

Representative Steve Eliason proposes the following substitute bill:

HOMELESS SHELTER FUNDING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: Steve Eliason

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:

- ▶ 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;
- ▶ requires the State Tax Commission to deposit a percentage of a county's or municipality's local option sales and use tax revenue into the Homeless Shelter Cities Mitigation Restricted Account;
- ▶ directs the Department of Workforce Services on how to disburse funds from the Homeless Shelter Cities Mitigation Restricted Account; and



26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2019:

29 ▶ to the Department of Workforce Services – Housing and Community Development
30 – Homeless Shelter Cities Mitigation Program, as a one-time appropriation:

31 • from the Homeless Shelter Cities Mitigation Restricted Account, One-time,
32 \$2,500,000.

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **35A-8-601**, as last amended by Laws of Utah 2016, Chapter 278

38 **59-12-205**, as last amended by Laws of Utah 2017, Chapters 230 and 385

39 **59-12-302**, as last amended by Laws of Utah 2016, Chapter 364

40 **59-12-354**, as last amended by Laws of Utah 2016, Chapter 364

41 **59-12-403**, as last amended by Laws of Utah 2016, Chapter 364

42 **59-12-603**, as last amended by Laws of Utah 2017, Chapter 178

43 **59-12-703**, as last amended by Laws of Utah 2017, Chapters 181 and 422

44 **59-12-802**, as last amended by Laws of Utah 2017, Chapter 422

45 **59-12-804**, as last amended by Laws of Utah 2017, Chapter 422

46 **59-12-1102**, as last amended by Laws of Utah 2016, Chapter 364

47 **59-12-1302**, as last amended by Laws of Utah 2017, Chapter 422

48 **59-12-1402**, as last amended by Laws of Utah 2017, Chapter 422

49 **59-12-2103**, as last amended by Laws of Utah 2017, Chapter 422

50 **59-12-2206**, as last amended by Laws of Utah 2017, Chapter 160

51 ENACTS:

52 **35A-8-606**, Utah Code Annotated 1953

53 **35A-8-607**, Utah Code Annotated 1953

54 **35A-8-608**, Utah Code Annotated 1953

55 **35A-8-609**, Utah Code Annotated 1953

56 **63J-1-801**, Utah Code Annotated 1953

57 **63J-1-802**, Utah Code Annotated 1953

58

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

60 Section 1. Section **35A-8-601** is amended to read:

61 **35A-8-601. Creation.**

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

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

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

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

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

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

69 (v) the executive director of the Department of Workforce Services or the executive
70 director's designee;

71 (vi) the executive director of the Department of Corrections or the executive director's
72 designee;

73 (vii) the executive director of the Department of Health or the executive director's
74 designee;

75 (viii) the executive director of the Department of Human Services or the executive
76 director's designee;

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

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

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

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

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

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

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

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

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

87 (a) representatives of local governments, local housing authorities, local law

88 enforcement agencies;

89 (b) representatives of federal and private agencies and organizations concerned with
90 the homeless, persons with a mental illness, the elderly, single-parent families, persons with a
91 substance use disorder, and persons with a disability; and

92 (c) a resident of Salt Lake County.

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

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

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

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

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

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

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

108 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
109 [63A-3-107](#).

110 Section 2. Section [35A-8-606](#) is enacted to read:

111 **[35A-8-606](#). Homeless Shelter Cities Mitigation Restricted Account.**

112 (1) As used in this section:

113 (a) "Annual local contribution" means:

114 (i) for a participating local government, the lesser of \$200,000 or an amount equal to
115 1.8% of the participating local government's tax revenue distribution amount under Subsection
116 [59-12-205](#)(2)(a) for the previous calendar year; or

117 (ii) for an eligible municipality or a grant eligible municipality that is certified in
118 accordance with Section [35A-8-609](#), \$0.

119 (b) "Eligible municipality" means the same as that term is defined in Section
120 35A-8-607.
121 (c) "Grant eligible municipality" means the same as that term is defined in Section
122 35A-8-608.
123 (d) "Participating local government" means a county or municipality, as defined in
124 Section 10-1-104, that is not an eligible municipality or grant eligible municipality as certified
125 by the department in accordance with Section 35A-8-609.

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

128 (3) The account shall be funded by:

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

131 (b) interest earned on the account.

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

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

134 (i) eligible municipalities in accordance with Sections 35A-8-607 and 63J-1-802; and

135 (ii) grant eligible municipalities in accordance with Sections 35A-8-608 and 63J-1-802.

136 Section 3. Section 35A-8-607 is enacted to read:

137 **35A-8-607. Eligible municipality application process for Homeless Shelter Cities**
138 **Mitigation Restricted Account funds.**

139 (1) As used in this section:

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

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

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

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

146 (ii) due to the location of a homeless shelter within the city's, town's, or metro
147 township's geographic boundaries, needs more public safety services than the city, town, or
148 metro township needed before the location of the homeless shelter within the city's, town's, or
149 metro township's geographic boundaries; and

150 (iii) is certified as an eligible municipality in accordance with Section [35A-8-609](#).

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

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

153 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 200

154 individuals per night; and

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

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

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

162 (b) (i) An eligible municipality that builds or has proposed to build a homeless shelter
163 on or after July 1, 2018, shall be eligible to receive at least 40% of the account funds, if the
164 eligible municipality meets the requirements of this section.

165 (ii) An eligible municipality that built a homeless shelter on or before June 30, 2018,
166 shall be eligible to receive at least 20% of the account funds, if the eligible municipality meets
167 the requirements of this section.

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

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

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

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

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

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

179 (A) crime statistics; and

180 (B) calls for public safety services;

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

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

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

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

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

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

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

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

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

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

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

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

203 (ii) Each month, beginning in January 2019, the department shall disburse the revenue
204 in the account to reimburse the eligible municipality that submits the information described in
205 Subsection (3)(f)(i) for the amount on the invoice or contract.

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

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

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

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

212 (B) appearing at the meeting to present the request.
213 (c) The request described in Subsection (4)(b) shall contain:
214 (i) data relating to the eligible municipality's public safety services for the last fiscal
215 year before a homeless shelter was located or proposed to be located within the eligible
216 municipality's boundaries, including:
217 (A) crime statistics; and
218 (B) calls for public safety services;
219 (ii) data showing the eligible municipality's need for public safety services in the next
220 fiscal year;
221 (iii) a summary of the eligible municipality's proposed use of account funds; and
222 (iv) a copy of the eligible municipality's budget, which includes a request in a specific
223 amount for additional personnel to provide public safety services.
224 (d) (i) On or before November 30, an eligible municipality that received account funds
225 during the previous fiscal year shall file electronically with the committee a report that
226 includes:
227 (A) a summary of the amount of account funds that the eligible municipality expended
228 and the eligible municipality's specific use of those funds;
229 (B) an evaluation of the eligible municipality's effectiveness in using the account funds
230 to address the eligible municipality's public safety needs; and
231 (C) any proposals for improving the eligible municipality's effectiveness in using
232 account funds that the eligible municipality may receive in future fiscal years.
233 (ii) The committee may request additional information as needed to make the
234 evaluation described in Subsection (4)(e).
235 (e) The committee shall evaluate a request made in accordance with this Subsection (4)
236 using the following factors:
237 (i) the strength and reliability of the data that the eligible municipality provided to
238 support the request;
239 (ii) if the eligible municipality received account funds during the previous fiscal year,
240 the efficiency with which the eligible municipality used any account funds during the previous
241 fiscal year;
242 (iii) the availability of alternative funding for the eligible municipality to address the

243 eligible municipality's need for public safety services; and

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

245 (f) (i) After making the evaluation described in Subsection (4)(e) and subject to other

246 provisions of this Subsection (4)(f), the committee shall vote to recommend that an eligible

247 municipality's request be:

248 (A) funded as requested; or

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

250 (ii) The committee shall support the recommendation described in Subsection (4)(f)(i)

251 with findings on each of the factors described in Subsection (4)(e).

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

253 (i) the governor for inclusion in the governor's budget to be submitted to the

254 Legislature; and

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

257 (h) (i) An eligible municipality that is approved to receive account funds under Section

258 [63J-1-802](#) shall submit an invoice of the eligible municipality's expenses, with supporting

259 documentation, to the department monthly for reimbursement.

260 (ii) Each month, the department shall disburse the revenue in the account to reimburse

261 an eligible municipality that submits the information described in Subsection (4)(h)(i) for the

262 amount on the invoice or contract.

