

**HOMELESSNESS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the oversight and provision of services for individuals experiencing homelessness.

**Highlighted Provisions:**

This bill:

- ▶ clarifies the Utah Homelessness Council (council) executive committee's duty to serve in an advisory capacity for the council;
- ▶ requires the council to make rules establishing standards for the prioritization of beds located in homeless shelters;
- ▶ prohibits the awarding of state funds to homeless shelters that fail to comply with the prioritization standards established by the council;
- ▶ allows a homeless shelter that provides any amount of matching funds to receive grants for ongoing operations from the council;
- ▶ requires the council to consider the amount of matching grants provided by homeless shelters in awarding grants for ongoing operations;
- ▶ allows the Office of Homeless Services to use uncommitted Homeless Shelter Cities Mitigation Restricted Account (account) funds for disbursement in the following year;
- ▶ prohibits municipalities from receiving account funds unless a municipality enforces an ordinance prohibiting panhandling;



- 28           ▶ increases the temperature for which a code blue alert takes effect;
- 29           ▶ authorizes municipalities to implement emergency measures to assist individuals
- 30 experiencing homelessness during dangerous weather conditions;
- 31           ▶ clarifies the amount of the reduction to the annual local contribution required by
- 32 certain local governments based on the availability of homeless shelter beds; and
- 33           ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35           None

36 **Other Special Clauses:**

37           This bill provides retrospective operation.

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40           **35A-16-205**, as last amended by Laws of Utah 2022, Chapter 403
- 41           **35A-16-302**, as last amended by Laws of Utah 2023, Chapter 302
- 42           **35A-16-402**, as last amended by Laws of Utah 2023, Chapter 302
- 43           **35A-16-403**, as last amended by Laws of Utah 2023, Chapter 302
- 44           **35A-16-701**, as enacted by Laws of Utah 2023, Chapter 302
- 45           **35A-16-702**, as enacted by Laws of Utah 2023, Chapter 302
- 46           **59-12-205**, as last amended by Laws of Utah 2023, Chapters 302, 471 and 492

47 ENACTS:

48           **35A-16-205.1**, Utah Code Annotated 1953

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

51           Section 1. Section **35A-16-205** is amended to read:

52           **35A-16-205. Duties of the homelessness council and executive committee.**

53           (1) The homelessness council:

54           ~~[(+)]~~ (a) shall provide final approval for:

55           ~~[(a)]~~ (i) the homeless services budget;

56           ~~[(b)]~~ (ii) the strategic plan; and

57           ~~[(c)]~~ (iii) the awarding of funding for the provision of homeless services as described

58 in Subsection **35A-16-203(1)(d)**;

59           ~~[(2)]~~ (b) in cooperation with the coordinator, shall:  
60           ~~[(a)]~~ (i) develop and maintain the homeless services budget;  
61           ~~[(b)]~~ (ii) develop and maintain the strategic plan; and  
62           ~~[(c)]~~ (iii) review applications and approve funding for the provision of homeless  
63 services in the state as described in Subsection [35A-16-203\(1\)\(d\)](#);  
64           ~~[(3)]~~ (c) shall review local and regional plans for providing services to individuals  
65 experiencing homelessness;  
66           ~~[(4)]~~ (d) shall cooperate with local homeless councils to:  
67           ~~[(a)]~~ (i) develop a common agenda and vision for reducing homelessness in each local  
68 oversight body's respective region;  
69           ~~[(b)]~~ (ii) as part of the homeless services budget, develop a spending plan that  
70 coordinates the funding supplied to local stakeholders; and  
71           ~~[(c)]~~ (iii) align local funding to projects that improve outcomes and target specific  
72 needs in each community;  
73           ~~[(5)]~~ (e) shall coordinate gap funding with private entities for providing services to  
74 individuals experiencing homelessness;  
75           ~~[(6)]~~ (f) shall recommend performance and accountability measures for service  
76 providers, including the support of collecting consistent and transparent data; ~~[and]~~  
77           ~~[(7)]~~ (g) when reviewing and giving final approval for requests as described in  
78 Subsection [35A-16-203\(1\)\(d\)](#):  
79           ~~[(a)]~~ (i) may only recommend funding if the proposed recipient has a policy to share  
80 client-level service information with other entities in accordance with state and federal law to  
81 enhance the coordination of services for individuals who are experiencing homelessness; and  
82           ~~[(b)]~~ (ii) shall identify specific targets and benchmarks that align with the strategic plan  
83 for each recommended award[-]; and  
84           (h) shall establish standards for the prioritization of beds located in homeless shelters  
85 in accordance with Section [35A-16-205.1](#).  
86           (2) The executive committee shall act in an advisory capacity for the homelessness  
87 council and make recommendations regarding the homelessness council's duties under  
88 Subsection (1).  
89           Section 2. Section **35A-16-205.1** is enacted to read:

