

HB0596S01 compared with HB0596

{Omitted text} shows text that was in HB0596 but was omitted in HB0596S01

inserted text shows text that was not in HB0596 but was inserted into HB0596S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Homelessness Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Steve Eliason
Senate Sponsor: Kirk A. Cullimore



2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses provisions regarding homeless services.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies and defines terms;
- 9 ▶ ~~{ prohibits a municipality from imposing a capacity limit on a homeless shelter; }~~
- 10 ▶ ~~{ provides that lease payments made to the office shall be deposited into the Homeless Shelter-Cities Mitigation Restricted Account; }~~
- 12 ▶ ~~{ allows the Utah Homeless Services Board (board), in cooperation with the fire marshal, local homeless councils, and a homeless services nonprofit organization to set a capacity limit for certain homeless shelters; }~~
- 15 ▶ amends exceptions for conveyance, lease, or disposal of certain property owned by the Division of Facilities ~~{ and }~~ Construction and Management with the consent of the governing body of the municipality in which the property is located;
- 12 ▶

HB0596 compared with HB0596S01

provides funds received from a lease may be used for the operations and maintenance of the leased space;

- 14 ▶ creates the Mitigation Fund Task Force;
- 17 ▶ amends the name of the Shelter Cities Advisory Board to the Shelter Cities Coordinating Council;
- 19 ▶ amends the name of the Shelter Counties Advisory Board to the Shelter Counties Coordinating Council;
- 21 ▶ ~~{ amends certain funding formulas for deposits into the Homeless Shelter Cities Mitigation Restricted Account; }~~
- 23 ▶ amends provisions regarding code blue alerts;
- 24 ▶ ~~{ requires }~~ permits the ~~{ Office of Homeless Services (office) }~~ office to issue future services payments to a homeless service provider ~~{ (provider) }~~ under certain conditions;
- 26 ▶ creates the Homeless Services Restricted Account (account) to assist counties regarding provisions of homelessness;
- 28 ▶ allows the office to disburse funds from the account to certain counties for certain purposes;
- 30 ▶ requires the State Tax Commission to transfer certain funds from the Cigarette Tax Restricted Account to the account;
- 32 ▶ ~~{ enacts a code red alert; }~~
- 33 ▶ gives the office rulemaking authority under certain conditions for certain purposes;
- 29 ▶ permits a service provider to expand the shelter's bed capacity limit under certain conditions;
- 34 ▶ makes technical and conforming changes;and
- 35 ▶ ~~{ provides for intent language that up to \$2,000,000 of the appropriated funds for fiscal year ending 2026 shall be used for a certain purpose and the remaining nonlapsing funds for fiscal year beginning 2027 may be used for certain purposes; and }~~
- 38 ▶ provides a special effective date.

Money Appropriated in this Bill:

- 40 ▶ ~~{~~
This bill appropriates (\$20,998,000) in operating and capital budgets for fiscal year 2026,
- 41 all of which is from the General Fund.

HB0596 compared with HB0596S01

}

42 ▸ {

~~This bill appropriates \$20,998,000 in operating and capital budgets for fiscal year 2027, all of~~

~~which is from the General Fund.~~

}

34 None

35 Other Special Clauses:

36 This bill provides a special effective date.

37 Utah Code Sections Affected:

38 AMENDS:

48 ~~{10-20-506 (Effective 04/01/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15}~~

50 ~~{26B-1-202 (Effective 04/01/26), as last amended by Laws of Utah 2025, Chapter 426}~~

39 **35A-16-102 (Effective 04/01/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

41 **35A-16-202 (Effective 04/01/26)**, as last amended by Laws of Utah 2024, Chapters 338, 349

43 **35A-16-203 (Effective 04/01/26)**, as last amended by Laws of Utah 2025, Chapter 530

44 **35A-16-204 (Effective 04/01/26), as last amended by Laws of Utah 2025, Chapter 530**

45 **35A-16-208 (Effective 04/01/26)**, as last amended by Laws of Utah 2025, Chapters 422, 530