263 (5) On or before October 1, the department, in cooperation with the committee, shall:

264 (a) submit an annual written report electronically to the Social Services Appropriations

265 Subcommittee of the Legislature that gives a complete accounting of the department's

266 disbursement of the money from the account under this section for the previous fiscal year; and

267 (b) include information regarding the disbursement of money from the account under

268 this section in the annual report described in Section [35A-1-109](#).

269 Section 4. Section **35A-8-608** is enacted to read:

270 **35A-8-608. Grant eligible municipality application process for Homeless Shelter**

271 **Cities Mitigation Restricted Account funds.**

272 (1) As used in this section:

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

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

275 (c) "Grant" means an award of funds from the account.

276 (d) "Grant eligible municipality" means a city, town, or metro township that:

277 (i) has a homeless shelter within the city's, town's, or metro township's geographic
278 boundaries;

279 (ii) has increased community, social service, or public safety service needs due to the
280 location of a homeless shelter within the city's, town's, or metro township's geographic
281 boundaries; and

282 (iii) is certified as a grant eligible municipality in accordance with Section [35A-8-609](#).

283 (e) "Homeless shelter" means a facility that:

284 (i) provides temporary shelter to homeless individuals;

285 (ii) has the capacity to provide temporary shelter to at least 60 individuals per night;

286 and

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

289 (f) "Public safety services" means law enforcement, emergency medical services, and
290 fire protection.

291 (2) Subject to the availability of funds, a grant eligible municipality may request a
292 grant to mitigate the impacts of the location of a homeless shelter within the grant eligible
293 municipality's geographic boundaries through:

294 (a) development of a community and neighborhood program;

295 (b) provision of social services; or

296 (c) employment of additional personnel to provide public safety services in and around
297 a homeless shelter within the grant eligible municipality's geographic boundaries.

298 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
299 department shall make rules governing:

300 (i) the process for determining whether there is sufficient revenue to the account to
301 offer a grant program for the next fiscal year; and

302 (ii) the process for notifying grant eligible municipalities about the availability of
303 grants for the next fiscal year.

304 (b) (i) If the committee offers a grant program for the next fiscal year, the committee

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

308 (ii) A grant eligible municipality may present a request for account funds by:
309 (A) sending an electronic copy of the request to the committee before the meeting; and
310 (B) appearing at the meeting to present the request.

311 (c) The request described in Subsection (3)(b) shall contain:
312 (i) for a grant request to develop a community and neighborhood program:
313 (A) a proposal outlining the components of a community and neighborhood program;
314 (B) a summary of the grant eligible municipality's proposed use of any grant awarded;

315 and
316 (C) the amount requested;
317 (ii) for a grant request to provide social services:

318 (A) a proposal outlining the need for additional social services;
319 (B) a summary of the grant eligible municipality's proposed use of any grant awarded;

320 and
321 (C) the amount requested;
322 (iii) for a grant request to employ additional personnel to provide public safety

323 services:
324 (A) data relating to the grant eligible municipality's public safety services for the
325 current fiscal year, including crime statistics and calls for public safety services;

326 (B) data showing an increase in the grant eligible municipality's need for public safety
327 services in the next fiscal year;
328 (C) a summary of the grant eligible municipality's proposed use of any grant awarded;

329 and
330 (D) the amount requested; and
331 (iv) for a grant request to provide some combination of the activities described in

332 Subsections (3)(c)(i) through (iii), the information required by this Subsection (3) for each
333 activity for which the grant eligible municipality requests a grant.

334 (d) (i) On or before November 30, a grant eligible municipality that received a grant
335 during the previous fiscal year shall file electronically with the committee a report that

336 includes:

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

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

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

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

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

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

350 (ii) if the grant eligible municipality received a grant during the previous fiscal year,
351 the efficiency with which the grant eligible municipality used the grant during the previous
352 fiscal year;

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

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

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

359 (A) prioritize the grant requests; and

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

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

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

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

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

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

371 (i) after making the disbursements required by Section 35A-8-607; and

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

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

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

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

380 (5) On or before October 1, the department, in cooperation with the committee, shall:

381 (a) submit an annual written report electronically to the Social Services Appropriations
382 Subcommittee of the Legislature that gives a complete accounting of the department's
383 disbursement of the money from the account under this section for the previous fiscal year; and

384 (b) include information regarding the disbursement of money from the account under
385 this section in the annual report described in Section 35A-1-109.

386 Section 5. Section 35A-8-609 is enacted to read:

387 **35A-8-609. Certification of eligible municipality or grant eligible municipality.**

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

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

394 Section 6. Section 59-12-205 is amended to read:

395 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
396 **tax revenue -- Determination of population.**

397 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section

398 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's
399 sales and use tax ordinances:

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

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

403 (2) Except as provided in Subsections (3) through ~~[(6)]~~ (7) and subject to Subsection
404 ~~[(7)]~~ (8):

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

409 (b) (i) except as provided in Subsection (2)(b)(ii), 50% of each dollar collected from
410 the sales and use tax authorized by this part shall be distributed to each county, city, and town
411 on the basis of the location of the transaction as determined under Sections 59-12-211 through
412 59-12-215; and

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

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

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

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

422 (B) city of the fifth class; or

423 (C) town;

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

427 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located
428 within the unincorporated area of the county for one or more days during the calendar year

429 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,
430 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North
431 American Industry Classification System of the federal Executive Office of the President,
432 Office of Management and Budget; or

433 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
434 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
435 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
436 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
437 2002 North American Industry Classification System of the federal Executive Office of the
438 President, Office of Management and Budget; and

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

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

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

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

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

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

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

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

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

459 (d) A distribution required by this Subsection (3) is in addition to any other distribution

460 required by this section.

461 (4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal year
462 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75% of
463 the taxable sales within the boundaries of the county, city, or town.

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

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

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

471 (A) fiscal year 2002-03;

472 (B) fiscal year 2003-04; and

473 (C) fiscal year 2004-05.

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

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

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

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

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

483 (B) the minimum tax revenue distribution.

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

489 (c) For a fiscal year beginning with fiscal year 2013-14 and ending with fiscal year
490 2015-16, an eligible county, city, or town shall receive the minimum tax revenue distribution

491 for that fiscal year if for fiscal year 2012-13 the payment required by Subsection (2) to that
492 eligible county, city, or town is less than or equal to the product of:

493 (i) the minimum tax revenue distribution; and

494 (ii) .90.

495 (6) (a) As used in this Subsection (6):

496 (i) "Eligible county, city, or town" means a county, city, or town that:

497 (A) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
498 distributions for fiscal year 2002-03;

499 (B) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
500 distributions for fiscal year 2003-04;

501 (C) receives, in accordance with Subsection (4), \$2,000 or more in tax revenue
502 distributions for fiscal year 2004-05;

503 (D) for a fiscal year beginning with fiscal year 2012-13 and ending with fiscal year
504 2015-16, does not receive a tax revenue distribution described in Subsection (5) equal to the
505 amount described in Subsection (5)(b)(i)(A) for three consecutive fiscal years; and

506 (E) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,
507 2016.

508 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue
509 distributions an eligible county, city, or town receives from a tax imposed in accordance with
510 this part for fiscal year 2004-05.

511 (b) Beginning with fiscal year 2016-17, an eligible county, city, or town shall receive a
512 tax revenue distribution for a tax imposed in accordance with this part equal to the greater of:

513 (i) the payment required by Subsection (2); or

514 (ii) the minimum tax revenue distribution.

515 (7) (a) For purposes of this Subsection (7):

516 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to
517 1.8% of the participating local government's tax revenue distribution amount under Subsection
518 [59-12-205\(2\)\(a\)](#) for the previous calendar year.

519 (ii) "Participating local government" means a county or municipality, as defined in
520 Section [10-1-104](#), that is not an eligible municipality or grant eligible municipality certified in
521 accordance with Section [35A-8-609](#).

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

525 (i) (A) for the January 2019 distribution, subtract the annual local contribution for each
526 participating local government from the participating local government's tax revenue
527 distribution under Subsection (2)(a); and

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

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

533 ~~[(7)]~~ (8) (a) Population figures for purposes of this section shall be based on the most
534 recent official census or census estimate of the United States Census Bureau.

