

# HB0314S01 compared with HB0314

~~{deleted text}~~ shows text that was in HB0314 but was deleted in HB0314S01.

inserted text shows text that was not in HB0314 but was inserted into HB0314S01.

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Representative Nelson T. Abbott proposes the following substitute bill:

## HOMELESSNESS REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nelson T. Abbott**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill modifies provisions related to addressing homelessness.

#### Highlighted Provisions:

This bill:

▶ defines terms;

▶ ~~{changes the membership of}~~requires the Utah Homelessness Council~~{~~

→ ~~changes the membership of the executive committee of}~~ to issue best practices to assist municipalities to mitigate adverse effects related to emergency shelters, daytime resource centers, transitional housing, permanent supportive housing, and other facilities that provide homeless services;

▶ requires the Office of Homeless Services to monitor adverse effects of

homelessness in municipalities with emergency shelters, daytime resource centers,

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transitional housing, permanent supportive housing, and other facilities that provide homeless services;

- ▶ authorizes the Utah Homelessness Council to take certain actions in the event a municipality does not successfully mitigate adverse effects related to emergency shelters, daytime resource centers, transitional housing, permanent supportive housing, and other facilities that provide homeless services;
- ▶ modifies the annual local contribution formula that local governments provide to the Homeless Shelter Cities Mitigation Restricted Account;
- ▶ requires certain counties and municipalities to report certain information to the State Tax Commission by October 1 of each year; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

~~35A-16-204~~35A-16-102, as last amended by Laws of Utah 2022, Chapter 403

35A-16-202, as enacted by Laws of Utah 2021, Chapter 281

35A-16-203, as last amended by Laws of Utah 2023, Chapter 302

35A-16-205, as last amended by Laws of Utah 2022, Chapter 403

35A-16-402, as last amended by Laws of Utah 2023, Chapter 302

59-12-205, as last amended by Laws of Utah 2023, Chapters 302, 471 and 492

ENACTS:

10-1-120, Utah Code Annotated 1953

17-15-33, Utah Code Annotated 1953

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

Section 1. Section 10-1-120 is enacted to read:

10-1-120. Reporting obligations of municipalities.

(1) A municipality that is a participating local government, as described in Section

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59-12-205, shall report amounts spent for a purpose described in Subsection 35A-16-302(3)(d) to the State Tax Commission by October 1 of each year.

(2) A municipality that is requested by the Utah Homelessness Council created in Section 35A-16-203 to provide a plan to mitigate adverse effects, as described in Section 35A-16-205, shall submit the plan to the homelessness council within 90 days of the day on which the Utah Homelessness Council makes the request.

Section 2. Section 17-15-33 is enacted to read:

### 17-15-33. Reporting obligations of counties.

A county that is a participating local government, as described in Section 59-12-205, shall report amounts spent for a purpose described in Subsection 35A-16-302(3)(d) to the State Tax Commission by October 1 of each year.

Section 3. Section 35A-16-102 is amended to read:

### **35A-16-102. Definitions.**

As used in this chapter:

(1) (a) "Adverse effects" means pollution or crime related to emergency shelters, daytime resource centers, transitional housing, permanent supportive housing, and other facilities that provide homeless services.

(b) "Adverse effects" may include illegal drug use, loitering, illegal camping, and vandalism.

~~(1)(2)~~ (2) "Collaborative applicant" means the entity designated by a continuum of care to collect and submit data and apply for funds on behalf of the continuum of care, as required by the United States Department of Housing and Urban Development.

~~(2)~~ (3) "Continuum of care" means a regional or local planning body designated by the United States Department of Housing and Urban Development to coordinate services for individuals experiencing homelessness within an area of the state.

~~(3)~~ (4) "Coordinator" means the state homelessness coordinator appointed under Section 63J-4-202.

~~(4)~~ (5) "Executive committee" means the executive committee of the homelessness council described in Section 35A-16-204.

~~(5)~~ (6) "Homeless Management Information System" or "HMIS" means an information technology system that:

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(a) is used to collect client-level data and data on the provision of housing and services to homeless individuals and individuals at risk of homelessness in the state; and

(b) meets the requirements of the United States Department of Housing and Urban Development.

