

HB0465S01 compared with HB0465

~~{Omitted text}~~ shows text that was in HB0465 but was omitted in HB0465S01

inserted text shows text that was not in HB0465 but was inserted into HB0465S01

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1 ~~{Law Enforcement Agency}~~ Public Safety Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses provisions related to ~~{the interaction of certain law enforcement agencies}~~ public
6 safety.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ ~~{allows the Department of Public Safety (the department) to enter into an interagency agreement~~
9 ~~with}~~ requires a law enforcement agency of a city that is the seat of government for a county of the first
10 class to enter into an interagency agreement related to public safety concerns with the Department of
11 Public Safety (the department);

11 ▶ requires ~~{the reduction of funds distributed to a first-tier eligible municipality from the Homeless~~
12 ~~Shelter Cities Mitigation Restricted Account if the}~~ a law enforcement agency ~~{of the municipality}~~
13 that has ~~{not}~~ entered into an interagency agreement with the department ~~{by July 1, 2025}~~ to submit
14 a report to the Law Enforcement and Criminal Justice Interim Committee regarding the interagency
15 agreement;

15 ▶

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~~{ requires the Department of Transportation, after notification from the department, to withhold certain road funds from a municipality if: }~~

- 17 • ~~{ the municipality is a city of the first class; }~~
- 18 • ~~{ the municipality has not entered into an interagency agreement with the department by October 1, 2025; and }~~
- 20 • ~~{ the municipality has had the municipality's funds from the Homeless Shelter Cities Mitigation Restricted Account reduced; }~~
- 22 ▸ ~~{ establishes }~~ enacts provisions allowing the ~~{ public safety rapid response team within the department to respond }~~ Division of Facilities Construction and Management to use eminent domain to ~~{ public safety concerns in }~~ condemn unincorporated property owned by a city that is the seat of government for a county of the first class~~{; }~~ in certain circumstances that are repealed on July 1, 2027; and
- 24 ▸ ~~{ repeals the provisions enacted in this bill, subject to a review by an interim committee, on July 1, 2027; and }~~
- 26 ▸ makes technical and conforming changes.

19 Money Appropriated in this Bill:

20 None

21 Other Special Clauses:

22 None

24 AMENDS:

33 ~~{35A-16-402 , as last amended by Laws of Utah 2024, Chapters 204, 338 , as last amended by Laws of Utah 2024, Chapters 204, 338}~~

34 ~~{63I-1-235 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5}~~

25 **63I-1-253** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

36 ~~{63I-1-272 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5}~~

26 **63I-2-263** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

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~~{72-2-108, as last amended by Laws of Utah 2024, Chapter 438, as last amended by Laws of Utah 2024, Chapter 438}~~

27 ENACTS:

28 **53-29-101** , Utah Code Annotated 1953 , Utah Code Annotated 1953

29 **53-29-102** , Utah Code Annotated 1953 , Utah Code Annotated 1953

41 ~~{53-29-103, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

30 **63A-5b-807** , Utah Code Annotated 1953 , Utah Code Annotated 1953

31

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

44 ~~{Section 1. Section 35A-16-402 is amended to read: }~~

45 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula for disbursing account funds to eligible municipalities.**

47 (1) There is created a restricted account within the General Fund known as the Homeless Shelter Cities Mitigation Restricted Account.

49 (2) The account shall be funded by:

50 (a) local sales and use tax revenue deposited into the account in accordance with Section 59-12-205;

52 (b) interest earned on the account; and

53 (c) appropriations made to the account by the Legislature.

54 (3) The office shall administer the account.