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

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

540 Section 7. Section **59-12-302** is amended to read:

541 **59-12-302. Collection of tax -- Administrative charge.**

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

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

545 (i) Part 1, Tax Collection; or

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

547 (b) Chapter 1, General Taxation Policies.

548 (2) The location of a transaction shall be determined in accordance with Sections
549 [59-12-211](#) through [59-12-215](#).

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

552 (4) The commission:

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

555 (b) shall retain and deposit an administrative charge in accordance with Section
556 59-1-306 from revenue the commission collects from a tax under this part.

557 Section 8. Section 59-12-354 is amended to read:

558 **59-12-354. Collection of tax -- Administrative charge.**

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

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

562 (i) Part 1, Tax Collection; or

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

564 (b) Chapter 1, General Taxation Policies.

565 (2) (a) The location of a transaction shall be determined in accordance with Sections
566 59-12-211 through 59-12-215.

567 (b) The commission:

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

570 (ii) shall retain and deposit an administrative charge in accordance with Section
571 59-1-306 from the revenue the commission collects from a tax under this part.

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

574 Section 9. Section 59-12-403 is amended to read:

575 **59-12-403. Enactment or repeal of tax -- Tax rate change -- Effective date --**

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

577 **Administrative charge.**

578 (1) For purposes of this section:

579 (a) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
580 4, Annexation.

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

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

584 repeal, or change shall take effect:

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

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

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

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

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

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

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

595 (c) (i) If the billing period for a transaction begins before the effective date of the
596 enactment of the tax or the tax rate increase imposed under Section 59-12-401, 59-12-402, or
597 59-12-402.1, the enactment of the tax or the tax rate increase takes effect on the first day of the
598 first billing period that begins on or after the effective date of the enactment of the tax or the
599 tax rate increase.

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

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

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

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

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

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

615 (i) on the first day of a calendar quarter; and
616 (ii) after a 90-day period beginning on the date the commission receives notice meeting
617 the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.

618 (b) The notice described in Subsection (3)(a)(ii) shall state:

619 (i) that the annexation described in Subsection (3)(a) will result in an enactment,
620 repeal, or change in the rate of a tax under this part for the annexing area;

621 (ii) the statutory authority for the tax described in Subsection (3)(b)(i);

622 (iii) the effective date of the tax described in Subsection (3)(b)(i); and

623 (iv) if the city or town enacts the tax or changes the rate of the tax described in
624 Subsection (3)(b)(i), the rate of the tax.

625 (c) (i) If the billing period for a transaction begins before the effective date of the
626 enactment of the tax or the tax rate increase imposed under Section 59-12-401, 59-12-402, or
627 59-12-402.1, the enactment of the tax or the tax rate increase takes effect on the first day of the
628 first billing period that begins on or after the effective date of the enactment of the tax or the
629 tax rate increase.

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

633 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
634 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of
635 a tax described in Subsection (3)(a) takes effect:

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

637 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
638 rate of the tax under Subsection (3)(a).

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

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

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

644 (A) Part 1, Tax Collection; or

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

646 (ii) Chapter 1, General Taxation Policies.

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

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

650 Section 10. Section 59-12-603 is amended to read:

651 **59-12-603. County tax -- Bases -- Rates -- Use of revenue -- Adoption of ordinance**
652 **required -- Advisory board -- Administration -- Collection -- Administrative charge --**
653 **Distribution -- Enactment or repeal of tax or tax rate change -- Effective date -- Notice**
654 **requirements.**

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

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

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

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

669 (A) alcoholic beverages;

670 (B) food and food ingredients; or

671 (C) prepared food; and

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

674 59-12-103(1)(i).

675 (b) A tax imposed under Subsection (1)(a) is subject to the audit provisions of Section
676 17-31-5.5.

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

- 679 (i) financing tourism promotion; and
- 680 (ii) the development, operation, and maintenance of:
 - 681 (A) an airport facility;
 - 682 (B) a convention facility;
 - 683 (C) a cultural facility;
 - 684 (D) a recreation facility; or
 - 685 (E) a tourist facility.

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

- 689 (i) promote tourism in ski areas within the county by persons that do not reside within
690 the state; and
- 691 (ii) combine the sale of:
 - 692 (A) ski lift tickets; and
 - 693 (B) accommodations and services described in Subsection 59-12-103(1)(i).

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

- 698 (a) an airport facility;
- 699 (b) a convention facility;
- 700 (c) a cultural facility;
- 701 (d) a recreation facility; or
- 702 (e) a tourist facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

739 (I) Part 1, Tax Collection; or
740 (II) Part 2, Local Sales and Use Tax Act; and
741 (B) Chapter 1, General Taxation Policies.
742 (ii) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or
743 Subsections 59-12-205(2) through ~~(7)~~ (8).
744 (b) Except as provided in Subsection (7)(c):
745 (i) for a tax under this part other than the tax under Subsection (1)(a)(i)(B), the
746 commission shall distribute the revenue to the county imposing the tax; and
747 (ii) for a tax under Subsection (1)(a)(i)(B), the commission shall distribute the revenue
748 according to the distribution formula provided in Subsection (8).
749 (c) The commission shall retain and deposit an administrative charge in accordance
750 with Section 59-1-306 from the revenue the commission collects from a tax under this part.
751 (8) The commission shall distribute the revenue generated by the tax under Subsection
752 (1)(a)(i)(B) to each county collecting a tax under Subsection (1)(a)(i)(B) according to the
753 following formula:
754 (a) the commission shall distribute 70% of the revenue based on the percentages
755 generated by dividing the revenue collected by each county under Subsection (1)(a)(i)(B) by
756 the total revenue collected by all counties under Subsection (1)(a)(i)(B); and
757 (b) the commission shall distribute 30% of the revenue based on the percentages
758 generated by dividing the population of each county collecting a tax under Subsection
759 (1)(a)(i)(B) by the total population of all counties collecting a tax under Subsection (1)(a)(i)(B).
760 (9) (a) For purposes of this Subsection (9):
761 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Part 2,
762 County Annexation.
763 (ii) "Annexing area" means an area that is annexed into a county.
764 (b) (i) Except as provided in Subsection (9)(c), if, on or after July 1, 2004, a county
765 enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or
766 change shall take effect:
767 (A) on the first day of a calendar quarter; and
768 (B) after a 90-day period beginning on the date the commission receives notice meeting
769 the requirements of Subsection (9)(b)(ii) from the county.

770 (ii) The notice described in Subsection (9)(b)(i)(B) shall state:
771 (A) that the county will enact or repeal a tax or change the rate of a tax under this part;
772 (B) the statutory authority for the tax described in Subsection (9)(b)(ii)(A);
773 (C) the effective date of the tax described in Subsection (9)(b)(ii)(A); and
774 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
775 (9)(b)(ii)(A), the rate of the tax.

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

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

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

787 (A) on the first day of a calendar quarter; and
788 (B) after a 90-day period beginning on the date the commission receives notice meeting
789 the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.

790 (ii) The notice described in Subsection (9)(d)(i)(B) shall state:
791 (A) that the annexation described in Subsection (9)(d)(i) will result in an enactment,
792 repeal, or change in the rate of a tax under this part for the annexing area;
793 (B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);
794 (C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and
795 (D) if the county enacts the tax or changes the rate of the tax described in Subsection
796 (9)(d)(ii)(A), the rate of the tax.

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

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

805 Section 11. Section **59-12-703** is amended to read:

806 **59-12-703. Opinion question election -- Base -- Rate -- Imposition of tax --**
807 **Expenditure of revenues -- Administration -- Enactment or repeal of tax -- Effective date**
808 **-- Notice requirements.**

809 (1) (a) Subject to the other provisions of this section, a county legislative body may
810 submit an opinion question to the residents of that county, by majority vote of all members of
811 the legislative body, so that each resident of the county, except residents in municipalities that
812 have already imposed a sales and use tax under Part 14, City or Town Option Funding for
813 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, has an
814 opportunity to express the resident's opinion on the imposition of a local sales and use tax of
815 .1% on the transactions described in Subsection **59-12-103(1)** located within the county, to:

816 (i) fund cultural facilities, recreational facilities, and zoological facilities, botanical
817 organizations, cultural organizations, and zoological organizations, and rural radio stations, in
818 that county; or

819 (ii) provide funding for a botanical organization, cultural organization, or zoological
820 organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in
821 furtherance of the botanical organization's, cultural organization's, or zoological organization's
822 primary purpose.

