FUNDING FOR INFRASTRUCTURE REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Mike K. McKell

LONG TITLE

General Description:

This bill modifies and enacts provisions relating to funding for infrastructure projects.

Highlighted Provisions:

This bill:

- provides definitions;
- reduces certain sales and use tax earmarks that are deposited into the Transportation Investment Fund of 2005;
- provides that certain sales and use tax revenue shall be deposited into the Throughput Infrastructure Fund;
- creates the Throughput Infrastructure Fund;
- requires the Permanent Community Impact Fund Board to administer the Throughput Infrastructure Fund;
- creates the Impacted Communities Transportation Development Restricted Account;
- enacts provisions related to deposits into and use of funds in the Impacted Communities Transportation Development Restricted Account; and
- makes technical changes.
Money Appropriated in this Bill:
None

Other Special Clauses:
This bill provides a special effective date.

Utah Code Sections Affected:
AMENDS:
- **35A-8-302**, as last amended by Laws of Utah 2012, Chapter 9 and renumbered and amended by Laws of Utah 2012, Chapter 212
- **59-12-103**, as last amended by Laws of Utah 2015, Chapter 283
- **59-12-1201**, as last amended by Laws of Utah 2012, Chapter 121
- **59-21-2**, as last amended by Laws of Utah 2012, Chapters 212 and 242

ENACTS:
- **35A-8-308**, Utah Code Annotated 1953
- **35A-8-309**, Utah Code Annotated 1953
- **72-2-128**, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:
Section 1. Section **35A-8-302** is amended to read:

**35A-8-302. Definitions.**
As used in this part:
(1) "Bonus payments" means that portion of the bonus payments received by the United States government under the Leasing Act paid to the state under Section 35 of the Leasing Act, 30 U.S.C. Sec. 191, together with any interest that had accrued on those payments.
(2) "Impact board" means the Permanent Community Impact Fund Board created under Section **35A-8-304**.
(3) "Impact fund" means the Permanent Community Impact Fund established by this chapter.
(4) "Interlocal Agency" means a legal or administrative entity created by a subdivision or combination of subdivisions under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.


(6) "Qualifying sales and use tax distribution reduction" means that, for the calendar year beginning on January 1, 2008, the total sales and use tax distributions a city received under Section 59-12-205 were reduced by at least 15% from the total sales and use tax distributions the city received under Section 59-12-205 for the calendar year beginning on January 1, 2007.

(7) "Subdivision" means a county, city, town, county service area, special service district, special improvement district, water conservancy district, water improvement district, sewer improvement district, housing authority, building authority, school district, or public postsecondary institution organized under the laws of this state.

(8) (a) "Throughput infrastructure project" means the following facilities, whether located within, partially within, or outside of the state:

(i) a bulk commodities ocean terminal;
(ii) a pipeline for the transportation of liquid or gaseous hydrocarbons;
(iii) electric transmission lines and ancillary facilities; or
(iv) a shortline freight railroad and ancillary facilities.

(b) "Throughput infrastructure project" includes:

(i) an ownership interest or a joint or undivided ownership interest in a facility;
(ii) a membership interest in the owner of a facility; or
(iii) a contractual right, whether secured or unsecured, to use all or a portion of the throughput, transportation, or transmission capacity of a facility.

Section 2. Section 35A-8-308 is enacted to read:

35A-8-308. Throughput Infrastructure Fund.

(1) There is created an enterprise fund known as the Throughput Infrastructure Fund.
(2) The fund consists of money generated from the following revenue sources:
(a) all amounts transferred to the fund under Subsection 59-12-103(14);
(b) any voluntary contributions received;
(c) appropriations made to the fund by the Legislature; and
(d) all amounts received from the repayment of loans made by the impact board under Section 35A-8-309.

(3) The state treasurer shall:
(a) invest the money in the fund by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and
(b) deposit all interest or other earnings derived from those investments into the fund.

Section 3. Section 35A-8-309 is enacted to read:

35A-8-309. Throughput Infrastructure Fund administered by impact board -- Uses -- Review by board -- Annual report.

