

**Senator Gene Davis** proposes the following substitute bill:

**HOMELESS SHELTER FUNDING AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gene Davis**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates the Homeless Shelter Cities Mitigation Restricted Account and authorizes the use of the restricted account's funds.

**Highlighted Provisions:**

This bill:

- ▶ allows redevelopment agencies to transfer funds to a county or municipality under certain circumstances;
- ▶ modifies the membership of the Homeless Coordinating Committee;
- ▶ defines terms;
- ▶ creates an application process for certain municipalities with homeless shelters to obtain Homeless Shelter Cities Mitigation Restricted Account funds to employ and equip additional personnel to provide public safety services;
- ▶ creates an application process for a municipality with a homeless shelter to obtain a grant from the Homeless Shelter Cities Mitigation Restricted Account to pay for programs to mitigate the impact of the homeless shelter;
- ▶ authorizes a county or municipality that does not host a homeless shelter to impose an additional sales and use tax to contribute to the Homeless Shelter Cities Mitigation Restricted Account;



- 26           ▶ requires the State Tax Commission to deposit a percentage of a county's or
- 27 municipality's local option sales and use tax revenue into the Homeless Shelter
- 28 Cities Mitigation Restricted Account if the county or municipality does not impose
- 29 the additional sales and use tax;
- 30           ▶ directs the Department of Workforce Services on how to disburse funds from the
- 31 Homeless Shelter Cities Mitigation Restricted Account; and
- 32           ▶ makes technical changes.

33 **Money Appropriated in this Bill:**

34           This bill appropriates in fiscal year 2019:

- 35           ▶ to the Department of Workforce Services – Housing and Community Development
- 36 – Homeless Shelter Cities Mitigation Program, as a one-time appropriation:
- 37           • from the Homeless Shelter Cities Mitigation Restricted Account, One-time,
- 38 \$2,500,000.

39 **Other Special Clauses:**

40           None

41 **Utah Code Sections Affected:**

42 AMENDS:

- 43           **17C-1-409**, as last amended by Laws of Utah 2016, Chapter 350
- 44           **17C-1-411**, as last amended by Laws of Utah 2016, Chapter 350
- 45           **17C-1-412**, as last amended by Laws of Utah 2016, Chapter 350
- 46           **35A-8-601**, as last amended by Laws of Utah 2016, Chapter 278
- 47           **59-12-205**, as last amended by Laws of Utah 2017, Chapters 230 and 385
- 48           **59-12-302**, as last amended by Laws of Utah 2016, Chapter 364
- 49           **59-12-354**, as last amended by Laws of Utah 2016, Chapter 364
- 50           **59-12-403**, as last amended by Laws of Utah 2016, Chapter 364
- 51           **59-12-603**, as last amended by Laws of Utah 2017, Chapter 178
- 52           **59-12-703**, as last amended by Laws of Utah 2017, Chapters 181 and 422
- 53           **59-12-802**, as last amended by Laws of Utah 2017, Chapter 422
- 54           **59-12-804**, as last amended by Laws of Utah 2017, Chapter 422
- 55           **59-12-1102**, as last amended by Laws of Utah 2016, Chapter 364
- 56           **59-12-1302**, as last amended by Laws of Utah 2017, Chapter 422

57            **59-12-1402**, as last amended by Laws of Utah 2017, Chapter 422  
 58            **59-12-2103**, as last amended by Laws of Utah 2017, Chapter 422  
 59            **59-12-2206**, as last amended by Laws of Utah 2017, Chapter 160

60 ENACTS:

61            **35A-8-606**, Utah Code Annotated 1953  
 62            **35A-8-606.1**, Utah Code Annotated 1953  
 63            **35A-8-606.2**, Utah Code Annotated 1953  
 64            **35A-8-606.3**, Utah Code Annotated 1953  
 65            **59-12-2301**, Utah Code Annotated 1953  
 66            **59-12-2302**, Utah Code Annotated 1953  
 67            **59-12-2303**, Utah Code Annotated 1953  
 68            **59-12-2304**, Utah Code Annotated 1953  
 69            **63J-1-801**, Utah Code Annotated 1953  
 70            **63J-1-802**, Utah Code Annotated 1953



71  
72 *Be it enacted by the Legislature of the state of Utah:*

73            Section 1. Section **17C-1-409** is amended to read:

74            **17C-1-409. Allowable uses of agency funds.**

75            (1) (a) An agency may use agency funds:

76            (i) for any purpose authorized under this title;

77            (ii) for administrative, overhead, legal, or other operating expenses of the agency,

78 including consultant fees and expenses under Subsection **17C-2-102**(1)(b)(ii)(B) or funding for  
79 a business resource center;

80            (iii) to pay for, including financing or refinancing, all or part of:

81            (A) project area development in a project area, including environmental remediation  
82 activities occurring before or after adoption of the project area plan;

83            (B) housing-related expenditures, projects, or programs as described in Section  
84 **17C-1-411** or **17C-1-412**;

85            (C) an incentive or other consideration paid to a participant under a participation  
86 agreement;

87            (D) subject to Subsections (1)(c) and (4), the value of the land for and the cost of the

88 installation and construction of any publicly owned building, facility, structure, landscaping, or  
89 other improvement within the project area from which the project area funds are collected; or

90 (E) the cost of the installation of publicly owned infrastructure and improvements  
91 outside the project area from which the project area funds are collected if the board and the  
92 community legislative body determine by resolution that the publicly owned infrastructure and  
93 improvements benefit the project area; [~~or~~]

94 (iv) in an urban renewal project area that includes some or all of an inactive industrial  
95 site and subject to Subsection (1)(e), to reimburse the Department of Transportation created  
96 under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8,  
97 Public Transit District Act, for the cost of:

98 (A) construction of a public road, bridge, or overpass;

99 (B) relocation of a railroad track within the urban renewal project area; or

100 (C) relocation of a railroad facility within the urban renewal project area[~~;~~]; or

101 (v) subject to Subsection (5), to transfer funds to a community that created the agency.

102 (b) The determination of the board and the community legislative body under  
103 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

104 (c) An agency may not use project area funds received from a taxing entity for the  
105 purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal project area plan, an  
106 economic development project area plan, or a community reinvestment project area plan  
107 without the community legislative body's consent.

108 (d) (i) Subject to Subsection (1)(d)(ii), an agency may loan project area funds from a  
109 project area fund to another project area fund if:

110 (A) the board approves; and

111 (B) the community legislative body approves.

112 (ii) An agency may not loan project area funds under Subsection (1)(d)(i) unless the  
113 projections for agency funds are sufficient to repay the loan amount.

114 (iii) A loan described in Subsection (1)(d) is not subject to Title 10, Chapter 5,  
115 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal  
116 Procedures Act for Utah Cities, Title 17, Chapter 36, Uniform Fiscal Procedures Act for  
117 Counties, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts.

118 (e) Before an agency may pay any tax increment or sales tax revenue under Subsection

119 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the  
120 reimbursement with:

- 121 (i) the Department of Transportation; or
- 122 (ii) a public transit district.

123 (2) (a) Sales and use tax revenue that an agency receives from a taxing entity is not  
124 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use  
125 Tax Incentive Payments Act.

126 (b) An agency may use sales and use tax revenue that the agency receives under an  
127 interlocal agreement under Section [17C-4-201](#) or [17C-5-204](#) for the uses authorized in the  
128 interlocal agreement.

129 (3) (a) An agency may contract with the community that created the agency or another  
130 public entity to use agency funds to reimburse the cost of items authorized by this title to be  
131 paid by the agency that are paid by the community or other public entity.

132 (b) If land is acquired or the cost of an improvement is paid by another public entity  
133 and the land or improvement is leased to the community, an agency may contract with and  
134 make reimbursement from agency funds to the community.

135 (4) Notwithstanding any other provision of this title, an agency may not use project  
136 area funds to construct a local government building unless the taxing entity committee or each  
137 taxing entity party to an interlocal agreement with the agency consents.

138 (5) For the purpose of offsetting the community's annual local contribution to the  
139 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in  
140 a calendar year to a community under Subsections (1)(a)(v), [17C-1-411\(1\)\(d\)](#), and  
141 [17C-1-412\(1\)\(a\)\(x\)](#) may not exceed the community's annual local contribution as defined in  
142 Section [35A-8-606](#).

143 Section 2. Section **17C-1-411** is amended to read:

144 **17C-1-411. Use of project area funds for housing-related improvements and for**  
145 **relocating mobile home park residents -- Funds to be held in separate accounts.**

146 (1) An agency may use project area funds:

- 147 (a) to pay all or part of the value of the land for and the cost of installation,
- 148 construction, or rehabilitation of any housing-related building, facility, structure, or other
- 149 housing improvement, including infrastructure improvements related to housing, located in any

150 project area within the agency's boundaries;

151 (b) outside of a project area for the purpose of:

152 (i) replacing housing units lost by project area development; or

153 (ii) increasing, improving, or preserving the affordable housing supply within the

154 boundary of the agency; [or]

155 (c) for relocating mobile home park residents displaced by project area development,

156 whether inside or outside a project area[-]; or

157 (d) subject to Subsection (4), to transfer funds to a community that created the agency.

158 (2) (a) Each agency shall create a housing fund and separately account for project area  
159 funds allocated under this section.

160 (b) Interest earned by the housing fund described in Subsection (2)(a), and any  
161 payments or repayments made to the agency for loans, advances, or grants of any kind from the  
162 housing fund, shall accrue to the housing fund.

163 (c) An agency that designates a housing fund under this section shall use the housing  
164 fund for the purposes set forth in this section or Section 17C-1-412.

165 (3) An agency may lend, grant, or contribute funds from the housing fund to a person,  
166 public entity, housing authority, private entity or business, or nonprofit corporation for  
167 affordable housing or homeless assistance.

168 (4) For the purpose of offsetting the community's annual local contribution to the  
169 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in  
170 a calendar year to a community under Subsections (1)(d), 17C-1-409(1)(a)(v), and  
171 17C-1-412(1)(a)(x) may not exceed the community's annual local contribution as defined in  
172 Section 35A-8-606.

173 Section 3. Section 17C-1-412 is amended to read:

174 **17C-1-412. Use of housing allocation -- Separate accounting required -- Issuance**  
175 **of bonds for housing -- Action to compel agency to provide housing allocation.**

176 (1) (a) An agency shall use the agency's housing allocation, if applicable, to:

177 (i) pay part or all of the cost of land or construction of income targeted housing within  
178 the boundary of the agency, if practicable in a mixed income development or area;

179 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the  
180 boundary of the agency;

- 181 (iii) lend, grant, or contribute money to a person, public entity, housing authority,  
182 private entity or business, or nonprofit corporation for income targeted housing within the  
183 boundary of the agency;
- 184 (iv) plan or otherwise promote income targeted housing within the boundary of the  
185 agency;
- 186 (v) pay part or all of the cost of land or installation, construction, or rehabilitation of  
187 any building, facility, structure, or other housing improvement, including infrastructure  
188 improvements, related to housing located in a project area where blight has been found to exist;
- 189 (vi) replace housing units lost as a result of the project area development;
- 190 (vii) make payments on or establish a reserve fund for bonds:
- 191 (A) issued by the agency, the community, or the housing authority that provides  
192 income targeted housing within the community; and
- 193 (B) all or part of the proceeds of which are used within the community for the purposes  
194 stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);
- 195 (viii) if the community's fair share ratio at the time of the first adoption of the project  
196 area budget is at least 1.1 to 1.0, make payments on bonds:
- 197 (A) that were previously issued by the agency, the community, or the housing authority  
198 that provides income targeted housing within the community; and
- 199 (B) all or part of the proceeds of which were used within the community for the  
200 purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi); ~~or~~
- 201 (ix) relocate mobile home park residents displaced by project area development[-]; or  
202 (x) subject to Subsection (6), transfer funds to a community that created the agency.
- 203 (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or  
204 any portion of the agency's housing allocation to:
- 205 (i) the community for use as described in Subsection (1)(a);
- 206 (ii) a housing authority that provides income targeted housing within the community  
207 for use in providing income targeted housing within the community;
- 208 (iii) a housing authority established by the county in which the agency is located for  
209 providing:
- 210 (A) income targeted housing within the county;
- 211 (B) permanent housing, permanent supportive housing, or a transitional facility, as

212 defined in Section [35A-5-302](#), within the county; or  
213 (C) homeless assistance within the county; or  
214 (iv) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8,  
215 Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within  
216 the community.

217 (2) The agency shall create a housing fund and separately account for the agency's  
218 housing allocation, together with all interest earned by the housing allocation and all payments  
219 or repayments for loans, advances, or grants from the housing allocation.

220 (3) An agency may:

221 (a) issue bonds to finance a housing-related project under this section, including the  
222 payment of principal and interest upon advances for surveys and plans or preliminary loans;  
223 and

224 (b) issue refunding bonds for the payment or retirement of bonds under Subsection  
225 (3)(a) previously issued by the agency.

226 (4) (a) Except as provided in Subsection (4)(b), an agency shall allocate money to the  
227 housing fund each year in which the agency receives sufficient tax increment to make a  
228 housing allocation required by the project area budget.

229 (b) Subsection (4)(a) does not apply in a year in which tax increment is insufficient.

230 (5) (a) Except as provided in Subsection (4)(b), if an agency fails to provide a housing  
231 allocation in accordance with the project area budget and, if applicable, the housing plan  
232 adopted under Subsection [17C-2-204\(2\)](#), the loan fund board may bring legal action to compel  
233 the agency to provide the housing allocation.

234 (b) In an action under Subsection (5)(a), the court:

235 (i) shall award the loan fund board reasonable attorney fees, unless the court finds that  
236 the action was frivolous; and

237 (ii) may not award the agency the agency's attorney fees, unless the court finds that the  
238 action was frivolous.

