters set forth in Subsection (5), or the regularity,

333 formality, or legality of the resolution or proceeding, for any reason, after the 30-day
 334 period for contesting provided in Subsection (6)(a).

- 335 (7) No later than 60 days after the closing day of any bonds, the authority shall report the
 336 bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:
 337 (a) the Executive Appropriations Committee; and
 338 (b) the State Finance Review Commission created in Section 63C-25-201.

339 Section 6. Section **11-59-602** is enacted to read:

340 **11-59-602 (Effective 05/01/24). Sources from which bonds may be payable --**

341 **Authority powers regarding bonds.**

- 342 (1) The principal and interest on bonds issued by the authority may be made payable from:
 343 (a) the income and revenues of the projects financed with the proceeds of the bonds;
 344 (b) the income and revenues of certain designated projects whether or not they were
 345 financed in whole or in part with the proceeds of the bonds;
 346 (c) the income, proceeds, revenues, property, and funds the authority derives from or
 347 holds in connection with its undertaking and carrying out development of point of the
 348 mountain state land;
 349 (d) revenue from an annual assessment under Section 11-59-207;
 350 (e) authority revenues generally;
 351 (f) a contribution, loan, grant, or other financial assistance from the federal government
 352 or a public entity in aid of the authority; or
 353 (g) funds derived from any combination of the methods listed in Subsections (1)(a)
 354 through (f).

- 355 (2) In connection with the issuance of authority bonds, the authority may:
 356 (a) pledge all or any part of its gross or net rents, fees, or revenues to which authority
 357 right then exists or may thereafter come into existence;
 358 (b) encumber by mortgage, deed of trust, or otherwise all or any part of authority real or
 359 personal property, then owned or thereafter acquired; and
 360 (c) make the covenants and take the action that may be necessary, convenient, or
 361 desirable to secure authority bonds, or, except as otherwise provided in this chapter,
 362 that will tend to make the bonds more marketable, even though the covenants or
 363 actions are not specifically enumerated in this chapter.

364 Section 7. Section **11-59-603** is enacted to read:

365 **11-59-603 (Effective 05/01/24). Purchase of authority bonds.**

- 366 (1) Any individual, firm, corporation, association, political subdivision of the state, or other

367 entity or public or private officer may purchase bonds issued by an authority under this
 368 part with funds owned or controlled by the purchaser.

369 (2) Nothing in this section may be construed to relieve a purchaser of authority bonds of
 370 any duty to exercise reasonable care in selecting and purchasing securities.

371 Section 8. Section **11-59-604** is enacted to read:

372 **11-59-604 (Effective 05/01/24). Those executing bonds not personally liable --**
 373 **Limitation of obligations under bond -- Negotiability.**

374 (1) A member of the board or other person executing an authority bond is not liable
 375 personally on the bond.

376 (2) (a) A bond issued by the authority is not a general obligation or liability of the state
 377 or any political subdivision of the state and does not constitute a charge against the
 378 general credit or taxing powers of the state or any political subdivision of the state.

379 (b) A bond issued by the authority is not payable out of any funds or properties other
 380 than those of the authority.

381 (c) The state and political subdivisions of the state are not and may not be held liable on
 382 a bond issued by the authority.

383 (d) A bond issued by the authority does not constitute indebtedness within the meaning
 384 of any constitutional or statutory debt limitation.

385 (3) A bond issued by the authority under this part is fully negotiable.

386 Section 9. Section **11-59-605** is enacted to read:

387 **11-59-605 (Effective 05/01/24). Obligee rights -- Board may confer other rights.**

388 (1) In addition to all other rights that are conferred on an obligee of a bond issued by the
 389 authority under this part and subject to contractual restrictions binding on the obligee, an
 390 obligee may:

391 (a) by mandamus, suit, action, or other proceeding, compel an authority and authority
 392 board, officers, agents, or employees to perform every term, provision, and covenant
 393 contained in any contract of the authority with or for the benefit of the obligee, and
 394 require the authority to carry out the covenants and agreements of the authority and
 395 to fulfill all duties imposed on the authority by this part; and

396 (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be
 397 unlawful or violate the rights of the obligee.

398 (2) (a) (i) In a board resolution authorizing the issuance of bonds or in a trust
 399 indenture, mortgage, lease, or other contract, the board may confer upon an
 400 obligee holding or representing a specified amount in bonds, the rights described

401 in Subsection (2)(b), to accrue upon the happening of an event or default
 402 prescribed in the resolution, indenture, mortgage, lease, or other contract, and to
 403 be exercised by suit, action, or proceeding in any court of competent jurisdiction.

404 (ii) The rights that the board may confer under Subsection (2)(a)(i) are the rights to:

405 (A) cause possession of all or part of a development project to be surrendered to
 406 an obligee;

407 (B) obtain the appointment of a receiver of all or part of an authority's
 408 development project and of the rents and profits from it; and

409 (C) require the authority and its board and employees to account as if the authority
 410 and the board and employees were the trustees of an express trust.

411 (b) If a receiver is appointed through the exercise of a right granted under Subsection
 412 (2)(a)(ii)(B), the receiver:

413 (i) may enter and take possession of the development project or any part of it, operate
 414 and maintain it, and collect and receive all fees, rents, revenues, or other charges
 415 arising from it after the receiver's appointment; and

416 (ii) shall keep money collected as receiver for the authority in separate accounts and
 417 apply it pursuant to the authority obligations as the court directs.

418 Section 10. Section **11-59-606** is enacted to read:

419 **11-59-606 (Effective 05/01/24). Bonds exempt from taxes -- Authority may**
 420 **purchase its own bonds.**

421 (1) A bond issued by the authority under this part is issued for an essential public and
 422 governmental purpose and is, together with interest on the bond and income from it,
 423 exempt from all state taxes except the corporate franchise tax.

424 (2) The authority may purchase the authority's own bonds at a price that the board
 425 determines.

426 (3) Nothing in this section limits the right of an obligee to pursue a remedy for the
 427 enforcement of a pledge or lien given under this part by the authority on its rents, fees,
 428 grants, properties, or revenues.

429 Section 11. Section **59-12-103** is amended to read:

430 **59-12-103 (Effective 05/01/24) (Contingently Superseded 01/01/25). Sales and use**
 431 **tax base -- Rates -- Effective dates -- Use of sales and use tax revenues.**

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

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

- 435 (b) amounts paid for:
- 436 (i) telecommunications service, other than mobile telecommunications service, that
437 originates and terminates within the boundaries of this state;
- 438 (ii) mobile telecommunications service that originates and terminates within the
439 boundaries of one state only to the extent permitted by the Mobile
440 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 441 (iii) an ancillary service associated with a:
- 442 (A) telecommunications service described in Subsection (1)(b)(i); or
443 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 444 (c) sales of the following for commercial use:
- 445 (i) gas;
446 (ii) electricity;
447 (iii) heat;
448 (iv) coal;
449 (v) fuel oil; or
450 (vi) other fuels;
- 451 (d) sales of the following for residential use:
- 452 (i) gas;
453 (ii) electricity;
454 (iii) heat;
455 (iv) coal;
456 (v) fuel oil; or
457 (vi) other fuels;
- 458 (e) sales of prepared food;
- 459 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
460 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
461 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,
462 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling
463 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
464 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
465 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
466 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
467 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
468 activity;