90           **35A-16-205.1. Homelessness council to establish standards for the prioritization of**  
91 **homeless shelter beds -- Dissemination -- Compliance with standards required for receipt**  
92 **of state funds.**

93           (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
94 homelessness council shall make rules establishing standards for the prioritization of beds  
95 located in a homeless shelter.

96           (2) In establishing standards under Subsection (1), the homelessness council shall:

97           (a) assign highest priority for available beds to:

98           (i) individuals eligible for assistance under Chapter 3, Part 3, Family Employment  
99 Program, subject to Subsection (2)(b); and

100           (ii) individuals discharged from the Utah State Hospital, created in Section [26B-5-302](#);  
101 and

102           (b) require a homeless shelter, if feasible, to allocate an average of 85% of the total  
103 number of beds located in a homeless shelter to individuals described in Subsection (2)(a)(i).

104           (3) The office shall disseminate the standards established by the homelessness council  
105 under Subsection (1) to each homeless shelter located within the state.

106           (4) Notwithstanding any other provisions in this chapter, state funds may not be  
107 awarded under this chapter directly to, or for the benefit of, a homeless shelter located within  
108 the state unless the homeless shelter complies with the standards established by the  
109 homelessness council under Subsection (1).

110           Section 3. Section **35A-16-302** is amended to read:

111           **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

112           (1) The homelessness council may award ongoing or one-time grants or contracts  
113 funded from the Homeless to Housing Reform Restricted Account created in Section  
114 [35A-16-303](#).

115           (2) As a condition of receiving money, including any ongoing money, from the  
116 restricted account, an entity awarded a grant or contract under this section shall provide  
117 detailed and accurate reporting on at least an annual basis to the homelessness council and the  
118 coordinator that describes:

119           (a) how money provided from the restricted account has been spent by the entity; and

120           (b) the progress towards measurable outcome-based benchmarks agreed to between the

121 entity and the homelessness council before the awarding of the grant or contract.

122 (3) In determining the awarding of a grant or contract under this section, the  
123 homelessness council and the coordinator shall:

124 (a) ensure that the services to be provided through the grant or contract will be  
125 provided in a cost-effective manner;

126 (b) give priority to a project or contract that will include significant additional or  
127 matching funds from a private organization, nonprofit organization, or local government entity;

128 (c) ensure that the project or contract will target the distinct housing needs of one or  
129 more at-risk or homeless subpopulations, which may include:

130 (i) families with children;

131 (ii) transitional-aged youth;

132 (iii) single men or single women;

133 (iv) veterans;

134 (v) victims of domestic violence;

135 (vi) individuals with behavioral health disorders, including mental health or substance  
136 use disorders;

137 (vii) individuals who are medically frail or terminally ill;

138 (viii) individuals exiting prison or jail; or

139 (ix) individuals who are homeless without shelter;

140 (d) consider whether the project will address one or more of the following goals:

141 (i) diverting homeless or imminently homeless individuals and families from  
142 emergency shelters by providing better housing-based solutions;

143 (ii) meeting the basic needs of homeless individuals and families in crisis;

144 (iii) providing homeless individuals and families with needed stabilization services;

145 (iv) decreasing the state's homeless rate;

146 (v) implementing a coordinated entry system with consistent assessment tools to  
147 provide appropriate and timely access to services for homeless individuals and families;

148 (vi) providing access to caseworkers or other individualized support for homeless  
149 individuals and families;

150 (vii) encouraging employment and increased financial stability for individuals and  
151 families being diverted from or exiting homelessness;

152 (viii) creating additional affordable housing for state residents;  
153 (ix) providing services and support to prevent homelessness among at-risk individuals  
154 and adults;

155 (x) providing services and support to prevent homelessness among at-risk children,  
156 adolescents, and young adults;

157 (xi) preventing the reoccurrence of homelessness among individuals and families  
158 exiting homelessness; and

159 (xii) providing medical respite care for homeless individuals where the homeless  
160 individuals can access medical care and other supportive services; and

161 (e) address the needs identified in the strategic plan described in Section [35A-16-203](#)  
162 for inclusion in the annual written report described in Section [35A-1-109](#).

