

RECREATION INFRASTRUCTURE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the creation of a restricted account to fund outdoor recreation infrastructure.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Outdoor Adventure Infrastructure Restricted Account;
- ▶ diverts certain sales and use tax revenue into the account; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates for fiscal year 2023:

- ▶ To Department of Natural Resources - Division of State Parks - Capital, as a one-time appropriation:
 - From General Fund Restricted - Outdoor Adventure Infrastructure Restricted Account, \$15,000,000;
- ▶ To Department of Natural Resources - Division of Recreation - Capital, as a one-time appropriation:
 - From General Fund Restricted - Outdoor Adventure Infrastructure Restricted Account, \$5,000,000; and
- ▶ To Department of Transportation - Transportation Investment Fund Capacity



28 Program, as a one-time appropriation:

- 29 • From General Fund Restricted - Outdoor Adventure Infrastructure Restricted
- 30 Account, \$16,200,000.

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **59-12-103**, as last amended by Laws of Utah 2021, Chapters 367, 387, and 411

36 ENACTS:

37 **51-9-901**, Utah Code Annotated 1953

38 **51-9-902**, Utah Code Annotated 1953



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

41 Section 1. Section **51-9-901** is enacted to read:

42 **Part 9. Outdoor Adventure Infrastructure Restricted Account**

43 **51-9-901. Definitions.**

44 As used in this part:

45 (1) "Account" means the Outdoor Adventure Infrastructure Restricted Account created
46 in Section **51-9-902**.

47 (2) "Facility" means a site, location, building, structure, or other improvement to
48 property.

49 (3) (a) "Outdoor recreation infrastructure" means a public facility or public land used
50 by the public to access outdoor recreational opportunities.

51 (b) "Outdoor recreation infrastructure" includes:

52 (i) a facility used for water sports, snow sports, backpacking, canoeing, canyoning,
53 caving, camping, climbing, hiking, hill walking, hunting, kayaking, rafting, biking, operating a
54 snowmobile or all-terrain vehicle, or any similar motorized or nonmotorized activity; and

55 (ii) a state park, golf course, sports field, playground, toboggan run, sledding hill, trail,
56 paved pedestrian or paved nonmotorized transportation facility, park, pool, waterway, road,
57 bridge, or similar facility.

58 Section 2. Section **51-9-902** is enacted to read:

59 **51-9-902. Outdoor Adventure Infrastructure Restricted Account.**

60 (1) There is created within the General Fund a restricted account known as the
61 "Outdoor Adventure Infrastructure Restricted Account."

62 (2) The account shall consist of:

63 (a) money deposited into the account under Subsection [59-12-103\(7\)\(c\)](#); and

64 (b) interest and earnings on money in the account.

65 (3) Subject to appropriation from the Legislature, money from the account shall be
66 used for:

67 (a) new construction of outdoor recreation infrastructure;

68 (b) upgrades of outdoor recreation infrastructure;

69 (c) the replacement of or structural improvements to outdoor recreation infrastructure;

70 (d) the acquisition of land, a right-of-way, or easement used in relationship to outdoor
71 recreation infrastructure; or

72 (e) providing access from state highways, as defined in Section [72-1-102](#), to outdoor
73 recreation infrastructure.

74 (4) If the Legislature appropriates money to the Department of Transportation from the
75 account, the Transportation Commission, created in Section [72-1-301](#), shall prioritize projects
76 and determine funding levels in accordance with Subsection [72-1-303\(1\)\(a\)](#) based on
77 recommendations of the Department of Transportation.

78 Section 3. Section **59-12-103** is amended to read:

79 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
80 **tax revenues.**

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

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

84 (b) amounts paid for:

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

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

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

- 90 (iii) an ancillary service associated with a:
- 91 (A) telecommunications service described in Subsection (1)(b)(i); or
- 92 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 93 (c) sales of the following for commercial use:
- 94 (i) gas;
- 95 (ii) electricity;
- 96 (iii) heat;
- 97 (iv) coal;
- 98 (v) fuel oil; or
- 99 (vi) other fuels;
- 100 (d) sales of the following for residential use:
- 101 (i) gas;
- 102 (ii) electricity;
- 103 (iii) heat;
- 104 (iv) coal;
- 105 (v) fuel oil; or
- 106 (vi) other fuels;
- 107 (e) sales of prepared food;
- 108 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
- 109 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 110 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 111 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 112 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 113 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 114 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 115 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 116 exhibition, cultural, or athletic activity;
- 117 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 118 property, unless Section [59-12-104](#) provides for an exemption from sales and use tax for:
- 119 (i) the tangible personal property; and
- 120 (ii) parts used in the repairs or renovations of the tangible personal property described