55 (4)

(a) Subject to appropriations, the office shall annually disburse funds from the account as follows:

57 (i) 87.5% shall be disbursed to first-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

59 (A) 70% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as determined by the office;

63 (B) 20% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and

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- (C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office;
- 71 (ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:
- 73 (A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as determined by the office;
- 77 (B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and
- 82 (C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office; and
- 85 (iii) 10% shall be disbursed to third-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, in accordance with a formula established by the office and approved by the board.
- 88 (b) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the maximum amount of funds that the office may disburse each year to a single second-tier municipality may not exceed 50% of the total amount of funds disbursed under Subsection (4)(a)(ii).
- 92 (c) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider of a third-tier eligible municipality.
- 94 (d) The office may disburse funds to a third-tier municipality or an authorized provider under Subsection (4)(a)(iii) regardless of whether the municipality receives funds under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a second-tier municipality.
- 98 (e) If any account funds are available to the office for disbursement under this section after making the disbursements required in Subsection (4)(a), the office may disburse the available account funds to third-tier municipalities that have been approved to receive account funds under Section 35A-16-403.
- 102 (f)

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- (i) ~~[Notwithstanding]~~ Except as provided in Subsection (4)(g), and notwithstanding any other provision in this section, if an eligible municipality requests account funds under Section 35A-16-403 and the request is denied for the sole reason that the municipality has failed to comply with the requirements of Subsection 35A-16-403(2)(g)(i), the office may disburse the account funds that the municipality would otherwise have received to:
- 108 (A) eligible municipalities in accordance with the provisions of this Subsection (4); or
110 (B) subject to Subsection (4)(f)(ii), the Department of Public Safety.
- 111 (ii)
- (A) The office may not disburse account funds to the Department of Public Safety under Subsection (4)(f)(i) unless the disbursement is recommended and approved by the board.
- 114 (B) The Department of Public Safety shall use any account funds received under Subsection (4)(f)(i) to assist in the enforcement of state laws that promote the safety or well-being of individuals experiencing homelessness.
- 117 (g)
- (i) Subject to Subsection (4)(g)(ii) and notwithstanding any other provision of this section, the office may not disburse any funds to a first-tier eligible municipality under Subsection (4)(a)(i) if:
- 120 (A) the first-tier eligible municipality is subject to the provisions described in Section 53-29-102;
and
- 122 (B) the first-tier eligible municipality's law enforcement agency has not entered into an interagency agreement with the Department of Public Safety as described in Subsection 53-29-102(1).
- 125 (ii) By July 1 each year, the office shall disburse 100% of the funds not disbursed to the first-tier eligible municipality under Subsection (4)(g)(i) that the municipality would otherwise have received to the Department of Public Safety to assist in the enforcement of state laws in the municipality, including any deployment of the public safety rapid response team created in Section 53-29-103 in the municipality.
- 130 (5) In disbursing account funds to municipalities under Subsection (4), the office may not consider the capacity of an eligible shelter to qualify a municipality for multiple tiers of funding.
- 133 (6) The office may use up to 2.75% of any appropriations made to the account by the Legislature to offset the office's administrative expenses under this part.
- 135 (7) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.
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(8) The office may disburse any uncommitted account funds to municipalities under this section in the following year.

33 Section 1. Section 1 is enacted to read:

139 CHAPTER 29. DEPARTMENT INTERACTION WITH LOCAL LAW ENFORCEMENT

36 53-29-101. Definitions.

~~{As used in this chapter:}~~

143 (1) ~~{ "City" }~~ As used in this chapter, "county of the first class" means a ~~{ municipality }~~ county that is classified by ~~{ population as a city of the first class under Section 10-2-301 on or before May 7, 2025. }~~

145 ~~{(2) {"Public safety event" means a situation significantly affecting public safety including:} }~~

146 ~~{(a) {an illegal homeless encampment; and} }~~

147 ~~{(b) {a large-scale illegal drug distribution occurrence.} }~~

148 (3) ~~{ "Response team" means }~~ population as a county of the ~~{ public safety rapid response team created in }~~ first class under Section ~~{ 53-29-103 }~~ 17-50-501.

39 Section 2. Section 2 is enacted to read:

40 53-29-102. Public safety interagency agreement.

152 (1) Subject to ~~{ Subsections }~~ Subsection (2) ~~{ and (3) }~~, by July 1, 2025, the ~~{ department and the }~~ law enforcement agency of a city that is the seat of government for a county of the first class ~~{ may }~~ shall enter into a public safety interagency agreement ~~{ addressing }~~ with the department that addresses how the ~~{ department }~~ law enforcement agency and the department can improve public safety within the jurisdiction of the law enforcement agency ~~{ can: }~~.