239 (6) For the purpose of offsetting the community's annual local contribution to the  
240 Homeless Shelter Cities Mitigation Restricted Account, the total amount an agency transfers in  
241 a calendar year to a community under Subsections (1)(a)(x), [17C-1-409\(1\)\(a\)\(v\)](#), and  
242 [17C-1-411\(1\)\(d\)](#) may not exceed the community's annual local contribution as defined in

243 Section 35A-8-606.

244 Section 4. Section 35A-8-601 is amended to read:

245 **35A-8-601. Creation.**

246 (1) There is created within the division the Homeless Coordinating Committee.

247 (2) (a) The committee shall consist of the following members:

248 (i) the lieutenant governor or the lieutenant governor's designee;

249 (ii) the state planning coordinator or the coordinator's designee;

250 (iii) the state superintendent of public instruction or the superintendent's designee;

251 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's  
252 designee;

253 (v) the executive director of the Department of Workforce Services or the executive  
254 director's designee;

255 (vi) the executive director of the Department of Corrections or the executive director's  
256 designee;

257 (vii) the executive director of the Department of Health or the executive director's  
258 designee;

259 (viii) the executive director of the Department of Human Services or the executive  
260 director's designee;

261 (ix) the mayor of Salt Lake City~~[-and]~~ or the mayor's designee;

262 (x) the mayor of Salt Lake County~~[-]~~ or the mayor's designee;

263 (xi) the mayor of Ogden or the mayor's designee;

264 (xii) the mayor of Midvale or the mayor's designee;

265 (xiii) the mayor of St. George or the mayor's designee; and

266 (xiv) the mayor of South Salt Lake or the mayor's designee.

267 (b) (i) The lieutenant governor shall serve as the chair of the committee.

268 (ii) The lieutenant governor may appoint a vice chair from among committee members,  
269 who shall conduct committee meetings in the absence of the lieutenant governor.

270 (3) The governor may appoint as members of the committee:

271 (a) representatives of local governments, local housing authorities, local law  
272 enforcement agencies;

273 (b) representatives of federal and private agencies and organizations concerned with

274 the homeless, persons with a mental illness, the elderly, single-parent families, persons with a  
275 substance use disorder, and persons with a disability; and

276 (c) a resident of Salt Lake County.

277 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members  
278 appointed under Subsection (3) expire, the governor shall appoint each new member or  
279 reappointed member to a four-year term.

280 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
281 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
282 committee members are staggered so that approximately half of the committee is appointed  
283 every two years.

284 (c) A member appointed under Subsection (3) may not be appointed to serve more than  
285 three consecutive terms.

286 (5) When a vacancy occurs in the membership for any reason, the replacement is  
287 appointed for the unexpired term.

288 (6) A member may not receive compensation or benefits for the member's service, but  
289 may receive per diem and travel expenses in accordance with:

290 (a) Section [63A-3-106](#);

291 (b) Section [63A-3-107](#); and

292 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
293 [63A-3-107](#).

294 Section 5. Section [35A-8-606](#) is enacted to read:

295 **[35A-8-606](#). Homeless Shelter Cities Mitigation Restricted Account.**

296 (1) As used in this section:

297 (a) "Annual local contribution" means:

298 (i) for a participating local government:

299 (A) an amount equal to 1.65% of the participating local government's tax revenue  
300 distribution amount under Subsection [59-12-205\(2\)\(a\)](#) for the previous calendar year; or

301 (B) the amount the participating local government collected in accordance with Section  
302 [59-12-2302](#); or

303 (ii) for an eligible municipality or a grant eligible municipality that is certified in  
304 accordance with Section [35A-8-606.3](#), \$0.

305 (b) "Eligible municipality" means the same as that term is defined in Section  
 306 35A-8-606.1.  
 307 (c) "Grant eligible municipality" means the same as that term is defined in Section  
 308 35A-8-606.2.  
 309 (d) "Participating local government" means a county or municipality, as defined in  
 310 Section 10-1-104, that is not an eligible municipality or grant eligible municipality as certified  
 311 by the department in accordance with Section 35A-8-606.3.

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

314 (3) The account shall be funded by:

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

317 (b) local sales and use tax revenue deposited into the account in accordance with  
 318 Section 59-12-2304; and

319 (c) interest earned on the account.

320 (4) (a) The department shall administer the account.

321 (b) Subject to appropriation, the department shall disburse funds from the account to:

322 (i) eligible municipalities in accordance with Sections 35A-8-606.1 and 63J-1-802; and

323 (ii) grant eligible municipalities in accordance with Sections 35A-8-606.2 and  
 324 63J-1-802.

325 Section 6. Section **35A-8-606.1** is enacted to read:

326 **35A-8-606.1. Eligible municipality application process for Homeless Shelter Cities**  
 327 **Mitigation Restricted Account funds.**

328 (1) As used in this section:

329 (a) "Account" means the restricted account created in Section 35A-8-606.

330 (b) "Committee" means the Homeless Coordinating Committee created in this part.

331 (c) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a  
 332 metro township that:

333 (i) has, or is proposed to have, a homeless shelter within the city's, town's, or metro  
 334 township's geographic boundaries;

335 (ii) due to the location of a homeless shelter within the city's, town's, or metro

336 township's geographic boundaries, needs more public safety services than the city, town, or  
337 metro township needed before the location of the homeless shelter within the city's, town's, or  
338 metro township's geographic boundaries; and

339 (iii) is certified as an eligible municipality in accordance with Section [35A-8-606.3](#).

340 (d) "Homeless shelter" means a facility that:

341 (i) provides or is proposed to provide temporary shelter to homeless individuals;

342 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 200  
343 individuals per night; and

344 (iii) operates year-round and is not subject to zoning restrictions that limit the hours,  
345 days, weeks, or months of operation.

346 (e) "Public safety services" means law enforcement, emergency medical services, and  
347 fire protection.

348 (2) An eligible municipality may request account funds to employ and equip additional  
349 personnel to provide public safety services in and around a homeless shelter within the eligible  
350 municipality's geographic boundaries.

351 (3) (a) This Subsection (3) applies to an eligible municipality's request for account  
352 funds for the fiscal year beginning on July 1, 2018, only.

353 (b) An eligible municipality may make a request for account funds by:

354 (i) sending an electronic copy of the request to the committee before the first meeting  
355 of the committee on or after July 1, 2018; and

356 (ii) appearing at the first meeting of the committee on or after July 1, 2018, to present  
357 the request.

358 (c) The request described in Subsection (3)(b) shall contain:

359 (i) data relating to the eligible municipality's public safety services for the last fiscal  
360 year before a homeless shelter was located or proposed to be located within the eligible  
361 municipality's boundaries, including:

362 (A) crime statistics; and

363 (B) calls for public safety services;

364 (ii) data showing the eligible municipality's need for public safety services in the next  
365 fiscal year;

366 (iii) a summary of the eligible municipality's proposed use of account funds; and

367 (iv) a copy of the eligible municipality's budget, which includes a request in a specific  
368 amount for additional personnel to provide public safety services.

369 (d) The committee shall evaluate a request made in accordance with this Subsection (3)  
370 using the following factors:

371 (i) the strength and reliability of the data that the eligible municipality provides to  
372 support the request;

373 (ii) the availability of alternative funding for the eligible municipality to address the  
374 eligible municipality's need for public safety services; and

375 (iii) any other considerations identified by the committee.

376 (e) (i) After making the evaluation described in Subsection (3)(d) and subject to  
377 appropriation, the committee shall vote to:

378 (A) fund the eligible municipality's request; or

379 (B) fund the eligible municipality's request at a reduced level, as determined by the  
380 committee.

381 (ii) The committee shall support the vote described in Subsection (3)(e)(i) with  
382 findings on each of the factors described in Subsection (3)(d).

383 (f) (i) An eligible municipality that receives an award of account funds under this  
384 Subsection (3) shall submit an invoice of the eligible municipality's expenses, with supporting  
385 documentation, to the department monthly for reimbursement.

386 (ii) Each month beginning in January 2019, the department shall reimburse the eligible  
387 municipality for the lesser of:

388 (A) the amount on the invoice or contract; or

389 (B) one-sixth of the amount the committee approved for the eligible municipality.

390 (4) (a) This Subsection (4) applies to a fiscal year beginning on or after July 1, 2019.

391 (b) (i) The committee shall set aside time on an the agenda of a committee meeting that  
392 occurs on or after July 1 and on or before November 30 to allow an eligible municipality to  
393 present a request for account funds for the next fiscal year.

394 (ii) An eligible municipality may present a request for account funds by:

395 (A) sending an electronic copy of the request to the committee before the meeting; and

396 (B) appearing at the meeting to present the request.

397 (c) The request described in Subsection (4)(b) shall contain:

398 (i) data relating to the eligible municipality's public safety services for the last fiscal  
399 year before a homeless shelter was located or proposed to be located within the eligible  
400 municipality's boundaries, including:

401 (A) crime statistics; and

402 (B) calls for public safety services;

403 (ii) data showing the eligible municipality's need for public safety services in the next  
404 fiscal year;

405 (iii) a summary of the eligible municipality's proposed use of account funds; and

406 (iv) a copy of the eligible municipality's budget, which includes a request in a specific  
407 amount for additional personnel to provide public safety services.

408 (d) (i) On or before November 30, an eligible municipality that received account funds  
409 during the previous fiscal year shall file electronically with the committee a report that  
410 includes:

411 (A) a summary of the amount of account funds that the eligible municipality expended  
412 and the eligible municipality's specific use of those funds;

413 (B) an evaluation of the eligible municipality's effectiveness in using the account funds  
414 to address the eligible municipality's public safety needs; and

415 (C) any proposals for improving the eligible municipality's effectiveness in using  
416 account funds that the eligible municipality may receive in future fiscal years.

417 (ii) The committee may request additional information as needed to make the  
418 evaluation described in Subsection (4)(e).

419 (e) The committee shall evaluate a request made in accordance with this Subsection (4)  
420 using the following factors:

421 (i) the strength and reliability of the data that the eligible municipality provided to  
422 support the request;

423 (ii) if the eligible municipality received account funds during the previous fiscal year,  
424 the efficiency with which the eligible municipality used any account funds during the previous  
425 fiscal year;

426 (iii) the availability of alternative funding for the eligible municipality to address the  
427 eligible municipality's need for public safety services; and

428 (iv) any other considerations identified by the committee.

429 (f) (i) After making the evaluation described in Subsection (4)(e) and subject to other  
430 provisions of this Subsection (4)(f), the committee shall vote to recommend that an eligible  
431 municipality's request be:

432 (A) funded as requested; or

433 (B) funded at a reduced level, as determined by the committee.

434 (ii) The committee shall support the recommendation described in Subsection (4)(f)(i)  
435 with findings on each of the factors described in Subsection (4)(e).

436 (g) The committee shall submit the recommendation described in Subsection (4)(f) to:

437 (i) the governor for inclusion in the governor's budget to be submitted to the  
438 Legislature; and

439 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in  
440 accordance with Section [63J-1-802](#).

441 (h) (i) An eligible municipality that is approved to receive account funds under Section  
442 [63J-1-802](#) shall submit an invoice of the eligible municipality's expenses, with supporting  
443 documentation, to the department monthly for reimbursement.

444 (ii) Each month, the department shall disburse the revenue in the account to reimburse  
445 an eligible municipality that submits the information described in Subsection (4)(h)(i) for the  
446 lesser of:

447 (A) the amount on the invoice or contract; or

448 (B) one-twelfth of the amount that the Legislature approves for the eligible  
449 municipality.

450 (5) On or before October 1, the department, in cooperation with the committee, shall  
451 submit an annual written report electronically to the Social Services Appropriations  
452 Subcommittee of the Legislature that gives a complete accounting of the department's  
453 disbursement of the money from the account under this section for the previous fiscal year.

454 Section 7. Section **35A-8-606.2** is enacted to read:

455 **35A-8-606.2. Grant eligible municipality application process for Homeless Shelter**  
456 **Cities Mitigation Restricted Account funds.**

457 (1) As used in this section:

458 (a) "Account" means the restricted account created in Section [35A-8-606](#).

459 (b) "Committee" means the Homeless Coordinating Committee created in this part.

- 460 (c) "Grant" means an award of funds from the account.
- 461 (d) "Grant eligible municipality" means a city, town, or metro township that:
- 462 (i) has a homeless shelter within the city's, town's, or metro township's geographic
- 463 boundaries;
- 464 (ii) has increased community, social service, and public safety service needs due to the
- 465 location of a homeless shelter within the city's, town's, or metro township's geographic
- 466 boundaries; and
- 467 (iii) is certified as a grant eligible municipality in accordance with Section
- 468 [35A-8-606.3.](#)
- 469 (e) "Homeless shelter" means a facility that:
- 470 (i) provides or is proposed to provide temporary shelter to homeless individuals;
- 471 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 60
- 472 individuals per night; and
- 473 (iii) operates year-round and is not subject to zoning restrictions that limit the hours,
- 474 days, weeks, or months of operation.
- 475 (f) "Public safety services" means law enforcement, emergency medical services, and
- 476 fire protection.
- 477 (2) Subject to the availability of funds, a grant eligible municipality may request a
- 478 grant to mitigate the impacts of the location of a homeless shelter within the grant eligible
- 479 municipality's geographic boundaries through:
- 480 (a) development of a community and neighborhood program;
- 481 (b) provision of social services; or
- 482 (c) employment of additional personnel to provide public safety services in and around
- 483 a homeless shelter within the grant eligible municipality's geographic boundaries.
- 484 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
- 485 department shall make rules governing:
- 486 (i) the process for determining whether there is sufficient revenue to the account to
- 487 offer a grant program for the next fiscal year; and
- 488 (ii) the process for notifying grant eligible municipalities about the availability of
- 489 grants for the next fiscal year.
- 490 (b) (i) If the committee offers a grant program for the next fiscal year, the committee

491 shall set aside time on the agenda of a committee meeting that occurs on or after July 1 and on  
492 or before November 30 to allow a grant eligible municipality to present a request for account  
493 funds for the next fiscal year.