(1) The impact board shall:
(a) make grants and loans from the Throughput Infrastructure Fund created in Section 35A-8-308 for a throughput infrastructure project;
(b) use money transferred to the Throughput Infrastructure Fund in accordance with Subsection 59-12-103(14) to provide a loan or grant to finance the cost of acquisition or construction of a throughput infrastructure project to one or more local political subdivisions, including a Utah interlocal entity created under the Interlocal Cooperation Act, Title 11, Chapter 13;
(c) administer the Throughput Infrastructure Fund in a manner that will keep a portion of the fund revolving;
(d) determine provisions for repayment of loans;
(e) establish criteria for awarding loans and grants; and
(f) establish criteria for determining eligibility for assistance under this section.
(2) The cost of acquisition or construction of a throughput infrastructure project includes amounts for working capital, reserves, transaction costs, and other amounts
determined by the impact board to be allocable to a throughput infrastructure project.

(3) The impact board may restructure or forgive all or part of a local political subdivision's or interlocal entity's obligation to repay loans for extenuating circumstances.

(4) In order to receive assistance under this section, a local political subdivision or an interlocal entity shall submit a formal application containing the information that the impact board requires.

(5) (a) The impact board shall:

(i) review the proposed uses of the Throughput Infrastructure Fund for a loan or grant before approving the loan or grant and may condition its approval on whatever assurances the impact board considers necessary to ensure that proceeds of the loan or grant will be used in accordance with this section;

(ii) ensure that each loan specifies terms for interest deferments, accruals, and scheduled principal repayment; and

(iii) ensure that repayment terms are evidenced by bonds, notes, or other obligations of the appropriate local political subdivision or interlocal entity issued to the impact board and payable from the net revenues of a throughput infrastructure project.

(b) An instrument described in Subsection (5)(a)(iii) may be:

(i) non-recourse to the local political subdivision or interlocal entity; and

(ii) limited to a pledge of the net revenues from a throughput infrastructure project.

(6) (a) Subject to the restriction in Subsection (6)(b), the impact board shall allocate from the Throughput Infrastructure Fund to the board those amounts that are appropriated by the Legislature for the administration of the Throughput Infrastructure Fund.

(b) The amount described in Subsection (6)(a) may not exceed 2% of the annual receipts to the fund.

(7) The board shall include in the annual written report described in Section 35A-1-109:

(a) the number and type of loans and grants made under this section; and

(b) a list of local political subdivisions or interlocal entities that received assistance
Section 4. Section 59-12-103 is amended to read:

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

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

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

(b) amounts paid for:

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

(ii) mobile telecommunications service that originates and terminates within the boundaries of one state only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

(iii) an ancillary service associated with a:

(A) telecommunications service described in Subsection (1)(b)(i); or

(B) mobile telecommunications service described in Subsection (1)(b)(ii);

(c) sales of the following for commercial use:

(i) gas;

(ii) electricity;

(iii) heat;

(iv) coal;

(v) fuel oil; or

(vi) other fuels;

(d) sales of the following for residential use:

(i) gas;

(ii) electricity;

(iii) heat;

(iv) coal;
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(v) fuel oil; or
(vi) other fuels;
(e) sales of prepared food;
(f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;
(g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
(i) the tangible personal property; and
(ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1)(g)(i), regardless of whether:
(A) any parts are actually used in the repairs or renovations of that tangible personal property; or
(B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;
(h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or washing of tangible personal property;
(i) amounts paid or charged for tourist home, hotel, motel, or trailer court accommodations and services that are regularly rented for less than 30 consecutive days;
(j) amounts paid or charged for laundry or dry cleaning services;
(k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:
(i) stored;
(ii) used; or
(iii) otherwise consumed;
(l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:
(i) stored;
(ii) used; or
(iii) consumed; and
(m) amounts paid or charged for a sale:
(i) (A) of a product transferred electronically; or
(B) of a repair or renovation of a product transferred electronically; and
(ii) regardless of whether the sale provides:
(A) a right of permanent use of the product; or
(B) a right to use the product that is less than a permanent use, including a right:
(I) for a definite or specified length of time; and
(II) that terminates upon the occurrence of a condition.
(2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax is imposed on a transaction described in Subsection (1) equal to the sum of:
(i) a state tax imposed on the transaction at a tax rate equal to the sum of:
(A) 4.70%; and
(B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and
(II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

(b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed on a transaction described in Subsection (1)(d) equal to the sum of:

(i) a state tax imposed on the transaction at a tax rate of 2%; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

(c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed on amounts paid or charged for food and food ingredients equal to the sum of:

(i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of 1.75%; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the amounts paid or charged for food and food ingredients under this chapter other than this part.

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

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

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

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

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

(B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).
(ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.

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

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

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

(II) state or federal law provides otherwise; or

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

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

(II) state or federal law provides otherwise.