~~[(6)]~~[(7)] "Homeless services budget" means the comprehensive annual budget and overview of all homeless services available in the state described in Subsection 35A-16-203(1)(b).

~~[(7)]~~[(8)] "Homelessness council" means the Utah Homelessness Council created in Section 35A-16-204.

~~[(8)]~~[(9)] "Local homeless council" means a local planning body designated by the steering committee to coordinate services for individuals experiencing homelessness within an area of the state.

~~[(9)]~~[(10)] "Office" means the Office of Homeless Services.

~~[(10)]~~[(11)] "Steering committee" means the Utah Homeless Network Steering Committee created in Section 35A-16-206.

~~[(11)]~~[(12)] "Strategic plan" means the statewide strategic plan to minimize homelessness in the state described in Subsection 35A-16-203(1)(c).

### Section 4. Section 35A-16-202 is amended to read:

#### **35A-16-202. Powers and duties of the office.**

(1) The office shall, under the direction of the coordinator:

(a) assist in providing homeless services in the state;

(b) coordinate the provision of homeless services in the state; ~~[and]~~

(c) manage, with the concurrence of Continuum of Care organizations approved by the United States Department of Housing and Urban Development, a Homeless Management Information System for the state that:

(i) shares client-level data between state agencies, local governments, and private organizations that provide services to homeless individuals and families and individuals at risk of homelessness in the state;

(ii) is effective as a case management system;

(iii) except for individuals receiving services who are victims of domestic violence, includes an effective authorization protocol for encouraging individuals who are provided with

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any homeless services in the state to provide accurate information to providers for inclusion in the HMIS; and

(iv) meets the requirements of the United States Department of Housing and Urban Development and other federal requirements~~[-]~~:

(d) monitor potential adverse effects in a municipality in which emergency shelters, daytime resource centers, transitional housing, permanent supportive housing, and other facilities that provide homeless services are located; and

(e) if the office determines that a municipality is not successfully mitigating adverse effects, refer the determination to the homelessness council.

(2) The office may:

(a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs; and

(b) for any federal program that requires the expenditure of state funds as a condition for participation by the state in a fund, property, or service, with the governor's approval, expend whatever funds are necessary out of the money provided by the Legislature for the use of the office.

Section 5. Section 35A-16-203 is amended to read:

### **35A-16-203. Powers and duties of the coordinator.**

(1) The coordinator shall:

(a) coordinate the provision of homeless services in the state;

(b) in cooperation with the homelessness council, develop and maintain a comprehensive annual budget and overview of all homeless services available in the state, which homeless services budget shall receive final approval by the homelessness council;

(c) in cooperation with the homelessness council, create a statewide strategic plan to minimize homelessness in the state, which strategic plan shall receive final approval by the homelessness council;

(d) in cooperation with the homelessness council, oversee funding provided for the provision of homeless services, which funding shall receive final approval by the homelessness council, including funding from the:

(i) Pamela Atkinson Homeless Account created in Section 35A-16-301;

(ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303;

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and

(iii) Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;

(e) provide administrative support to and serve as a member of the homelessness council;

(f) at the governor's request, report directly to the governor on issues regarding homelessness in the state and the provision of homeless services in the state; and

(g) report directly to the president of the Senate and the speaker of the House of Representatives at least twice each year on issues regarding homelessness in the state and the provision of homeless services in the state ~~and~~, including:

(i) the office's monitoring of adverse effects, as described in Subsection 35A-16-202(d); and

(ii) any actions taken by the homelessness council in regard to a municipality that is not successfully mitigating adverse effects, as described in Subsection 35A-16-205(10).

(2) The coordinator, in cooperation with the homelessness council, shall ensure that the homeless services budget described in Subsection (1)(b) includes an overview and coordination plan for all funding sources for homeless services in the state, including from state agencies, Continuum of Care organizations, housing authorities, local governments, federal sources, and private organizations.

(3) The coordinator, in cooperation with the homelessness council, shall ensure that the strategic plan described in Subsection (1)(c):

(a) outlines specific goals and measurable benchmarks for minimizing homelessness in the state and for coordinating services for individuals experiencing homelessness among all service providers in the state;

(b) identifies best practices and recommends improvements to the provision of services to individuals experiencing homelessness in the state to ensure the services are provided in a safe, cost-effective, and efficient manner;

(c) identifies best practices and recommends improvements in coordinating the delivery of services to the variety of populations experiencing homelessness in the state, including through the use of electronic databases and improved data sharing among all service providers in the state; and

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(d) identifies gaps and recommends solutions in the delivery of services to the variety of populations experiencing homelessness in the state.