494 (ii) A grant eligible municipality may present a request for account funds by:

495 (A) sending an electronic copy of the request to the committee before the meeting; and

496 (B) appearing at the meeting to present the request.

497 (c) The request described in Subsection (3)(b) shall contain:

498 (i) for a grant request to develop a community and neighborhood program:

499 (A) a proposal outlining the components of a community and neighborhood program;

500 (B) a summary of the grant eligible municipality's proposed use of any grant awarded;

501 and

502 (C) the amount requested;

503 (ii) for a grant request to provide social services:

504 (A) a proposal outlining the need for additional social services;

505 (B) a summary of the grant eligible municipality's proposed use of any grant awarded;

506 and

507 (C) the amount requested;

508 (iii) for a grant request to employ additional personnel to provide public safety

509 services:

510 (A) data relating to the grant eligible municipality's public safety services for the

511 current fiscal year, including crime statistics and calls for public safety services;

512 (B) data showing an increase in the grant eligible municipality's need for public safety

513 services in the next fiscal year;

514 (C) a summary of the grant eligible municipality's proposed use of any grant awarded;

515 and

516 (D) the amount requested; and

517 (iv) for a grant request to provide some combination of the activities described in

518 Subsections (3)(c)(i) through (iii), the information required by this Subsection (3) for each

519 activity for which the grant eligible municipality requests a grant.

520 (d) (i) On or before November 30, a grant eligible municipality that received a grant

521 during the previous fiscal year shall file electronically with the committee a report that

522 includes:

523 (A) a summary of the amount of the grant that the grant eligible municipality received  
524 and the grant eligible municipality's specific use of those funds;

525 (B) an evaluation of the grant eligible municipality's effectiveness in using the grant to  
526 address the grant eligible municipality's increased needs due to the location of a homeless  
527 shelter; and

528 (C) any proposals for improving the grant eligible municipality's effectiveness in using  
529 a grant that the grant eligible municipality may receive in future fiscal years.

530 (ii) The committee may request additional information as needed to make the  
531 evaluation described in Subsection (3)(e).

532 (e) The committee shall evaluate a grant request made in accordance with this  
533 Subsection (3) using the following factors:

534 (i) the strength of the proposal that the grant eligible municipality provides to support  
535 the request;

536 (ii) if the grant eligible municipality received a grant during the previous fiscal year,  
537 the efficiency with which the grant eligible municipality used the grant during the previous  
538 fiscal year;

539 (iii) the availability of alternative funding for the grant eligible municipality to address  
540 the grant eligible municipality's needs due to the location of a homeless shelter; and

541 (iv) any other considerations identified by the committee.

542 (f) (i) After making the evaluation described in Subsection (3)(e) for each grant eligible  
543 municipality that makes a grant request and subject to other provisions of this Subsection  
544 (3)(f), the committee shall vote to:

545 (A) prioritize the grant requests; and

546 (B) recommend a grant amount for each grant eligible municipality.

547 (ii) The committee shall support the prioritization and recommendation described in  
548 Subsection (3)(f)(i) with findings on each of the factors described in Subsection (3)(e).

549 (g) The committee shall submit a list that prioritizes the grant requests and  
550 recommends a grant amount for each grant eligible municipality that requested a grant to:

551 (i) the governor for inclusion in the governor's budget to be submitted to the  
552 Legislature; and

553 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in  
554 accordance with Section 63J-1-802.

555 (4) (a) Subject to Subsection (4)(b), the department shall disburse the revenue in the  
556 account as a grant to a grant eligible municipality:

557 (i) after making the disbursements required by Section 35A-8-606.1; and

558 (ii) subject to the availability of funds in the account:

559 (A) in the order of priority that the Legislature gives to each eligible grant municipality  
560 under Section 63J-1-802; and

561 (B) in the amount that the Legislature approves to a grant eligible municipality under  
562 Section 63J-1-802.

563 (b) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the  
564 department shall make rules governing the process for the department to determine the timeline  
565 within the fiscal year for funding the grants.

566 (5) On or before October 1, the department, in cooperation with the committee, shall  
567 submit an annual written report electronically to the Social Services Appropriations  
568 Subcommittee of the Legislature that gives a complete accounting of the department's  
569 disbursement of the money from the account under this section for the previous fiscal year.

570 Section 8. Section 35A-8-606.3 is enacted to read:

571 **35A-8-606.3. Certification of eligible municipality or grant eligible municipality.**

572 (1) The department shall certify each year, on or after July 1 and before the first  
573 meeting of the committee after July 1, the cities or towns that meet the requirements of an  
574 eligible municipality or a grant eligible municipality as of July 1.

575 (2) On or before October 1, the department shall provide a list of the cities or towns  
576 that the department has certified as meeting the requirements of an eligible municipality or a  
577 grant eligible municipality for the year to the State Tax Commission.

578 Section 9. Section 59-12-205 is amended to read:

579 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
580 **tax revenue -- Determination of population.**

581 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
582 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's  
583 sales and use tax ordinances:

584 (a) within 30 days of the day on which the state makes an amendment to an applicable  
585 provision of Part 1, Tax Collection; and

586 (b) as required to conform to the amendments to Part 1, Tax Collection.

587 (2) Except as provided in Subsections (3) through [~~6~~] (7) and subject to Subsection  
588 [~~7~~] (8):

589 (a) 50% of each dollar collected from the sales and use tax authorized by this part shall  
590 be distributed to each county, city, and town on the basis of the percentage that the population  
591 of the county, city, or town bears to the total population of all counties, cities, and towns in the  
592 state; and

593 (b) (i) except as provided in Subsection (2)(b)(ii), 50% of each dollar collected from  
594 the sales and use tax authorized by this part shall be distributed to each county, city, and town  
595 on the basis of the location of the transaction as determined under Sections 59-12-211 through  
596 59-12-215; and

597 (ii) 50% of each dollar collected from the sales and use tax authorized by this part  
598 within a project area described in a project area plan adopted by the military installation  
599 development authority under Title 63H, Chapter 1, Military Installation Development  
600 Authority Act, shall be distributed to the military installation development authority created in  
601 Section 63H-1-201.

602 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall  
603 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

604 (i) the county, city, or town is a:

605 (A) county of the third, fourth, fifth, or sixth class;

606 (B) city of the fifth class; or

607 (C) town;

608 (ii) the county, city, or town received a distribution under this section for the calendar  
609 year beginning on January 1, 2008, that was less than the distribution under this section that the  
610 county, city, or town received for the calendar year beginning on January 1, 2007;

611 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located  
612 within the unincorporated area of the county for one or more days during the calendar year  
613 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,  
614 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North

615 American Industry Classification System of the federal Executive Office of the President,  
616 Office of Management and Budget; or

617 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
618 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during  
619 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry  
620 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the  
621 2002 North American Industry Classification System of the federal Executive Office of the  
622 President, Office of Management and Budget; and

623 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment  
624 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for  
625 one or more days during the calendar year beginning on January 1, 2008, was not the holder of  
626 a direct payment permit under Section 59-12-107.1; or

627 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
628 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a  
629 city or town for one or more days during the calendar year beginning on January 1, 2008, was  
630 not the holder of a direct payment permit under Section 59-12-107.1.

631 (b) The commission shall make the distribution required by this Subsection (3) to a  
632 county, city, or town described in Subsection (3)(a):

633 (i) from the distribution required by Subsection (2)(a); and

634 (ii) before making any other distribution required by this section.

635 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by  
636 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

637 (ii) For purposes of Subsection (3)(c)(i):

638 (A) the numerator of the fraction is the difference calculated by subtracting the  
639 distribution a county, city, or town described in Subsection (3)(a) received under this section  
640 for the calendar year beginning on January 1, 2008, from the distribution under this section that  
641 the county, city, or town received for the calendar year beginning on January 1, 2007; and

642 (B) the denominator of the fraction is \$333,583.

643 (d) A distribution required by this Subsection (3) is in addition to any other distribution  
644 required by this section.

645 (4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal year

646 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75% of  
647 the taxable sales within the boundaries of the county, city, or town.

648 (b) The commission shall proportionally reduce monthly distributions to any county,  
649 city, or town that, but for the reduction, would receive a distribution in excess of 1% of the  
650 sales and use tax revenue collected within the boundaries of the county, city, or town.

651 (5) (a) As used in this Subsection (5):

652 (i) "Eligible county, city, or town" means a county, city, or town that receives \$2,000 or  
653 more in tax revenue distributions in accordance with Subsection (4) for each of the following  
654 fiscal years:

655 (A) fiscal year 2002-03;

656 (B) fiscal year 2003-04; and

657 (C) fiscal year 2004-05.

658 (ii) "Minimum tax revenue distribution" means the greater of:

659 (A) the total amount of tax revenue distributions an eligible county, city, or town  
660 receives from a tax imposed in accordance with this part for fiscal year 2000-01; or

661 (B) the total amount of tax revenue distributions an eligible county, city, or town  
662 receives from a tax imposed in accordance with this part for fiscal year 2004-05.

663 (b) (i) Except as provided in Subsection (5)(b)(ii), beginning with fiscal year 2006-07  
664 and ending with fiscal year 2012-13, an eligible county, city, or town shall receive a tax  
665 revenue distribution for a tax imposed in accordance with this part equal to the greater of:

666 (A) the payment required by Subsection (2); or

667 (B) the minimum tax revenue distribution.

668 (ii) If the tax revenue distribution required by Subsection (5)(b)(i) for an eligible  
669 county, city, or town is equal to the amount described in Subsection (5)(b)(i)(A) for three  
670 consecutive fiscal years, for fiscal years beginning with the fiscal year immediately following  
671 that three consecutive fiscal year period, the eligible county, city, or town shall receive the tax  
672 revenue distribution equal to the payment required by Subsection (2).

673 (c) For a fiscal year beginning with fiscal year 2013-14 and ending with fiscal year  
674 2015-16, an eligible county, city, or town shall receive the minimum tax revenue distribution  
675 for that fiscal year if for fiscal year 2012-13 the payment required by Subsection (2) to that  
676 eligible county, city, or town is less than or equal to the product of:

677 (i) the minimum tax revenue distribution; and  
678 (ii) .90.  
679 (6) (a) As used in this Subsection (6):  
680 (i) "Eligible county, city, or town" means a county, city, or town that:  
681 (A) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue  
682 distributions for fiscal year 2002-03;  
683 (B) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue  
684 distributions for fiscal year 2003-04;  
685 (C) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue  
686 distributions for fiscal year 2004-05;  
687 (D) for a fiscal year beginning with fiscal year 2012-13 and ending with fiscal year  
688 2015-16, does not receive a tax revenue distribution described in Subsection (5) equal to the  
689 amount described in Subsection (5)(b)(i)(A) for three consecutive fiscal years; and  
690 (E) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,  
691 2016.  
692 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue  
693 distributions an eligible county, city, or town receives from a tax imposed in accordance with  
694 this part for fiscal year 2004-05.  
695 (b) Beginning with fiscal year 2016-17, an eligible county, city, or town shall receive a  
696 tax revenue distribution for a tax imposed in accordance with this part equal to the greater of:  
697 (i) the payment required by Subsection (2); or  
698 (ii) the minimum tax revenue distribution.  
699 (7) (a) For purposes of this Subsection (7):  
700 (i) "Annual local contribution" means an amount equal to 1.65% of the participating  
701 local government's tax revenue distribution amount under Subsection [59-12-205\(2\)\(a\)](#) for the  
702 previous calendar year.  
703 (ii) "Participating local government" means a county or municipality, as defined in  
704 Section [10-1-104](#), that:  
705 (A) is not an eligible municipality or grant eligible municipality certified in accordance  
706 with Section [35A-8-606.3](#); and  
707 (B) does not impose the sales and use tax authorized by Section [59-12-2303](#).

708 (b) For revenue collected from the tax authorized by this part that is distributed on or  
709 after January 1, 2019, the commission, before making a tax revenue distribution under  
710 Subsection (2)(a) to a participating local government, shall:

711 (i) (A) for the January 2019 distribution, subtract one-half of the annual local  
712 contribution for each participating local government from the participating local government's  
713 tax revenue distribution under Subsection (2)(a); and

714 (B) for a January distribution on or after January 1, 2020, subtract the annual local  
715 contribution for each participating local government from the participating local government's  
716 tax revenue distribution under Subsection (2)(a); and

717 (ii) deposit the amount described in Subsection (7)(b)(i) into the Homeless Shelter  
718 Cities Mitigation Restricted Account created in Section [35A-8a-606](#).

719 ~~[(7)]~~ (8) (a) Population figures for purposes of this section shall be based on the most  
720 recent official census or census estimate of the United States Census Bureau.

721 (b) If a needed population estimate is not available from the United States Census  
722 Bureau, population figures shall be derived from the estimate from the Utah Population  
723 Estimates Committee created by executive order of the governor.

724 (c) The population of a county for purposes of this section shall be determined only  
725 from the unincorporated area of the county.

726 Section 10. Section **59-12-302** is amended to read:

727 **59-12-302. Collection of tax -- Administrative charge.**

728 (1) Except as provided in Subsection (2) or (3), the tax authorized under this part shall  
729 be administered, collected, and enforced in accordance with:

730 (a) the same procedures used to administer, collect, and enforce the tax under:

731 (i) Part 1, Tax Collection; or

732 (ii) Part 2, Local Sales and Use Tax Act; and

733 (b) Chapter 1, General Taxation Policies.

734 (2) The location of a transaction shall be determined in accordance with Sections  
735 [59-12-211](#) through [59-12-215](#).

736 (3) A tax under this part is not subject to Section [59-12-107.1](#) or [59-12-123](#) or  
737 Subsections [59-12-205](#)(2) through ~~[(7)]~~ (8).

