

1 **SEARCH AND RESCUE FUNDING AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kathleen Riebe**

5 House Sponsor: Casey Snider

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of, and provides additional funding for, the Search and
10 Rescue Financial Assistance Program and the Utah Search and Rescue Assistance Card
11 Program.

12 **Highlighted Provisions:**

13 This bill:
14 ▶ amends provisions of the Search and Rescue Financial Assistance Program;
15 ▶ provides for an annual deposit of sales and use tax revenues into the General Fund
16 as a dedicated credit to provide for reimbursement expenses relating to search and
17 rescue and to promote the assistance card program; and
18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **53-2a-1102**, as last amended by Laws of Utah 2017, Chapters 167, 168, and 292

26 **59-12-103**, as last amended by Laws of Utah 2019, Chapters 1, 136, and 479

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

29 Section 1. Section **53-2a-1102** is amended to read:

30 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

31 **Rulemaking -- Distribution.**

32 (1) As used in this section:

33 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
34 Program created within this section.

35 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
36 participant.

37 (c) "Participant" means an individual, family, or group who is registered pursuant to
38 this section as having a valid card at the time search, rescue, or both are provided.

39 (d) "Program" means the Search and Rescue Financial Assistance Program created
40 within this section.

41 (e) (i) "Reimbursable base expenses[;]" [~~as used in this section,~~] means those
42 reasonable expenses incidental to search and rescue activities.

43 (ii) "Reimbursable base expenses" include:

44 (A) rental for fixed wing aircraft, [~~helicopters,~~] snowmobiles, boats, and generators;

45 (B) replacement and upgrade of search and rescue equipment;

46 (C) training of search and rescue volunteers;

47 (D) costs of providing life insurance and workers' compensation benefits for volunteer
48 search and rescue team members under Section [67-20-7.5](#); and

49 (E) any other equipment or expenses necessary or appropriate for conducting search
50 and rescue activities.

51 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to [~~any~~
52 ~~person~~] an individual on a regular or permanent payroll, including permanent part-time
53 employees of any agency of the state.

54 (f) "Rescue" means search services, rescue services, or both search and rescue services.

55 (2) There is created the Search and Rescue Financial Assistance Program within the
56 division.

57 (3) (a) The financial program and the assistance card program shall be funded from the

58 following revenue sources:

59 (i) any voluntary contributions to the state received for search and rescue operations;

60 (ii) money received by the state under Subsection (11) and under Sections 23-19-42,

61 41-22-34, and 73-18-24; ~~and~~

62 (iii) money deposited under Subsection 59-12-103(14); and

63 ~~[(iii)]~~ (iv) appropriations made to the program by the Legislature.

64 (b) All money received from the revenue sources in Subsections (3)(a)(i) and (ii), and

65 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund

66 as a dedicated credit to be used solely for the ~~[purposes under this section]~~ program.

67 (c) 10% of the money described in Subsection (3)(a)(iii) shall be deposited into the

68 General Fund as a dedicated credit to be used solely to promote the assistance card program.

69 ~~[(c)]~~ (d) All funding for the program is nonlapsing.

70 (4) ~~[The]~~ Subject to Subsections (3)(b) and (c), the director shall use the money

71 described in this section to reimburse counties for all or a portion of each county's reimbursable

72 base expenses for search and rescue operations, subject to:

73 (a) the approval of the Search and Rescue Advisory Board as provided in Section

74 53-2a-1104;

75 (b) money available in the program; and

76 (c) rules made under Subsection (7).

77 ~~[(5) Program money]~~

78 (5) Money described in Subsection (3) may not be used to reimburse for any paid

79 personnel costs or paid man hours spent in emergency response and search and rescue related

80 activities.

81 (6) The Legislature finds that these funds are for a general and statewide public

82 purpose.