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

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

(A) separately states the portion of the transaction that is not subject to taxation under
this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or
(B) is able to identify by reasonable and verifiable standards, from the books and
records the seller keeps in the seller's regular course of business, the portion of the transaction
that is not subject to taxation under this chapter.

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

(A) after the transaction occurs, the purchaser and the seller discover that the portion of
the transaction that is not subject to taxation under this chapter was not separately stated on an
invoice, bill of sale, or similar document provided to the purchaser because of an error or
ignorance of the law; and
(B) the seller is able to identify by reasonable and verifiable standards, from the books
and records the seller keeps in the seller's regular course of business, the portion of the
transaction that is not subject to taxation under this chapter.

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

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

(A) separately states the items subject to taxation under this chapter at each of the
different rates on an invoice, bill of sale, or similar document provided to the purchaser; or
(B) is able to identify by reasonable and verifiable standards the tangible personal
property, product, or service that is subject to taxation under this chapter at the lower tax rate
from the books and records the seller keeps in the seller's regular course of business.
(ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

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

   (i) Subsection (2)(a)(i)(A);
   (ii) Subsection (2)(b)(i);
   (iii) Subsection (2)(c)(i); or

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

   (A) Subsection (2)(a)(i)(A);
   (B) Subsection (2)(b)(i);
   (C) Subsection (2)(c)(i); or

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

   (A) Subsection (2)(a)(i)(A);
   (B) Subsection (2)(b)(i);
   (C) Subsection (2)(c)(i); or

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

   (A) on the first day of a calendar quarter; and
   (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
(ii) Subsection (2)(i)(i) applies to the tax rates described in the following:
   (A) Subsection (2)(a)(i)(A);
   (B) Subsection (2)(b)(i);
   (C) Subsection (2)(c)(i); or

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

(3) (a) The following state taxes shall be deposited into the General Fund:
   (i) the tax imposed by Subsection (2)(a)(i)(A);
   (ii) the tax imposed by Subsection (2)(b)(i);
   (iii) the tax imposed by Subsection (2)(c)(i); or
   (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

(b) The following local taxes shall be distributed to a county, city, or town as provided in this chapter:
   (i) the tax imposed by Subsection (2)(a)(ii);
   (ii) the tax imposed by Subsection (2)(b)(ii);
   (iii) the tax imposed by Subsection (2)(c)(ii); and
   (iv) the tax imposed by Subsection (2)(d)(i)(B).

(4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b) through (g):
   (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
      (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
      (B) for the fiscal year; or
   (ii) $17,500,000.

(b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount described in Subsection (4)(a) shall be transferred each year as dedicated credits to the Department of Natural Resources to:
(A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to protect sensitive plant and animal species; or
(B) award grants, up to the amount authorized by the Legislature in an appropriations act, to political subdivisions of the state to implement the measures described in Subsections 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

(iii) At the end of each fiscal year:

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

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

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

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

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

(ii) At the end of each fiscal year:

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

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

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

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

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

(B) fund state required dam safety improvements; and

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

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

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

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

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

(iii) develop surface water sources.

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

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

(ii) $17,500,000.

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

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

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

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

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

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

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

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

(d) After making the transfers required by Subsections (5)(b) and (c), 94% of the
remaining difference described in Subsection (5)(a) shall be deposited into the Water
Resources Conservation and Development Fund created in Section 73-10-24 for use by the
Division of Water Resources for:

(i) preconstruction costs:

(A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
26, Bear River Development Act; and
(B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project

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

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

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

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

(e) After making the transfers required by Subsections (5)(b) and (c) and subject to Subsection (5)(f), 6% of the remaining difference described in Subsection (5)(a) shall be transferred each year as dedicated credits to the Division of Water Rights to cover the costs incurred for employing additional technical staff for the administration of water rights.

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

(6) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2003, and for taxes listed under Subsection (3)(a), the amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection (1) for the fiscal year shall be deposited in the Transportation Fund created by Section 72-2-102.

(7) Notwithstanding Subsection (3)(a), beginning on July 1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created in Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated by a 1/64% tax rate on the taxable transactions under Subsection (1).

(8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in Subsection (7), and subject to Subsection (8)(b), for a fiscal year beginning on or after July 1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124:

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

(A) the tax imposed by Subsection (2)(a)(i)(A); 
(B) the tax imposed by Subsection (2)(b)(i); 
(C) the tax imposed by Subsection (2)(c)(i); and 
(D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

(ii) an amount equal to 30% of the growth in the amount of revenues collected in the current fiscal year from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) that exceeds the amount collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) in the 2010-11 fiscal year.