738 (4) The commission:

739 (a) shall distribute the revenue collected from the tax to the county within which the  
740 revenue was collected; and

741 (b) shall retain and deposit an administrative charge in accordance with Section  
742 59-1-306 from revenue the commission collects from a tax under this part.

743 Section 11. Section 59-12-354 is amended to read:

744 **59-12-354. Collection of tax -- Administrative charge.**

745 (1) Except as provided in Subsections (2) and (3), the tax authorized under this part  
746 shall be administered, collected, and enforced in accordance with:

747 (a) the same procedures used to administer, collect, and enforce the tax under:

748 (i) Part 1, Tax Collection; or

749 (ii) Part 2, Local Sales and Use Tax Act; and

750 (b) Chapter 1, General Taxation Policies.

751 (2) (a) The location of a transaction shall be determined in accordance with Sections  
752 59-12-211 through 59-12-215.

753 (b) The commission:

754 (i) except as provided in Subsection (2)(b)(ii), shall distribute the revenue collected  
755 from the tax to the municipality within which the revenue was collected; and

756 (ii) shall retain and deposit an administrative charge in accordance with Section  
757 59-1-306 from the revenue the commission collects from a tax under this part.

758 (3) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or  
759 Subsections 59-12-205(2) through [(7)] (8).

760 Section 12. Section 59-12-403 is amended to read:

761 **59-12-403. Enactment or repeal of tax -- Tax rate change -- Effective date --**

762 **Notice requirements -- Administration, collection, and enforcement of tax --**

763 **Administrative charge.**

764 (1) For purposes of this section:

765 (a) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part  
766 4, Annexation.

767 (b) "Annexing area" means an area that is annexed into a city or town.

768 (2) (a) Except as provided in Subsection (2)(c) or (d), if, on or after April 1, 2008, a  
769 city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment,

770 repeal, or change shall take effect:

771 (i) on the first day of a calendar quarter; and

772 (ii) after a 90-day period beginning on the date the commission receives notice meeting  
773 the requirements of Subsection (2)(b) from the city or town.

774 (b) The notice described in Subsection (2)(a)(ii) shall state:

775 (i) that the city or town will enact or repeal a tax or change the rate of a tax under this  
776 part;

777 (ii) the statutory authority for the tax described in Subsection (2)(b)(i);

778 (iii) the effective date of the tax described in Subsection (2)(b)(i); and

779 (iv) if the city or town enacts the tax or changes the rate of the tax described in  
780 Subsection (2)(b)(i), the rate of the tax.

781 (c) (i) If the billing period for a transaction begins before the effective date of the  
782 enactment of the tax or the tax rate increase imposed under Section [59-12-401](#), [59-12-402](#), or  
783 [59-12-402.1](#), the enactment of the tax or the tax rate increase takes effect on the first day of the  
784 first billing period that begins on or after the effective date of the enactment of the tax or the  
785 tax rate increase.

786 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
787 statement for the billing period is produced on or after the effective date of the repeal of the tax  
788 or the tax rate decrease imposed under Section [59-12-401](#), [59-12-402](#), or [59-12-402.1](#).

789 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
790 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
791 a tax described in Subsection (2)(a) takes effect:

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

793 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
794 rate of the tax under Subsection (2)(a).

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

797 (3) (a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs  
798 on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the  
799 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
800 effect:

- 801 (i) on the first day of a calendar quarter; and
- 802 (ii) after a 90-day period beginning on the date the commission receives notice meeting  
803 the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.
- 804 (b) The notice described in Subsection (3)(a)(ii) shall state:
- 805 (i) that the annexation described in Subsection (3)(a) will result in an enactment,  
806 repeal, or change in the rate of a tax under this part for the annexing area;
- 807 (ii) the statutory authority for the tax described in Subsection (3)(b)(i);
- 808 (iii) the effective date of the tax described in Subsection (3)(b)(i); and
- 809 (iv) if the city or town enacts the tax or changes the rate of the tax described in  
810 Subsection (3)(b)(i), the rate of the tax.
- 811 (c) (i) If the billing period for a transaction begins before the effective date of the  
812 enactment of the tax or the tax rate increase imposed under Section [59-12-401](#), [59-12-402](#), or  
813 [59-12-402.1](#), the enactment of the tax or the tax rate increase takes effect on the first day of the  
814 first billing period that begins on or after the effective date of the enactment of the tax or the  
815 tax rate increase.
- 816 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
817 statement for the billing period is produced on or after the effective date of the repeal of the tax  
818 or the tax rate decrease imposed under Section [59-12-401](#), [59-12-402](#), or [59-12-402.1](#).
- 819 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
820 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
821 a tax described in Subsection (3)(a) takes effect:
- 822 (A) on the first day of a calendar quarter; and
- 823 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
824 rate of the tax under Subsection (3)(a).
- 825 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
826 commission may by rule define the term "catalogue sale."
- 827 (4) (a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be  
828 administered, collected, and enforced in accordance with:
- 829 (i) the same procedures used to administer, collect, and enforce the tax under:
- 830 (A) Part 1, Tax Collection; or
- 831 (B) Part 2, Local Sales and Use Tax Act; and

832 (ii) Chapter 1, General Taxation Policies.

833 (b) A tax under this part is not subject to Subsections 59-12-205(2) through [(7)] (8).

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

836 Section 13. Section 59-12-603 is amended to read:

837 **59-12-603. County tax -- Bases -- Rates -- Use of revenue -- Adoption of ordinance**  
838 **required -- Advisory board -- Administration -- Collection -- Administrative charge --**  
839 **Distribution -- Enactment or repeal of tax or tax rate change -- Effective date -- Notice**  
840 **requirements.**

841 (1) (a) In addition to any other taxes, a county legislative body may, as provided in this  
842 part, impose a tax as follows:

843 (i) (A) a county legislative body of any county may impose a tax of not to exceed 3%  
844 on all short-term leases and rentals of motor vehicles not exceeding 30 days, except for leases  
845 and rentals of motor vehicles made for the purpose of temporarily replacing a person's motor  
846 vehicle that is being repaired pursuant to a repair or an insurance agreement; and

847 (B) beginning on or after January 1, 1999, a county legislative body of any county  
848 imposing a tax under Subsection (1)(a)(i)(A) may, in addition to imposing the tax under  
849 Subsection (1)(a)(i)(A), impose a tax of not to exceed 4% on all short-term leases and rentals  
850 of motor vehicles not exceeding 30 days, except for leases and rentals of motor vehicles made  
851 for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant  
852 to a repair or an insurance agreement;

853 (ii) a county legislative body of any county may impose a tax of not to exceed 1% of all  
854 sales of the following that are sold by a restaurant:

855 (A) alcoholic beverages;

856 (B) food and food ingredients; or

857 (C) prepared food; and

858 (iii) a county legislative body of a county of the first class may impose a tax of not to  
859 exceed .5% on charges for the accommodations and services described in Subsection

860 59-12-103(1)(i).

861 (b) A tax imposed under Subsection (1)(a) is subject to the audit provisions of Section  
862 17-31-5.5.

863 (2) (a) Subject to Subsection (2)(b), revenue from the imposition of the taxes provided  
864 for in Subsections (1)(a)(i) through (iii) may be used for:

- 865 (i) financing tourism promotion; and
- 866 (ii) the development, operation, and maintenance of:
  - 867 (A) an airport facility;
  - 868 (B) a convention facility;
  - 869 (C) a cultural facility;
  - 870 (D) a recreation facility; or
  - 871 (E) a tourist facility.

872 (b) A county of the first class shall expend at least \$450,000 each year of the revenue  
873 from the imposition of a tax authorized by Subsection (1)(a)(iii) within the county to fund a  
874 marketing and ticketing system designed to:

- 875 (i) promote tourism in ski areas within the county by persons that do not reside within  
876 the state; and
- 877 (ii) combine the sale of:
  - 878 (A) ski lift tickets; and
  - 879 (B) accommodations and services described in Subsection 59-12-103(1)(i).

880 (3) A tax imposed under this part may be pledged as security for bonds, notes, or other  
881 evidences of indebtedness incurred by a county, city, or town under Title 11, Chapter 14, Local  
882 Government Bonding Act, or a community reinvestment agency under Title 17C, Chapter 1,  
883 Part 5, Agency Bonds, to finance:

- 884 (a) an airport facility;
- 885 (b) a convention facility;
- 886 (c) a cultural facility;
- 887 (d) a recreation facility; or
- 888 (e) a tourist facility.

889 (4) (a) To impose the tax under Subsection (1), each county legislative body shall adopt  
890 an ordinance imposing the tax.

891 (b) The ordinance under Subsection (4)(a) shall include provisions substantially the  
892 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on  
893 those items and sales described in Subsection (1).

894 (c) The name of the county as the taxing agency shall be substituted for that of the state  
895 where necessary, and an additional license is not required if one has been or is issued under  
896 Section 59-12-106.

897 (5) To maintain in effect its tax ordinance adopted under this part, each county  
898 legislative body shall, within 30 days of any amendment of any applicable provisions of Part 1,  
899 Tax Collection, adopt amendments to its tax ordinance to conform with the applicable  
900 amendments to Part 1, Tax Collection.

901 (6) (a) Regardless of whether a county of the first class creates a tourism tax advisory  
902 board in accordance with Section 17-31-8, the county legislative body of the county of the first  
903 class shall create a tax advisory board in accordance with this Subsection (6).

904 (b) The tax advisory board shall be composed of nine members appointed as follows:

905 (i) four members shall be residents of a county of the first class appointed by the  
906 county legislative body of the county of the first class; and

907 (ii) subject to Subsections (6)(c) and (d), five members shall be mayors of cities or  
908 towns within the county of the first class appointed by an organization representing all mayors  
909 of cities and towns within the county of the first class.

910 (c) Five members of the tax advisory board constitute a quorum.

911 (d) The county legislative body of the county of the first class shall determine:

912 (i) terms of the members of the tax advisory board;

913 (ii) procedures and requirements for removing a member of the tax advisory board;

914 (iii) voting requirements, except that action of the tax advisory board shall be by at  
915 least a majority vote of a quorum of the tax advisory board;

916 (iv) chairs or other officers of the tax advisory board;

917 (v) how meetings are to be called and the frequency of meetings; and

918 (vi) the compensation, if any, of members of the tax advisory board.

919 (e) The tax advisory board under this Subsection (6) shall advise the county legislative  
920 body of the county of the first class on the expenditure of revenue collected within the county  
921 of the first class from the taxes described in Subsection (1)(a).

922 (7) (a) (i) Except as provided in Subsection (7)(a)(ii), a tax authorized under this part  
923 shall be administered, collected, and enforced in accordance with:

924 (A) the same procedures used to administer, collect, and enforce the tax under:

925 (I) Part 1, Tax Collection; or  
926 (II) Part 2, Local Sales and Use Tax Act; and  
927 (B) Chapter 1, General Taxation Policies.  
928 (ii) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or  
929 Subsections 59-12-205(2) through ~~(7)~~ (8).  
930 (b) Except as provided in Subsection (7)(c):  
931 (i) for a tax under this part other than the tax under Subsection (1)(a)(i)(B), the  
932 commission shall distribute the revenue to the county imposing the tax; and  
933 (ii) for a tax under Subsection (1)(a)(i)(B), the commission shall distribute the revenue  
934 according to the distribution formula provided in Subsection (8).  
935 (c) The commission shall retain and deposit an administrative charge in accordance  
936 with Section 59-1-306 from the revenue the commission collects from a tax under this part.  
937 (8) The commission shall distribute the revenue generated by the tax under Subsection  
938 (1)(a)(i)(B) to each county collecting a tax under Subsection (1)(a)(i)(B) according to the  
939 following formula:  
940 (a) the commission shall distribute 70% of the revenue based on the percentages  
941 generated by dividing the revenue collected by each county under Subsection (1)(a)(i)(B) by  
942 the total revenue collected by all counties under Subsection (1)(a)(i)(B); and  
943 (b) the commission shall distribute 30% of the revenue based on the percentages  
944 generated by dividing the population of each county collecting a tax under Subsection  
945 (1)(a)(i)(B) by the total population of all counties collecting a tax under Subsection (1)(a)(i)(B).  
946 (9) (a) For purposes of this Subsection (9):  
947 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Part 2,  
948 County Annexation.  
949 (ii) "Annexing area" means an area that is annexed into a county.  
950 (b) (i) Except as provided in Subsection (9)(c), if, on or after July 1, 2004, a county  
951 enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or  
952 change shall take effect:  
953 (A) on the first day of a calendar quarter; and  
954 (B) after a 90-day period beginning on the date the commission receives notice meeting  
955 the requirements of Subsection (9)(b)(ii) from the county.

956 (ii) The notice described in Subsection (9)(b)(i)(B) shall state:  
957 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;  
958 (B) the statutory authority for the tax described in Subsection (9)(b)(ii)(A);  
959 (C) the effective date of the tax described in Subsection (9)(b)(ii)(A); and  
960 (D) if the county enacts the tax or changes the rate of the tax described in Subsection  
961 (9)(b)(ii)(A), the rate of the tax.

962 (c) (i) If the billing period for a transaction begins before the effective date of the  
963 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of  
964 the tax or the tax rate increase shall take effect on the first day of the first billing period that  
965 begins after the effective date of the enactment of the tax or the tax rate increase.

966 (ii) If the billing period for a transaction begins before the effective date of the repeal  
967 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax  
968 rate decrease shall take effect on the first day of the last billing period that began before the  
969 effective date of the repeal of the tax or the tax rate decrease.

970 (d) (i) Except as provided in Subsection (9)(e), if, for an annexation that occurs on or  
971 after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a  
972 tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

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

974 (B) after a 90-day period beginning on the date the commission receives notice meeting  
975 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.