155 ~~{(a) {increase public safety within the jurisdiction of the law enforcement agency; and} }~~

156 ~~{(b) {ensure the proper functioning and operation of the law enforcement agency in accordance with generally accepted law enforcement standards and practices.} }~~

158 (2) The interagency agreement described in Subsection (1) shall include:

159 ~~{(a) {shall include:} }~~

160 ~~{(i)}~~ (a) at a minimum, terms that require the law enforcement agency to reimburse the department for the department's expenses if the department deploys department resources to effectuate the interagency agreement ~~{, including if the department deploys the response team in accordance with Section 53-29-103 within the jurisdiction of the law enforcement agency }~~ ;

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- {(ii)} (b) if the agreement requires joint operations to be conducted between the department and the law enforcement agency, the roles and responsibilities of the department and the law enforcement agency in any joint operations;
- 168 {(iii)} (c) the parameters on any data shared under the agreement to assist in effectuating the agreement;
{and}
- 170 {(iv)} (d) measures to ensure accountability and communication between the department and the law enforcement agency; and
- 172 {(b) ~~{may include accountability metrics to determine if:}~~}
- 173 {(i)} (e) accountability metrics to determine if public safety within the jurisdiction of the law enforcement agency has improved{; and} .
- 175 {(ii) ~~{the law enforcement agency is functioning and operating within generally accepted law enforcement standards and practices.}~~}
- 177 {(3) }
- {(a) ~~{If, by July 1, 2025, a law enforcement agency of a city of the first class does not enter into an interagency agreement with the department as described in Subsection (1), the law enforcement agency's city shall have the city's funds distributed from the Homeless Shelter Cities Mitigation Restricted Account reduced in accordance with Subsection 35A-16-402(4)(g).}~~}
- 182 {(b) }
- {(i) ~~{If, by October 1, 2025, a law enforcement agency of a city of the first class does not enter into an interagency agreement with the department as described in Subsection (1) and has had the city's funds distributed from the Homeless Shelter Cities Mitigation Restricted Account reduced under Subsection (3)(a), the law enforcement agency's city shall, after the department has notified the Department of Transportation regarding this information, have the city's road funds withheld under Subsection 72-2-108(8)(a).}~~}
- 189 {(ii) ~~{If a notification is made to the Department of Transportation under Subsection (3)(b)(i) and the law enforcement agency of the city subsequently enters into an interagency agreement with the department as described in Subsection (1) after October 1, 2025, the department shall notify the Department of Transportation regarding the agreement and that the city is eligible to receive funds under Subsection 72-2-108(8)(b).}~~}
- 195 {(4) }

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{(a)} (3) By ~~{October}~~ November 1 of each year ~~{the department shall provide}~~, a law enforcement agency that has entered into an agreement under Subsection (1), shall make a presentation to the Law Enforcement and Criminal Justice Interim Committee regarding:

197 ~~{(i) {a written report of any interagency agreement entered into under Subsection (1), including:}}}~~

199 ~~{(A)} (a) the terms of the interagency agreement; {and}~~

200 ~~{(B)} (b) if available, any information regarding the implementation and operation of the {department and law enforcement agency under the} interagency agreement; and~~

203 ~~{(ii) {if applicable, the list of law enforcement agencies located in a city of the first class that did not enter into an interagency agreement with department.}}~~

205 ~~{(b) {By October 1 of each year any law enforcement agency that has entered an interagency agreement under Subsection (1) may make a written report to the Law Enforcement and Criminal Justice Interim Committee regarding any information the law enforcement agency determines is relevant for the Law Enforcement and Criminal Justice Interim Committee to consider regarding whether the law enforcement agency:}}~~

211 ~~{(i)} (c) whether the law enforcement agency has successfully ~~{increased}~~ improved public safety within the jurisdiction of the law enforcement agency ~~{;and}~~.~~

213 ~~{(ii) {is functioning and operating in accordance with generally accepted law enforcement standards and practices.}}~~

215 Section 4. Section 4 is enacted to read:

216 **53-29-103. Public safety rapid response team.**

217 (1) The department shall create a public safety rapid response team within the department.