(b) (i) Subject to Subsections (8)(b)(ii) and (iii), in any fiscal year that the portion of the sales and use taxes deposited under Subsection (8)(a) represents an amount that is a total lower percentage of the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) generated in the current fiscal year than the total percentage of sales and use taxes deposited in the previous fiscal year, the Division of Finance shall deposit an amount under Subsection (8)(a) equal to the product of:

(A) the total percentage of sales and use taxes deposited under Subsection (8)(a) in the previous fiscal year; and 
(B) the total sales and use tax revenue generated by the taxes described in Subsections (8)(a)(i)(A) through (D) in the current fiscal year.

(ii) In any fiscal year in which the portion of the sales and use taxes deposited under Subsection (8)(a) would exceed 17% of the revenues collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) in the current fiscal year, the Division of Finance shall deposit 17% of the revenues collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) for the current fiscal year under Subsection (8)(a).

(iii) In all subsequent fiscal years after a year in which 17% of the revenues collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) was deposited
506 under Subsection (8)(a), the Division of Finance shall annually deposit 17% of the revenues
507 collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) in the
508 current fiscal year under Subsection (8)(a).
509
510 (9) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited
under Subsections (7) and (8), for the 2016-17 fiscal year only, the Division of Finance shall
deposit $64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into
the Transportation Investment Fund of 2005 created by Section 72-2-124.
511
512 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under
Subsections (7) and (8), for the 2017-18 fiscal year only, the Division of Finance shall deposit
$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
Transportation Investment Fund of 2005 created by Section 72-2-124.
513
514 [(9)] (c) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited
under Subsections (7) and (8), for a fiscal year beginning on or after July 1, [2012] 2018, the
Division of Finance shall annually deposit $90,000,000 of the revenues generated by the taxes
listed under Subsection (3)(a) into the Transportation Investment Fund of 2005 created by
Section 72-2-124.
515
516 (10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
2009-10, $533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
517
518 (11) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b),
and in addition to any amounts deposited under Subsections (7), (8), and (9), beginning on July
1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
created by Section 72-2-124 the amount of tax revenue generated by a .025% tax rate on the
transactions described in Subsection (1).
519
520 (b) For purposes of Subsection (11)(a), the Division of Finance may not deposit into
the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or
charged for food and food ingredients, except for tax revenue generated by a bundled
transaction attributable to food and food ingredients and tangible personal property other than
food and food ingredients described in Subsection (2)(d).

(12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the Transportation Fund created by Section 72-2-102 the amount of tax revenue generated by a .025% tax rate on the transactions described in Subsection (1) to be expended to address chokepoints in construction management.

(b) For purposes of Subsection (12)(a), the Division of Finance may not deposit into the Transportation Fund any tax revenue generated by amounts paid or charged for food and food ingredients, except for tax revenue generated by a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients described in Subsection (2)(d).

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

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

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

[(14)] (15) Notwithstanding Subsections (4) through [(13)] (14), an amount required to be expended or deposited in accordance with Subsections (4) through [(13)] (14) may not include an amount the Division of Finance deposits in accordance with Section 59-12-103.2.

Section 5. Section 59-12-1201 is amended to read:

59-12-1201. Motor vehicle rental tax -- Rate -- Exemptions -- Administration,
collection, and enforcement of tax -- Administrative charge -- Deposits.

(1) (a) Except as provided in Subsection (3), there is imposed a tax of 2.5% on all short-term leases and rentals of motor vehicles not exceeding 30 days.

(b) The tax imposed in this section is in addition to all other state, county, or municipal fees and taxes imposed on rentals of motor vehicles.

(2) (a) Subject to Subsection (2)(b), a tax rate repeal or tax rate change for the tax imposed under Subsection (1) shall take effect on the first day of a calendar quarter.

(b) (i) For a transaction subject to a tax under Subsection (1), a tax rate increase shall take effect on the first day of the first billing period:

(1) (A) that begins after the effective date of the tax rate increase; and

(1) (B) if the billing period for the transaction begins before the effective date of a tax rate increase imposed under Subsection (1).

(i) For a transaction subject to a tax under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period:

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

(B) if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1).

(3) A motor vehicle is exempt from the tax imposed under Subsection (1) if:

(a) the motor vehicle is registered for a gross laden weight of 12,001 or more pounds;

(b) the motor vehicle is rented as a personal household goods moving van; or

(c) the lease or rental of the motor vehicle is made for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair agreement or an insurance agreement.