163 (4) In addition to the other provisions of this section, in determining the awarding of a  
164 grant or contract under this section to design, build, create, or renovate a facility that will  
165 provide shelter or other resources for the homeless, of the homelessness council, with the  
166 concurrence of the coordinator, may consider whether the facility will be:

167 (a) located near mass transit services;

168 (b) located in an area that meets or will meet all zoning regulations before a final  
169 dispersal of funds;

170 (c) safe and welcoming both for individuals using the facility and for members of the  
171 surrounding community; and

172 (d) located in an area with access to employment, job training, and positive activities.

173 (5) In accordance with Subsection (4), and subject to the approval the homelessness  
174 council, with the concurrence of the coordinator, the following may recommend a site location,  
175 acquire a site location, and hold title to real property, buildings, fixtures, and appurtenances of  
176 a facility that provides or will provide shelter or other resources for the homeless:

177 (a) the county executive of a county of the first class on behalf of the county of the first  
178 class, if the facility is or will be located in the county of the first class in a location other than  
179 Salt Lake City;

180 (b) the state;

181 (c) a nonprofit entity approved by the homelessness council, with the concurrence of  
182 the coordinator; and

183 (d) a mayor of a municipality on behalf of the municipality where a facility is or will be  
184 located.

185 (6) (a) If a homeless shelter commits to provide any amount of matching funds under  
186 this Subsection (6), the homelessness council, with the concurrence of the coordinator, may  
187 award a grant for the ongoing operations of the homeless shelter.

188 (b) In awarding a grant under this Subsection (6), the homelessness council, with the  
189 concurrence of the coordinator, shall consider:

190 (i) the number of beds available at the homeless shelter [~~and~~];

191 (ii) the number and quality of the homeless services provided by the homeless  
192 shelter[~~;~~]; and

193 (iii) the amount of matching funds provided by the homeless shelter.

194 (7) The office may expend money from the restricted account to offset actual office and  
195 homelessness council expenses related to administering this section.

196 Section 4. Section **35A-16-402** is amended to read:

197 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**  
198 **for disbursing account funds to eligible municipalities.**

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

201 (2) The account shall be funded by:

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

204 (b) interest earned on the account; and

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

206 (3) The office shall administer the account.

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

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

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

214 the office;

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

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

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

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

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

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

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

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

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

244 (d) The office may disburse funds to a third-tier municipality or an authorized provider



245 under Subsection (4)(a)(iii) regardless of whether the municipality receives funds under  
246 Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a  
247 second-tier municipality.

248 (e) [H] Except as provided in Subsection (4)(f), if any account funds are available to  
249 the office for disbursement under this section after making the disbursements required in  
250 Subsection (4)(a), the office may disburse the available account funds to third-tier  
251 municipalities that have been approved to receive account funds under Section 35A-16-403.

252 (f) The office may use any uncommitted account funds for disbursements under this  
253 section in the following year.

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

256 Section 5. Section 35A-16-403 is amended to read:

257 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**  
258 **Mitigation Restricted Account funds.**

259 (1) An eligible municipality may apply for account funds to mitigate the impacts of the  
260 location of an eligible shelter through the provision of eligible services within the eligible  
261 municipality's boundaries.

262 (2) (a) The homelessness council shall set aside time on the agenda of a homelessness  
263 council meeting that occurs before the beginning of the next fiscal year to allow an eligible  
264 municipality to present a request for account funds for that next fiscal year.

265 (b) An eligible municipality may present a request for account funds by:

266 (i) sending an electronic copy of the request to the homelessness council before the  
267 meeting; and

268 (ii) appearing at the meeting to present the request.

269 (c) The request described in Subsection (2)(b)(ii) shall contain:

270 (i) a proposal outlining the need for eligible services, including a description of each  
271 eligible service for which the eligible municipality requests account funds;

272 (ii) a description of the eligible municipality's proposed use of account funds;

273 (iii) a description of the outcomes that the funding would be used to achieve, including  
274 indicators that would be used to measure progress toward the specified outcomes; and

275 (iv) the amount of account funds requested.