- 469 (g) amounts paid or charged for services for repairs or renovations of tangible personal
470 property, unless Section 59-12-104 provides for an exemption from sales and use tax
471 for:
- 472 (i) the tangible personal property; and
 - 473 (ii) parts used in the repairs or renovations of the tangible personal property described
474 in Subsection (1)(g)(i), regardless of whether:
 - 475 (A) any parts are actually used in the repairs or renovations of that tangible
476 personal property; or
 - 477 (B) the particular parts used in the repairs or renovations of that tangible personal
478 property are exempt from a tax under this chapter;
- 479 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted
480 cleaning or washing of tangible personal property;
- 481 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
482 accommodations and services that are regularly rented for less than 30 consecutive
483 days;
- 484 (j) amounts paid or charged for laundry or dry cleaning services;
- 485 (k) amounts paid or charged for leases or rentals of tangible personal property if within
486 this state the tangible personal property is:
- 487 (i) stored;
 - 488 (ii) used; or
 - 489 (iii) otherwise consumed;
- 490 (l) amounts paid or charged for tangible personal property if within this state the tangible
491 personal property is:
- 492 (i) stored;
 - 493 (ii) used; or
 - 494 (iii) consumed;
- 495 (m) amounts paid or charged for a sale:
- 496 (i) (A) of a product transferred electronically; or
497 (B) of a repair or renovation of a product transferred electronically; and
 - 498 (ii) regardless of whether the sale provides:
 - 499 (A) a right of permanent use of the product; or
 - 500 (B) a right to use the product that is less than a permanent use, including a right:
 - 501 (I) for a definite or specified length of time; and
 - 502 (II) that terminates upon the occurrence of a condition; and

- 503 (n) sales of leased tangible personal property from the lessor to the lessee made in the
504 state.
- 505 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
506 are imposed on a transaction described in Subsection (1) equal to the sum of:
- 507 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 508 (A) 4.70% plus the rate specified in Subsection (11)(a); and
509 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional
510 State Sales and Use Tax Act, if the location of the transaction as determined
511 under Sections 59-12-211 through 59-12-215 is in a county in which the
512 state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
513 and
514 (II) the tax rate the state imposes in accordance with Part 20, Supplemental
515 State Sales and Use Tax Act, if the location of the transaction as determined
516 under Sections 59-12-211 through 59-12-215 is in a city, town, or the
517 unincorporated area of a county in which the state imposes the tax under
518 Part 20, Supplemental State Sales and Use Tax Act; and
- 519 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
520 transaction under this chapter other than this part.
- 521 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state
522 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal
523 to the sum of:
- 524 (i) a state tax imposed on the transaction at a tax rate of 2%; and
525 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
526 transaction under this chapter other than this part.
- 527 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed
528 on amounts paid or charged for food and food ingredients equal to the sum of:
- 529 (i) a state tax imposed on the amounts paid or charged for food and food ingredients
530 at a tax rate of 1.75%; and
531 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
532 amounts paid or charged for food and food ingredients under this chapter other
533 than this part.
- 534 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid
535 or charged for fuel to a common carrier that is a railroad for use in a locomotive
536 engine at a rate of 4.85%.

- 537 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form
538 prescribed by the commission, that the shared vehicle is an individual-owned
539 shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to
540 car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle
541 owner.
- 542 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
543 required once during the time that the shared vehicle owner owns the shared
544 vehicle.
- 545 (C) The commission shall verify that a shared vehicle is an individual-owned
546 shared vehicle by verifying that the applicable Utah taxes imposed under this
547 chapter were paid on the purchase of the shared vehicle.
- 548 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
549 individual-owned shared vehicle shared through a car-sharing program even if
550 non-certified shared vehicles are also available to be shared through the same
551 car-sharing program.
- 552 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.
- 553 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's
554 representation that the shared vehicle is an individual-owned shared vehicle
555 certified with the commission as described in Subsection (2)(e)(i).
- 556 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
557 representation that the shared vehicle is an individual-owned shared vehicle
558 certified with the commission as described in Subsection (2)(e)(i), the
559 car-sharing program is not liable for any tax, penalty, fee, or other sanction
560 imposed on the shared vehicle owner.
- 561 (iv) If all shared vehicles shared through a car-sharing program are certified as
562 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has
563 no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax
564 period.
- 565 (v) [~~(A)~~] A car-sharing program is not required to list or otherwise identify an
566 individual-owned shared vehicle on a return or an attachment to a return.
- 567 (vi) A car-sharing program shall:
- 568 (A) retain tax information for each car-sharing program transaction; and
569 (B) provide the information described in Subsection (2)(e)(vi)(A) to the
570 commission at the commission's request.

- 571 (f) (i) For a bundled transaction that is attributable to food and food ingredients and
572 tangible personal property other than food and food ingredients, a state tax and a
573 local tax is imposed on the entire bundled transaction equal to the sum of:
- 574 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- 575 (I) the tax rate described in Subsection (2)(a)(i)(A); and
- 576 (II) (Aa) the tax rate the state imposes in accordance with Part 18,
577 Additional State Sales and Use Tax Act, if the location of the transaction
578 as determined under Sections 59-12-211 through 59-12-215 is in a
579 county in which the state imposes the tax under Part 18, Additional State
580 Sales and Use Tax Act; and
- 581 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental
582 State Sales and Use Tax Act, if the location of the transaction as
583 determined under Sections 59-12-211 through 59-12-215 is in a city,
584 town, or the unincorporated area of a county in which the state imposes
585 the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- 586 (B) a local tax imposed on the entire bundled transaction at the sum of the tax
587 rates described in Subsection (2)(a)(ii).
- 588 (ii) If an optional computer software maintenance contract is a bundled transaction
589 that consists of taxable and nontaxable products that are not separately itemized
590 on an invoice or similar billing document, the purchase of the optional computer
591 software maintenance contract is 40% taxable under this chapter and 60%
592 nontaxable under this chapter.
- 593 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
594 transaction described in Subsection (2)(f)(i) or (ii):
- 595 (A) if the sales price of the bundled transaction is attributable to tangible personal
596 property, a product, or a service that is subject to taxation under this chapter
597 and tangible personal property, a product, or service that is not subject to
598 taxation under this chapter, the entire bundled transaction is subject to taxation
599 under this chapter unless:
- 600 (I) the seller is able to identify by reasonable and verifiable standards the
601 tangible personal property, product, or service that is not subject to taxation
602 under this chapter from the books and records the seller keeps in the seller's
603 regular course of business; or
- 604 (II) state or federal law provides otherwise; or