976 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:

977 (A) that the annexation described in Subsection (9)(d)(i) will result in an enactment,  
978 repeal, or change in the rate of a tax under this part for the annexing area;

979 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);

980 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and

981 (D) if the county enacts the tax or changes the rate of the tax described in Subsection  
982 (9)(d)(ii)(A), the rate of the tax.

983 (e) (i) If the billing period for a transaction begins before the effective date of the  
984 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of  
985 the tax or the tax rate increase shall take effect on the first day of the first billing period that  
986 begins after the effective date of the enactment of the tax or the tax rate increase.

987 (ii) If the billing period for a transaction begins before the effective date of the repeal  
988 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax  
989 rate decrease shall take effect on the first day of the last billing period that began before the  
990 effective date of the repeal of the tax or the tax rate decrease.

991 Section 14. Section **59-12-703** is amended to read:

992 **59-12-703. Opinion question election -- Base -- Rate -- Imposition of tax --**  
993 **Expenditure of revenues -- Administration -- Enactment or repeal of tax -- Effective date**  
994 **-- Notice requirements.**

995 (1) (a) Subject to the other provisions of this section, a county legislative body may  
996 submit an opinion question to the residents of that county, by majority vote of all members of  
997 the legislative body, so that each resident of the county, except residents in municipalities that  
998 have already imposed a sales and use tax under Part 14, City or Town Option Funding for  
999 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, has an  
1000 opportunity to express the resident's opinion on the imposition of a local sales and use tax of  
1001 .1% on the transactions described in Subsection **59-12-103(1)** located within the county, to:

1002 (i) fund cultural facilities, recreational facilities, and zoological facilities, botanical  
1003 organizations, cultural organizations, and zoological organizations, and rural radio stations, in  
1004 that county; or

1005 (ii) provide funding for a botanical organization, cultural organization, or zoological  
1006 organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in  
1007 furtherance of the botanical organization's, cultural organization's, or zoological organization's  
1008 primary purpose.

1009 (b) The opinion question required by this section shall state:

1010 "Shall (insert the name of the county), Utah, be authorized to impose a .1% sales and  
1011 use tax for (list the purposes for which the revenue collected from the sales and use tax shall be  
1012 expended)?"

1013 (c) A county legislative body may not impose a tax under this section on:

1014 (i) the sales and uses described in Section **59-12-104** to the extent the sales and uses  
1015 are exempt from taxation under Section **59-12-104**;

1016 (ii) sales and uses within a municipality that has already imposed a sales and use tax  
1017 under Part 14, City or Town Option Funding for Botanical, Cultural, Recreational, and

1018 Zoological Organizations or Facilities; and

1019 (iii) except as provided in Subsection (1)(e), amounts paid or charged for food and  
1020 food ingredients.

1021 (d) For purposes of this Subsection (1), the location of a transaction shall be  
1022 determined in accordance with Sections [59-12-211](#) through [59-12-215](#).

1023 (e) A county legislative body imposing a tax under this section shall impose the tax on  
1024 the purchase price or sales price for amounts paid or charged for food and food ingredients if  
1025 the food and food ingredients are sold as part of a bundled transaction attributable to food and  
1026 food ingredients and tangible personal property other than food and food ingredients.

1027 (f) The election shall follow the procedures outlined in Title 11, Chapter 14, Local  
1028 Government Bonding Act.

1029 (2) (a) If the county legislative body determines that a majority of the county's  
1030 registered voters voting on the imposition of the tax have voted in favor of the imposition of  
1031 the tax as prescribed in Subsection (1), the county legislative body may impose the tax by a  
1032 majority vote of all members of the legislative body on the transactions:

1033 (i) described in Subsection (1); and

1034 (ii) within the county, including the cities and towns located in the county, except those  
1035 cities and towns that have already imposed a sales and use tax under Part 14, City or Town  
1036 Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or  
1037 Facilities.

1038 (b) A county legislative body may revise county ordinances to reflect statutory changes  
1039 to the distribution formula or eligible recipients of revenue generated from a tax imposed under  
1040 Subsection (2)(a) without submitting an opinion question to residents of the county.

1041 (3) Subject to Section [59-12-704](#), revenue collected from a tax imposed under  
1042 Subsection (2) shall be expended:

1043 (a) to fund cultural facilities, recreational facilities, and zoological facilities located  
1044 within the county or a city or town located in the county, except a city or town that has already  
1045 imposed a sales and use tax under Part 14, City or Town Option Funding for Botanical,  
1046 Cultural, Recreational, and Zoological Organizations or Facilities;

1047 (b) to fund ongoing operating expenses of:

1048 (i) recreational facilities described in Subsection (3)(a);

1049 (ii) botanical organizations, cultural organizations, and zoological organizations within  
1050 the county; and  
1051 (iii) rural radio stations within the county; and  
1052 (c) as stated in the opinion question described in Subsection (1).  
1053 (4) (a) A tax authorized under this part shall be:  
1054 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in  
1055 accordance with:  
1056 (A) the same procedures used to administer, collect, and enforce the tax under:  
1057 (I) Part 1, Tax Collection; or  
1058 (II) Part 2, Local Sales and Use Tax Act; and  
1059 (B) Chapter 1, General Taxation Policies; and  
1060 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year  
1061 period in accordance with this section.  
1062 (b) A tax under this part is not subject to Subsections 59-12-205(2) through [~~7~~] (8).  
1063 (5) (a) For purposes of this Subsection (5):  
1064 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Part 2,  
1065 County Annexation.  
1066 (ii) "Annexing area" means an area that is annexed into a county.  
1067 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a  
1068 county enacts or repeals a tax under this part, the enactment or repeal shall take effect:  
1069 (A) on the first day of a calendar quarter; and  
1070 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1071 the requirements of Subsection (5)(b)(ii) from the county.  
1072 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:  
1073 (A) that the county will enact or repeal a tax under this part;  
1074 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);  
1075 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and  
1076 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the  
1077 tax.  
1078 (c) (i) If the billing period for a transaction begins before the effective date of the  
1079 enactment of the tax under this section, the enactment of the tax takes effect on the first day of

1080 the first billing period that begins on or after the effective date of the enactment of the tax.

1081 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
1082 period is produced on or after the effective date of the repeal of the tax imposed under this  
1083 section.

1084 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1085 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1086 Subsection (5)(b)(i) takes effect:

1087 (A) on the first day of a calendar quarter; and

1088 (B) beginning 60 days after the effective date of the enactment or repeal under  
1089 Subsection (5)(b)(i).

1090 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1091 commission may by rule define the term "catalogue sale."

1092 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs  
1093 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
1094 part for an annexing area, the enactment or repeal shall take effect:

1095 (A) on the first day of a calendar quarter; and

1096 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1097 the requirements of Subsection (5)(e)(ii) from the county that annexes the annexing area.

1098 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

1099 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or  
1100 repeal of a tax under this part for the annexing area;

1101 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

1102 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

1103 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).

1104 (f) (i) If the billing period for a transaction begins before the effective date of the  
1105 enactment of the tax under this section, the enactment of the tax takes effect on the first day of  
1106 the first billing period that begins on or after the effective date of the enactment of the tax.

1107 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
1108 period is produced on or after the effective date of the repeal of the tax imposed under this  
1109 section.

1110 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of

1111 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1112 Subsection (5)(e)(i) takes effect:

1113 (A) on the first day of a calendar quarter; and

1114 (B) beginning 60 days after the effective date of the enactment or repeal under

1115 Subsection (5)(e)(i).

1116 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1117 commission may by rule define the term "catalogue sale."

1118 Section 15. Section **59-12-802** is amended to read:

1119 **59-12-802. Imposition of rural county health care facilities tax -- Expenditure of**  
1120 **tax revenue -- Base -- Rate -- Administration, collection, and enforcement of tax --**  
1121 **Administrative charge.**

1122 (1) (a) A county legislative body of a county of the third, fourth, fifth, or sixth class  
1123 may impose a sales and use tax of up to 1% on the transactions described in Subsection  
1124 [59-12-103](#)(1) located within the county.

1125 (b) Subject to Subsection (3), the money collected from a tax under this section may be  
1126 used to fund:

1127 (i) for a county of the third or fourth class, rural county health care facilities in that  
1128 county; or

1129 (ii) for a county of the fifth or sixth class:

1130 (A) rural emergency medical services in that county;

1131 (B) federally qualified health centers in that county;

1132 (C) freestanding urgent care centers in that county;

1133 (D) rural county health care facilities in that county;

1134 (E) rural health clinics in that county; or

1135 (F) a combination of Subsections (1)(b)(ii)(A) through (E).

1136 (c) Notwithstanding Subsection (1)(a), a county legislative body may not impose a tax  
1137 under this section on:

1138 (i) the sales and uses described in Section [59-12-104](#) to the extent the sales and uses  
1139 are exempt from taxation under Section [59-12-104](#);

1140 (ii) a transaction to the extent a rural city hospital tax is imposed on that transaction in  
1141 a city that imposes a tax under Section [59-12-804](#); and

1142 (iii) except as provided in Subsection (1)(e), amounts paid or charged for food and  
1143 food ingredients.

1144 (d) For purposes of this Subsection (1), the location of a transaction shall be  
1145 determined in accordance with Sections 59-12-211 through 59-12-215.

1146 (e) A county legislative body imposing a tax under this section shall impose the tax on  
1147 the purchase price or sales price for amounts paid or charged for food and food ingredients if  
1148 the food and food ingredients are sold as part of a bundled transaction attributable to food and  
1149 food ingredients and tangible personal property other than food and food ingredients.

1150 (2) (a) Before imposing a tax under Subsection (1), a county legislative body shall  
1151 obtain approval to impose the tax from a majority of the:

1152 (i) members of the county's legislative body; and

1153 (ii) county's registered voters voting on the imposition of the tax.

1154 (b) The county legislative body shall conduct the election according to the procedures  
1155 and requirements of Title 11, Chapter 14, Local Government Bonding Act.

1156 (3) (a) The money collected from a tax imposed under Subsection (1) by a county  
1157 legislative body of a county of the third or fourth class may only be used for the financing of:

1158 (i) ongoing operating expenses of a rural county health care facility within that county;

1159 (ii) the acquisition of land for a rural county health care facility within that county; or

1160 (iii) the design, construction, equipping, or furnishing of a rural county health care  
1161 facility within that county.

1162 (b) The money collected from a tax imposed under Subsection (1) by a county of the  
1163 fifth or sixth class may only be used to fund:

1164 (i) ongoing operating expenses of a center, clinic, or facility described in Subsection  
1165 (1)(b)(ii) within that county;

1166 (ii) the acquisition of land for a center, clinic, or facility described in Subsection  
1167 (1)(b)(ii) within that county;

1168 (iii) the design, construction, equipping, or furnishing of a center, clinic, or facility  
1169 described in Subsection (1)(b)(ii) within that county; or

1170 (iv) rural emergency medical services within that county.

1171 (4) (a) A tax under this section shall be:

1172 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in

1173 accordance with:

1174 (A) the same procedures used to administer, collect, and enforce the tax under:

1175 (I) Part 1, Tax Collection; or

1176 (II) Part 2, Local Sales and Use Tax Act; and

1177 (B) Chapter 1, General Taxation Policies; and

1178 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year  
1179 period by the county legislative body as provided in Subsection (1).

1180 (b) A tax under this section is not subject to Subsections 59-12-205(2) through [(7)]

1181 (8).

1182 (c) A county legislative body shall distribute money collected from a tax under this  
1183 section quarterly.

1184 (5) The commission shall retain and deposit an administrative charge in accordance  
1185 with Section 59-1-306 from the revenue the commission collects from a tax under this section.

1186 Section 16. Section 59-12-804 is amended to read:

1187 **59-12-804. Imposition of rural city hospital tax -- Base -- Rate -- Administration,**  
1188 **collection, and enforcement of tax -- Administrative charge.**

1189 (1) (a) A city legislative body may impose a sales and use tax of up to 1%:

1190 (i) on the transactions described in Subsection 59-12-103(1) located within the city;

1191 and

1192 (ii) to fund rural city hospitals in that city.

1193 (b) Notwithstanding Subsection (1)(a)(i), a city legislative body may not impose a tax  
1194 under this section on:

1195 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
1196 are exempt from taxation under Section 59-12-104; and

1197 (ii) except as provided in Subsection (1)(d), amounts paid or charged for food and food  
1198 ingredients.

1199 (c) For purposes of this Subsection (1), the location of a transaction shall be  
1200 determined in accordance with Sections 59-12-211 through 59-12-215.

1201 (d) A city legislative body imposing a tax under this section shall impose the tax on the  
1202 purchase price or sales price for amounts paid or charged for food and food ingredients if the  
1203 food and food ingredients are sold as part of a bundled transaction attributable to food and food

1204 ingredients and tangible personal property other than food and food ingredients.

1205 (2) (a) Before imposing a tax under Subsection (1)(a), a city legislative body shall  
1206 obtain approval to impose the tax from a majority of the:

1207 (i) members of the city legislative body; and

1208 (ii) city's registered voters voting on the imposition of the tax.

1209 (b) The city legislative body shall conduct the election according to the procedures and  
1210 requirements of Title 11, Chapter 14, Local Government Bonding Act.

1211 (3) The money collected from a tax imposed under Subsection (1) may only be used to  
1212 fund:

1213 (a) ongoing operating expenses of a rural city hospital;

1214 (b) the acquisition of land for a rural city hospital; or

1215 (c) the design, construction, equipping, or furnishing of a rural city hospital.

1216 (4) (a) A tax under this section shall be:

1217 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in  
1218 accordance with:

1219 (A) the same procedures used to administer, collect, and enforce the tax under:

1220 (I) Part 1, Tax Collection; or

1221 (II) Part 2, Local Sales and Use Tax Act; and

1222 (B) Chapter 1, General Taxation Policies; and

1223 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year  
1224 period by the city legislative body as provided in Subsection (1).

1225 (b) A tax under this section is not subject to Subsections 59-12-205(2) through [(7)]  
1226 (8).