83 (7) The division, with the approval of the Search and Rescue Advisory Board, shall

84 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

85 consistent with this section:

- 86 (a) specifying the costs that qualify as reimbursable base expenses;
- 87 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 88 (c) defining a participant in the assistance card program, including:
 - 89 (i) individuals; and
 - 90 (ii) families and organized groups who qualify as participants;
- 91 (d) defining the procedure for issuing a card to a participant;
- 92 (e) defining excluded expenses that may not be reimbursed under the program,
- 93 including medical expenses;
- 94 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
- 95 Program;
- 96 (g) establishing the frequency of review of the fee schedule;
- 97 (h) providing for the administration of the program; and
- 98 (i) providing a formula to govern the distribution of available money among the
- 99 counties for uncompensated search and rescue expenses based on:
 - 100 (i) the total qualifying expenses submitted;
 - 101 (ii) the number of search and rescue incidents per county population;
 - 102 (iii) the number of victims that reside outside the county; and
 - 103 (iv) the number of volunteer hours spent in each county in emergency response and
 - 104 search and rescue related activities per county population.
- 105 (8) (a) The division shall, in consultation with the Outdoor Recreation Office, establish
- 106 the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection
- 107 [63J-1-504\(6\)](#).
- 108 (b) The division shall provide a discount of not less than 10% of the card fee under
- 109 Subsection (8)(a) to a person who has paid a fee under Section [23-19-42](#), [41-22-34](#), or
- 110 [73-18-24](#) during the same calendar year in which the person applies to be a participant in the
- 111 assistance card program.
- 112 (9) Counties may not bill reimbursable base expenses to an individual for costs
- 113 incurred for the rescue of an individual, if the individual is a current participant in the Utah

114 Search and Rescue Assistance Card Program at the time of rescue, unless:

115 (a) the rescuing county finds that the participant acted recklessly in creating a situation
116 resulting in the need for the county to provide rescue services; or

117 (b) the rescuing county finds that the participant intentionally created a situation
118 resulting in the need for the county to provide rescue services.

119 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The
120 program is located within the division.

121 (b) The program may not be utilized to cover any expenses, such as medically related
122 expenses, that are not reimbursable base expenses related to the rescue.

123 (11) (a) To participate in the program, a person shall purchase a search and rescue
124 assistance card from the division by paying the fee as determined by the division in Subsection
125 (8).

126 (b) The money generated by the fees shall be deposited into the General Fund as a
127 dedicated credit for the Search and Rescue Financial Assistance Program created in this
128 section.

129 (c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34,
130 and 73-18-24 do not constitute purchase of a card under this section.

131 (12) The division shall consult with the Outdoor Recreation Office regarding:

132 (a) administration of the assistance card program; and

133 (b) outreach and marketing strategies.

134 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance
135 Card Program under this section is exempt from being considered insurance as that term is
136 defined in Section 31A-1-301.

137 Section 2. Section 59-12-103 is amended to read:

138 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
139 **tax revenues.**

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

- 142 (a) retail sales of tangible personal property made within the state;
- 143 (b) amounts paid for:
 - 144 (i) telecommunications service, other than mobile telecommunications service, that
 - 145 originates and terminates within the boundaries of this state;
 - 146 (ii) mobile telecommunications service that originates and terminates within the
 - 147 boundaries of one state only to the extent permitted by the Mobile Telecommunications
 - 148 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
 - 149 (iii) an ancillary service associated with a:
 - 150 (A) telecommunications service described in Subsection (1)(b)(i); or
 - 151 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
 - 152 (c) sales of the following for commercial use:
 - 153 (i) gas;
 - 154 (ii) electricity;
 - 155 (iii) heat;
 - 156 (iv) coal;
 - 157 (v) fuel oil; or
 - 158 (vi) other fuels;
 - 159 (d) sales of the following for residential use:
 - 160 (i) gas;
 - 161 (ii) electricity;
 - 162 (iii) heat;
 - 163 (iv) coal;
 - 164 (v) fuel oil; or
 - 165 (vi) other fuels;
 - 166 (e) sales of prepared food;
 - 167 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
 - 168 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
 - 169 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,

170 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
171 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
172 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
173 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
174 horseback rides, sports activities, or any other amusement, entertainment, recreation,
175 exhibition, cultural, or athletic activity;

176 (g) amounts paid or charged for services for repairs or renovations of tangible personal
177 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

178 (i) the tangible personal property; and

179 (ii) parts used in the repairs or renovations of the tangible personal property described
180 in Subsection (1)(g)(i), regardless of whether:

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

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

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

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

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

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

192 (i) stored;

193 (ii) used; or

194 (iii) otherwise consumed;

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

197 (i) stored;

198 (ii) used; or
199 (iii) consumed; and
200 (m) amounts paid or charged for a sale:
201 (i) (A) of a product transferred electronically; or
202 (B) of a repair or renovation of a product transferred electronically; and
203 (ii) regardless of whether the sale provides:
204 (A) a right of permanent use of the product; or
205 (B) a right to use the product that is less than a permanent use, including a right:
206 (I) for a definite or specified length of time; and
207 (II) that terminates upon the occurrence of a condition.
208 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
209 are imposed on a transaction described in Subsection (1) equal to the sum of:
210 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
211 (A) (I) through March 31, 2019, 4.70%; and
212 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (13)(a);
213 and
214 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
215 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
216 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
217 State Sales and Use Tax Act; and
218 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
219 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
220 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
221 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
222 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
223 transaction under this chapter other than this part.
224 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax are
225 imposed on a transaction described in Subsection (1)(d) equal to the sum of:

226 (i) a state tax imposed on the transaction at a tax rate of 2%; and
227 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
228 transaction under this chapter other than this part.

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

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

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

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

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

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

240 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
241 Sales and Use Tax Act, if the location of the transaction as determined under Sections
242 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
243 Additional State Sales and Use Tax Act; and

244 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
245 Sales and Use Tax Act, if the location of the transaction as determined under Sections
246 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
247 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

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

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

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

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

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

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

271 (II) state or federal law provides otherwise.

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

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

281 (A) separately states the portion of the transaction that is not subject to taxation under

282 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

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

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

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

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

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

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

301 (A) separately states the items subject to taxation under this chapter at each of the
302 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

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

306 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the
307 seller's regular course of business includes books and records the seller keeps in the regular
308 course of business for nontax purposes.

309 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax

310 rate imposed under the following shall take effect on the first day of a calendar quarter:

- 311 (i) Subsection (2)(a)(i)(A);
- 312 (ii) Subsection (2)(b)(i);
- 313 (iii) Subsection (2)(c)(i); or
- 314 (iv) Subsection (2)(d)(i)(A)(I).

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

- 318 (A) Subsection (2)(a)(i)(A);
- 319 (B) Subsection (2)(b)(i);
- 320 (C) Subsection (2)(c)(i); or
- 321 (D) Subsection (2)(d)(i)(A)(I).

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

- 325 (A) Subsection (2)(a)(i)(A);
- 326 (B) Subsection (2)(b)(i);
- 327 (C) Subsection (2)(c)(i); or
- 328 (D) Subsection (2)(d)(i)(A)(I).

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

- 332 (A) on the first day of a calendar quarter; and
- 333 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

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

- 335 (A) Subsection (2)(a)(i)(A);
- 336 (B) Subsection (2)(b)(i);
- 337 (C) Subsection (2)(c)(i); or

338 (D) Subsection (2)(d)(i)(A)(I).
339 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
340 the commission may by rule define the term "catalogue sale."
341 (3) (a) The following state taxes shall be deposited into the General Fund:
342 (i) the tax imposed by Subsection (2)(a)(i)(A);
343 (ii) the tax imposed by Subsection (2)(b)(i);
344 (iii) the tax imposed by Subsection (2)(c)(i); or
345 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).
346 (b) The following local taxes shall be distributed to a county, city, or town as provided
347 in this chapter:
348 (i) the tax imposed by Subsection (2)(a)(ii);
349 (ii) the tax imposed by Subsection (2)(b)(ii);
350 (iii) the tax imposed by Subsection (2)(c)(ii); and
351 (iv) the tax imposed by Subsection (2)(d)(i)(B).
352 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
353 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
354 through (g):
355 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
356 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
357 (B) for the fiscal year; or
358 (ii) \$17,500,000.
359 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
360 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
361 Department of Natural Resources to:
362 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
363 protect sensitive plant and animal species; or
364 (B) award grants, up to the amount authorized by the Legislature in an appropriations
365 act, to political subdivisions of the state to implement the measures described in Subsections

366 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

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

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

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

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

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

385 (ii) At the end of each fiscal year:

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

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

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

392 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
393 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and

394 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

395 (ii) In addition to the uses allowed of the Water Resources Conservation and

396 Development Fund under Section 73-10-24, the Water Resources Conservation and

397 Development Fund may also be used to:

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

403 (B) fund state required dam safety improvements; and

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

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

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

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

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

415 (iii) develop surface water sources.