- 605 (B) if the sales price of a bundled transaction is attributable to two or more items
606 of tangible personal property, products, or services that are subject to taxation
607 under this chapter at different rates, the entire bundled transaction is subject to
608 taxation under this chapter at the higher tax rate unless:
- 609 (I) the seller is able to identify by reasonable and verifiable standards the
610 tangible personal property, product, or service that is subject to taxation
611 under this chapter at the lower tax rate from the books and records the seller
612 keeps in the seller's regular course of business; or
613 (II) state or federal law provides otherwise.
- 614 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
615 seller's regular course of business includes books and records the seller keeps in
616 the regular course of business for nontax purposes.
- 617 (g) (i) Except as otherwise provided in this chapter and subject to Subsections
618 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
619 personal property, a product, or a service that is subject to taxation under this
620 chapter, and the sale, lease, or rental of tangible personal property, other property,
621 a product, or a service that is not subject to taxation under this chapter, the entire
622 transaction is subject to taxation under this chapter unless the seller, at the time of
623 the transaction:
- 624 (A) separately states the portion of the transaction that is not subject to taxation
625 under this chapter on an invoice, bill of sale, or similar document provided to
626 the purchaser; or
627 (B) is able to identify by reasonable and verifiable standards, from the books and
628 records the seller keeps in the seller's regular course of business, the portion of
629 the transaction that is not subject to taxation under this chapter.
- 630 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 631 (A) after the transaction occurs, the purchaser and the seller discover that the
632 portion of the transaction that is not subject to taxation under this chapter was
633 not separately stated on an invoice, bill of sale, or similar document provided
634 to the purchaser because of an error or ignorance of the law; and
635 (B) the seller is able to identify by reasonable and verifiable standards, from the
636 books and records the seller keeps in the seller's regular course of business, the
637 portion of the transaction that is not subject to taxation under this chapter.
- 638 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller

- 639 keeps in the seller's regular course of business includes books and records the
640 seller keeps in the regular course of business for nontax purposes.
- 641 (h) (i) If the sales price of a transaction is attributable to two or more items of
642 tangible personal property, products, or services that are subject to taxation under
643 this chapter at different rates, the entire purchase is subject to taxation under this
644 chapter at the higher tax rate unless the seller, at the time of the transaction:
- 645 (A) separately states the items subject to taxation under this chapter at each of the
646 different rates on an invoice, bill of sale, or similar document provided to the
647 purchaser; or
- 648 (B) is able to identify by reasonable and verifiable standards the tangible personal
649 property, product, or service that is subject to taxation under this chapter at the
650 lower tax rate from the books and records the seller keeps in the seller's regular
651 course of business.
- 652 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
653 seller's regular course of business includes books and records the seller keeps in
654 the regular course of business for nontax purposes.
- 655 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
656 imposed under the following shall take effect on the first day of a calendar quarter:
- 657 (i) Subsection (2)(a)(i)(A);
- 658 (ii) Subsection (2)(b)(i);
- 659 (iii) Subsection (2)(c)(i); or
- 660 (iv) Subsection (2)(f)(i)(A)(I).
- 661 (j) (i) A tax rate increase takes effect on the first day of the first billing period that
662 begins on or after the effective date of the tax rate increase if the billing period for
663 the transaction begins before the effective date of a tax rate increase imposed
664 under:
- 665 (A) Subsection (2)(a)(i)(A);
- 666 (B) Subsection (2)(b)(i);
- 667 (C) Subsection (2)(c)(i); or
- 668 (D) Subsection (2)(f)(i)(A)(I).
- 669 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
670 statement for the billing period is rendered on or after the effective date of the
671 repeal of the tax or the tax rate decrease imposed under:
- 672 (A) Subsection (2)(a)(i)(A);

- 673 (B) Subsection (2)(b)(i);
674 (C) Subsection (2)(c)(i); or
675 (D) Subsection (2)(f)(i)(A)(I).
- 676 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
677 is computed on the basis of sales and use tax rates published in the catalogue, a
678 tax rate repeal or change in a tax rate takes effect:
- 679 (A) on the first day of a calendar quarter; and
680 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
681 change.
- 682 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 683 (A) Subsection (2)(a)(i)(A);
684 (B) Subsection (2)(b)(i);
685 (C) Subsection (2)(c)(i); or
686 (D) Subsection (2)(f)(i)(A)(I).
- 687 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
688 the commission may by rule define the term "catalogue sale."
- 689 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall
690 determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or
691 other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil,
692 or other fuel at the location.
- 693 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
694 or other fuel is furnished through a single meter for two or more of the following
695 uses:
- 696 (A) a commercial use;
697 (B) an industrial use; or
698 (C) a residential use.
- 699 (3) (a) The following state taxes shall be deposited into the General Fund:
- 700 (i) the tax imposed by Subsection (2)(a)(i)(A);
701 (ii) the tax imposed by Subsection (2)(b)(i);
702 (iii) the tax imposed by Subsection (2)(c)(i); and
703 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 704 (b) The following local taxes shall be distributed to a county, city, or town as provided
705 in this chapter:
- 706 (i) the tax imposed by Subsection (2)(a)(ii);

- 707 (ii) the tax imposed by Subsection (2)(b)(ii);
708 (iii) the tax imposed by Subsection (2)(c)(ii); and
709 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 710 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 711 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
712 2003, the lesser of the following amounts shall be expended as provided in
713 Subsections (4)(b) through (g):
- 714 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
715 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
716 (B) for the fiscal year; or
717 (ii) \$17,500,000.
- 718 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
719 described in Subsection (4)(a) shall be transferred each year as designated sales
720 and use tax revenue to the Department of Natural Resources to:
- 721 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d)
722 to protect sensitive plant and animal species; or
723 (B) award grants, up to the amount authorized by the Legislature in an
724 appropriations act, to political subdivisions of the state to implement the
725 measures described in Subsections 79-2-303(3)(a) through (d) to protect
726 sensitive plant and animal species.
- 727 (ii) Money transferred to the Department of Natural Resources under Subsection
728 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or
729 any other person to list or attempt to have listed a species as threatened or
730 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et
731 seq.
- 732 (iii) At the end of each fiscal year:
- 733 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
734 the Water Resources Conservation and Development Fund created in Section
735 73-10-24;
- 736 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
737 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
738 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
739 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 740 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in

- 741 Subsection (4)(a) shall be deposited each year in the Agriculture Resource
742 Development Fund created in Section 4-18-106.
- 743 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount
744 described in Subsection (4)(a) shall be transferred each year as designated sales
745 and use tax revenue to the Division of Water Rights to cover the costs incurred in
746 hiring legal and technical staff for the adjudication of water rights.
- 747 (ii) At the end of each fiscal year:
- 748 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
749 the Water Resources Conservation and Development Fund created in Section
750 73-10-24;
- 751 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
752 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 753 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
754 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 755 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount
756 described in Subsection (4)(a) shall be deposited into the Water Resources
757 Conservation and Development Fund created in Section 73-10-24 for use by the
758 Division of Water Resources.
- 759 (ii) In addition to the uses allowed of the Water Resources Conservation and
760 Development Fund under Section 73-10-24, the Water Resources Conservation
761 and Development Fund may also be used to:
- 762 (A) conduct hydrologic and geotechnical investigations by the Division of Water
763 Resources in a cooperative effort with other state, federal, or local entities, for
764 the purpose of quantifying surface and ground water resources and describing
765 the hydrologic systems of an area in sufficient detail so as to enable local and
766 state resource managers to plan for and accommodate growth in water use
767 without jeopardizing the resource;
- 768 (B) fund state required dam safety improvements; and
- 769 (C) protect the state's interest in interstate water compact allocations, including the
770 hiring of technical and legal staff.
- 771 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in
772 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program
773 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund
774 wastewater projects.