1227 (5) The commission shall retain and deposit an administrative charge in accordance  
1228 with Section 59-1-306 from the revenue the commission collects from a tax under this section.

1229 Section 17. Section 59-12-1102 is amended to read:

1230 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**

1231 **Administration -- Administrative charge -- Commission requirement to retain an amount**  
1232 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**  
1233 **of tax -- Effective date -- Notice requirements.**

1234 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax

1235 authorized by this chapter, a county may impose by ordinance a county option sales and use tax  
1236 of .25% upon the transactions described in Subsection 59-12-103(1).

1237 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this  
1238 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
1239 exempt from taxation under Section 59-12-104.

1240 (b) For purposes of this Subsection (1), the location of a transaction shall be  
1241 determined in accordance with Sections 59-12-211 through 59-12-215.

1242 (c) The county option sales and use tax under this section shall be imposed:

1243 (i) upon transactions that are located within the county, including transactions that are  
1244 located within municipalities in the county; and

1245 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of  
1246 January:

1247 (A) of the next calendar year after adoption of the ordinance imposing the tax if the  
1248 ordinance is adopted on or before May 25; or

1249 (B) of the second calendar year after adoption of the ordinance imposing the tax if the  
1250 ordinance is adopted after May 25.

1251 (d) The county option sales and use tax under this section shall be imposed:

1252 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before  
1253 September 4, 1997; or

1254 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997  
1255 but after September 4, 1997.

1256 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a  
1257 county shall hold two public hearings on separate days in geographically diverse locations in  
1258 the county.

1259 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting  
1260 time of no earlier than 6 p.m.

1261 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven  
1262 days after the day the first advertisement required by Subsection (2)(c) is published.

1263 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county  
1264 shall advertise:

1265 (A) its intent to adopt a county option sales and use tax;

1266 (B) the date, time, and location of each public hearing; and  
1267 (C) a statement that the purpose of each public hearing is to obtain public comments  
1268 regarding the proposed tax.

1269 (ii) The advertisement shall be published:

1270 (A) in a newspaper of general circulation in the county once each week for the two  
1271 weeks preceding the earlier of the two public hearings; and

1272 (B) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks  
1273 preceding the earlier of the two public hearings.

1274 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8  
1275 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch  
1276 border.

1277 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that  
1278 portion of the newspaper where legal notices and classified advertisements appear.

1279 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

1280 (A) the advertisement shall appear in a newspaper that is published at least five days a  
1281 week, unless the only newspaper in the county is published less than five days a week; and

1282 (B) the newspaper selected shall be one of general interest and readership in the  
1283 community, and not one of limited subject matter.

1284 (d) The adoption of an ordinance imposing a county option sales and use tax is subject  
1285 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part  
1286 6, Local Referenda - Procedures.

1287 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a  
1288 county option sales and use tax under Subsection (1) is less than 75% of the state population,  
1289 the tax levied under Subsection (1) shall be distributed to the county in which the tax was  
1290 collected.

1291 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a  
1292 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state  
1293 population:

1294 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to  
1295 the county in which the tax was collected; and

1296 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection

1297 (1) in each county shall be distributed proportionately among all counties imposing the tax,  
1298 based on the total population of each county.

1299 (c) Except as provided in Subsection (5), the amount to be distributed annually to a  
1300 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county  
1301 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

1302 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall  
1303 be increased so that, when combined with the amount distributed to the county under  
1304 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

1305 (ii) the amount to be distributed annually to all other counties under Subsection  
1306 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under  
1307 Subsection (3)(c)(i).

1308 (d) The commission shall establish rules to implement the distribution of the tax under  
1309 Subsections (3)(a), (b), and (c).

1310 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part  
1311 shall be administered, collected, and enforced in accordance with:

1312 (i) the same procedures used to administer, collect, and enforce the tax under:

1313 (A) Part 1, Tax Collection; or

1314 (B) Part 2, Local Sales and Use Tax Act; and

1315 (ii) Chapter 1, General Taxation Policies.

1316 (b) A tax under this part is not subject to Subsections 59-12-205(2) through ~~(7)~~ (8).

1317 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an  
1318 administrative charge in accordance with Section 59-1-306 from the revenue the commission  
1319 collects from a tax under this part.

1320 (ii) Notwithstanding Section 59-1-306, the administrative charge described in  
1321 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of  
1322 the distribution amounts resulting after:

1323 (A) the applicable distribution calculations under Subsection (3) have been made; and

1324 (B) the commission retains the amount required by Subsection (5).

1325 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion  
1326 of the sales and use tax collected under this part as provided in this Subsection (5).

1327 (b) For a county that imposes a tax under this part, the commission shall calculate a

1328 percentage each month by dividing the sales and use tax collected under this part for that  
1329 month within the boundaries of that county by the total sales and use tax collected under this  
1330 part for that month within the boundaries of all of the counties that impose a tax under this part.

1331 (c) For a county that imposes a tax under this part, the commission shall retain each  
1332 month an amount equal to the product of:

1333 (i) the percentage the commission determines for the month under Subsection (5)(b)  
1334 for the county; and

1335 (ii) \$6,354.

1336 (d) The commission shall deposit an amount the commission retains in accordance  
1337 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section  
1338 [35A-8-1009](#).

1339 (e) An amount the commission deposits into the Qualified Emergency Food Agencies  
1340 Fund shall be expended as provided in Section [35A-8-1009](#).

1341 (6) (a) For purposes of this Subsection (6):

1342 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County  
1343 Consolidations and Annexations.

1344 (ii) "Annexing area" means an area that is annexed into a county.

1345 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a  
1346 county enacts or repeals a tax under this part:

1347 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

1348 (II) the repeal shall take effect on the first day of a calendar quarter; and

1349 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1350 the requirements of Subsection (6)(b)(ii) from the county.

1351 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

1352 (A) that the county will enact or repeal a tax under this part;

1353 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

1354 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

1355 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the  
1356 tax.

1357 (c) (i) If the billing period for a transaction begins before the effective date of the  
1358 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day

1359 of the first billing period that begins on or after the effective date of the enactment of the tax.

1360 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
1361 period is produced on or after the effective date of the repeal of the tax imposed under  
1362 Subsection (1).

1363 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1364 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1365 Subsection (6)(b)(i) takes effect:

1366 (A) on the first day of a calendar quarter; and

1367 (B) beginning 60 days after the effective date of the enactment or repeal under  
1368 Subsection (6)(b)(i).

1369 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1370 commission may by rule define the term "catalogue sale."

1371 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs  
1372 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
1373 part for an annexing area, the enactment or repeal shall take effect:

1374 (A) on the first day of a calendar quarter; and

1375 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1376 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

1377 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

1378 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or  
1379 repeal of a tax under this part for the annexing area;

1380 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

1381 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

1382 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

1383 (f) (i) If the billing period for a transaction begins before the effective date of the  
1384 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day  
1385 of the first billing period that begins on or after the effective date of the enactment of the tax.

1386 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
1387 period is produced on or after the effective date of the repeal of the tax imposed under  
1388 Subsection (1).

1389 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of

1390 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1391 Subsection (6)(e)(i) takes effect:

1392 (A) on the first day of a calendar quarter; and

1393 (B) beginning 60 days after the effective date of the enactment or repeal under

1394 Subsection (6)(e)(i).

1395 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1396 commission may by rule define the term "catalogue sale."

1397 Section 18. Section **59-12-1302** is amended to read:

1398 **59-12-1302. Imposition of tax -- Base -- Rate -- Enactment or repeal of tax -- Tax**  
1399 **rate change -- Effective date -- Notice requirements -- Administration, collection, and**  
1400 **enforcement of tax -- Administrative charge.**

1401 (1) Beginning on or after January 1, 1998, the governing body of a town may impose a  
1402 tax as provided in this part in an amount that does not exceed 1%.

1403 (2) A town may impose a tax as provided in this part if the town imposed a license fee  
1404 or tax on businesses based on gross receipts under Section [10-1-203](#) on or before January 1,  
1405 1996.

1406 (3) A town imposing a tax under this section shall:

1407 (a) except as provided in Subsection (4), impose the tax on the transactions described  
1408 in Subsection [59-12-103](#)(1) located within the town; and

1409 (b) provide an effective date for the tax as provided in Subsection (5).

1410 (4) (a) A town may not impose a tax under this section on:

1411 (i) the sales and uses described in Section [59-12-104](#) to the extent the sales and uses  
1412 are exempt from taxation under Section [59-12-104](#); and

1413 (ii) except as provided in Subsection (4)(c), amounts paid or charged for food and food  
1414 ingredients.

1415 (b) For purposes of this Subsection (4), the location of a transaction shall be  
1416 determined in accordance with Sections [59-12-211](#) through [59-12-215](#).

1417 (c) A town imposing a tax under this section shall impose the tax on the purchase price  
1418 or sales price for amounts paid or charged for food and food ingredients if the food and food  
1419 ingredients are sold as part of a bundled transaction attributable to food and food ingredients  
1420 and tangible personal property other than food and food ingredients.

1421 (5) (a) For purposes of this Subsection (5):

1422 (i) "Annexation" means an annexation to a town under Title 10, Chapter 2, Part 4,  
1423 Annexation.

1424 (ii) "Annexing area" means an area that is annexed into a town.

1425 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a  
1426 town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal,  
1427 or change shall take effect:

1428 (A) on the first day of a calendar quarter; and

1429 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1430 the requirements of Subsection (5)(b)(ii) from the town.

1431 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:

1432 (A) that the town will enact or repeal a tax or change the rate of a tax under this part;

1433 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

1434 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

1435 (D) if the town enacts the tax or changes the rate of the tax described in Subsection  
1436 (5)(b)(ii)(A), the rate of the tax.

1437 (c) (i) If the billing period for the transaction begins before the effective date of the  
1438 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of  
1439 the tax or the tax rate increase takes effect on the first day of the first billing period that begins  
1440 on or after the effective date of the enactment of the tax or the tax rate increase.

1441 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
1442 statement for the billing period is produced on or after the effective date of the repeal of the tax  
1443 or the tax rate decrease imposed under Subsection (1).

1444 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1445 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
1446 a tax described in Subsection (5)(b)(i) takes effect:

1447 (A) on the first day of a calendar quarter; and

1448 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
1449 rate of the tax under Subsection (5)(b)(i).

1450 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1451 commission may by rule define the term "catalogue sale."

1452 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs  
1453 on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the  
1454 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take  
1455 effect:

1456 (A) on the first day of a calendar quarter; and

1457 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1458 the requirements of Subsection (5)(e)(ii) from the town that annexes the annexing area.

1459 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

1460 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment,  
1461 repeal, or change in the rate of a tax under this part for the annexing area;

1462 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

1463 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

1464 (D) if the town enacts the tax or changes the rate of the tax described in Subsection  
1465 (5)(e)(ii)(A), the rate of the tax.

1466 (f) (i) If the billing period for a transaction begins before the effective date of the  
1467 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of  
1468 the tax or the tax rate increase takes effect on the first day of the first billing period that begins  
1469 on or after the effective date of the enactment of the tax or the tax rate increase.

1470 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
1471 statement for the billing period is produced on or after the effective date of the repeal of the tax  
1472 or the tax rate decrease imposed under Subsection (1).

1473 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1474 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of  
1475 a tax described in Subsection (5)(e)(i) takes effect:

1476 (A) on the first day of a calendar quarter; and

1477 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the  
1478 rate of the tax under Subsection (5)(e)(i).

1479 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1480 commission may by rule define the term "catalogue sale."

1481 (6) The commission shall:

1482 (a) distribute the revenue generated by the tax under this section to the town imposing

1483 the tax; and

1484 (b) except as provided in Subsection (8), administer, collect, and enforce the tax  
1485 authorized under this section in accordance with:

1486 (i) the same procedures used to administer, collect, and enforce the tax under:

1487 (A) Part 1, Tax Collection; or

1488 (B) Part 2, Local Sales and Use Tax Act; and

1489 (ii) Chapter 1, General Taxation Policies.

1490 (7) The commission shall retain and deposit an administrative charge in accordance  
1491 with Section 59-1-306 from the revenue the commission collects from a tax under this part.

1492 (8) A tax under this section is not subject to Subsections 59-12-205(2) through ~~(7)~~  
1493 (8).

1494 Section 19. Section 59-12-1402 is amended to read:

1495 **59-12-1402. Opinion question election -- Base -- Rate -- Imposition of tax --**  
1496 **Expenditure of revenue -- Enactment or repeal of tax -- Effective date -- Notice**  
1497 **requirements.**

1498 (1) (a) Subject to the other provisions of this section, a city or town legislative body  
1499 subject to this part may submit an opinion question to the residents of that city or town, by  
1500 majority vote of all members of the legislative body, so that each resident of the city or town  
1501 has an opportunity to express the resident's opinion on the imposition of a local sales and use  
1502 tax of .1% on the transactions described in Subsection 59-12-103(1) located within the city or  
1503 town, to:

1504 (i) fund cultural facilities, recreational facilities, and zoological facilities and botanical  
1505 organizations, cultural organizations, and zoological organizations in that city or town; or

1506 (ii) provide funding for a botanical organization, cultural organization, or zoological  
1507 organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in  
1508 furtherance of the botanical organization's, cultural organization's, or zoological organization's  
1509 primary purpose.

1510 (b) The opinion question required by this section shall state:

1511 "Shall (insert the name of the city or town), Utah, be authorized to impose a .1% sales  
1512 and use tax for (list the purposes for which the revenue collected from the sales and use tax  
1513 shall be expended)?"