(4) (a) (i) The tax authorized under this section shall be administered, collected, and enforced in accordance with:

(A) the same procedures used to administer, collect, and enforce the tax under Part 1, Tax Collection; and
(B) Chapter 1, General Taxation Policies.

(ii) Notwithstanding Subsection (4)(a)(i), a tax under this part is not subject to
Subsections 59-12-103(4) through [(12) (14) or Section 59-12-107.1 or 59-12-123.

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

(c) Except as provided under Subsection (4)(b), all revenue received by the
commission under this section shall be deposited daily with the state treasurer and credited
monthly to the Marda Dillree Corridor Preservation Fund under Section 72-2-117.

Section 6. Section 59-21-2 is amended to read:

Account money -- Mineral Lease Account created -- Contents -- Appropriation of money
from Mineral Lease Account.

(1) (a) There is created a restricted account within the General Fund known as the
"Mineral Bonus Account."

(b) The Mineral Bonus Account consists of federal mineral lease bonus payments
deposited pursuant to Subsection 59-21-1(3).

(c) The Legislature shall make appropriations from the Mineral Bonus Account in

(d) The state treasurer shall:

(i) invest the money in the Mineral Bonus Account by following the procedures and
requirements of Title 51, Chapter 7, State Money Management Act; and

(ii) deposit all interest or other earnings derived from the account into the Mineral
Bonus Account.

(2) (a) There is created a restricted account within the General Fund known as the
"Mineral Lease Account."

(b) The Mineral Lease Account consists of federal mineral lease money deposited
pursuant to Subsection 59-21-1(1).

(c) The Legislature shall make appropriations from the Mineral Lease Account as
provided in Subsection 59-21-1(1) and this Subsection (2).

(d) [The] (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the Permanent Community Impact Fund established by Section 35A-8-303.

(ii) For fiscal year 2016-17 only and from the amount required to be deposited under Subsection (2)(d)(i), the Legislature shall appropriate $26,000,000 of the deposits made to the Mineral Lease Account to the Impacted Communities Transportation Development Restricted Account established by Section 72-2-128.

(iii) For fiscal year 2017-18 only and from the amount required to be deposited under Subsection (2)(d)(i), the Legislature shall appropriate $27,000,000 of the deposits made to the Mineral Lease Account to the Impacted Communities Transportation Development Restricted Account established by Section 72-2-128.

(e) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.

(f) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by the survey having as a purpose the development and exploitation of natural resources in the state.

(g) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used for activities carried on by the laboratory having as a purpose the development and exploitation of water resources in the state.

(h) (i) The Legislature shall annually appropriate to the Department of Transportation 40% of all deposits made to the Mineral Lease Account to be distributed as provided in Subsection (2)(h)(ii) to:

(A) counties;
(B) special service districts established:
  (I) by counties;
  (II) under Title 17D, Chapter 1, Special Service District Act; and
  (III) for the purpose of constructing, repairing, or maintaining roads; or
(C) special service districts established:
  (I) by counties;
  (II) under Title 17D, Chapter 1, Special Service District Act; and
  (III) for other purposes authorized by statute.
(ii) The Department of Transportation shall allocate the funds specified in Subsection (2)(h)(i):
  (A) in amounts proportionate to the amount of mineral lease money generated by each county; and
  (B) to a county or special service district established by a county under Title 17D, Chapter 1, Special Service District Act, as determined by the county legislative body.
(i) The Legislature shall annually appropriate 5% of all deposits made to the Mineral Lease Account to the Department of Workforce Services to be distributed to:
  (A) special service districts established:
    (I) by counties;
    (II) under Title 17D, Chapter 1, Special Service District Act; and
    (III) for the purpose of constructing, repairing, or maintaining roads; or
  (B) special service districts established:
    (I) by counties;
    (II) under Title 17D, Chapter 1, Special Service District Act; and
    (III) for other purposes authorized by statute.
(ii) The Department of Workforce Services may distribute the amounts described in Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1, Special Service District Act, by counties:
  (A) of the third, fourth, fifth, or sixth class;
(B) in which 4.5% or less of the mineral lease money within the state is generated; and
(C) that are significantly socially or economically impacted as provided in Subsection
(2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
181 et seq.

(iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
shall be as a result of:
(A) the transportation within the county of hydrocarbons, including solid hydrocarbons
as defined in Section 59-5-101;
(B) the employment of persons residing within the county in hydrocarbon extraction,
including the extraction of solid hydrocarbons as defined in Section 59-5-101; or
(C) a combination of Subsections (2)(i)(ii)(A) and (B).

(iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
special service districts established by counties under Title 17D, Chapter 1, Special Service
District Act, the Department of Workforce Services shall:
(A) (I) allocate 50% of the appropriations equally among the counties meeting the
requirements of Subsections (2)(i)(ii) and (iii); and
(II) allocate 50% of the appropriations based on the ratio that the population of each
county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and
(B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
allocated revenues to special service districts established by the counties under Title 17D,
Chapter 1, Special Service District Act, as determined by the executive director of the
Department of Workforce Services after consulting with the county legislative bodies of the
counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

(v) The executive director of the Department of Workforce Services:
(A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
and (iii);
(B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
districts established by counties under Title 17D, Chapter 1, Special Service District Act, that
meet the requirements of Subsections (2)(i)(ii) and (iii); and
(C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
may make rules:
(I) providing a procedure for making the distributions under this Subsection (2)(i) to
special service districts; and
(II) defining the term "population" for purposes of Subsection (2)(i)(iv).
(j) (i) The Legislature shall annually make the following appropriations from the
Mineral Lease Account:
(A) an amount equal to 52 cents multiplied by the number of acres of school or
institutional trust lands, lands owned by the Division of Parks and Recreation, and lands owned
by the Division of Wildlife Resources that are not under an in lieu of taxes contract, to each
county in which those lands are located;
(B) to each county in which school or institutional trust lands are transferred to the
federal government after December 31, 1992, an amount equal to the number of transferred
acres in the county multiplied by a payment per acre equal to the difference between 52 cents
per acre and the per acre payment made to that county in the most recent payment under the
federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
Subsection (2)(j)(i)(B) may not be made for the transferred lands;
(C) to each county in which federal lands, which are entitlement lands under the federal
in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
the number of transferred acres in the county multiplied by a payment per acre equal to the
difference between the most recent per acre payment made under the federal payment in lieu of
taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
the transferred land; and
(D) to a county of the fifth or sixth class, an amount equal to the product of:
(I) $1,000; and

(II) the number of residences described in Subsection (2)(j)(iv) that are located within the county.

(ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the county legislative body, distribute the money or a portion of the money to:

(A) special service districts established by the county under Title 17D, Chapter 1, Special Service District Act;

(B) school districts; or

(C) public institutions of higher education.

(iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the Division of Finance shall increase or decrease the amounts per acre provided for in Subsections (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.

(B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.

(iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

(A) owned by:

(I) the Division of Parks and Recreation; or

(II) the Division of Wildlife Resources;

(B) located on lands that are owned by:

(I) the Division of Parks and Recreation; or

(II) the Division of Wildlife Resources; and

(C) are not subject to taxation under:

(I) Chapter 2, Property Tax Act; or

(II) Chapter 4, Privilege Tax.

(k) The Legislature shall annually appropriate to the Permanent Community Impact
Fund all deposits remaining in the Mineral Lease Account after making the appropriations provided for in Subsections (2)(d) through (j).

(3) (a) Each agency, board, institution of higher education, and political subdivision receiving money under this chapter shall provide the Legislature, through the Office of the Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual basis.

(b) The accounting required under Subsection (3)(a) shall:

(i) include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year; and

(ii) be reviewed by the Business, Economic Development, and Labor Appropriations Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary Procedures Act.

Section 7. Section 72-2-128 is enacted to read:

72-2-128. Impacted Communities Transportation Development Restricted Account.

(1) There is created a restricted account known as the Impacted Communities Transportation Development Restricted Account within the Transportation Investment Fund of 2005 created by Section 72-2-124.

(2) The account consists of money generated from the following revenue sources:

(a) Mineral Lease Account money deposited into the account in accordance with Section 59-21-2;

(b) any voluntary contributions received for the construction, major reconstruction, or major renovation of state or federal highways; and

(c) appropriations made to the fund by the Legislature.

(3) (a) The fund shall earn interest.

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

(4) The executive director may use fund money, as prioritized by the Transportation Commission, only to pay the costs of construction, reconstruction, or renovation to state and
federal highways that are qualified projects under the Mineral Lands Leasing Act, 30 U.S.C.
Sec. 181 et seq.
Section 8. **Effective date.**
This bill takes effect on July 1, 2016.