218 (2) Subject to Subsection (3), the response team shall:

219 (a) respond to a public safety event in a city of the first class if, in the department's determination, the city's law enforcement agency fails to respond in a timely manner and remedy the public safety event in accordance with state and local law; and

222 (b) ensure that the public safety event is remedied in a timely manner that, in the department's determination, is in compliance with state and local law.

224 (3) Before the response team may respond to a public safety event under Subsection (2), the response team shall notify the city's law enforcement agency of the upcoming response.

67 Section 3. Section 3 is enacted to read:

68 **63A-5b-807. Eminent domain of unincorporated city owned land.**

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69 (1) As used in this section:

70 (a) "County of the first class" means a county that is classified by population as a county of the first class under Section 17-50-501.

72 (b) "Unincorporated land" means land that is not within the boundaries of a city.

73 (2) The division may exercise eminent domain, consistent with the procedures described in Title 78B, Chapter 6, Part 5, Eminent Domain, to condemn unincorporated land for the public use of constructing a new facility on the land for homelessness services provided by, or under contract with, the state if the land is owned by a city that is the seat of government for a county of the first class.

78 (3) The division may consult with the Department of Transportation for assistance in performing the division's duties under Subsection (2).

226 ~~{Section 5. Section 63I-1-235 is amended to read: }~~

227 **63I-1-235. Repeal dates: Title 35A.**

228 (1) Subsection 35A-16-402(4)(g), regarding the withholding of funds, is repealed July 1, 2027.

230 [(1)] (2) Subsection 35A-1-202(2)(d), regarding the Child Care Advisory Committee, is repealed July 1, 2026.

232 [(2)] (3) Section 35A-3-205, Creation of committee, is repealed July 1, 2026.

233 [(3)] (4) Subsection 35A-4-502(5), regarding the Employment Advisory Council, is repealed July 1, 2029.

235 [(4)] (5) Title 35A, Chapter 9, Part 6, Education Savings Incentive Program, is repealed July 1, 2028.

237 [(5)] (6) Section 35A-13-303, State Rehabilitation Advisory Council, is repealed July 1, 2034.

239 [(6)] (7) Section 35A-16-206, Utah Homeless Network Steering Committee, is repealed July 1, 2027.

241 [(7)] (8) Section 35A-16-207, Duties of the steering committee, is repealed July 1, 2027.

80 Section 4. Section **63I-1-253** is amended to read:

81 **63I-1-253. Repeal dates: Titles 53 through 53G.**

244 (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.

246 (2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.

248 (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, 2027.

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- 250 (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.
- 252 (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- 253 (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.
- 255 (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory board, is repealed July 1, 2027.
- 258 (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.
- 260 (9) Section 53-11-104, Board, is repealed July 1, 2029.
- 261 (10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem -- Report -- Expiration, is repealed December 31, 2025.
- 263 (11) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is repealed December 31, 2025.
- 265 (12) Title 53, Chapter 29, Department Interaction With Local Law Enforcement, is repealed July 1, 2027.
- 267 [~~(12)~~] (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 269 [~~(13)~~] (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- 270 [~~(14)~~] (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1, 2028.
- 272 [~~(15)~~] (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 273 [~~(16)~~] (17) Section 53B-17-1203, SafeUT and School Safety Commission established -- Members, is repealed January 1, 2030.
- 275 [~~(17)~~] (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 276 [~~(18)~~] (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
- 277 [~~(19)~~] (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.
- 279 [~~(20)~~] (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed July 1, 2027.
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- [(21)] (22) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 284 [(22)] (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- 286 [(23)] (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 288 [(24)] (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 290 [(25)] (26) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1, 2027.
- 292 [(26)] (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.
- 294 [(27)] (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
- 295 [(28)] (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.
- 297 [(29)] (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- 299 [(30)] (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is repealed July 1, 2024.
- 301 [(31)] (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
- 302 [(32)] (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1, 2025.
- 304 [(33)] (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1, 2025.
- 306 [(34)] (35) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1, 2027.
- 308 [(35)] (36) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 310 [(36)] (37) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.
- 312 [(37)] (38) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 313 ~~{Section 7. Section 631-1-272 is amended to read: }~~

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314 **63I-1-272. Repeal dates: Title 72.**

315 (1) Subsection 72-2-108(8), regarding the withholding of funds, is repealed July 1, 2027.