(4) In overseeing funding for the provision of homeless services as described in Subsection (1)(d), the coordinator:

(a) shall prioritize the funding of programs and providers that have a documented history of successfully reducing the number of individuals experiencing homelessness, reducing the time individuals spend experiencing homelessness, moving individuals experiencing homelessness to permanent housing, or reducing the number of individuals who return to experiencing homelessness; and

(b) except for a program or provider providing services to victims of domestic violence, may not approve funding to a program or provider that does not enter into a written agreement with the office to collect and share HMIS data regarding the provision of services to individuals experiencing homelessness so that the provision of services can be coordinated among state agencies, local governments, and private organizations.

(5) In cooperation with the homelessness council, the coordinator shall update the annual statewide budget and the strategic plan described in this section on an annual basis.

(6) (a) On or before October 1, the coordinator shall provide a written report to the department for inclusion in the department's annual written report described in Section 35A-1-109.

(b) The written report shall include:

(i) the homeless services budget;

(ii) the strategic plan;

(iii) recommendations regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state; and

(iv) in coordination with the homelessness council, a complete accounting of the office's disbursement of funds during the previous fiscal year from:

(A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;

(B) the Homeless to Housing Reform Restricted Account created in Section 35A-16-303;

(C) the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;

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(D) the COVID-19 Homeless Housing and Services Grant Program created in Section 35A-16-602; and

(E) any other grant program created in statute that is administered by the office.

Section ~~{1}~~6. Section ~~{35A-16-204}~~35A-16-205 is amended to read:

~~{~~ 35A-16-204. Utah Homelessness Council.

~~\_\_\_\_\_~~ (1) ~~There is created within the office the Utah Homelessness Council.~~

~~\_\_\_\_\_~~ (2) (a) ~~The homelessness council shall consist of the following members:~~

~~\_\_\_\_\_~~ [(a)] (i) ~~a representative of the public sector with expertise in homelessness issues, appointed by the Legislature;~~

~~\_\_\_\_\_~~ [(b)] (ii) ~~a representative of the private sector, appointed by the Utah Impact Partnership or the partnership's successor organization;~~

~~\_\_\_\_\_~~ [(c)] (iii) ~~a representative of the private sector with expertise in homelessness issues, appointed by the governor;~~

~~\_\_\_\_\_~~ [(d)] (iv) ~~a statewide philanthropic leader, appointed by the governor;~~

~~\_\_\_\_\_~~ [(e)] (v) ~~a statewide philanthropic leader, appointed by the Utah Impact Partnership or the partnership's successor organization;~~

~~\_\_\_\_\_~~ [(f) the mayor of Salt Lake County;]

~~\_\_\_\_\_~~ [(g) the mayor of Salt Lake City;]

~~\_\_\_\_\_~~ [(h) the mayor of Midvale;]

~~\_\_\_\_\_~~ [(i) the mayor of South Salt Lake;]

~~\_\_\_\_\_~~ [(j) the mayor of Ogden;]

~~\_\_\_\_\_~~ [(k) the mayor of St. George;]

~~\_\_\_\_\_~~ [(l)] (vi) ~~the following representatives of political subdivisions:~~

~~\_\_\_\_\_~~ (A) ~~the mayor of Salt Lake County, or the mayor's designee;~~

~~\_\_\_\_\_~~ (B) ~~a commissioner for Weber County, or the commissioner's designee;~~

~~\_\_\_\_\_~~ (C) ~~a commissioner for Davis County, or the commissioner's designee;~~

~~\_\_\_\_\_~~ (D) ~~a commissioner for Utah County, or the commissioner's designee; and~~

~~\_\_\_\_\_~~ (E) ~~a commissioner for Washington County, or the commissioner's designee;~~

~~\_\_\_\_\_~~ (vii) ~~the executive director of the Department of Health and Human Services, or the executive director's designee;~~