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

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

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

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

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

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

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

133 (i) stored;

134 (ii) used; or

135 (iii) otherwise consumed;

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

138 (i) stored;

139 (ii) used; or

140 (iii) consumed; and

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

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

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

144 (ii) regardless of whether the sale provides:

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

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

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

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

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

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

152 (A) 4.70% plus the rate specified in Subsection (12)(a); and

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

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

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

163 (b) Except as provided in Subsection (2)(e) or (f) and subject to Subsection (2)(k), a
164 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
165 the sum of:

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

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

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

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

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

175 (d) Except as provided in Subsection (2)(e) or (f), a state tax is imposed on amounts
176 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at
177 a rate of 4.85%.

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

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

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

183 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
184 Sales and Use Tax Act, if the location of the transaction as determined under Sections
185 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
186 Additional State Sales and Use Tax Act; and

187 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
188 Sales and Use Tax Act, if the location of the transaction as determined under Sections
189 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
190 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

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

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

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

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

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

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

214 (II) state or federal law provides otherwise.

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

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

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

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

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

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

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

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

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

244 (A) separately states the items subject to taxation under this chapter at each of the

245 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

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

249 (ii) For purposes of Subsection (2)(g)(i), books and records that a seller keeps in the
250 seller's regular course of business includes books and records the seller keeps in the regular
251 course of business for nontax purposes.

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

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

255 (ii) Subsection (2)(b)(i);

256 (iii) Subsection (2)(c)(i); or

257 (iv) Subsection (2)(e)(i)(A)(I).

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

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

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

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

264 (D) Subsection (2)(e)(i)(A)(I).

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

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

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

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

271 (D) Subsection (2)(e)(i)(A)(I).

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

275 (A) on the first day of a calendar quarter; and

276 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

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

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

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

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

281 (D) Subsection (2)(e)(i)(A)(I).

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

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

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

289 (A) a commercial use;

290 (B) an industrial use; or

291 (C) a residential use.

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

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

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

295 (iii) the tax imposed by Subsection (2)(c)(i); and

296 (iv) the tax imposed by Subsection (2)(e)(i)(A)(I).

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

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

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

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

302 (iv) the tax imposed by Subsection (2)(e)(i)(B).

303 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General
304 Fund.

305 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
306 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)

307 through (g):

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

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

310 (B) for the fiscal year; or

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

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

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

317 (B) award grants, up to the amount authorized by the Legislature in an appropriations
318 act, to political subdivisions of the state to implement the measures described in Subsections
319 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

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

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

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

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

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

- 338 (ii) At the end of each fiscal year:
- 339 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
- 340 Conservation and Development Fund created in Section 73-10-24;
- 341 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
- 342 Program Subaccount created in Section 73-10c-5; and
- 343 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
- 344 Program Subaccount created in Section 73-10c-5.
- 345 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
- 346 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
- 347 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.
- 348 (ii) In addition to the uses allowed of the Water Resources Conservation and
- 349 Development Fund under Section 73-10-24, the Water Resources Conservation and
- 350 Development Fund may also be used to:
- 351 (A) conduct hydrologic and geotechnical investigations by the Division of Water
- 352 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
- 353 quantifying surface and ground water resources and describing the hydrologic systems of an
- 354 area in sufficient detail so as to enable local and state resource managers to plan for and
- 355 accommodate growth in water use without jeopardizing the resource;
- 356 (B) fund state required dam safety improvements; and
- 357 (C) protect the state's interest in interstate water compact allocations, including the
- 358 hiring of technical and legal staff.
- 359 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
- 360 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
- 361 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.
- 362 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
- 363 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
- 364 created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 365 (i) provide for the installation and repair of collection, treatment, storage, and
- 366 distribution facilities for any public water system, as defined in Section 19-4-102;
- 367 (ii) develop underground sources of water, including springs and wells; and
- 368 (iii) develop surface water sources.

369 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
370 2006, the difference between the following amounts shall be expended as provided in this
371 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

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

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

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

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

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

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

396 (i) preconstruction costs:

397 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
398 26, Bear River Development Act; and

399 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project

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

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

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

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

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

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

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

417 (a) for fiscal year 2020-21 only:

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

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

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

425 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
426 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
427 2012, the Division of Finance shall deposit [~~into the Transportation Investment Fund of 2005~~
428 ~~created by Section 72-2-124]~~ the following in accordance with Subsection (7)(c):

429 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of
430 the revenues collected from the following taxes, which represents a portion of the

431 approximately [~~17%~~] 18% of sales and use tax revenues generated annually by the sales and
432 use tax on vehicles and vehicle-related products:

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

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

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

436 (D) the tax imposed by Subsection (2)(e)(i)(A)(I); plus

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

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

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

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

451 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under
452 Subsection (7)(a) would exceed [~~17%~~] 18% of the revenues collected from the sales and use
453 taxes described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division
454 of Finance shall deposit [~~17%~~] 18% of the revenues collected from the sales and use taxes
455 described in Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection
456 (7)(a).