416 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
417 2006, the difference between the following amounts shall be expended as provided in this
418 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

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

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

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

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

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

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

443 (i) preconstruction costs:

444 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
445 26, Bear River Development Act; and

446 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
447 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

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

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

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

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

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

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

464 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)
465 shall be deposited into the Transportation Investment Fund of 2005 created by Section
466 72-2-124;

467 (b) for fiscal year 2017-18 only:

468 (i) 80% of the revenue described in this Subsection (6) shall be deposited into the
469 Transportation Investment Fund of 2005 created by Section 72-2-124; and

470 (ii) 20% of the revenue described in this Subsection (6) shall be deposited into the
471 Water Infrastructure Restricted Account created by Section 73-10g-103;

472 (c) for fiscal year 2018-19 only:

473 (i) 60% of the revenue described in this Subsection (6) shall be deposited into the
474 Transportation Investment Fund of 2005 created by Section 72-2-124; and

475 (ii) 40% of the revenue described in this Subsection (6) shall be deposited into the
476 Water Infrastructure Restricted Account created by Section 73-10g-103;

477 (d) for fiscal year 2019-20 only:

478 (i) 40% of the revenue described in this Subsection (6) shall be deposited into the
479 Transportation Investment Fund of 2005 created by Section 72-2-124; and

480 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the
481 Water Infrastructure Restricted Account created by Section 73-10g-103;

482 (e) for fiscal year 2020-21 only:

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

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

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

490 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
491 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
492 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
493 created by Section 72-2-124:

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

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

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

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

501 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

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

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

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

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

516 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under
517 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes
518 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of
519 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in
520 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

521 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected
522 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited
523 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues
524 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the
525 current fiscal year under Subsection (7)(a).

526 (8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited
527 under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall
528 deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into
529 the Transportation Investment Fund of 2005 created by Section [72-2-124](#).

530 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under
531 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit
532 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
533 Transportation Investment Fund of 2005 created by Section [72-2-124](#).

534 (c) (i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
535 Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or
536 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
537 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)
538 in an amount equal to 3.68% of the revenues collected from the following taxes:

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

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

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

542 (D) the tax imposed by Subsection (2)(d)(i)(A)(I).

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

548 (iii) The commission shall annually deposit the amount described in Subsection
549 (8)(c)(ii) into the Transit and Transportation Investment Fund created in Section 72-2-124.

550 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
551 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
552 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

553 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),
554 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17
555 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund
556 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on
557 the transactions described in Subsection (1).

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

562 (i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%
563 tax rate on the transactions described in Subsection (1);

564 (ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a .05%
565 tax rate on the transactions described in Subsection (1);

566 (iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%
567 tax rate on the transactions described in Subsection (1);

568 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a
569 .05% tax rate on the transactions described in Subsection (1); and

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

572 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not
573 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts
574 paid or charged for food and food ingredients, except for tax revenue generated by a bundled
575 transaction attributable to food and food ingredients and tangible personal property other than
576 food and food ingredients described in Subsection (2)(d).

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

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

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

589 (13) (a) The rate specified in this subsection is 0.15%.

590 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

591 (i) on or before September 30, 2019, transfer the amount of revenue collected from the
592 rate described in Subsection (13)(a) beginning on April 1, 2019, and ending on June 30, 2019,
593 on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into
594 the Medicaid Expansion Fund created in Section 26-36b-208; and

595 (ii) for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of
596 revenue collected from the rate described in Subsection (13)(a) on the transactions that are
597 subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion
598 Fund created in Section 26-36b-208.

599 (14) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
600 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated
601 credit solely for use of the Search and Rescue Financial Assistance Program created in, and
602 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.