~~\_\_\_\_\_~~ [(m)] (viii) ~~the commissioner of public safety, or the commissioner's designee;~~



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~~—— [(n)] (ix) the executive director of the Department of Corrections, or the executive director's designee;~~

~~—— [(o)] (x) the executive director of the Department of Workforce Services, or the executive director's designee;~~

~~—— [(p)] (xi) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee;~~

~~—— [(q)] (xii) a member of the Senate, appointed by the president of the Senate;~~

~~—— [(r)] (xiii) a member of the House of Representatives, appointed by the speaker of the House of Representatives;~~

~~—— [(s)] (xiv) the state superintendent of public instruction or the superintendent's designee;~~

~~—— [(t)] (xv) a faith-based leader in the state, appointed by the governor;~~

~~—— [(u)] (xvi) five local representatives appointed by the steering committee, of which at least two are private providers of services for people experiencing homelessness;~~

~~—— [(v)] (xvii) one individual who has experienced homelessness, appointed by the governor; and~~

~~—— [(w)] (xviii) the coordinator.~~

~~—— (b) The individuals selected in accordance with Subsections (2)(a)(vi)(B) through (2)(a)(vi)(E) are chosen by the respective county commissions.~~

~~—— (3) The member appointed under Subsection (2)(a)(i) and the member appointed under Subsection [(2)(b)] (2)(a)(ii) shall serve as the cochairs of the homelessness council.~~

~~—— (4) (a) The following nine members of the homelessness council shall serve as the executive committee of the homelessness council:~~

~~—— [(a)] (i) the cochairs of the homelessness council as described in Subsection (3);~~

~~—— [(b)] (ii) the private sector representative appointed under Subsection [(2)(c)] (2)(a)(iii);~~

~~—— [(c)] (iii) the statewide philanthropic leader appointed under Subsection [(2)(d)] (2)(a)(iv);~~

~~—— [(d)] (iv) the statewide philanthropic leader appointed under Subsection [(2)(c)] (2)(a)(v);~~

~~—— [(e) the mayor of Salt Lake County;]~~

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~~—— [(f)] (v) [a mayor chosen among the member mayors described in Subsections (2)(g) through (2)(k), appointed by the member mayors;] two representatives of political subdivisions chosen in accordance with Subsection 4(b);~~

~~—— [(g)] (vi) a local representative chosen among the local representatives described in Subsection [(2)(u)] (2)(a)(xvi), appointed by the cochairs of the homelessness council; and~~

~~—— [(h)] (vii) the coordinator.~~

~~—— (b) The individuals described in Subsection (2)(a)(vi) shall collectively designate, by majority vote, two mayor or commissioner representatives from the individuals selected in accordance with Subsections (2)(a)(vi)(B) through (2)(a)(vi)(E).~~

~~—— (5) The cochairs and the executive committee may call homelessness council meetings and set agendas for meetings.~~

~~—— (6) The homelessness council shall meet at least four times per year.~~

~~—— (7) A majority of members of the homelessness council constitutes a quorum of the homelessness council at any meeting, and the action of the majority of members present constitutes the action of the homelessness council.~~

~~—— (8) A majority of members of the executive committee constitutes a quorum of the executive committee at any meeting, and the action of the majority of members present constitutes the action of the executive committee.~~

~~—— (9) (a) Except as required by Subsection (9)(b), appointed members of the homelessness council shall serve a term of four years.~~

~~—— (b) Notwithstanding the requirements of Subsection (9)(a), the appointing authority, at the time of appointment or reappointment, may adjust the length of terms to ensure that the terms of homelessness council members are staggered so that approximately half of appointed homelessness council members are appointed every two years.~~

~~—— (10) When a vacancy occurs in the appointed membership for any reason, the replacement is appointed for the unexpired term.~~

~~—— (11) (a) Except as described in Subsection (11)(b), a member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~—— (i) Section 63A-3-106;~~

~~—— (ii) Section 63A-3-107; and~~

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~~— (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

~~— (b) Compensation and expenses of a commission member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~

~~— (12) The office and the department shall provide administrative support to the homelessness council.~~

### ‡ **35A-16-205. Duties of the homelessness council.**

The homelessness council:

(1) shall provide final approval for:

(a) the homeless services budget;

(b) the strategic plan; and

(c) the awarding of funding for the provision of homeless services as described in