457 (iii) Subject to Subsection (7)(b)(iv)(E), in all subsequent fiscal years after a year in
458 which [~~17%~~] 18% of the revenues collected from the sales and use taxes described in
459 Subsections (7)(a)(i)(A) through (D) was deposited under Subsection (7)(a), the Division of
460 Finance shall annually deposit [~~17%~~] 18% of the revenues collected from the sales and use
461 taxes described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year under

462 Subsection (7)(a).

463 (iv) (A) As used in this Subsection (7)(b)(iv), "additional growth revenue" means the
464 amount of relevant revenue collected in the current fiscal year that exceeds by more than 3%
465 the relevant revenue collected in the previous fiscal year.

466 (B) As used in this Subsection (7)(b)(iv), "combined amount" means the combined
467 total amount of money deposited into the Cottonwood Canyons fund under Subsections
468 (7)(b)(iv)(F) and ~~[(8)(c)(iv)(F)]~~ (8)(d)(vi) in any single fiscal year.

469 (C) As used in this Subsection (7)(b)(iv), "Cottonwood Canyons fund" means the
470 Cottonwood Canyons Transportation Investment Fund created in Subsection [72-2-124\(10\)](#).

471 (D) As used in this Subsection (7)(b)(iv), "relevant revenue" means the portion of taxes
472 listed under Subsection (3)(a) that equals ~~[17%]~~ 18% of the revenue collected from taxes
473 described in Subsections (7)(a)(i)(A) through (D).

474 (E) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
475 reduce the deposit under Subsection (7)~~(c)~~(b)(iii) into the Transportation Investment Fund of
476 2005 by an amount equal to the amount of the deposit under this Subsection (7)(b)(iv) to the
477 Cottonwood Canyons fund in the previous fiscal year plus 25% of additional growth revenue,
478 subject to the limit in Subsection (7)(b)(iv)(F).

479 (F) The commission shall annually deposit the amount described in Subsection
480 (7)(b)(iv)(E) into the Cottonwood Canyons fund, subject to an annual maximum combined
481 amount for any single fiscal year of \$20,000,000.

482 (G) If the amount of relevant revenue declines in a fiscal year compared to the previous
483 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
484 Canyons fund under this Subsection (7)(b)(iv) in the same proportion as the decline in relevant
485 revenue.

486 (c) (i) Subject to Subsection (7)(b), for a fiscal year beginning on or after July 1, 2022,
487 the Division of Finance shall deposit an amount equal to:

488 (A) 17% of the portion of the sales and use taxes to be deposited under Subsection
489 (7)(a) into the Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

490 (B) 1% of the portion of the sales and use taxes to be deposited under Subsection (7)(a)
491 into the Outdoor Adventure Infrastructure Restricted Account created in Section [51-9-902](#).

492 (ii) If Subsection (7)(b)(i) applies in a fiscal year, the Division of Finance shall

493 decrease the amounts deposited under Subsection (7)(c)(i) in the same proportion as the decline
494 in revenue.

495 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
496 Subsections (6) and (7), and subject to Subsections (8)(b) and (d)(v), for a fiscal year beginning
497 on or after July 1, 2018, the commission shall annually deposit into the Transportation
498 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
499 Subsection (3)(a) in an amount equal to 3.68% of the revenues collected from the following
500 taxes:

- 501 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 502 (ii) the tax imposed by Subsection (2)(b)(i);
- 503 (iii) the tax imposed by Subsection (2)(c)(i); and
- 504 (iv) the tax imposed by Subsection (2)(e)(i)(A)(I).

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

510 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
511 into the Transit Transportation Investment Fund created in Section 72-2-124.

512 (d) (i) As used in this Subsection (8)(d), "additional growth revenue" means the
513 amount of relevant revenue collected in the current fiscal year that exceeds by more than 3%
514 the relevant revenue collected in the previous fiscal year.

515 (ii) As used in this Subsection (8)(d), "combined amount" means the combined total
516 amount of money deposited into the Cottonwood Canyons fund under Subsections (7)(b)(iv)(F)
517 and (8)(d)(vi) in any single fiscal year.

518 (iii) As used in this Subsection (8)(d), "Cottonwood Canyons fund" means the
519 Cottonwood Canyons Transportation Investment Fund created in Subsection 72-2-124(10).