316 [(4)] (2) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is repealed
July 1, 2027.

318 [(2)] (3) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January 2, 2030.

151 Section 5. Section 63I-2-263 is amended to read:

152 **63I-2-263. Repeal dates: Titles 63A through 63O.**

153 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services Procurement
Advisory Council is repealed July 1, 2025.

155 (2) Section 63A-5b-807, Eminent domain of unincorporated city owned land, is repealed July 1, 2026.

157 [(2)] (3) Section 63A-17-806, Definitions -- Infant at Work Pilot Program -- Administration -- Report,
is repealed June 30, 2026.

159 [(3)] (4) Section 63C-1-103, Appointment and terms of boards, committees, councils, and commissions
transitioning on October 1, 2024, or December 31, 2024, is repealed July 1, 2025.

162 [(4)] (5) Section 63C-1-104, Appointment and terms of boards transitioning on October 1, 2024, is
repealed January 1, 2025.

164 [(5)] (6) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed October 1, 2024.

166 [(6)] (7) Subsection 63G-6a-802(1)(e), regarding a procurement for a presidential debate, is repealed
January 1, 2025.

168 [(7)] (8) Subsection 63G-6a-802(3)(b)(iii), regarding a procurement for a presidential debate, is
repealed January 1, 2025.

170 [(8)] (9) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety
communications network, is repealed July 1, 2033.

172 [(9)] (10) Subsection 63J-1-602.2(47), regarding appropriations to the State Tax Commission for
deferral reimbursements, is repealed July 1, 2027.

174 [(10)] (11) Section 63M-7-221, Expungement working group, is repealed April 30, 2025.

175 [(11)] (12) Section 63M-7-504, Crime Victim Reparations and Assistance Board -- Members, is
repealed December 31, 2024.

177 [(12)] (13) Section 63M-7-505, Board and office within Commission on Criminal and Juvenile Justice,
is repealed December 31, 2024.

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[(13)] (14) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed December 31, 2024.

181 [(14)] (15) Subsection 63N-2-213(12)(a), regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.

183 [(15)] (16) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an Enterprise Zone, is repealed December 31, 2024.

320 {Section 8. ~~Section 72-2-108 is amended to read:~~ }

321 **72-2-108. Apportionment of funds available for use on class B and class C roads -- Bonds.**

323 (1) For purposes of this section:

324 (a) "Eligible county" means a county of the fifth class, as described in Section 17-50-501, that received a distribution for fiscal year 2015 that was reapportioned to include money in addition to the amount calculated under Subsection (2), and the portion of the distribution derived from the calculation under Subsection (2) was less than 60% of the total distribution.

329 (b) "Graveled road" means a road:

330 (i) that is:

331 (A) graded; and

332 (B) drained by transverse drainage systems to prevent serious impairment of the road by surface water;

334 (ii) that has an improved surface; and

335 (iii) that has a wearing surface made of:

336 (A) gravel;

337 (B) broken stone;

338 (C) slag;

339 (D) iron ore;

340 (E) shale; or

341 (F) other material that is:

342 (I) similar to a material described in Subsection (1)(b)(iii)(A) through (E); and

343 (II) coarser than sand.

344 (c) "Paved road" includes:

345 (i) a graveled road with a chip seal surface; and

346 (ii) a circulator alley.

347 (d) "Road mile" means a one-mile length of road, regardless of:

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- 348 (i) the width of the road; or
- 349 (ii) the number of lanes into which the road is divided.
- 350 (e) "Weighted mileage" means the sum of the following:
- 351 (i) paved road miles multiplied by five; and
- 352 (ii) all other road type road miles multiplied by two.
- 353 (2) Subject to the provisions of Subsections (3) through (7), funds appropriated for class B and class C roads shall be apportioned among counties and municipalities in the following manner:
- 356 (a) 50% in the ratio that the class B roads weighted mileage within each county and class C roads weighted mileage within each municipality bear to the total class B and class C roads weighted mileage within the state; and
- 359 (b) 50% in the ratio that the population of a county or municipality bears to the total population of the state as of the last official federal census or the United States Bureau of Census estimate, whichever is most recent, except that if population estimates are not available from the United States Bureau of Census, population figures shall be derived from the estimate from the Utah Population Committee.
- 364 (3) For purposes of Subsection (2)(b), "the population of a county" means:
- 365 (a) the population of a county outside the corporate limits of municipalities in that county, if the population of the county outside the corporate limits of municipalities in that county is not less than 14% of the total population of that county, including municipalities; and
- 369 (b) if the population of a county outside the corporate limits of municipalities in the county is less than 14% of the total population:
- 371 (i) the aggregate percentage of the population apportioned to municipalities in that county shall be reduced by an amount equal to the difference between:
- 373 (A) 14%; and
- 374 (B) the actual percentage of population outside the corporate limits of municipalities in that county; and
- 376 (ii) the population apportioned to the county shall be 14% of the total population of that county, including incorporated municipalities.
- 378 (4) For an eligible county, the department shall reapportion the funds under Subsection (2) to ensure that the county or municipality receives, for a fiscal year beginning on or after July 1, 2018, an amount equal to the greater of:
- 381 (a) the amount apportioned to the county or municipality for class B and class C roads in the current fiscal year under Subsection (2); or

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- 383 (b)
- (i) the amount apportioned to the county or municipality for class B and class C roads through the apportionment formula under Subsection (2) or this Subsection (4) in the prior fiscal year; plus
- 386 (ii) the amount calculated as described in Subsection (6).
- 387 (5)
- (a) The department shall decrease proportionately as provided in Subsection (5)(b) the apportionments to counties and municipalities for which the reapportionment under Subsection (4) does not apply.
- 390 (b) The aggregate amount of the funds that the department shall decrease proportionately from the apportionments under Subsection (5)(a) is an amount equal to the aggregate amount reapportioned to counties and municipalities under Subsection (4).
- 393 (6)
- (a) In addition to the apportionment adjustments made under Subsection (4), a county or municipality that qualifies for reapportioned money under Subsection (4) shall receive an amount equal to the amount apportioned to the eligible county or municipality under Subsection (4) for class B and class C roads in the prior fiscal year multiplied by the percentage increase or decrease in the total funds available for class B and class C roads between the prior fiscal year and the fiscal year that immediately preceded the prior fiscal year.
- 400 (b) The adjustment under Subsection (6)(a) shall be made in the same way as provided in Subsections (5)(a) and (b).
- 402 (7)
- (a) If a county or municipality does not qualify for a reapportionment under Subsection (4) in the current fiscal year but previously qualified for a reapportionment under Subsection (4) on or after July 1, 2017, the county or municipality shall receive an amount equal to the greater of:
- 406 (i) the amount apportioned to the county or municipality for class B and class C roads in the current fiscal year under Subsection (2); or
- 408 (ii) the amount apportioned to the county or municipality for class B and class C roads in the prior fiscal year.
- 410 (b) The adjustment under Subsection (7)(a) shall be made in the same way as provided in Subsections (5)(a) and (b).
- 412 (8)

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(a) Subject to Subsection (8)(b), the department shall withhold distributions of funds to a municipality under this section after October 1, 2025, and hold the funds without disbursing the funds to any other municipality if the department is notified by the Department of Public Safety that the municipality:

416 (i) is subject to the provisions described in Section 53-29-102;

417 (ii) has not entered into an interagency agreement with the Department of Public Safety as described in Subsection 53-29-102(1); and

419 (iii) has had the municipality's funds distributed from the Homeless Shelter Cities Mitigation Restricted Account reduced in accordance with Subsection 35A-16-402(4)(g).

422 (b) The department may only begin disbursing the funds apportioned to the municipality withheld under Subsection (8)(a) if the department is notified by the Department of Public Safety that the municipality has entered into an interagency agreement with the Department of Public Safety as described in Subsection 53-29-102(1).

426 [~~8~~] (9) The governing body of any municipality or county may issue bonds redeemable up to a period of 10 years under Title 11, Chapter 14, Local Government Bonding Act, to pay the costs of constructing, repairing, and maintaining class B or class C roads and may pledge class B or class C road funds received pursuant to this section to pay principal, interest, premiums, and reserves for the bonds.

185 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

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