- 775 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
776 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program
777 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
778 (i) provide for the installation and repair of collection, treatment, storage, and
779 distribution facilities for any public water system, as defined in Section 19-4-102;
780 (ii) develop underground sources of water, including springs and wells; and
781 (iii) develop surface water sources.
- 782 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
783 2006, the difference between the following amounts shall be expended as provided in
784 this Subsection (5), if that difference is greater than \$1:
785 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
786 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);
787 and
788 (ii) \$17,500,000.
- 789 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
790 (A) transferred each fiscal year to the Department of Natural Resources as
791 designated sales and use tax revenue; and
792 (B) expended by the Department of Natural Resources for watershed rehabilitation
793 or restoration.
794 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
795 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
796 Conservation and Development Fund created in Section 73-10-24.
- 797 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
798 remaining difference described in Subsection (5)(a) shall be:
799 (A) transferred each fiscal year to the Division of Water Resources as designated
800 sales and use tax revenue; and
801 (B) expended by the Division of Water Resources for cloud-seeding projects
802 authorized by Title 73, Chapter 15, Modification of Weather.
803 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
804 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
805 Conservation and Development Fund created in Section 73-10-24.
- 806 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
807 remaining difference described in Subsection (5)(a) shall be deposited into the Water
808 Resources Conservation and Development Fund created in Section 73-10-24 for use

- 809 by the Division of Water Resources for:
- 810 (i) preconstruction costs:
- 811 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
- 812 Chapter 26, Bear River Development Act; and
- 813 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
- 814 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 815 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
- 816 73, Chapter 26, Bear River Development Act;
- 817 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
- 818 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
- 819 Act; and
- 820 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
- 821 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)
- 822 through (iii).
- 823 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
- 824 remaining difference described in Subsection (5)(a) shall be deposited each year into
- 825 the Water Rights Restricted Account created by Section 73-2-1.6.
- 826 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each
- 827 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
- 828 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
- 829 rate on the transactions described in Subsection (1) for the fiscal year.
- 830 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
- 831 year beginning on or after July 1, 2023, the commission shall deposit into the
- 832 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the
- 833 taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from the
- 834 following sales and use taxes:
- 835 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 836 (ii) the tax imposed by Subsection (2)(b)(i);
- 837 (iii) the tax imposed by Subsection (2)(c)(i); and
- 838 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 839 (b) (i) As used in this Subsection (7)(b):
- 840 (A) "Additional growth revenue" means the amount of relevant revenue collected
- 841 in the current fiscal year that exceeds by more than 3% the relevant revenue
- 842 collected in the previous fiscal year.

- 843 (B) "Combined amount" means the combined total amount of money deposited
844 into the Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii)
845 in any single fiscal year.
- 846 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
847 Investment Fund created in Subsection 72-2-124(10).
- 848 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a)
849 that equals 17% of the revenue collected from taxes described in Subsections
850 (7)(a)(i) through (iv).
- 851 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall
852 annually reduce the deposit under Subsection (7)(a) into the Transportation
853 Investment Fund of 2005 by an amount equal to the amount of the deposit under
854 this Subsection (7)(b) to the Cottonwood Canyons fund in the previous fiscal year
855 plus 25% of additional growth revenue, subject to the limit in Subsection
856 (7)(b)(iii).
- 857 (iii) The commission shall annually deposit the amount described in Subsection
858 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum
859 combined amount for any single fiscal year of \$20,000,000.
- 860 (iv) If the amount of relevant revenue declines in a fiscal year compared to the
861 previous fiscal year, the commission shall decrease the amount of the contribution
862 to the Cottonwood Canyons fund under this Subsection (7)(b) in the same
863 proportion as the decline in relevant revenue.
- 864 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
865 2023, the commission shall annually reduce the deposit into the Transportation
866 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
867 equal to 5% of:
- 868 (A) the amount of revenue generated in the current fiscal year by the portion of
869 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
870 collected from taxes described in Subsections (7)(a)(i) through (iv);
- 871 (B) the amount of revenue generated in the current fiscal year by registration fees
872 designated under Section 41-1a-1201 to be deposited into the Transportation
873 Investment Fund of 2005; and
- 874 (C) revenues transferred by the Division of Finance to the Transportation
875 Investment Fund of 2005 in accordance with Section 72-2-106 in the current
876 fiscal year.

- 877 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
878 given fiscal year.
- 879 (iii) The commission shall annually deposit the amount described in Subsection
880 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
881 72-2-124(11).
- 882 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
883 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year
884 beginning on or after July 1, 2018, the commission shall annually deposit into the
885 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the
886 taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenues
887 collected from the following taxes:
- 888 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
889 (ii) the tax imposed by Subsection (2)(b)(i);
890 (iii) the tax imposed by Subsection (2)(c)(i); and
891 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 892 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
893 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
894 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
895 current fiscal year by the portion of the tax imposed on motor and special fuel that is
896 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
- 897 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
898 into the Transit Transportation Investment Fund created in Section 72-2-124.
- 899 (d) (i) As used in this Subsection (8)(d):
- 900 (A) "Additional growth revenue" means the amount of relevant revenue collected
901 in the current fiscal year that exceeds by more than 3% the relevant revenue
902 collected in the previous fiscal year.
- 903 (B) "Combined amount" means the combined total amount of money deposited
904 into the Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii)
905 in any single fiscal year.
- 906 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
907 Investment Fund created in Subsection 72-2-124(10).
- 908 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a)
909 that equals 3.68% of the revenue collected from taxes described in Subsections
910 (8)(a)(i) through (iv).

- 911 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall
912 annually reduce the deposit under Subsection (8)(a) into the Transportation
913 Investment Fund of 2005 by an amount equal to the amount of the deposit under
914 this Subsection (8)(d) to the Cottonwood Canyons fund in the previous fiscal year
915 plus 25% of additional growth revenue, subject to the limit in Subsection
916 (8)(d)(iii).
- 917 (iii) The commission shall annually deposit the amount described in Subsection
918 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum
919 combined amount for any single fiscal year of \$20,000,000.
- 920 (iv) If the amount of relevant revenue declines in a fiscal year compared to the
921 previous fiscal year, the commission shall decrease the amount of the contribution
922 to the Cottonwood Canyons fund under this Subsection (8)(d) in the same
923 proportion as the decline in relevant revenue.
- 924 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
925 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies
926 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
- 927 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal
928 year during which the commission receives notice under Section 63N-2-510 that
929 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the
930 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the
931 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact
932 Mitigation Fund, created in Section 63N-2-512.
- 933 (11) (a) The rate specified in this subsection is 0.15%.
- 934 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
935 on or after July 1, 2019, annually transfer the amount of revenue collected from the
936 rate described in Subsection (11)(a) on the transactions that are subject to the sales
937 and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created
938 in Section 26B-1-315.
- 939 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
940 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated
941 credit solely for use of the Search and Rescue Financial Assistance Program created in,
942 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 943 (13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall
944 annually transfer \$1,813,400 of the revenue deposited into the Transportation