- 1514 (c) A city or town legislative body may not impose a tax under this section:
- 1515 (i) if the county in which the city or town is located imposes a tax under Part 7, County
- 1516 Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or
- 1517 Facilities;
- 1518 (ii) on the sales and uses described in Section 59-12-104 to the extent the sales and
- 1519 uses are exempt from taxation under Section 59-12-104; and
- 1520 (iii) except as provided in Subsection (1)(e), on amounts paid or charged for food and
- 1521 food ingredients.
- 1522 (d) For purposes of this Subsection (1), the location of a transaction shall be
- 1523 determined in accordance with Sections 59-12-211 through 59-12-215.
- 1524 (e) A city or town legislative body imposing a tax under this section shall impose the
- 1525 tax on the purchase price or sales price for amounts paid or charged for food and food
- 1526 ingredients if the food and food ingredients are sold as part of a bundled transaction attributable
- 1527 to food and food ingredients and tangible personal property other than food and food
- 1528 ingredients.
- 1529 (f) Except as provided in Subsection (6), the election shall be held at a regular general
- 1530 election or a municipal general election, as those terms are defined in Section 20A-1-102, and
- 1531 shall follow the procedures outlined in Title 11, Chapter 14, Local Government Bonding Act.
- 1532 (2) If the city or town legislative body determines that a majority of the city's or town's
- 1533 registered voters voting on the imposition of the tax have voted in favor of the imposition of
- 1534 the tax as prescribed in Subsection (1), the city or town legislative body may impose the tax by
- 1535 a majority vote of all members of the legislative body.
- 1536 (3) Subject to Section 59-12-1403, revenue collected from a tax imposed under
- 1537 Subsection (2) shall be expended:
- 1538 (a) to finance cultural facilities, recreational facilities, and zoological facilities within
- 1539 the city or town or within the geographic area of entities that are parties to an interlocal
- 1540 agreement, to which the city or town is a party, providing for cultural facilities, recreational
- 1541 facilities, or zoological facilities;
- 1542 (b) to finance ongoing operating expenses of:
- 1543 (i) recreational facilities described in Subsection (3)(a) within the city or town or
- 1544 within the geographic area of entities that are parties to an interlocal agreement, to which the

1545 city or town is a party, providing for recreational facilities; or  
1546 (ii) botanical organizations, cultural organizations, and zoological organizations within  
1547 the city or town or within the geographic area of entities that are parties to an interlocal  
1548 agreement, to which the city or town is a party, providing for the support of botanical  
1549 organizations, cultural organizations, or zoological organizations; and  
1550 (c) as stated in the opinion question described in Subsection (1).  
1551 (4) (a) Except as provided in Subsection (4)(b), a tax authorized under this part shall  
1552 be:  
1553 (i) administered, collected, and enforced in accordance with:  
1554 (A) the same procedures used to administer, collect, and enforce the tax under:  
1555 (I) Part 1, Tax Collection; or  
1556 (II) Part 2, Local Sales and Use Tax Act; and  
1557 (B) Chapter 1, General Taxation Policies; and  
1558 (ii) (A) levied for a period of eight years; and  
1559 (B) may be reauthorized at the end of the eight-year period in accordance with this  
1560 section.  
1561 (b) (i) If a tax under this part is imposed for the first time on or after July 1, 2011, the  
1562 tax shall be levied for a period of 10 years.  
1563 (ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or  
1564 after July 1, 2011, the tax shall be reauthorized for a ten-year period.  
1565 (c) A tax under this section is not subject to Subsections 59-12-205(2) through ~~(7)~~  
1566 (8).  
1567 (5) (a) For purposes of this Subsection (5):  
1568 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part  
1569 4, Annexation.  
1570 (ii) "Annexing area" means an area that is annexed into a city or town.  
1571 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a city  
1572 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:  
1573 (A) on the first day of a calendar quarter; and  
1574 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1575 the requirements of Subsection (5)(b)(ii) from the city or town.

1576 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:  
1577 (A) that the city or town will enact or repeal a tax under this part;  
1578 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);  
1579 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and  
1580 (D) if the city or town enacts the tax described in Subsection (5)(b)(ii)(A), the rate of  
1581 the tax.

1582 (c) (i) If the billing period for a transaction begins before the effective date of the  
1583 enactment of the tax under this section, the enactment of the tax takes effect on the first day of  
1584 the first billing period that begins on or after the effective date of the enactment of the tax.

1585 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
1586 period is produced on or after the effective date of the repeal of the tax imposed under this  
1587 section.

1588 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1589 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1590 Subsection (5)(b)(i) takes effect:

1591 (A) on the first day of a calendar quarter; and

1592 (B) beginning 60 days after the effective date of the enactment or repeal under  
1593 Subsection (5)(b)(i).

1594 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1595 commission may by rule define the term "catalogue sale."

1596 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs  
1597 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
1598 part for an annexing area, the enactment or repeal shall take effect:

1599 (A) on the first day of a calendar quarter; and

1600 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1601 the requirements of Subsection (5)(e)(ii) from the city or town that annexes the annexing area.

1602 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

1603 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or  
1604 repeal a tax under this part for the annexing area;

1605 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

1606 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

1607 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).

1608 (f) (i) If the billing period for a transaction begins before the effective date of the  
1609 enactment of the tax under this section, the enactment of the tax takes effect on the first day of  
1610 the first billing period that begins on or after the effective date of the enactment of the tax.

1611 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
1612 period is produced on or after the effective date of the repeal of the tax imposed under this  
1613 section.

1614 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
1615 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
1616 Subsection (5)(e)(i) takes effect:

1617 (A) on the first day of a calendar quarter; and

1618 (B) beginning 60 days after the effective date of the enactment or repeal under  
1619 Subsection (5)(e)(i).

1620 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1621 commission may by rule define the term "catalogue sale."

1622 (6) (a) Before a city or town legislative body submits an opinion question to the  
1623 residents of the city or town under Subsection (1), the city or town legislative body shall:

1624 (i) submit to the county legislative body in which the city or town is located a written  
1625 notice of the intent to submit the opinion question to the residents of the city or town; and

1626 (ii) receive from the county legislative body:

1627 (A) a written resolution passed by the county legislative body stating that the county  
1628 legislative body is not seeking to impose a tax under Part 7, County Option Funding for  
1629 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; or

1630 (B) a written statement that in accordance with Subsection (6)(b) the results of a county  
1631 opinion question submitted to the residents of the county under Part 7, County Option Funding  
1632 for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, permit the city  
1633 or town legislative body to submit the opinion question to the residents of the city or town in  
1634 accordance with this part.

1635 (b) (i) Within 60 days after the day the county legislative body receives from a city or  
1636 town legislative body described in Subsection (6)(a) the notice of the intent to submit an  
1637 opinion question to the residents of the city or town, the county legislative body shall provide

1638 the city or town legislative body:

1639 (A) the written resolution described in Subsection (6)(a)(ii)(A); or

1640 (B) written notice that the county legislative body will submit an opinion question to  
1641 the residents of the county under Part 7, County Option Funding for Botanical, Cultural,  
1642 Recreational, and Zoological Organizations or Facilities, for the county to impose a tax under  
1643 that part.

1644 (ii) If the county legislative body provides the city or town legislative body the written  
1645 notice that the county legislative body will submit an opinion question as provided in  
1646 Subsection (6)(b)(i)(B), the county legislative body shall submit the opinion question by no  
1647 later than, from the date the county legislative body sends the written notice, the later of:

1648 (A) a 12-month period;

1649 (B) the next regular primary election; or

1650 (C) the next regular general election.

1651 (iii) Within 30 days of the date of the canvass of the election at which the opinion  
1652 question under Subsection (6)(b)(ii) is voted on, the county legislative body shall provide the  
1653 city or town legislative body described in Subsection (6)(a) written results of the opinion  
1654 question submitted by the county legislative body under Part 7, County Option Funding for  
1655 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, indicating that:

1656 (A) (I) the city or town legislative body may not impose a tax under this part because a  
1657 majority of the county's registered voters voted in favor of the county imposing the tax and the  
1658 county legislative body by a majority vote approved the imposition of the tax; or

1659 (II) for at least 12 months from the date the written results are submitted to the city or  
1660 town legislative body, the city or town legislative body may not submit to the county legislative  
1661 body a written notice of the intent to submit an opinion question under this part because a  
1662 majority of the county's registered voters voted against the county imposing the tax and the  
1663 majority of the registered voters who are residents of the city or town described in Subsection  
1664 (6)(a) voted against the imposition of the county tax; or

1665 (B) the city or town legislative body may submit the opinion question to the residents  
1666 of the city or town in accordance with this part because although a majority of the county's  
1667 registered voters voted against the county imposing the tax, the majority of the registered voters  
1668 who are residents of the city or town voted for the imposition of the county tax.

1669 (c) Notwithstanding Subsection (6)(b), at any time a county legislative body may  
1670 provide a city or town legislative body described in Subsection (6)(a) a written resolution  
1671 passed by the county legislative body stating that the county legislative body is not seeking to  
1672 impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and  
1673 Zoological Organizations or Facilities, which permits the city or town legislative body to  
1674 submit under Subsection (1) an opinion question to the city's or town's residents.

1675 Section 20. Section **59-12-2103** is amended to read:

1676 **59-12-2103. Imposition of tax -- Base -- Rate -- Expenditure of revenue collected**  
1677 **from the tax -- Administration, collection, and enforcement of tax by commission --**  
1678 **Administrative charge -- Enactment or repeal of tax -- Annexation -- Notice.**

1679 (1) (a) Subject to the other provisions of this section and except as provided in  
1680 Subsection (2) or (3), beginning on January 1, 2009 and ending on June 30, 2016, if a city or  
1681 town receives a distribution for the 12 consecutive months of fiscal year 2005-06 because the  
1682 city or town would have received a tax revenue distribution of less than .75% of the taxable  
1683 sales within the boundaries of the city or town but for Subsection **59-12-205(4)(a)**, the city or  
1684 town legislative body may impose a sales and use tax of up to .20% on the transactions:

- 1685 (i) described in Subsection **59-12-103(1)**; and  
1686 (ii) within the city or town.

1687 (b) A city or town legislative body that imposes a tax under Subsection (1)(a) shall  
1688 expend the revenue collected from the tax for the same purposes for which the city or town  
1689 may expend the city's or town's general fund revenue.

1690 (c) For purposes of this Subsection (1), the location of a transaction shall be  
1691 determined in accordance with Sections **59-12-211** through **59-12-215**.

1692 (2) (a) A city or town legislative body may not impose a tax under this section on:

1693 (i) the sales and uses described in Section **59-12-104** to the extent the sales and uses  
1694 are exempt from taxation under Section **59-12-104**; and

1695 (ii) except as provided in Subsection (2)(b), amounts paid or charged for food and food  
1696 ingredients.

1697 (b) A city or town legislative body imposing a tax under this section shall impose the  
1698 tax on the purchase price or sales price for amounts paid or charged for food and food  
1699 ingredients if the food and food ingredients are sold as part of a bundled transaction attributable

1700 to food and food ingredients and tangible personal property other than food and food  
1701 ingredients.

1702 (3) (a) Beginning on January 1, 2009, and ending on June 30, 2016, to impose a tax  
1703 under this part, a city or town legislative body shall obtain approval from a majority of the  
1704 members of the city or town legislative body.

1705 (b) If, on June 30, 2016, a city or town is not imposing a tax under this part, the city or  
1706 town legislative body may not impose a tax under this part beginning on or after July 1, 2016.

1707 (c) (i) If, on June 30, 2016, a city or town imposes a tax under this part, the city or  
1708 town shall repeal the tax on July 1, 2016, unless, on or after July 1, 2012, but on or before  
1709 March 31, 2016, the city or town legislative body obtains approval from a majority vote of the  
1710 members of the city or town legislative body to continue to impose the tax.

1711 (ii) If a city or town obtains approval under Subsection (3)(c)(i) from a majority vote of  
1712 the members of the city or town legislative body to continue to impose a tax under this part on  
1713 or after July 1, 2016, the city or town may impose the tax until no later than June 30, 2030.

1714 (4) The commission shall transmit revenue collected within a city or town from a tax  
1715 under this part:

1716 (a) to the city or town legislative body;

1717 (b) monthly; and

1718 (c) by electronic funds transfer.

1719 (5) (a) Except as provided in Subsection (5)(b), the commission shall administer,  
1720 collect, and enforce a tax under this part in accordance with:

1721 (i) the same procedures used to administer, collect, and enforce the tax under:

1722 (A) Part 1, Tax Collection; or

1723 (B) Part 2, Local Sales and Use Tax Act; and

1724 (ii) Chapter 1, General Taxation Policies.

1725 (b) A tax under this part is not subject to Subsections 59-12-205(2) through ~~(7)~~ (8).

1726 (6) The commission shall retain and deposit an administrative charge in accordance  
1727 with Section 59-1-306 from the revenue the commission collects from a tax under this part.

1728 (7) (a) (i) Except as provided in Subsection (7)(b) or (c), if, on or after January 1, 2009,  
1729 a city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment,  
1730 repeal, or change shall take effect:

- 1731 (A) on the first day of a calendar quarter; and
- 1732 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 1733 the requirements of Subsection (7)(a)(i) from the city or town.
- 1734 (ii) The notice described in Subsection (7)(a)(i)(B) shall state:
- 1735 (A) that the city or town will enact or repeal a tax or change the rate of the tax under
- 1736 this part;
- 1737 (B) the statutory authority for the tax described in Subsection (7)(a)(ii)(A);
- 1738 (C) the effective date of the tax described in Subsection (7)(a)(ii)(A); and
- 1739 (D) if the city or town enacts the tax or changes the rate of the tax described in
- 1740 Subsection (7)(a)(ii)(A), the rate of the tax.
- 1741 (b) (i) If the billing period for a transaction begins before the enactment of the tax or
- 1742 the tax rate increase under Subsection (1), the enactment of the tax or the tax rate increase takes
- 1743 effect on the first day of the first billing period that begins on or after the effective date of the
- 1744 enactment of the tax or the tax rate increase.
- 1745 (ii) If the billing period for a transaction begins before the effective date of the repeal
- 1746 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax
- 1747 rate decrease applies to a billing period if the billing statement for the billing period is rendered
- 1748 on or after the effective date of the repeal of the tax or the tax rate decrease.
- 1749 (c) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales
- 1750 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax
- 1751 described in Subsection (7)(a)(i) takes effect:
- 1752 (A) on the first day of a calendar quarter; and
- 1753 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
- 1754 rate of the tax under Subsection (7)(a)(i).
- 1755 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1756 commission may by rule define the term "catalogue sale."
- 1757 (d) (i) Except as provided in Subsection (7)(e) or (f), if, for an annexation that occurs
- 1758 on or after January 1, 2009, the annexation will result in the enactment, repeal, or change in the
- 1759 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take
- 1760 effect:
- 1761 (A) on the first day of a calendar quarter; and

1762 (B) after a 90-day period beginning on the date the commission receives notice meeting  
1763 the requirements of Subsection (7)(d)(ii) from the city or town that annexes the annexing area.