276 (d) (i) On or before September 30, an eligible municipality that received account funds  
277 during the previous fiscal year shall file electronically with the homelessness council a report  
278 that includes:

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

281 (B) an evaluation of the eligible municipality's effectiveness in using the account funds  
282 to address the eligible municipality's needs due to the location of an eligible shelter;

283 (C) an evaluation of the eligible municipality's progress regarding the outcomes and  
284 indicators described in Subsection (2)(c)(iii); and

285 (D) any proposals for improving the eligible municipality's effectiveness in using  
286 account funds that the eligible municipality may receive in future fiscal years.

287 (ii) The homelessness council may request additional information as needed to make  
288 the evaluation described in Subsection (2)(e).

289 (e) The homelessness council shall evaluate a request made in accordance with this  
290 Subsection (2) and may take the following factors into consideration in determining whether to  
291 approve or deny the request:

292 (i) the strength of the proposal that the eligible municipality provided to support the  
293 request;

294 (ii) if the eligible municipality received account funds during the previous fiscal year,  
295 the efficiency with which the eligible municipality used any account funds during the previous  
296 fiscal year;

297 (iii) the availability of funding for the eligible municipality under Subsection  
298 [35A-16-402\(4\)](#);

299 (iv) the availability of alternative funding for the eligible municipality to address the  
300 eligible municipality's needs due to the location of an eligible shelter; and

301 (v) any other considerations identified by the homelessness council.

302 (f) After making the evaluation described in Subsection (2)(e), and subject to  
303 Subsection (2)(g), the homelessness council shall vote to either approve or deny an eligible  
304 municipality's request for account funds.

305 (g) (i) Except as provided in Subsection (2)(g)(ii), an eligible municipality may not  
306 receive account funds under this section unless the eligible municipality enforces:

307 (A) [~~enforces~~] an ordinance that prohibits camping; and

308 (B) an ordinance that prohibits conduct that impedes or blocks traffic in violation of  
309 Subsection 41-6a-1009(4).

310 (ii) Subsection (2)(g)(i)(A) does not apply if each homeless shelter located within the  
311 county in which the eligible municipality is located is at full capacity, as defined by rule made  
312 by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

313 (h) If the homelessness council approves an eligible municipality's request to receive  
314 account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the  
315 amount of funds for disbursement to the eligible municipality under Subsection  
316 35A-16-402(4).

317 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
318 office shall make rules governing the process for calculating the amount of funds that an  
319 eligible municipality may receive under Subsection 35A-16-402(4).

320 Section 6. Section **35A-16-701** is amended to read:

321 **35A-16-701. Definitions.**

322 As used in this part:

323 (1) "Affected county" means a county of the first, second, third, or fourth class in  
324 which a code blue event is anticipated.

325 (2) "Applicable local homeless council" means the local homeless council that is  
326 responsible for coordinating homeless response within an affected county.

327 (3) "Capacity limit" means a limit as to the number of individuals that a homeless  
328 shelter may provide temporary shelter to under a conditional use permit.

329 (4) "Code blue alert" means a proclamation issued by the Department of Health and  
330 Human Services under Section 35A-16-702 to alert the public of a code blue event.

331 (5) "Code blue event" means a weather event in which the National Weather Service  
332 predicts temperatures of [~~+5~~] 18 degrees Fahrenheit or less, including wind chill, or any other  
333 extreme weather conditions established in rules made by the Department of Health and Human  
334 Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or  
335 fourth class for two hours or longer within the next 24 to 48 hours.

336 (6) "Homeless shelter" means a facility that provides temporary shelter to individuals  
337 experiencing homelessness.

338 (7) "Municipality" means a city, town, or metro township.

339 Section 7. Section **35A-16-702** is amended to read:

340 **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

341 (1) The Department of Health and Human Services shall:

342 (a) monitor and evaluate forecasts and advisories produced by the National Weather  
343 Service;

344 (b) issue a code blue alert under this section if the Department of Health and Human  
345 Services identifies a code blue event; and

346 (c) disseminate the code blue alert to:

347 (i) the public at large;

348 (ii) homeless shelters located within an affected county;

349 (iii) local government entities located within an affected county;

350 (iv) the office; and

351 (v) any other relevant public or private entities that provide services to individuals  
352 experiencing homelessness within an affected county.

353 (2) The code blue alert shall:

354 (a) identify each affected county;

355 (b) specify the duration of the code blue alert;

356 (c) describe the provisions that take effect for the duration of the code blue alert as  
357 described in Section **35A-16-703**; and

358 (d) include the information prepared by the office under Subsection (3).