Subsection 35A-16-203(1)(d);

(2) in cooperation with the coordinator, shall:

(a) develop and maintain the homeless services budget;

(b) develop and maintain the strategic plan; and

(c) review applications and approve funding for the provision of homeless services in

the state as described in Subsection 35A-16-203(1)(d);

(3) shall review local and regional plans for providing services to individuals experiencing homelessness;

(4) shall cooperate with local homeless councils to:

(a) develop a common agenda and vision for reducing homelessness in each local oversight body's respective region;

(b) as part of the homeless services budget, develop a spending plan that coordinates the funding supplied to local stakeholders; and

(c) align local funding to projects that improve outcomes and target specific needs in each community;

(5) shall coordinate gap funding with private entities for providing services to individuals experiencing homelessness;

(6) shall recommend performance and accountability measures for service providers,

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including the support of collecting consistent and transparent data; ~~and~~

(7) when reviewing and giving final approval for requests as described in Subsection 35A-16-203(1)(d):

(a) may only recommend funding if the proposed recipient has a policy to share client-level service information with other entities in accordance with state and federal law to enhance the coordination of services for individuals who are experiencing homelessness; and

(b) shall identify specific targets and benchmarks that align with the strategic plan for each recommended award.

~~and~~:

(8) shall assist municipalities to minimize adverse effects by issuing best practices that municipalities may implement to mitigate adverse effects;

(9) may request that a municipality submit a plan to mitigate adverse effects in the city and:

(a) shall review the municipality's plan;

(b) may make recommendations on the plan; and

(c) may request the office provide additional monitoring of the municipality, in addition to what is described in Subsection 35A-16-202(1)(d); and

(10) if the homelessness council finds that a municipality has not successfully mitigated adverse effects in the municipality after submitting a plan as described in Subsection (9), the homelessness council may:

(a) require the municipality to compensate a property owner or business impacted by adverse effects using the municipality's allocation from the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;

(b) call on the Department of Public Safety to assume responsibility for providing law enforcement in the area of the municipality in which the emergency shelter, daytime resource center, transitional housing, permanent supportive housing, or other facility that provides homeless services is creating adverse effects; and

(c) direct the office to use the municipality's allocation from the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402 to cover the cost of the Department of Public Safety's actions under Subsection (10)(b).

Section 7. Section 35A-16-402 is amended to read:

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

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

(2) The account shall be funded by:

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

(b) interest earned on the account; and

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

(3) The office shall administer the account.

(4) (a) Subject to appropriations and Subsection (6), the office shall annually disburse funds from the account as follows:

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

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

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

(C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office;

(ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

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

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

(C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office; and

(iii) 10% shall be disbursed to third-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, in accordance with a formula established by the office and approved by the homelessness council.

(b) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the maximum amount of funds that the office may disburse each year to a single second-tier municipality may not exceed 50% of the total amount of funds disbursed under Subsection (4)(a)(ii).

(c) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider of a third-tier eligible municipality.

(d) The office may disburse funds to a third-tier municipality or an authorized provider under Subsection (4)(a)(iii) regardless of whether the municipality receives funds under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a second-tier municipality.

(e) If any account funds are available to the office for disbursement under this section after making the disbursements required in Subsection (4)(a), the office may disburse the available account funds to third-tier municipalities that have been approved to receive account funds under Section 35A-16-403.

(5) The office may use up to 2.75% of any appropriations made to the account by the Legislature to offset the office's administrative expenses under this part.

(6) The office shall:

(a) require a municipality to use some or all of its distribution under Subsection (4) to compensate a property owner or business, if directed to do so by the homelessness council as described in Subsection 35A-16-205(10)(a); and

(b) withhold funds from a municipality and direct those funds to the Department of

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Public Safety, if directed to do so by the homelessness council as described in Subsection 35A-15-205(10)(c).

Section ~~2~~8. Section 59-12-205 is amended to read:

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

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

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

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

(2) (a) Except as provided in Subsections (3) and (4) and subject to Subsection (5):

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

(ii) (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215;

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

(C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section 11-58-201; and

(D) 50% of each dollar collected from the sales and use tax authorized by this part within the lake authority boundary, as defined in Section 11-65-101, shall be distributed to the

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Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter following the creation of the Utah Lake Authority.