- 945 Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.
- 946 (b) If the total revenue deposited into the Transportation Investment Fund of 2005 under
947 Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall
948 transfer the total revenue deposited into the Transportation Investment Fund of 2005
949 under Subsections (7) and (8) during the fiscal year to the General Fund.
- 950 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610, beginning
951 the first day of the calendar quarter one year after the sales and use tax boundary for a
952 housing and transit reinvestment zone is established, the commission, at least annually,
953 shall transfer an amount equal to 15% of the sales and use tax increment within an
954 established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit
955 Transportation Investment Fund created in Section 72-2-124.
- 956 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
957 on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted
958 Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
959 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:
- 960 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 961 (b) the tax imposed by Subsection (2)(b)(i);
- 962 (c) the tax imposed by Subsection (2)(c)(i); and
- 963 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 964 (16) (a) As used in this Subsection (16):
- 965 (i) "Additional land" means point of the mountain state land described in Subsection
966 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
967 the mountain authority provides the commission a map under Subsection (16)(c).
- 968 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
969 Authority, created in Section 11-59-201.
- 970 (iii) "Point of the mountain state land" means the same as that term is defined in
971 Section 11-59-102.
- 972 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the
973 mountain authority 50% of the revenue from the sales and use tax imposed by
974 Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the
975 mountain state land.
- 976 (c) The distribution under Subsection (16)(b) shall begin the next calendar quarter that
977 begins at least 90 days after the point of the mountain authority provides the
978 commission a map that:

- 979 (i) accurately describes the point of the mountain state land; and
 980 (ii) the point of the mountain authority certifies as accurate.
- 981 (d) A distribution under Subsection (16)(b) with respect to additional land shall begin
 982 the next calendar quarter that begins at least 90 days after the point of the mountain
 983 authority provides the commission a map of point of the mountain state land that:
 984 (i) accurately describes the point of the mountain state land, including the additional
 985 land; and
 986 (ii) the point of the mountain authority certifies as accurate.
- 987 (e) (i) Upon the payment in full of bonds secured by the sales and use tax revenue
 988 distributed to the point of the mountain authority under Subsection (16)(b), the
 989 point of the mountain authority shall immediately notify the commission in
 990 writing that the bonds are paid in full.
 991 (ii) The commission shall discontinue distributions of sales and use tax revenue under
 992 Subsection (16)(b) at the beginning of the calendar quarter that begins at least 90
 993 days after the date that the commission receives the written notice under
 994 Subsection (16)(e)(i).

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

996 **59-12-103 (Contingently Effective 01/01/25). Sales and use tax base -- Rates --**
 997 **Effective dates -- Use of sales and use tax revenues.**

- 998 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales
 999 price for amounts paid or charged for the following transactions:
- 1000 (a) retail sales of tangible personal property made within the state;
- 1001 (b) amounts paid for:
- 1002 (i) telecommunications service, other than mobile telecommunications service, that
 1003 originates and terminates within the boundaries of this state;
- 1004 (ii) mobile telecommunications service that originates and terminates within the
 1005 boundaries of one state only to the extent permitted by the Mobile
 1006 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 1007 (iii) an ancillary service associated with a:
- 1008 (A) telecommunications service described in Subsection (1)(b)(i); or
 1009 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 1010 (c) sales of the following for commercial use:
- 1011 (i) gas;
- 1012 (ii) electricity;

- 1013 (iii) heat;
- 1014 (iv) coal;
- 1015 (v) fuel oil; or
- 1016 (vi) other fuels;
- 1017 (d) sales of the following for residential use:
- 1018 (i) gas;
- 1019 (ii) electricity;
- 1020 (iii) heat;
- 1021 (iv) coal;
- 1022 (v) fuel oil; or
- 1023 (vi) other fuels;
- 1024 (e) sales of prepared food;
- 1025 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1026 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
- 1027 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,
- 1028 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling
- 1029 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
- 1030 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
- 1031 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
- 1032 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
- 1033 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
- 1034 activity;
- 1035 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1036 property, unless Section 59-12-104 provides for an exemption from sales and use tax
- 1037 for:
- 1038 (i) the tangible personal property; and
- 1039 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1040 in Subsection (1)(g)(i), regardless of whether:
- 1041 (A) any parts are actually used in the repairs or renovations of that tangible
- 1042 personal property; or
- 1043 (B) the particular parts used in the repairs or renovations of that tangible personal
- 1044 property are exempt from a tax under this chapter;
- 1045 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted
- 1046 cleaning or washing of tangible personal property;

- 1047 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
1048 accommodations and services that are regularly rented for less than 30 consecutive
1049 days;
- 1050 (j) amounts paid or charged for laundry or dry cleaning services;
- 1051 (k) amounts paid or charged for leases or rentals of tangible personal property if within
1052 this state the tangible personal property is:
- 1053 (i) stored;
- 1054 (ii) used; or
- 1055 (iii) otherwise consumed;
- 1056 (l) amounts paid or charged for tangible personal property if within this state the tangible
1057 personal property is:
- 1058 (i) stored;
- 1059 (ii) used; or
- 1060 (iii) consumed;
- 1061 (m) amounts paid or charged for a sale:
- 1062 (i) (A) of a product transferred electronically; or
1063 (B) of a repair or renovation of a product transferred electronically; and
- 1064 (ii) regardless of whether the sale provides:
- 1065 (A) a right of permanent use of the product; or
1066 (B) a right to use the product that is less than a permanent use, including a right:
1067 (I) for a definite or specified length of time; and
1068 (II) that terminates upon the occurrence of a condition; and
- 1069 (n) sales of leased tangible personal property from the lessor to the lessee made in the
1070 state.
- 1071 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
1072 are imposed on a transaction described in Subsection (1) equal to the sum of:
- 1073 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1074 (A) 4.70% plus the rate specified in Subsection (11)(a); and
1075 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional
1076 State Sales and Use Tax Act, if the location of the transaction as determined
1077 under Sections 59-12-211 through 59-12-215 is in a county in which the
1078 state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
1079 and
1080 (II) the tax rate the state imposes in accordance with Part 20, Supplemental

- 1081 State Sales and Use Tax Act, if the location of the transaction as determined
1082 under Sections 59-12-211 through 59-12-215 is in a city, town, or the
1083 unincorporated area of a county in which the state imposes the tax under
1084 Part 20, Supplemental State Sales and Use Tax Act; and
- 1085 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1086 transaction under this chapter other than this part.
- 1087 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state
1088 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal
1089 to the sum of:
- 1090 (i) a state tax imposed on the transaction at a tax rate of 2%; and
1091 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1092 transaction under this chapter other than this part.
- 1093 (c) (i) Except as provided in Subsection (2)(f) or (g), a local tax is imposed on
1094 amounts paid or charged for food and food ingredients equal to the sum of the tax
1095 rates a county, city, or town imposes under this chapter on the amounts paid or
1096 charged for food or food ingredients.
- 1097 (ii) There is no state tax imposed on amounts paid or charged for food and food
1098 ingredients.
- 1099 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid
1100 or charged for fuel to a common carrier that is a railroad for use in a locomotive
1101 engine at a rate of 4.85%.
- 1102 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form
1103 prescribed by the commission, that the shared vehicle is an individual-owned
1104 shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to
1105 car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle
1106 owner.
- 1107 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
1108 required once during the time that the shared vehicle owner owns the shared
1109 vehicle.
- 1110 (C) The commission shall verify that a shared vehicle is an individual-owned
1111 shared vehicle by verifying that the applicable Utah taxes imposed under this
1112 chapter were paid on the purchase of the shared vehicle.
- 1113 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
1114 individual-owned shared vehicle shared through a car-sharing program even if