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

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

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

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

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

832 Zoological Organizations or Facilities; and

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

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

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

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

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

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

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

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

855 (3) Subject to Section 59-12-704, revenue collected from a tax imposed under
856 Subsection (2) shall be expended:

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

861 (b) to fund ongoing operating expenses of:

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

863 (ii) botanical organizations, cultural organizations, and zoological organizations within
864 the county; and

865 (iii) rural radio stations within the county; and

866 (c) as stated in the opinion question described in Subsection (1).

867 (4) (a) A tax authorized under this part shall be:

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

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

871 (I) Part 1, Tax Collection; or

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

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

874 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year
875 period in accordance with this section.

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

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

878 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, Part 2,
879 County Annexation.

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

881 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a
882 county enacts or repeals a tax under this part, the enactment or repeal shall take effect:

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

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

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

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

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

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

890 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the
891 tax.

892 (c) (i) If the billing period for a transaction begins before the effective date of the
893 enactment of the tax under this section, the enactment of the tax takes effect on the first day of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

929 Subsection (5)(e)(i).

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

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

933 **59-12-802. Imposition of rural county health care facilities tax -- Expenditure of**
934 **tax revenue -- Base -- Rate -- Administration, collection, and enforcement of tax --**
935 **Administrative charge.**

936 (1) (a) A county legislative body of a county of the third, fourth, fifth, or sixth class
937 may impose a sales and use tax of up to 1% on the transactions described in Subsection
938 [59-12-103](#)(1) located within the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 966 (i) members of the county's legislative body; and
- 967 (ii) county's registered voters voting on the imposition of the tax.

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

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

- 972 (i) ongoing operating expenses of a rural county health care facility within that county;
- 973 (ii) the acquisition of land for a rural county health care facility within that county; or
- 974 (iii) the design, construction, equipping, or furnishing of a rural county health care
975 facility within that county.

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

- 978 (i) ongoing operating expenses of a center, clinic, or facility described in Subsection
979 (1)(b)(ii) within that county;
- 980 (ii) the acquisition of land for a center, clinic, or facility described in Subsection
981 (1)(b)(ii) within that county;
- 982 (iii) the design, construction, equipping, or furnishing of a center, clinic, or facility
983 described in Subsection (1)(b)(ii) within that county; or
- 984 (iv) rural emergency medical services within that county.

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

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

987 accordance with:

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

989 (I) Part 1, Tax Collection; or

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

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

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

994 (b) A tax under this section is not subject to Subsections 59-12-205(2) through [(7)]
995 (8).

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

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

1000 Section 13. Section 59-12-804 is amended to read:

1001 **59-12-804. Imposition of rural city hospital tax -- Base -- Rate -- Administration,**
1002 **collection, and enforcement of tax -- Administrative charge.**

1003 (1) (a) A city legislative body may impose a sales and use tax of up to 1%:

1004 (i) on the transactions described in Subsection 59-12-103(1) located within the city;

1005 and

1006 (ii) to fund rural city hospitals in that city.

1007 (b) Notwithstanding Subsection (1)(a)(i), a city legislative body may not impose a tax
1008 under this section on:

1009 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses
1010 are exempt from taxation under Section 59-12-104; and

1011 (ii) except as provided in Subsection (1)(d), amounts paid or charged for food and food
1012 ingredients.

1013 (c) For purposes of this Subsection (1), the location of a transaction shall be
1014 determined in accordance with Sections 59-12-211 through 59-12-215.

1015 (d) A city legislative body imposing a tax under this section shall impose the tax on the
1016 purchase price or sales price for amounts paid or charged for food and food ingredients if the
1017 food and food ingredients are sold as part of a bundled transaction attributable to food and food

1018 ingredients and tangible personal property other than food and food ingredients.

1019 (2) (a) Before imposing a tax under Subsection (1)(a), a city legislative body shall
1020 obtain approval to impose the tax from a majority of the:

1021 (i) members of the city legislative body; and

1022 (ii) city's registered voters voting on the imposition of the tax.

1023 (b) The city legislative body shall conduct the election according to the procedures and
1024 requirements of Title 11, Chapter 14, Local Government Bonding Act.

1025 (3) The money collected from a tax imposed under Subsection (1) may only be used to
1026 fund:

1027 (a) ongoing operating expenses of a rural city hospital;

1028 (b) the acquisition of land for a rural city hospital; or

1029 (c) the design, construction, equipping, or furnishing of a rural city hospital.

1030 (4) (a) A tax under this section shall be:

1031 (i) except as provided in Subsection (4)(b), administered, collected, and enforced in
1032 accordance with:

1033 (A) the same procedures used to administer, collect, and enforce the tax under:

1034 (I) Part 1, Tax Collection; or

1035 (II) Part 2, Local Sales and Use Tax Act; and

1036 (B) Chapter 1, General Taxation Policies; and

1037 (ii) levied for a period of 10 years and may be reauthorized at the end of the ten-year
1038 period by the city legislative body as provided in Subsection (1).

1039 (b) A tax under this section is not subject to Subsections 59-12-205(2) through [(7)]
1040 (8).

1041 (5) The commission shall retain and deposit an administrative charge in accordance
1042 with Section 59-1-306 from the revenue the commission collects from a tax under this section.

1043 Section 14. Section 59-12-1102 is amended to read:

1044 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**

1045 **Administration -- Administrative charge -- Commission requirement to retain an amount**
1046 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**
1047 **of tax -- Effective date -- Notice requirements.**

1048 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax

1049 authorized by this chapter, a county may impose by ordinance a county option sales and use tax
1050 of .25% upon the transactions described in Subsection 59-12-103(1).

1051 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
1052 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are
1053 exempt from taxation under Section 59-12-104.

1054 (b) For purposes of this Subsection (1), the location of a transaction shall be
1055 determined in accordance with Sections 59-12-211 through 59-12-215.

1056 (c) The county option sales and use tax under this section shall be imposed:

1057 (i) upon transactions that are located within the county, including transactions that are
1058 located within municipalities in the county; and

1059 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
1060 January:

1061 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
1062 ordinance is adopted on or before May 25; or

1063 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
1064 ordinance is adopted after May 25.

1065 (d) The county option sales and use tax under this section shall be imposed:

1066 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
1067 September 4, 1997; or

1068 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997
1069 but after September 4, 1997.

1070 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
1071 county shall hold two public hearings on separate days in geographically diverse locations in
1072 the county.

1073 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
1074 time of no earlier than 6 p.m.

1075 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven
1076 days after the day the first advertisement required by Subsection (2)(c) is published.

1077 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
1078 shall advertise:

1079 (A) its intent to adopt a county option sales and use tax;

- 1080 (B) the date, time, and location of each public hearing; and
- 1081 (C) a statement that the purpose of each public hearing is to obtain public comments
- 1082 regarding the proposed tax.
- 1083 (ii) The advertisement shall be published:
- 1084 (A) in a newspaper of general circulation in the county once each week for the two
- 1085 weeks preceding the earlier of the two public hearings; and
- 1086 (B) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
- 1087 preceding the earlier of the two public hearings.
- 1088 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
- 1089 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
- 1090 border.
- 1091 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
- 1092 portion of the newspaper where legal notices and classified advertisements appear.
- 1093 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:
- 1094 (A) the advertisement shall appear in a newspaper that is published at least five days a
- 1095 week, unless the only newspaper in the county is published less than five days a week; and
- 1096 (B) the newspaper selected shall be one of general interest and readership in the
- 1097 community, and not one of limited subject matter.
- 1098 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
- 1099 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
- 1100 6, Local Referenda - Procedures.
- 1101 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a
- 1102 county option sales and use tax under Subsection (1) is less than 75% of the state population,
- 1103 the tax levied under Subsection (1) shall be distributed to the county in which the tax was
- 1104 collected.
- 1105 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a
- 1106 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state
- 1107 population:
- 1108 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
- 1109 the county in which the tax was collected; and
- 1110 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection

1111 (1) in each county shall be distributed proportionately among all counties imposing the tax,
1112 based on the total population of each county.

1113 (c) Except as provided in Subsection (5), the amount to be distributed annually to a
1114 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county
1115 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

1116 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
1117 be increased so that, when combined with the amount distributed to the county under
1118 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

1119 (ii) the amount to be distributed annually to all other counties under Subsection
1120 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
1121 Subsection (3)(c)(i).