359 (3) (a) The office shall prepare and regularly update information to assist individuals  
360 experiencing homelessness during a code blue event, including:

361 (i) the location and availability of homeless shelters and other community resources  
362 and services for individuals experiencing homelessness;

363 (ii) information regarding public safety and emergency services; and

364 (iii) any other information considered relevant by the office.

365 (b) The office shall submit to the Department of Health and Human Services the  
366 information prepared and updated under Subsection (3)(a).

367 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
368 the Department of Health and Human Services, in coordination with the office, shall make

369 rules to implement this section.

370 (b) The rules under Subsection (4)(a) shall:

371 (i) establish any extreme weather conditions that warrant the issuance of a code blue  
372 alert; and

373 (ii) establish standards for:

374 (A) monitoring and evaluating National Weather Service forecasts and advisories to  
375 identify code blue events;

376 (B) issuing code blue alerts under this section, including the form, content, and  
377 dissemination of code blue alerts;

378 (C) the provisions that take effect within an affected county for the duration of a code  
379 blue alert~~[, as provided in]~~ under Section 35A-16-703; and

380 (D) coordinating with the office to receive the information described in Subsection (3).

381 (5) Nothing in this section prohibits a municipality from ~~[issuing a safety alert based on~~  
382 ~~other]~~ implementing emergency plans or other measures to assist individuals experiencing  
383 homelessness at times when environmental conditions ~~[that]~~ present a substantial threat to the  
384 health or safety of individuals experiencing homelessness, provided that the emergency plans  
385 or other measures implemented by the municipality do not conflict with any applicable  
386 provisions in effect during a code blue event under Section 35A-16-703.

387 Section 8. Section **59-12-205** is amended to read:

388 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
389 **tax revenue -- Determination of population.**

390 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
391 **59-12-204**, a county, city, or town shall adopt amendments to the county's, city's, or town's  
392 sales and use tax ordinances:

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

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

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

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

400 state; and

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

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

410 (C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax  
411 authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port  
412 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section  
413 11-58-201; and

414 (D) 50% of each dollar collected from the sales and use tax authorized by this part  
415 within the lake authority boundary, as defined in Section 11-65-101, shall be distributed to the  
416 Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter  
417 following the creation of the Utah Lake Authority.

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

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

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

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

424 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,  
425 2016.

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

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

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

432 (ii) the minimum tax revenue distribution.

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

434 (i) "Annual local contribution" means the lesser of \$275,000 or an amount equal to  
435 2.55% of the participating local government's tax revenue distribution amount under  
436 Subsection (2)(a)(i) for the previous fiscal year.

437 (ii) "Participating local government" means a county or municipality, as defined in  
438 Section 10-1-104, that is not an eligible municipality certified in accordance with Section  
439 35A-16-404.

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

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

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

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

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

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

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

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

462 this part for a calendar year.

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

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

465 (A) contains sand and gravel; and

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

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

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

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

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

471 (B) the total amount of sand and gravel, measured in tons, sold during the same

472 calendar year from sand and gravel extraction sites statewide.

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

474 commission shall:

475 (i) use the gross sales data provided to the commission as part of the commission's

476 property tax valuation process; and

477 (ii) if a sand and gravel extraction site operates as a unit across municipal or county

478 lines, apportion the reported tonnage among the counties, cities, or towns based on the

479 percentage of the sand and gravel extraction site located in each county, city, or town, as

480 approximated by the commission.

481 (c) (i) Beginning July 2023, and each July thereafter, the commission shall distribute

482 from total collections under this part an amount equal to the annual dedicated sand and gravel

483 sales tax revenue for the preceding calendar year to each county, city, or town in the same

484 proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.

485 (ii) The commission shall ensure that the revenue distributed under this Subsection

486 (5)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of

487 total collections for the preceding 12-month period.

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

489 or class C roads.

490 (6) (a) Population figures for purposes of this section shall be based on the most recent

491 official census or census estimate of the United States Bureau of the Census.

492 (b) If a needed population estimate is not available from the United States Bureau of



493 the Census, population figures shall be derived from the estimate from the Utah Population  
494 Committee.

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

497 Section 9. **Effective date.**

498 This bill takes effect on May 1, 2024.

499 Section 10. **Retrospective operation.**

500 Section [59-12-205](#) has retrospective operation for a taxable year beginning on or after  
501 January 1, 2024.