1764 (ii) The notice described in Subsection (7)(d)(i)(B) shall state:

1765 (A) that the annexation described in Subsection (7)(d)(i)(B) will result in the  
1766 enactment, repeal, or change in the rate of a tax under this part for the annexing area;

1767 (B) the statutory authority for the tax described in Subsection (7)(d)(ii)(A);

1768 (C) the effective date of the tax described in Subsection (7)(d)(ii)(A); and

1769 (D) if the city or town enacts the tax or changes the rate of the tax described in

1770 Subsection (7)(d)(ii)(A), the rate of the tax.

1771 (e) (i) If the billing period for a transaction begins before the effective date of the  
1772 enactment of the tax or a tax rate increase under Subsection (1), the enactment of a tax or a tax  
1773 rate increase takes effect on the first day of the first billing period that begins on or after the  
1774 effective date of the enactment of the tax or the tax rate increase.

1775 (ii) If the billing period for a transaction begins before the effective date of the repeal  
1776 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax  
1777 rate decrease applies to a billing period if the billing statement for the billing period is rendered  
1778 on or after the effective date of the repeal of the tax or the tax rate decrease.

1779 (f) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales  
1780 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax  
1781 described in Subsection (7)(d)(i) takes effect:

1782 (A) on the first day of a calendar quarter; and

1783 (B) beginning 60 days after the effective date of the enactment, repeal, or change under  
1784 Subsection (7)(d)(i).

1785 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1786 commission may by rule define the term "catalogue sale."

1787 Section 21. Section **59-12-2206** is amended to read:

1788 **59-12-2206. Administration, collection, and enforcement of a sales and use tax**  
1789 **under this part -- Transmission of revenue monthly by electronic funds transfer --**

1790 **Transfer of revenue to a public transit district or eligible political subdivision.**

1791 (1) Except as provided in Subsection (2), the commission shall administer, collect, and  
1792 enforce a sales and use tax imposed under this part.

1793 (2) The commission shall administer, collect, and enforce a sales and use tax imposed  
1794 under this part in accordance with:

1795 (a) the same procedures used to administer, collect, and enforce a tax under:

1796 (i) Part 1, Tax Collection; or

1797 (ii) Part 2, Local Sales and Use Tax Act; and

1798 (b) Chapter 1, General Taxation Policies.

1799 (3) A sales and use tax under this part is not subject to Subsections [59-12-205](#)(2)  
1800 through ~~[(7)]~~ [\(8\)](#).

1801 (4) Subject to Section [59-12-2207](#) and except as provided in Subsection (5) or another  
1802 provision of this part, the state treasurer shall transmit revenue collected within a county, city,  
1803 or town from a sales and use tax under this part to the county, city, or town legislative body  
1804 monthly by electronic funds transfer.

1805 (5) (a) Subject to Section [59-12-2207](#), and except as provided in Subsection (5)(b), the  
1806 state treasurer shall transfer revenue collected within a county, city, or town from a sales and  
1807 use tax under this part directly to a public transit district organized under Title 17B, Chapter 2a,  
1808 Part 8, Public Transit District Act, or an eligible political subdivision as defined in Section  
1809 [59-12-2219](#), if the county, city, or town legislative body:

1810 (i) provides written notice to the commission and the state treasurer requesting the  
1811 transfer; and

1812 (ii) designates the public transit district or eligible political subdivision to which the  
1813 county, city, or town legislative body requests the state treasurer to transfer the revenue.

1814 (b) The commission shall transmit a portion of the revenue collected within a county,  
1815 city, or town from a sales and use tax under this part that would be transferred to a public  
1816 transit district or an eligible political subdivision under Subsection (5)(a) to the county, city, or  
1817 town to fund public transit fixed guideway safety oversight under Section [72-1-214](#) if the  
1818 county, city, or town legislative body:

1819 (i) provides written notice to the commission and the state treasurer requesting the  
1820 transfer; and

1821 (ii) specifies the amount of revenue required to be transmitted to the county, city, or  
1822 town.

1823 Section 22. Section [59-12-2301](#) is enacted to read:

1824 **Part 23. Homeless Shelter Cities Mitigation Funding Act**

1825 **59-12-2301. Title.**

1826 This part is known as the "Homeless Shelter Cities Mitigation Funding Act."

1827 Section 23. Section **59-12-2302** is enacted to read:

1828 **59-12-2302. Definitions.**

1829 As used in this part:

1830 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account  
1831 created in Section [35A-8-606](#).

1832 (2) "Eligible municipality" means the same as that term is defined in Section  
1833 [35A-8-606.1](#).

1834 (3) "Grant eligible municipality" means the same as that term is defined in Section  
1835 [35A-8-606.2](#).

1836 (4) "Participating local government" means the same as that term is defined in Section  
1837 [35A-8-606](#).

1838 Section 24. Section **59-12-2303** is enacted to read:

1839 **59-12-2303. Authority to impose a sales and use tax -- Tax rate -- Location of**  
1840 **transaction -- Notice requirements.**

1841 (1) (a) Except as provided in this Subsection (1), a participating local government may  
1842 impose a sales and use tax by ordinance or resolution within the boundaries of the local taxing  
1843 jurisdiction at a rate of .0135% on the transactions described in Subsection [59-12-103\(1\)](#).

1844 (b) A participating local government may not impose a tax authorized by this part on  
1845 the amounts paid or charged for food and food ingredients unless the food and food ingredients  
1846 are sold as part of a bundled transaction attributable to food and food ingredients and tangible  
1847 personal property other than food and food ingredients.

1848 (c) If a county imposes the tax authorized by this part, the county may only impose the  
1849 tax in the unincorporated area of the county.

1850 (2) For purposes of this part, the location of the transaction shall be determined in  
1851 accordance with Sections [59-12-211](#) through [59-12-215](#).

1852 (3) (a) A participating local government that chooses to impose a tax under this part  
1853 shall:

1854 (i) adopt an ordinance or resolution on or before September 30, 2018;

1855 (ii) provide the notice described in Subsection (3)(c) to the commission on or before  
1856 October 1; and

1857 (iii) implement the tax on January 1, 2019.

1858 (b) A municipality that is certified in accordance with Section [35A-8-606.3](#) as an  
1859 eligible municipality or a grant eligible municipality as of July 1, 2018, but is not certified in a  
1860 subsequent year as an eligible municipality or a grant eligible municipality, may impose a tax  
1861 under this part by:

1862 (i) adopting an ordinance or resolution on or before September 30 of the year in which  
1863 the municipality no longer qualifies as an eligible municipality or a grant eligible municipality;

1864 (ii) providing the notice described in Subsection (3)(c) to the commission on or before  
1865 the October 1 immediately after the date described in Subsection (3)(b)(i); and

1866 (iii) implementing the tax on January 1 of the year after the date described in  
1867 Subsection (3)(b)(i).

1868 (c) The notice shall state:

1869 (i) that the participating local government will impose the tax authorized by this part;

1870 (ii) the statutory authority for the tax; and

1871 (iii) the effective date of the tax.

1872 (4) If a participating local government repeals a tax imposed under this part, the repeal  
1873 shall take effect:

1874 (a) on the first day of a calendar quarter; and

1875 (b) after a 90-day period beginning on the date that the commission receives notice that  
1876 the participating local government will repeal the tax imposed under this part.

1877 Section 25. Section **59-12-2304** is enacted to read:

1878 **59-12-2304. Administration, collection, and enforcement of a sales and use tax**  
1879 **under this part -- Transmission of revenue -- Deposit into restricted account.**

1880 (1) The commission shall administer, collect, and enforce a sales and use tax under this  
1881 part in accordance with:

1882 (a) the same procedures used to administer, collect, and enforce a tax under:

1883 (i) Part 1, Tax Collection; or

1884 (ii) Part 2, Local Sales and Use Tax Act; and

1885 (b) Chapter 1, General Taxation Policies.

1886 (2) A sales and use tax under this part is not subject to Subsections [59-12-205](#)(2)  
1887 through (8).

1888 (3) (a) A seller shall file a return and remit the sales and use tax collected under this  
1889 part:

1890 (i) quarterly on or before the last day of the month immediately following the last day  
1891 of the previous calendar quarter if the seller is required to file a quarterly sales and use tax  
1892 return under Section [59-12-107](#); or

1893 (ii) monthly on or before the last day of the month immediately following the last day  
1894 of the previous calendar month if the seller is required to file a monthly sales and use tax return  
1895 under Section [59-12-108](#).

1896 (b) The commission shall transfer revenue collected within a participating local  
1897 government from a sales and use tax imposed under this part to the account.

1898 (4) Taxes due under this part are in addition to all other taxes provided by law.

1899 (5) The commission may make administrative rules in accordance with Title 63G,  
1900 Chapter 3, Utah Administrative Rulemaking Act, as necessary to enforce and administer the  
1901 provisions of this part.

1902 Section 26. Section **63J-1-801** is enacted to read:

**Part 8. Homeless Shelter Cities Mitigation Program**

**63J-1-801. Definitions.**

1905 As used in this part:

1906 (1) "Committee" means the Homeless Coordinating Committee created in Section  
1907 [35A-8-601](#).

1908 (2) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a  
1909 metro township that:

1910 (a) has, or is proposed to have, a homeless shelter within the city's, town's, or metro  
1911 township's geographic boundaries that:

1912 (i) provides or is proposed to provide temporary shelter to homeless individuals;

1913 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 200  
1914 individuals per night; and

1915 (iii) operates year-round and is not subject to zoning restrictions that limit the hours,  
1916 days, weeks, or months of operation; and

1917 (b) due to the location of a homeless shelter within the city's, town's, or metro  
1918 township's geographic boundaries, needs more public safety services than the city, town, or  
1919 metro township needed before the location of the homeless shelter within the city's, town's, or  
1920 metro township's geographic boundaries.

1921 (3) "Grant eligible city" means a city, town, or metro township that has:

1922 (a) a homeless shelter within the city's, town's, or metro township's geographic  
1923 boundaries that:

1924 (i) provides or is proposed to provide temporary shelter to homeless individuals;

1925 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 60  
1926 individuals per night; and

1927 (iii) operates year-round and is not subject to zoning restrictions that limit the hours,  
1928 days, weeks, or months of operation; and

1929 (b) increased community, social service, and public safety service needs due to the  
1930 location of a homeless shelter within the city's, town's, or metro township's geographic  
1931 boundaries.

1932 Section 27. Section **63J-1-802** is enacted to read:

1933 **63J-1-802. Submission of Homeless Coordinating Committee recommendations --**  
1934 **Adoption, procedure, and approval -- Appropriation.**

1935 (1) (a) On or before December 31, the committee shall submit the committee's  
1936 recommendation under Subsection [35A-8-606.1](#)(4) for each eligible municipality that made a  
1937 request:

1938 (i) to the Social Services Appropriations Subcommittee of the Legislature; and

1939 (ii) as an appropriations request.

1940 (b) For each recommendation that the committee submits, the Social Services  
1941 Appropriations Subcommittee shall:

1942 (i) approve the amount as recommended;

1943 (ii) increase or decrease the amount and then approve the modified amount; or

1944 (iii) reject the amount.

1945 (2) (a) On or before December 31, the committee shall submit the committee's list  
1946 prioritizing the grant requests and recommending a grant amount for each grant eligible  
1947 municipality that requested a grant:

1948 (i) to the Social Services Appropriations Subcommittee of the Legislature; and

1949 (ii) as an appropriations request.

1950 (b) The Social Services Appropriations Subcommittee shall:

1951 (i) approve the committee's list;

1952 (ii) modify the committee's list and then approve the modified list; or

1953 (iii) reject the committee's list.

1954 (3) The Social Services Appropriations Subcommittee may submit the subcommittee's

1955 approvals under this section from the Homeless Shelter Cities Mitigation Restricted Account

1956 for inclusion in an appropriations act to be considered by the full Legislature.

1957 **Section 28. Appropriation.**

1958 The following sums of money are appropriated for the fiscal year beginning July 1,

1959 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for

1960 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

1961 Act, the Legislature appropriates the following sums of money from the funds or accounts

1962 indicated for the use and support of the government of the state of Utah.

1963 **ITEM 1**

1964 To Department of Workforce Services -- Housing and Community Development

1965 From Homeless Shelter Cities Mitigation Restricted Account,

1966 One-Time \$2,500,000

1967 Schedule of Programs:

1968 Homeless Shelter Cities Mitigation Program \$2,500,000

1969 The Legislature intends that:

1970 (1) the appropriations provided under this section be used for the purposes described in

1971 Section [35A-8-606.1](#); and

1972 (2) the Department of Workforce Services allocate the appropriation under this section

1973 to an eligible municipality, as defined in Section [35A-8-606.1](#), in an amount approved by the

1974 Homeless Coordinating Committee to the extent that the eligible municipality provides an

1975 invoice and supporting documentation to the Department of Workforce Services as described

1976 in Section [35A-8-606.1](#).