1122 (d) The commission shall establish rules to implement the distribution of the tax under
1123 Subsections (3)(a), (b), and (c).

1124 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
1125 shall be administered, collected, and enforced in accordance with:

1126 (i) the same procedures used to administer, collect, and enforce the tax under:

1127 (A) Part 1, Tax Collection; or

1128 (B) Part 2, Local Sales and Use Tax Act; and

1129 (ii) Chapter 1, General Taxation Policies.

1130 (b) A tax under this part is not subject to Subsections 59-12-205(2) through ~~(7)~~ (8).

1131 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an
1132 administrative charge in accordance with Section 59-1-306 from the revenue the commission
1133 collects from a tax under this part.

1134 (ii) Notwithstanding Section 59-1-306, the administrative charge described in
1135 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of
1136 the distribution amounts resulting after:

1137 (A) the applicable distribution calculations under Subsection (3) have been made; and

1138 (B) the commission retains the amount required by Subsection (5).

1139 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion
1140 of the sales and use tax collected under this part as provided in this Subsection (5).

1141 (b) For a county that imposes a tax under this part, the commission shall calculate a

1142 percentage each month by dividing the sales and use tax collected under this part for that
1143 month within the boundaries of that county by the total sales and use tax collected under this
1144 part for that month within the boundaries of all of the counties that impose a tax under this part.

1145 (c) For a county that imposes a tax under this part, the commission shall retain each
1146 month an amount equal to the product of:

1147 (i) the percentage the commission determines for the month under Subsection (5)(b)
1148 for the county; and

1149 (ii) \$6,354.

1150 (d) The commission shall deposit an amount the commission retains in accordance
1151 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section
1152 [35A-8-1009](#).

1153 (e) An amount the commission deposits into the Qualified Emergency Food Agencies
1154 Fund shall be expended as provided in Section [35A-8-1009](#).

1155 (6) (a) For purposes of this Subsection (6):

1156 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County
1157 Consolidations and Annexations.

1158 (ii) "Annexing area" means an area that is annexed into a county.

1159 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a
1160 county enacts or repeals a tax under this part:

1161 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

1162 (II) the repeal shall take effect on the first day of a calendar quarter; and

1163 (B) after a 90-day period beginning on the date the commission receives notice meeting
1164 the requirements of Subsection (6)(b)(ii) from the county.

1165 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

1166 (A) that the county will enact or repeal a tax under this part;

1167 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

1168 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

1169 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the
1170 tax.

1171 (c) (i) If the billing period for a transaction begins before the effective date of the
1172 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day

1173 of the first billing period that begins on or after the effective date of the enactment of the tax.

1174 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
1175 period is produced on or after the effective date of the repeal of the tax imposed under
1176 Subsection (1).

1177 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
1178 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
1179 Subsection (6)(b)(i) takes effect:

1180 (A) on the first day of a calendar quarter; and

1181 (B) beginning 60 days after the effective date of the enactment or repeal under
1182 Subsection (6)(b)(i).

1183 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1184 commission may by rule define the term "catalogue sale."

1185 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
1186 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
1187 part for an annexing area, the enactment or repeal shall take effect:

1188 (A) on the first day of a calendar quarter; and

1189 (B) after a 90-day period beginning on the date the commission receives notice meeting
1190 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

1191 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

1192 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
1193 repeal of a tax under this part for the annexing area;

1194 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

1195 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

1196 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

1197 (f) (i) If the billing period for a transaction begins before the effective date of the
1198 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
1199 of the first billing period that begins on or after the effective date of the enactment of the tax.

1200 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
1201 period is produced on or after the effective date of the repeal of the tax imposed under
1202 Subsection (1).

1203 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of

1204 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
1205 Subsection (6)(e)(i) takes effect:

1206 (A) on the first day of a calendar quarter; and

1207 (B) beginning 60 days after the effective date of the enactment or repeal under

1208 Subsection (6)(e)(i).

1209 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1210 commission may by rule define the term "catalogue sale."

1211 Section 15. Section **59-12-1302** is amended to read:

1212 **59-12-1302. Imposition of tax -- Base -- Rate -- Enactment or repeal of tax -- Tax**
1213 **rate change -- Effective date -- Notice requirements -- Administration, collection, and**
1214 **enforcement of tax -- Administrative charge.**

1215 (1) Beginning on or after January 1, 1998, the governing body of a town may impose a
1216 tax as provided in this part in an amount that does not exceed 1%.

1217 (2) A town may impose a tax as provided in this part if the town imposed a license fee
1218 or tax on businesses based on gross receipts under Section **10-1-203** on or before January 1,
1219 1996.

1220 (3) A town imposing a tax under this section shall:

1221 (a) except as provided in Subsection (4), impose the tax on the transactions described
1222 in Subsection **59-12-103**(1) located within the town; and

1223 (b) provide an effective date for the tax as provided in Subsection (5).

1224 (4) (a) A town may not impose a tax under this section on:

1225 (i) the sales and uses described in Section **59-12-104** to the extent the sales and uses
1226 are exempt from taxation under Section **59-12-104**; and

1227 (ii) except as provided in Subsection (4)(c), amounts paid or charged for food and food
1228 ingredients.

1229 (b) For purposes of this Subsection (4), the location of a transaction shall be
1230 determined in accordance with Sections **59-12-211** through **59-12-215**.

1231 (c) A town imposing a tax under this section shall impose the tax on the purchase price
1232 or sales price for amounts paid or charged for food and food ingredients if the food and food
1233 ingredients are sold as part of a bundled transaction attributable to food and food ingredients
1234 and tangible personal property other than food and food ingredients.

1235 (5) (a) For purposes of this Subsection (5):

1236 (i) "Annexation" means an annexation to a town under Title 10, Chapter 2, Part 4,
1237 Annexation.

1238 (ii) "Annexing area" means an area that is annexed into a town.

1239 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a
1240 town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal,
1241 or change shall take effect:

1242 (A) on the first day of a calendar quarter; and

1243 (B) after a 90-day period beginning on the date the commission receives notice meeting
1244 the requirements of Subsection (5)(b)(ii) from the town.

1245 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:

1246 (A) that the town will enact or repeal a tax or change the rate of a tax under this part;

1247 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

1248 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

1249 (D) if the town enacts the tax or changes the rate of the tax described in Subsection
1250 (5)(b)(ii)(A), the rate of the tax.

1251 (c) (i) If the billing period for the transaction begins before the effective date of the
1252 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of
1253 the tax or the tax rate increase takes effect on the first day of the first billing period that begins
1254 on or after the effective date of the enactment of the tax or the tax rate increase.

1255 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1256 statement for the billing period is produced on or after the effective date of the repeal of the tax
1257 or the tax rate decrease imposed under Subsection (1).

1258 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
1259 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of
1260 a tax described in Subsection (5)(b)(i) takes effect:

1261 (A) on the first day of a calendar quarter; and

1262 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
1263 rate of the tax under Subsection (5)(b)(i).

1264 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1265 commission may by rule define the term "catalogue sale."

1266 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs
1267 on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the
1268 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take
1269 effect:

1270 (A) on the first day of a calendar quarter; and

1271 (B) after a 90-day period beginning on the date the commission receives notice meeting
1272 the requirements of Subsection (5)(e)(ii) from the town that annexes the annexing area.

1273 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

1274 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment,
1275 repeal, or change in the rate of a tax under this part for the annexing area;

1276 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

1277 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

1278 (D) if the town enacts the tax or changes the rate of the tax described in Subsection
1279 (5)(e)(ii)(A), the rate of the tax.

1280 (f) (i) If the billing period for a transaction begins before the effective date of the
1281 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of
1282 the tax or the tax rate increase takes effect on the first day of the first billing period that begins
1283 on or after the effective date of the enactment of the tax or the tax rate increase.

1284 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1285 statement for the billing period is produced on or after the effective date of the repeal of the tax
1286 or the tax rate decrease imposed under Subsection (1).

1287 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
1288 sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of
1289 a tax described in Subsection (5)(e)(i) takes effect:

1290 (A) on the first day of a calendar quarter; and

1291 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
1292 rate of the tax under Subsection (5)(e)(i).

1293 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1294 commission may by rule define the term "catalogue sale."