- 1115 non-certified shared vehicles are also available to be shared through the same
1116 car-sharing program.
- 1117 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.
- 1118 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's
1119 representation that the shared vehicle is an individual-owned shared vehicle
1120 certified with the commission as described in Subsection (2)(e)(i).
- 1121 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
1122 representation that the shared vehicle is an individual-owned shared vehicle
1123 certified with the commission as described in Subsection (2)(e)(i), the
1124 car-sharing program is not liable for any tax, penalty, fee, or other sanction
1125 imposed on the shared vehicle owner.
- 1126 (iv) If all shared vehicles shared through a car-sharing program are certified as
1127 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has
1128 no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax
1129 period.
- 1130 (v) [~~(A)~~] A car-sharing program is not required to list or otherwise identify an
1131 individual-owned shared vehicle on a return or an attachment to a return.
- 1132 (vi) A car-sharing program shall:
- 1133 (A) retain tax information for each car-sharing program transaction; and
- 1134 (B) provide the information described in Subsection (2)(e)(vi)(A) to the
1135 commission at the commission's request.
- 1136 (f) (i) For a bundled transaction that is attributable to food and food ingredients and
1137 tangible personal property other than food and food ingredients, a state tax and a
1138 local tax is imposed on the entire bundled transaction equal to the sum of:
- 1139 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- 1140 (I) the tax rate described in Subsection (2)(a)(i)(A); and
- 1141 (II) (Aa) the tax rate the state imposes in accordance with Part 18,
1142 Additional State Sales and Use Tax Act, if the location of the transaction
1143 as determined under Sections 59-12-211 through 59-12-215 is in a
1144 county in which the state imposes the tax under Part 18, Additional State
1145 Sales and Use Tax Act; and
- 1146 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental
1147 State Sales and Use Tax Act, if the location of the transaction as
1148 determined under Sections 59-12-211 through 59-12-215 is in a city,

- 1149 town, or the unincorporated area of a county in which the state imposes
1150 the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- 1151 (B) a local tax imposed on the entire bundled transaction at the sum of the tax
1152 rates described in Subsection (2)(a)(ii).
- 1153 (ii) If an optional computer software maintenance contract is a bundled transaction
1154 that consists of taxable and nontaxable products that are not separately itemized
1155 on an invoice or similar billing document, the purchase of the optional computer
1156 software maintenance contract is 40% taxable under this chapter and 60%
1157 nontaxable under this chapter.
- 1158 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
1159 transaction described in Subsection (2)(f)(i) or (ii):
- 1160 (A) if the sales price of the bundled transaction is attributable to tangible personal
1161 property, a product, or a service that is subject to taxation under this chapter
1162 and tangible personal property, a product, or service that is not subject to
1163 taxation under this chapter, the entire bundled transaction is subject to taxation
1164 under this chapter unless:
- 1165 (I) the seller is able to identify by reasonable and verifiable standards the
1166 tangible personal property, product, or service that is not subject to taxation
1167 under this chapter from the books and records the seller keeps in the seller's
1168 regular course of business; or
- 1169 (II) state or federal law provides otherwise; or
- 1170 (B) if the sales price of a bundled transaction is attributable to two or more items
1171 of tangible personal property, products, or services that are subject to taxation
1172 under this chapter at different rates, the entire bundled transaction is subject to
1173 taxation under this chapter at the higher tax rate unless:
- 1174 (I) the seller is able to identify by reasonable and verifiable standards the
1175 tangible personal property, product, or service that is subject to taxation
1176 under this chapter at the lower tax rate from the books and records the seller
1177 keeps in the seller's regular course of business; or
- 1178 (II) state or federal law provides otherwise.
- 1179 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1180 seller's regular course of business includes books and records the seller keeps in
1181 the regular course of business for nontax purposes.
- 1182 (g) (i) Except as otherwise provided in this chapter and subject to Subsections

- 1183 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
1184 personal property, a product, or a service that is subject to taxation under this
1185 chapter, and the sale, lease, or rental of tangible personal property, other property,
1186 a product, or a service that is not subject to taxation under this chapter, the entire
1187 transaction is subject to taxation under this chapter unless the seller, at the time of
1188 the transaction:
- 1189 (A) separately states the portion of the transaction that is not subject to taxation
1190 under this chapter on an invoice, bill of sale, or similar document provided to
1191 the purchaser; or
 - 1192 (B) is able to identify by reasonable and verifiable standards, from the books and
1193 records the seller keeps in the seller's regular course of business, the portion of
1194 the transaction that is not subject to taxation under this chapter.
- 1195 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 1196 (A) after the transaction occurs, the purchaser and the seller discover that the
1197 portion of the transaction that is not subject to taxation under this chapter was
1198 not separately stated on an invoice, bill of sale, or similar document provided
1199 to the purchaser because of an error or ignorance of the law; and
 - 1200 (B) the seller is able to identify by reasonable and verifiable standards, from the
1201 books and records the seller keeps in the seller's regular course of business, the
1202 portion of the transaction that is not subject to taxation under this chapter.
- 1203 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller
1204 keeps in the seller's regular course of business includes books and records the
1205 seller keeps in the regular course of business for nontax purposes.
- 1206 (h) (i) If the sales price of a transaction is attributable to two or more items of
1207 tangible personal property, products, or services that are subject to taxation under
1208 this chapter at different rates, the entire purchase is subject to taxation under this
1209 chapter at the higher tax rate unless the seller, at the time of the transaction:
- 1210 (A) separately states the items subject to taxation under this chapter at each of the
1211 different rates on an invoice, bill of sale, or similar document provided to the
1212 purchaser; or
 - 1213 (B) is able to identify by reasonable and verifiable standards the tangible personal
1214 property, product, or service that is subject to taxation under this chapter at the
1215 lower tax rate from the books and records the seller keeps in the seller's regular
1216 course of business.