520 (iv) As used in this Subsection (8)(d), "relevant revenue" means the portion of taxes
521 listed under Subsection (3)(a) that equals 3.68% of the revenue collected from taxes described
522 in Subsections (8)(a)(i) through (iv).

523 (v) For a fiscal year beginning on or after July 1, 2020, the commission shall annually

524 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by
525 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood
526 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
527 limit in Subsection (8)(d)(vi).

528 (vi) The commission shall annually deposit the amount described in Subsection
529 (8)(d)(v) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
530 for any single fiscal year of \$20,000,000.

531 (vii) If the amount of relevant revenue declines in a fiscal year compared to the
532 previous fiscal year, the commission shall decrease the amount of the contribution to the
533 Cottonwood Canyons fund under this Subsection (8)(d) in the same proportion as the decline in
534 relevant revenue.

535 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
536 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
537 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

538 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(b),
539 and in addition to any amounts deposited under Subsections (6), (7), and (8), the Division of
540 Finance shall deposit into the Transportation Investment Fund of 2005 created by Section
541 72-2-124 the amount of revenue described as follows:

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

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

546 (b) For purposes of Subsection (10)(a), the Division of Finance may not deposit into
547 the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or
548 charged for food and food ingredients, except for tax revenue generated by a bundled
549 transaction attributable to food and food ingredients and tangible personal property other than
550 food and food ingredients described in Subsection (2)(e).

551 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
552 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that
553 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of
554 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue

555 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,
556 created in Section [63N-2-512](#).

557 (12) (a) The rate specified in this subsection is 0.15%.

558 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall, for a fiscal year
559 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the
560 rate described in Subsection (12)(a) on the transactions that are subject to the sales and use tax
561 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section
562 [26-36b-208](#).

563 (13) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
564 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated
565 credit solely for use of the Search and Rescue Financial Assistance Program created in, and
566 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

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

570 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
571 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of
572 Finance shall transfer the total revenue deposited into the Transportation Investment Fund of
573 2005 under Subsections (6) through (8) during the fiscal year to the General Fund.

574 (15) Notwithstanding Subsection (3)(a), and as described in Section [63N-3-610](#),
575 beginning one year after the sales and use tax boundary for a housing and transit reinvestment
576 zone is established, the commission, at least annually, shall transfer an amount equal to 15% of
577 the sales and use tax increment within an established sales and use tax boundary, as defined in
578 Section [63N-3-602](#), into the Transit Transportation Investment Fund created in Section
579 [72-2-124](#).

580 **Section 4. Appropriation.**

581 The following sums of money are appropriated for the fiscal year beginning July 1,
582 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
583 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
584 Act, the Legislature appropriates the following sums of money from the funds or accounts
585 indicated for the use and support of the government of the state of Utah.

586 ITEM 1

587 To Department of Natural Resources - Division of State Parks - Capital

588 From General Fund Restricted - Outdoor Adventure

589 Infrastructure Restricted Account, One-time \$15,000,000

590 Schedule of Programs:

591 Renovation and Development \$15,000,000

592 The Legislature intends that the Division of State Parks use the money appropriated

593 under this item for the purposes permitted under Title 51, Chapter 9, Part 9, Outdoor

594 Adventure Infrastructure Restricted Account, enacted by this bill. The appropriation is

595 nonlapsing.

596 ITEM 2

597 To Department of Natural Resources - Division of Recreation - Capital

598 From General Fund Restricted - Outdoor Adventure

599 Infrastructure Restricted Account, One-time \$5,000,000

600 Schedule of Programs:

601 Recreation Capital \$5,000,000

602 The Legislature intends that the appropriation be nonlapsing and that the Division of

603 Recreation use the money appropriated under this item:

604 (1) for the purposes permitted under Title 51, Chapter 9, Part 9, Outdoor Adventure

605 Infrastructure Restricted Account, enacted by this bill; and

606 (2) in accordance with existing grant programs that require a match by recipients of the

607 grant.

608 ITEM 3

609 To Department of Transportation - Transportation Investment Fund Capacity Program

610 From General Fund Restricted - Outdoor Adventure

611 Infrastructure Restricted Account, One-time \$16,200,000

612 Schedule of Programs:

613 Transportation Investment Fund

614 Capacity Program \$16,200,000

615 The Legislature intends that the Department of Transportation use the money

616 appropriated under this item for paved pedestrian or paved nonmotorized transportation

617 facilities and access to state parks from state highways consistent with the purposes permitted
618 under Title 51, Chapter 9, Part 9, Outdoor Adventure Infrastructure Restricted Account,
619 enacted by this bill. The appropriation is nonlapsing.