1295 (6) The commission shall:

1296 (a) distribute the revenue generated by the tax under this section to the town imposing

1297 the tax; and

1298 (b) except as provided in Subsection (8), administer, collect, and enforce the tax
1299 authorized under this section in accordance with:

1300 (i) the same procedures used to administer, collect, and enforce the tax under:

1301 (A) Part 1, Tax Collection; or

1302 (B) Part 2, Local Sales and Use Tax Act; and

1303 (ii) Chapter 1, General Taxation Policies.

1304 (7) The commission shall retain and deposit an administrative charge in accordance
1305 with Section 59-1-306 from the revenue the commission collects from a tax under this part.

1306 (8) A tax under this section is not subject to Subsections 59-12-205(2) through ~~(7)~~
1307 (8).

1308 Section 16. Section 59-12-1402 is amended to read:

1309 **59-12-1402. Opinion question election -- Base -- Rate -- Imposition of tax --**
1310 **Expenditure of revenue -- Enactment or repeal of tax -- Effective date -- Notice**
1311 **requirements.**

1312 (1) (a) Subject to the other provisions of this section, a city or town legislative body
1313 subject to this part may submit an opinion question to the residents of that city or town, by
1314 majority vote of all members of the legislative body, so that each resident of the city or town
1315 has an opportunity to express the resident's opinion on the imposition of a local sales and use
1316 tax of .1% on the transactions described in Subsection 59-12-103(1) located within the city or
1317 town, to:

1318 (i) fund cultural facilities, recreational facilities, and zoological facilities and botanical
1319 organizations, cultural organizations, and zoological organizations in that city or town; or

1320 (ii) provide funding for a botanical organization, cultural organization, or zoological
1321 organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in
1322 furtherance of the botanical organization's, cultural organization's, or zoological organization's
1323 primary purpose.

1324 (b) The opinion question required by this section shall state:

1325 "Shall (insert the name of the city or town), Utah, be authorized to impose a .1% sales
1326 and use tax for (list the purposes for which the revenue collected from the sales and use tax
1327 shall be expended)?"

- 1328 (c) A city or town legislative body may not impose a tax under this section:
- 1329 (i) if the county in which the city or town is located imposes a tax under Part 7, County
- 1330 Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or
- 1331 Facilities;
- 1332 (ii) on the sales and uses described in Section 59-12-104 to the extent the sales and
- 1333 uses are exempt from taxation under Section 59-12-104; and
- 1334 (iii) except as provided in Subsection (1)(e), on amounts paid or charged for food and
- 1335 food ingredients.
- 1336 (d) For purposes of this Subsection (1), the location of a transaction shall be
- 1337 determined in accordance with Sections 59-12-211 through 59-12-215.
- 1338 (e) A city or town legislative body imposing a tax under this section shall impose the
- 1339 tax on the purchase price or sales price for amounts paid or charged for food and food
- 1340 ingredients if the food and food ingredients are sold as part of a bundled transaction attributable
- 1341 to food and food ingredients and tangible personal property other than food and food
- 1342 ingredients.
- 1343 (f) Except as provided in Subsection (6), the election shall be held at a regular general
- 1344 election or a municipal general election, as those terms are defined in Section 20A-1-102, and
- 1345 shall follow the procedures outlined in Title 11, Chapter 14, Local Government Bonding Act.
- 1346 (2) If the city or town legislative body determines that a majority of the city's or town's
- 1347 registered voters voting on the imposition of the tax have voted in favor of the imposition of
- 1348 the tax as prescribed in Subsection (1), the city or town legislative body may impose the tax by
- 1349 a majority vote of all members of the legislative body.
- 1350 (3) Subject to Section 59-12-1403, revenue collected from a tax imposed under
- 1351 Subsection (2) shall be expended:
- 1352 (a) to finance cultural facilities, recreational facilities, and zoological facilities within
- 1353 the city or town or within the geographic area of entities that are parties to an interlocal
- 1354 agreement, to which the city or town is a party, providing for cultural facilities, recreational
- 1355 facilities, or zoological facilities;
- 1356 (b) to finance ongoing operating expenses of:
- 1357 (i) recreational facilities described in Subsection (3)(a) within the city or town or
- 1358 within the geographic area of entities that are parties to an interlocal agreement, to which the

1359 city or town is a party, providing for recreational facilities; or
1360 (ii) botanical organizations, cultural organizations, and zoological organizations within
1361 the city or town or within the geographic area of entities that are parties to an interlocal
1362 agreement, to which the city or town is a party, providing for the support of botanical
1363 organizations, cultural organizations, or zoological organizations; and
1364 (c) as stated in the opinion question described in Subsection (1).
1365 (4) (a) Except as provided in Subsection (4)(b), a tax authorized under this part shall
1366 be:
1367 (i) administered, collected, and enforced in accordance with:
1368 (A) the same procedures used to administer, collect, and enforce the tax under:
1369 (I) Part 1, Tax Collection; or
1370 (II) Part 2, Local Sales and Use Tax Act; and
1371 (B) Chapter 1, General Taxation Policies; and
1372 (ii) (A) levied for a period of eight years; and
1373 (B) may be reauthorized at the end of the eight-year period in accordance with this
1374 section.
1375 (b) (i) If a tax under this part is imposed for the first time on or after July 1, 2011, the
1376 tax shall be levied for a period of 10 years.
1377 (ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or
1378 after July 1, 2011, the tax shall be reauthorized for a ten-year period.
1379 (c) A tax under this section is not subject to Subsections 59-12-205(2) through ~~(7)~~
1380 (8).
1381 (5) (a) For purposes of this Subsection (5):
1382 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
1383 4, Annexation.
1384 (ii) "Annexing area" means an area that is annexed into a city or town.
1385 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a city
1386 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:
1387 (A) on the first day of a calendar quarter; and
1388 (B) after a 90-day period beginning on the date the commission receives notice meeting
1389 the requirements of Subsection (5)(b)(ii) from the city or town.

1390 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:
1391 (A) that the city or town will enact or repeal a tax under this part;
1392 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);
1393 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and
1394 (D) if the city or town enacts the tax described in Subsection (5)(b)(ii)(A), the rate of
1395 the tax.

1396 (c) (i) If the billing period for a transaction begins before the effective date of the
1397 enactment of the tax under this section, the enactment of the tax takes effect on the first day of
1398 the first billing period that begins on or after the effective date of the enactment of the tax.

1399 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
1400 period is produced on or after the effective date of the repeal of the tax imposed under this
1401 section.

1402 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
1403 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
1404 Subsection (5)(b)(i) takes effect:

1405 (A) on the first day of a calendar quarter; and

1406 (B) beginning 60 days after the effective date of the enactment or repeal under
1407 Subsection (5)(b)(i).

1408 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1409 commission may by rule define the term "catalogue sale."

1410 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs
1411 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
1412 part for an annexing area, the enactment or repeal shall take effect:

1413 (A) on the first day of a calendar quarter; and

1414 (B) after a 90-day period beginning on the date the commission receives notice meeting
1415 the requirements of Subsection (5)(e)(ii) from the city or town that annexes the annexing area.

1416 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

1417 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or
1418 repeal a tax under this part for the annexing area;

1419 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

1420 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

1421 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).

1422 (f) (i) If the billing period for a transaction begins before the effective date of the
1423 enactment of the tax under this section, the enactment of the tax takes effect on the first day of
1424 the first billing period that begins on or after the effective date of the enactment of the tax.

1425 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
1426 period is produced on or after the effective date of the repeal of the tax imposed under this
1427 section.

1428 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
1429 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
1430 Subsection (5)(e)(i) takes effect:

1431 (A) on the first day of a calendar quarter; and

1432 (B) beginning 60 days after the effective date of the enactment or repeal under
1433 Subsection (5)(e)(i).

1434 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1435 commission may by rule define the term "catalogue sale."

1436 (6) (a) Before a city or town legislative body submits an opinion question to the
1437 residents of the city or town under Subsection (1), the city or town legislative body shall:

1438 (i) submit to the county legislative body in which the city or town is located a written
1439 notice of the intent to submit the opinion question to the residents of the city or town; and

1440 (ii) receive from the county legislative body:

1441 (A) a written resolution passed by the county legislative body stating that the county
1442 legislative body is not seeking to impose a tax under Part 7, County Option Funding for
1443 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; or

1444 (B) a written statement that in accordance with Subsection (6)(b) the results of a county
1445 opinion question submitted to the residents of the county under Part 7, County Option Funding
1446 for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, permit the city
1447 or town legislative body to submit the opinion question to the residents of the city or town in
1448 accordance with this part.