- 1217 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
1218 seller's regular course of business includes books and records the seller keeps in
1219 the regular course of business for nontax purposes.
- 1220 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
1221 imposed under the following shall take effect on the first day of a calendar quarter:
- 1222 (i) Subsection (2)(a)(i)(A);
1223 (ii) Subsection (2)(b)(i); or
1224 (iii) Subsection (2)(f)(i)(A)(I).
- 1225 (j) (i) A tax rate increase takes effect on the first day of the first billing period that
1226 begins on or after the effective date of the tax rate increase if the billing period for
1227 the transaction begins before the effective date of a tax rate increase imposed
1228 under:
- 1229 (A) Subsection (2)(a)(i)(A);
1230 (B) Subsection (2)(b)(i); or
1231 (C) Subsection (2)(f)(i)(A)(I).
- 1232 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1233 statement for the billing period is rendered on or after the effective date of the
1234 repeal of the tax or the tax rate decrease imposed under:
- 1235 (A) Subsection (2)(a)(i)(A);
1236 (B) Subsection (2)(b)(i); or
1237 (C) Subsection (2)(f)(i)(A)(I).
- 1238 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
1239 is computed on the basis of sales and use tax rates published in the catalogue, a
1240 tax rate repeal or change in a tax rate takes effect:
- 1241 (A) on the first day of a calendar quarter; and
1242 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
1243 change.
- 1244 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 1245 (A) Subsection (2)(a)(i)(A);
1246 (B) Subsection (2)(b)(i); or
1247 (C) Subsection (2)(f)(i)(A)(I).
- 1248 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1249 the commission may by rule define the term "catalogue sale."
- 1250 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall

- 1251 determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or
 1252 other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil,
 1253 or other fuel at the location.
- 1254 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
 1255 or other fuel is furnished through a single meter for two or more of the following
 1256 uses:
- 1257 (A) a commercial use;
 1258 (B) an industrial use; or
 1259 (C) a residential use.
- 1260 (3) (a) The following state taxes shall be deposited into the General Fund:
- 1261 (i) the tax imposed by Subsection (2)(a)(i)(A);
 1262 (ii) the tax imposed by Subsection (2)(b)(i); and
 1263 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1264 (b) The following local taxes shall be distributed to a county, city, or town as provided
 1265 in this chapter:
- 1266 (i) the tax imposed by Subsection (2)(a)(ii);
 1267 (ii) the tax imposed by Subsection (2)(b)(ii);
 1268 (iii) the tax imposed by Subsection (2)(c); and
 1269 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1270 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1271 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
 1272 2003, the lesser of the following amounts shall be expended as provided in
 1273 Subsections (4)(b) through (g):
- 1274 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
 1275 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
 1276 (B) for the fiscal year; or
 1277 (ii) \$17,500,000.
- 1278 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
 1279 described in Subsection (4)(a) shall be transferred each year as designated sales
 1280 and use tax revenue to the Department of Natural Resources to:
- 1281 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d)
 1282 to protect sensitive plant and animal species; or
 1283 (B) award grants, up to the amount authorized by the Legislature in an
 1284 appropriations act, to political subdivisions of the state to implement the

- 1285 measures described in Subsections 79-2-303(3)(a) through (d) to protect
1286 sensitive plant and animal species.
- 1287 (ii) Money transferred to the Department of Natural Resources under Subsection
1288 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or
1289 any other person to list or attempt to have listed a species as threatened or
1290 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et
1291 seq.
- 1292 (iii) At the end of each fiscal year:
- 1293 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
1294 the Water Resources Conservation and Development Fund created in Section
1295 73-10-24;
- 1296 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1297 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1298 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1299 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1300 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1301 Subsection (4)(a) shall be deposited each year in the Agriculture Resource
1302 Development Fund created in Section 4-18-106.
- 1303 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount
1304 described in Subsection (4)(a) shall be transferred each year as designated sales
1305 and use tax revenue to the Division of Water Rights to cover the costs incurred in
1306 hiring legal and technical staff for the adjudication of water rights.
- 1307 (ii) At the end of each fiscal year:
- 1308 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
1309 the Water Resources Conservation and Development Fund created in Section
1310 73-10-24;
- 1311 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1312 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1313 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1314 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1315 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount
1316 described in Subsection (4)(a) shall be deposited into the Water Resources
1317 Conservation and Development Fund created in Section 73-10-24 for use by the
1318 Division of Water Resources.

- 1319 (ii) In addition to the uses allowed of the Water Resources Conservation and
1320 Development Fund under Section 73-10-24, the Water Resources Conservation
1321 and Development Fund may also be used to:
- 1322 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1323 Resources in a cooperative effort with other state, federal, or local entities, for
1324 the purpose of quantifying surface and ground water resources and describing
1325 the hydrologic systems of an area in sufficient detail so as to enable local and
1326 state resource managers to plan for and accommodate growth in water use
1327 without jeopardizing the resource;
- 1328 (B) fund state required dam safety improvements; and
- 1329 (C) protect the state's interest in interstate water compact allocations, including the
1330 hiring of technical and legal staff.
- 1331 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in
1332 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program
1333 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund
1334 wastewater projects.
- 1335 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1336 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program
1337 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 1338 (i) provide for the installation and repair of collection, treatment, storage, and
1339 distribution facilities for any public water system, as defined in Section 19-4-102;
- 1340 (ii) develop underground sources of water, including springs and wells; and
- 1341 (iii) develop surface water sources.
- 1342 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1343 2006, the difference between the following amounts shall be expended as provided in
1344 this Subsection (5), if that difference is greater than \$1:
- 1345 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
1346 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);
1347 and
- 1348 (ii) \$17,500,000.
- 1349 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 1350 (A) transferred each fiscal year to the Department of Natural Resources as
1351 designated sales and use tax revenue; and
- 1352 (B) expended by the Department of Natural Resources for watershed rehabilitation

- 1353 or restoration.
- 1354 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1355 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
1356 Conservation and Development Fund created in Section 73-10-24.
- 1357 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1358 remaining difference described in Subsection (5)(a) shall be:
- 1359 (A) transferred each fiscal year to the Division of Water Resources as designated
1360 sales and use tax revenue; and
- 1361 (B) expended by the Division of Water Resources for cloud-seeding projects
1362 authorized by Title 73, Chapter 15, Modification of Weather.
- 1363 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1364 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
1365 Conservation and Development Fund created in Section 73-10-24.
- 1366 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1367 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1368 Resources Conservation and Development Fund created in Section 73-10-24 for use
1369 by the Division of Water Resources for:
- 1370 (i) preconstruction costs:
- 1371 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
1372 Chapter 26, Bear River Development Act; and
- 1373 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1374 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 1375 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
1376 73, Chapter 26, Bear River Development Act;
- 1377 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
1378 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
1379 Act; and
- 1380 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1381 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)
1382 through (iii).
- 1383 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
1384 remaining difference described in Subsection (5)(a) shall be deposited each year into
1385 the Water Rights Restricted Account created by Section 73-2-1.6.
- 1386 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each