(b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before July 1, 2022.

(3) (a) As used in this Subsection (3):

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

(A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (3)(b) equal to the amount described in Subsection (3)(b)(ii); and

(B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1, 2016.

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

(b) An eligible county, city, or town shall receive a tax revenue distribution for a tax imposed in accordance with this part equal to the greater of:

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

(ii) the minimum tax revenue distribution.

(4) (a) For purposes of this Subsection (4):

(i) "Annual local contribution" [~~means the lesser of \$275,000 or an amount equal to 2.55% of the participating local government's tax revenue distribution amount under Subsection (2)(a)(i) for the previous fiscal year.~~] means the lesser of ~~§ 200~~;

(A) \$275,000; or

(B) an amount equal to 1.8% of the participating local government's tax revenue distribution amount under Subsection (2)(a)(i) for the previous fiscal year less any amounts spent by ~~that municipality~~ the participating local government for a purpose described in Subsection 35A-16-302(3)(d) during the preceding fiscal year, except that if this calculation results in a negative number, zero.

(ii) A participating local government shall report to the commission as described in Section 10-1-120 and Section 17-15-33.

~~[(ii)] (iii)~~ "Participating local government" means a county or municipality, as defined in Section 10-1-104, that is not an eligible municipality certified in accordance with Section



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35A-16-404.

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

(i) adjust a participating local government's tax revenue distribution under Subsection (2)(a)(i) by:

(A) subtracting an amount equal to one-twelfth of the annual local contribution for each participating local government from the participating local government's tax revenue distribution; and

(B) if applicable, reducing the amount described in Subsection (4)(b)(i)(A) by \$250 for each bed that is available at all homeless shelters located within the boundaries of the participating local government, as reported to the commission by the Office of Homeless Services in accordance with Section 35A-16-405; and

(ii) deposit the resulting amount described in Subsection (4)(b)(i) into the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

(c) For a participating local government that qualifies to receive a distribution described in Subsection (3), the commission shall apply the provisions of this Subsection (4) after the commission applies the provisions of Subsection (3).

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

(i) "Annual dedicated sand and gravel sales tax revenue" means an amount equal to the total revenue an establishment described in NAICS Code 327320, Ready-Mix Concrete Manufacturing, of the 2022 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget, collects and remits under this part for a calendar year.

(ii) "Sand and gravel" means sand, gravel, or a combination of sand and gravel.

(iii) "Sand and gravel extraction site" means a pit, quarry, or deposit that:

(A) contains sand and gravel; and

(B) is assessed by the commission in accordance with Section 59-2-201.

(iv) "Ton" means a short ton of 2,000 pounds.

(v) "Tonnage ratio" means the ratio of:

(A) the total amount of sand and gravel, measured in tons, sold during a calendar year

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from all sand and gravel extraction sites located within a county, city, or town; to

(B) the total amount of sand and gravel, measured in tons, sold during the same calendar year from sand and gravel extraction sites statewide.

(b) For purposes of calculating the ratio described in Subsection (5)(a)(v), the commission shall:

(i) use the gross sales data provided to the commission as part of the commission's property tax valuation process; and

(ii) if a sand and gravel extraction site operates as a unit across municipal or county lines, apportion the reported tonnage among the counties, cities, or towns based on the percentage of the sand and gravel extraction site located in each county, city, or town, as approximated by the commission.

(c) (i) Beginning July 2023, and each July thereafter, the commission shall distribute from total collections under this part an amount equal to the annual dedicated sand and gravel sales tax revenue for the preceding calendar year to each county, city, or town in the same proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.

(ii) The commission shall ensure that the revenue distributed under this Subsection (5)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of total collections for the preceding 12-month period.

(d) A county, city, or town shall use revenue described in Subsection (5)(c) for class B or class C roads.

(6) (a) Population figures for purposes of this section shall be based on the most recent official census or census estimate of the United States Bureau of the Census.

(b) If a needed population estimate is not available from the United States Bureau of the Census, population figures shall be derived from the estimate from the Utah Population Committee.

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

Section ~~3~~9. **Effective date.**

~~This~~(1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

(2) The actions affecting Section 59-12-205 take effect on January 1, 2025.