1449 (b) (i) Within 60 days after the day the county legislative body receives from a city or
1450 town legislative body described in Subsection (6)(a) the notice of the intent to submit an
1451 opinion question to the residents of the city or town, the county legislative body shall provide

1452 the city or town legislative body:

1453 (A) the written resolution described in Subsection (6)(a)(ii)(A); or

1454 (B) written notice that the county legislative body will submit an opinion question to
1455 the residents of the county under Part 7, County Option Funding for Botanical, Cultural,
1456 Recreational, and Zoological Organizations or Facilities, for the county to impose a tax under
1457 that part.

1458 (ii) If the county legislative body provides the city or town legislative body the written
1459 notice that the county legislative body will submit an opinion question as provided in
1460 Subsection (6)(b)(i)(B), the county legislative body shall submit the opinion question by no
1461 later than, from the date the county legislative body sends the written notice, the later of:

1462 (A) a 12-month period;

1463 (B) the next regular primary election; or

1464 (C) the next regular general election.

1465 (iii) Within 30 days of the date of the canvass of the election at which the opinion
1466 question under Subsection (6)(b)(ii) is voted on, the county legislative body shall provide the
1467 city or town legislative body described in Subsection (6)(a) written results of the opinion
1468 question submitted by the county legislative body under Part 7, County Option Funding for
1469 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, indicating that:

1470 (A) (I) the city or town legislative body may not impose a tax under this part because a
1471 majority of the county's registered voters voted in favor of the county imposing the tax and the
1472 county legislative body by a majority vote approved the imposition of the tax; or

1473 (II) for at least 12 months from the date the written results are submitted to the city or
1474 town legislative body, the city or town legislative body may not submit to the county legislative
1475 body a written notice of the intent to submit an opinion question under this part because a
1476 majority of the county's registered voters voted against the county imposing the tax and the
1477 majority of the registered voters who are residents of the city or town described in Subsection
1478 (6)(a) voted against the imposition of the county tax; or

1479 (B) the city or town legislative body may submit the opinion question to the residents
1480 of the city or town in accordance with this part because although a majority of the county's
1481 registered voters voted against the county imposing the tax, the majority of the registered voters
1482 who are residents of the city or town voted for the imposition of the county tax.

1483 (c) Notwithstanding Subsection (6)(b), at any time a county legislative body may
1484 provide a city or town legislative body described in Subsection (6)(a) a written resolution
1485 passed by the county legislative body stating that the county legislative body is not seeking to
1486 impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and
1487 Zoological Organizations or Facilities, which permits the city or town legislative body to
1488 submit under Subsection (1) an opinion question to the city's or town's residents.

1489 Section 17. Section **59-12-2103** is amended to read:

1490 **59-12-2103. Imposition of tax -- Base -- Rate -- Expenditure of revenue collected**
1491 **from the tax -- Administration, collection, and enforcement of tax by commission --**
1492 **Administrative charge -- Enactment or repeal of tax -- Annexation -- Notice.**

1493 (1) (a) Subject to the other provisions of this section and except as provided in
1494 Subsection (2) or (3), beginning on January 1, 2009 and ending on June 30, 2016, if a city or
1495 town receives a distribution for the 12 consecutive months of fiscal year 2005-06 because the
1496 city or town would have received a tax revenue distribution of less than .75% of the taxable
1497 sales within the boundaries of the city or town but for Subsection **59-12-205(4)(a)**, the city or
1498 town legislative body may impose a sales and use tax of up to .20% on the transactions:

- 1499 (i) described in Subsection **59-12-103(1)**; and
- 1500 (ii) within the city or town.

1501 (b) A city or town legislative body that imposes a tax under Subsection (1)(a) shall
1502 expend the revenue collected from the tax for the same purposes for which the city or town
1503 may expend the city's or town's general fund revenue.

1504 (c) For purposes of this Subsection (1), the location of a transaction shall be
1505 determined in accordance with Sections **59-12-211** through **59-12-215**.

1506 (2) (a) A city or town legislative body may not impose a tax under this section on:

- 1507 (i) the sales and uses described in Section **59-12-104** to the extent the sales and uses
1508 are exempt from taxation under Section **59-12-104**; and

- 1509 (ii) except as provided in Subsection (2)(b), amounts paid or charged for food and food
1510 ingredients.

1511 (b) A city or town legislative body imposing a tax under this section shall impose the
1512 tax on the purchase price or sales price for amounts paid or charged for food and food
1513 ingredients if the food and food ingredients are sold as part of a bundled transaction attributable

1514 to food and food ingredients and tangible personal property other than food and food
1515 ingredients.

1516 (3) (a) Beginning on January 1, 2009, and ending on June 30, 2016, to impose a tax
1517 under this part, a city or town legislative body shall obtain approval from a majority of the
1518 members of the city or town legislative body.

1519 (b) If, on June 30, 2016, a city or town is not imposing a tax under this part, the city or
1520 town legislative body may not impose a tax under this part beginning on or after July 1, 2016.

1521 (c) (i) If, on June 30, 2016, a city or town imposes a tax under this part, the city or
1522 town shall repeal the tax on July 1, 2016, unless, on or after July 1, 2012, but on or before
1523 March 31, 2016, the city or town legislative body obtains approval from a majority vote of the
1524 members of the city or town legislative body to continue to impose the tax.

1525 (ii) If a city or town obtains approval under Subsection (3)(c)(i) from a majority vote of
1526 the members of the city or town legislative body to continue to impose a tax under this part on
1527 or after July 1, 2016, the city or town may impose the tax until no later than June 30, 2030.

1528 (4) The commission shall transmit revenue collected within a city or town from a tax
1529 under this part:

1530 (a) to the city or town legislative body;

1531 (b) monthly; and

1532 (c) by electronic funds transfer.

1533 (5) (a) Except as provided in Subsection (5)(b), the commission shall administer,
1534 collect, and enforce a tax under this part in accordance with:

1535 (i) the same procedures used to administer, collect, and enforce the tax under:

1536 (A) Part 1, Tax Collection; or

1537 (B) Part 2, Local Sales and Use Tax Act; and

1538 (ii) Chapter 1, General Taxation Policies.

1539 (b) A tax under this part is not subject to Subsections [59-12-205](#)(2) through ~~[(7)]~~ (8).

1540 (6) The commission shall retain and deposit an administrative charge in accordance
1541 with Section [59-1-306](#) from the revenue the commission collects from a tax under this part.

1542 (7) (a) (i) Except as provided in Subsection (7)(b) or (c), if, on or after January 1, 2009,
1543 a city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment,
1544 repeal, or change shall take effect:

- 1545 (A) on the first day of a calendar quarter; and
- 1546 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 1547 the requirements of Subsection (7)(a)(i) from the city or town.
- 1548 (ii) The notice described in Subsection (7)(a)(i)(B) shall state:
- 1549 (A) that the city or town will enact or repeal a tax or change the rate of the tax under
- 1550 this part;
- 1551 (B) the statutory authority for the tax described in Subsection (7)(a)(ii)(A);
- 1552 (C) the effective date of the tax described in Subsection (7)(a)(ii)(A); and
- 1553 (D) if the city or town enacts the tax or changes the rate of the tax described in
- 1554 Subsection (7)(a)(ii)(A), the rate of the tax.
- 1555 (b) (i) If the billing period for a transaction begins before the enactment of the tax or
- 1556 the tax rate increase under Subsection (1), the enactment of the tax or the tax rate increase takes
- 1557 effect on the first day of the first billing period that begins on or after the effective date of the
- 1558 enactment of the tax or the tax rate increase.
- 1559 (ii) If the billing period for a transaction begins before the effective date of the repeal
- 1560 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax
- 1561 rate decrease applies to a billing period if the billing statement for the billing period is rendered
- 1562 on or after the effective date of the repeal of the tax or the tax rate decrease.
- 1563 (c) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales
- 1564 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax
- 1565 described in Subsection (7)(a)(i) takes effect:
- 1566 (A) on the first day of a calendar quarter; and
- 1567 (B) beginning 60 days after the effective date of the enactment, repeal, or change in the
- 1568 rate of the tax under Subsection (7)(a)(i).
- 1569 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1570 commission may by rule define the term "catalogue sale."
- 1571 (d) (i) Except as provided in Subsection (7)(e) or (f), if, for an annexation that occurs
- 1572 on or after January 1, 2009, the annexation will result in the enactment, repeal, or change in the
- 1573 rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take
- 1574 effect:
- 1575 (A) on the first day of a calendar quarter; and

1576 (B) after a 90-day period beginning on the date the commission receives notice meeting
1577 the requirements of Subsection (7)(d)(ii) from the city or town that annexes the annexing area.