- 1387 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
1388 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
1389 rate on the transactions described in Subsection (1) for the fiscal year.
- 1390 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
1391 year beginning on or after July 1, 2023, the commission shall deposit into the
1392 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the
1393 taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from the
1394 following sales and use taxes:
- 1395 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
 - 1396 (ii) the tax imposed by Subsection (2)(b)(i); and
 - 1397 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1398 (b) (i) As used in this Subsection (7)(b):
- 1399 (A) "Additional growth revenue" means the amount of relevant revenue collected
1400 in the current fiscal year that exceeds by more than 3% the relevant revenue
1401 collected in the previous fiscal year.
 - 1402 (B) "Combined amount" means the combined total amount of money deposited
1403 into the Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii)
1404 in any single fiscal year.
 - 1405 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1406 Investment Fund created in Subsection 72-2-124(10).
 - 1407 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a)
1408 that equals 17% of the revenue collected from taxes described in Subsections
1409 (7)(a)(i) through (iii).
- 1410 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall
1411 annually reduce the deposit under Subsection (7)(a) into the Transportation
1412 Investment Fund of 2005 by an amount equal to the amount of the deposit under
1413 this Subsection (7)(b) to the Cottonwood Canyons fund in the previous fiscal year
1414 plus 25% of additional growth revenue, subject to the limit in Subsection
1415 (7)(b)(iii).
- 1416 (iii) The commission shall annually deposit the amount described in Subsection
1417 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum
1418 combined amount for any single fiscal year of \$20,000,000.
- 1419 (iv) If the amount of relevant revenue declines in a fiscal year compared to the
1420 previous fiscal year, the commission shall decrease the amount of the contribution

- 1421 to the Cottonwood Canyons fund under this Subsection (7)(b) in the same
1422 proportion as the decline in relevant revenue.
- 1423 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
1424 2023, the commission shall annually reduce the deposit into the Transportation
1425 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
1426 equal to 5% of:
- 1427 (A) the amount of revenue generated in the current fiscal year by the portion of
1428 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
1429 collected from taxes described in Subsections (7)(a)(i) through (iv);
- 1430 (B) the amount of revenue generated in the current fiscal year by registration fees
1431 designated under Section 41-1a-1201 to be deposited into the Transportation
1432 Investment Fund of 2005; and
- 1433 (C) revenues transferred by the Division of Finance to the Transportation
1434 Investment Fund of 2005 in accordance with Section 72-2-106 in the current
1435 fiscal year.
- 1436 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
1437 given fiscal year.
- 1438 (iii) The commission shall annually deposit the amount described in Subsection
1439 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
1440 72-2-124(11).
- 1441 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1442 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year
1443 beginning on or after July 1, 2018, the commission shall annually deposit into the
1444 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the
1445 taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenues
1446 collected from the following taxes:
- 1447 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
1448 (ii) the tax imposed by Subsection (2)(b)(i); and
1449 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1450 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1451 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
1452 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
1453 current fiscal year by the portion of the tax imposed on motor and special fuel that is
1454 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

- 1455 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
1456 into the Transit Transportation Investment Fund created in Section 72-2-124.
- 1457 (d) (i) As used in this Subsection (8)(d):
- 1458 (A) "Additional growth revenue" means the amount of relevant revenue collected
1459 in the current fiscal year that exceeds by more than 3% the relevant revenue
1460 collected in the previous fiscal year.
- 1461 (B) "Combined amount" means the combined total amount of money deposited
1462 into the Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii)
1463 in any single fiscal year.
- 1464 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1465 Investment Fund created in Subsection 72-2-124(10).
- 1466 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a)
1467 that equals 3.68% of the revenue collected from taxes described in Subsections
1468 (8)(a)(i) through (iii).
- 1469 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall
1470 annually reduce the deposit under Subsection (8)(a) into the Transportation
1471 Investment Fund of 2005 by an amount equal to the amount of the deposit under
1472 this Subsection (8)(d) to the Cottonwood Canyons fund in the previous fiscal year
1473 plus 25% of additional growth revenue, subject to the limit in Subsection
1474 (8)(d)(iii).
- 1475 (iii) The commission shall annually deposit the amount described in Subsection
1476 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum
1477 combined amount for any single fiscal year of \$20,000,000.
- 1478 (iv) If the amount of relevant revenue declines in a fiscal year compared to the
1479 previous fiscal year, the commission shall decrease the amount of the contribution
1480 to the Cottonwood Canyons fund under this Subsection (8)(d) in the same
1481 proportion as the decline in relevant revenue.
- 1482 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1483 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies
1484 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
- 1485 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal
1486 year during which the commission receives notice under Section 63N-2-510 that
1487 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the
1488 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the

- 1489 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact
1490 Mitigation Fund, created in Section 63N-2-512.
- 1491 (11) (a) The rate specified in this subsection is 0.15%.
- 1492 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
1493 on or after July 1, 2019, annually transfer the amount of revenue collected from the
1494 rate described in Subsection (11)(a) on the transactions that are subject to the sales
1495 and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created
1496 in Section 26B-1-315.
- 1497 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1498 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated
1499 credit solely for use of the Search and Rescue Financial Assistance Program created in,
1500 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 1501 (13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall
1502 annually transfer \$1,813,400 of the revenue deposited into the Transportation
1503 Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.
- 1504 (b) If the total revenue deposited into the Transportation Investment Fund of 2005 under
1505 Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall
1506 transfer the total revenue deposited into the Transportation Investment Fund of 2005
1507 under Subsections (7) and (8) during the fiscal year to the General Fund.
- 1508 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610, beginning
1509 the first day of the calendar quarter one year after the sales and use tax boundary for a
1510 housing and transit reinvestment zone is established, the commission, at least annually,
1511 shall transfer an amount equal to 15% of the sales and use tax increment within an
1512 established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit
1513 Transportation Investment Fund created in Section 72-2-124.
- 1514 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
1515 on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted
1516 Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
1517 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:
- 1518 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1519 (b) the tax imposed by Subsection (2)(b)(i); and
- 1520 (c) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1521 (16) (a) As used in this Subsection (16):
- 1522 (i) "Additional land" means point of the mountain state land described in Subsection

1523 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
 1524 the mountain authority provides the commission a map under Subsection (16)(c).

1525 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
 1526 Authority, created in Section 11-59-201.

1527 (iii) "Point of the mountain state land" means the same as that term is defined in
 1528 Section 11-59-102.

1529 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the
 1530 mountain authority 50% of the revenue from the sales and use tax imposed by
 1531 Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the
 1532 mountain state land.

1533 (c) The distribution under Subsection (16)(b) shall begin the next calendar quarter that
 1534 begins at least 90 days after the point of the mountain authority provides the
 1535 commission a map that:

1536 (i) accurately describes the point of the mountain state land; and

1537 (ii) the point of the mountain authority certifies as accurate.

1538 (d) A distribution under Subsection (16)(b) with respect to additional land shall begin
 1539 the next calendar quarter that begins at least 90 days after the point of the mountain
 1540 authority provides the commission a map of point of the mountain state land that:

1541 (i) accurately describes the point of the mountain state land, including the additional
 1542 land; and

1543 (ii) the point of the mountain authority certifies as accurate.

1544 (e) (i) Upon the payment in full of bonds secured by the sales and use tax revenue
 1545 distributed to the point of the mountain authority under Subsection (16)(b), the
 1546 point of the mountain authority shall immediately notify the commission in
 1547 writing that the bonds are paid in full.

1548 (ii) The commission shall discontinue distributions of sales and use tax revenue under
 1549 Subsection (16)(b) at the beginning of the calendar quarter that begins at least 90
 1550 days after the date that the commission receives the written notice under
 1551 Subsection (16)(e)(i).

1552 Section 13. **Effective date.**

1553 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

1554 (2) The actions affecting Section 59-12-103 (Contingently Effective 01/01/25) contingently
 1555 take effect on January 1, 2025.