1578 (ii) The notice described in Subsection (7)(d)(i)(B) shall state:

1579 (A) that the annexation described in Subsection (7)(d)(i)(B) will result in the
1580 enactment, repeal, or change in the rate of a tax under this part for the annexing area;

1581 (B) the statutory authority for the tax described in Subsection (7)(d)(ii)(A);

1582 (C) the effective date of the tax described in Subsection (7)(d)(ii)(A); and

1583 (D) if the city or town enacts the tax or changes the rate of the tax described in

1584 Subsection (7)(d)(ii)(A), the rate of the tax.

1585 (e) (i) If the billing period for a transaction begins before the effective date of the
1586 enactment of the tax or a tax rate increase under Subsection (1), the enactment of a tax or a tax
1587 rate increase takes effect on the first day of the first billing period that begins on or after the
1588 effective date of the enactment of the tax or the tax rate increase.

1589 (ii) If the billing period for a transaction begins before the effective date of the repeal
1590 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax
1591 rate decrease applies to a billing period if the billing statement for the billing period is rendered
1592 on or after the effective date of the repeal of the tax or the tax rate decrease.

1593 (f) (i) If a tax due under this part on a catalogue sale is computed on the basis of sales
1594 and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax
1595 described in Subsection (7)(d)(i) takes effect:

1596 (A) on the first day of a calendar quarter; and

1597 (B) beginning 60 days after the effective date of the enactment, repeal, or change under
1598 Subsection (7)(d)(i).

1599 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1600 commission may by rule define the term "catalogue sale."

1601 Section 18. Section **59-12-2206** is amended to read:

1602 **59-12-2206. Administration, collection, and enforcement of a sales and use tax**
1603 **under this part -- Transmission of revenue monthly by electronic funds transfer --**

1604 **Transfer of revenue to a public transit district or eligible political subdivision.**

1605 (1) Except as provided in Subsection (2), the commission shall administer, collect, and
1606 enforce a sales and use tax imposed under this part.

1607 (2) The commission shall administer, collect, and enforce a sales and use tax imposed
1608 under this part in accordance with:

1609 (a) the same procedures used to administer, collect, and enforce a tax under:

1610 (i) Part 1, Tax Collection; or

1611 (ii) Part 2, Local Sales and Use Tax Act; and

1612 (b) Chapter 1, General Taxation Policies.

1613 (3) A sales and use tax under this part is not subject to Subsections 59-12-205(2)
1614 through [(7)] (8).

1615 (4) Subject to Section 59-12-2207 and except as provided in Subsection (5) or another
1616 provision of this part, the state treasurer shall transmit revenue collected within a county, city,
1617 or town from a sales and use tax under this part to the county, city, or town legislative body
1618 monthly by electronic funds transfer.

1619 (5) (a) Subject to Section 59-12-2207, and except as provided in Subsection (5)(b), the
1620 state treasurer shall transfer revenue collected within a county, city, or town from a sales and
1621 use tax under this part directly to a public transit district organized under Title 17B, Chapter 2a,
1622 Part 8, Public Transit District Act, or an eligible political subdivision as defined in Section
1623 59-12-2219, if the county, city, or town legislative body:

1624 (i) provides written notice to the commission and the state treasurer requesting the
1625 transfer; and

1626 (ii) designates the public transit district or eligible political subdivision to which the
1627 county, city, or town legislative body requests the state treasurer to transfer the revenue.

1628 (b) The commission shall transmit a portion of the revenue collected within a county,
1629 city, or town from a sales and use tax under this part that would be transferred to a public
1630 transit district or an eligible political subdivision under Subsection (5)(a) to the county, city, or
1631 town to fund public transit fixed guideway safety oversight under Section 72-1-214 if the
1632 county, city, or town legislative body:

1633 (i) provides written notice to the commission and the state treasurer requesting the
1634 transfer; and

1635 (ii) specifies the amount of revenue required to be transmitted to the county, city, or
1636 town.

1637 Section 19. Section 63J-1-801 is enacted to read:

1638 **Part 8. Homeless Shelter Cities Mitigation Program**

1639 **63J-1-801. Definitions.**

1640 As used in this part:

1641 (1) "Committee" means the Homeless Coordinating Committee created in Section
1642 35A-8-601.

1643 (2) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a
1644 metro township that:

1645 (a) has, or is proposed to have, a homeless shelter within the city's, town's, or metro
1646 township's geographic boundaries that:

1647 (i) provides or is proposed to provide temporary shelter to homeless individuals;

1648 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 200
1649 individuals per night; and

1650 (iii) operates year-round and is not subject to restrictions that limit the hours, days,
1651 weeks, or months of operation; and

1652 (b) due to the location of a homeless shelter within the city's, town's, or metro
1653 township's geographic boundaries, needs more public safety services than the city, town, or
1654 metro township needed before the location of the homeless shelter within the city's, town's, or
1655 metro township's geographic boundaries.

1656 (3) "Grant eligible municipality" means a city, town, or metro township that has:

1657 (a) a homeless shelter within the city's, town's, or metro township's geographic
1658 boundaries that:

1659 (i) provides temporary shelter to homeless individuals;

1660 (ii) has the capacity to provide temporary shelter to at least 60 individuals per night;
1661 and

1662 (iii) operates year-round and is not subject to restrictions that limit the hours, days,
1663 weeks, or months of operation; and

1664 (b) increased community, social service, and public safety service needs due to the
1665 location of a homeless shelter within the city's, town's, or metro township's geographic
1666 boundaries.

1667 Section 20. Section **63J-1-802** is enacted to read:

1668 **63J-1-802. Submission of Homeless Coordinating Committee recommendations --**

1669 **Adoption, procedure, and approval -- Appropriation.**

1670 (1) (a) On or before December 31, the committee shall submit the committee's
1671 recommendation under Subsection 35A-8-607(4) for each eligible municipality that made a
1672 request:

- 1673 (i) to the Social Services Appropriations Subcommittee of the Legislature; and
- 1674 (ii) as an appropriations request.

1675 (b) For each recommendation that the committee submits, the Social Services
1676 Appropriations Subcommittee shall:

- 1677 (i) approve the amount as recommended;
- 1678 (ii) increase or decrease the amount and then approve the modified amount; or
- 1679 (iii) reject the amount.

1680 (2) (a) On or before December 31, the committee shall submit the committee's list
1681 prioritizing the grant requests and recommending a grant amount for each grant eligible
1682 municipality that requested a grant:

- 1683 (i) to the Social Services Appropriations Subcommittee of the Legislature; and
- 1684 (ii) as an appropriations request.

1685 (b) The Social Services Appropriations Subcommittee shall:

- 1686 (i) approve the committee's list;
- 1687 (ii) modify the committee's list and then approve the modified list; or
- 1688 (iii) reject the committee's list.

1689 (3) The Social Services Appropriations Subcommittee may submit the subcommittee's
1690 approvals under this section from the Homeless Shelter Cities Mitigation Restricted Account
1691 for inclusion in an appropriations act to be considered by the full Legislature.

1692 **Section 21. Appropriation.**

1693 The following sums of money are appropriated for the fiscal year beginning July 1,
1694 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
1695 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
1696 Act, the Legislature appropriates the following sums of money from the funds or accounts
1697 indicated for the use and support of the government of the state of Utah.

1698 ITEM 1

1699 To Department of Workforce Services -- Housing and Community Development

1700 From Homeless Shelter Cities Mitigation Restricted Account,
1701 One-Time \$2,500,000
1702 Schedule of Programs:
1703 Homeless Shelter Cities Mitigation Program \$2,500,000
1704 The Legislature intends that:
1705 (1) the appropriations provided under this section be used for the purposes described in
1706 Section [35A-8-607](#); and
1707 (2) the Department of Workforce Services allocate the appropriation under this section
1708 to an eligible municipality, as defined in Section [35A-8-607](#), in an amount approved by the
1709 Homeless Coordinating Committee to the extent that the eligible municipality provides an
1710 invoice and supporting documentation to the Department of Workforce Services as described
1711 in Section [35A-8-607](#).