47 **35A-16-210 (Effective 04/01/26)**, as enacted by Laws of Utah 2024, Chapter 338

48 **35A-16-210.1 (Effective 04/01/26)**, as enacted by Laws of Utah 2025, Chapter 530

49 **35A-16-212 (Effective 04/01/26) (Repealed 07/01/28)**, as enacted by Laws of Utah 2025, Chapter 41

51 **35A-16-401 (Effective 04/01/26)**, as last amended by Laws of Utah 2024, Chapters 204, 338 and 438

64 ~~{35A-16-402 (Effective 04/01/26), as last amended by Laws of Utah 2024, Chapters 204, 338}~~

53 **35A-16-701 (Effective 04/01/26)**, as last amended by Laws of Utah 2024, Chapters 204, 438

55 **35A-16-702 (Effective 04/01/26)**, as last amended by Laws of Utah 2024, Chapter 204

56 **59-12-205 (Effective 04/01/26)**, as last amended by Laws of Utah 2025, Chapters 490, 495

58 **59-14-204 (Effective 04/01/26)**, as last amended by Laws of Utah 2016, Chapter 168

HB0596 compared with HB0596S01

59 **63A-5b-902 (Effective 04/01/26)**, as last amended by Laws of Utah 2024, Chapters 419, 480
61 **63I-2-235 (Effective 04/01/26), as last amended by Laws of Utah 2025, Chapter 277**
62 **63J-1-602.1 (Effective 04/01/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 9

64 ENACTS:

67 ~~**35A-16-205.2 (Effective 04/01/26), Utah Code Annotated 1953**~~

65 **35A-16-406 (Effective 04/01/26), Utah Code Annotated 1953**

66 **35A-16-1101 (Effective 04/01/26)**, Utah Code Annotated 1953

67 **35A-16-1201 (Effective 04/01/26)**, Utah Code Annotated 1953

68 **35A-16-1301 (Effective 04/01/26)**, Utah Code Annotated 1953

81 ~~**35A-16-1302 (Effective 04/01/26), Utah Code Annotated 1953**~~

82 ~~**35A-16-1303 (Effective 04/01/26), Utah Code Annotated 1953**~~

69

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

85 ~~**{Section 1. Section 10-20-506 is amended to read: }**~~

86 **10-20-506. Conditional uses.**

87 (1)

(a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.

90 (b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

92 (2)

(a)

(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

95 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

98

HB0596 compared with HB0596S01

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

101 (c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be
substantially mitigated by the proposal or the imposition of reasonable conditions to achieve
compliance with applicable standards, the land use authority may deny the conditional use.

105 (3) A land use authority's decision to approve or deny conditional use is an administrative land use
decision.

107 (4) A legislative body shall classify any use that a land use regulation allows in a zoning district as
either a permitted or conditional use under this chapter.

109 (5) A municipality that approves a conditional use permit for a homeless shelter, as that term is defined
in Section 35A-16-701, may not impose a capacity limit on the number of individuals experiencing
homelessness who may occupy a homeless shelter for overnight accommodations, whether the
homeless shelter is operating year-round, temporarily, or for emergency purposes.

114 {Section 2. Section 26B-1-202 is amended to read: }

115 **26B-1-202. Department authority and duties.**

116 (1) As used in this section, "public funds" means the same as that term is defined in Section 26B-5-101.

118 (2) The department may, subject to applicable restrictions in state law and in addition to all other
authority and responsibility granted to the department by law:

120 (a) [adopt-] make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
and not inconsistent with law, as the department may consider necessary or desirable for providing
health and social services to the people of this state;

124 (b) establish and manage client trust accounts in the department's institutions and community programs,
at the request of the client or the client's legal guardian or representative, or in accordance with
federal law;

127 (c) purchase, as authorized or required by law, services that the department is responsible to provide for
legally eligible persons;

129 (d) conduct adjudicative proceedings for clients and providers in accordance with the procedures of
Title 63G, Chapter 4, Administrative Procedures Act;

131 (e) establish eligibility standards for the department's programs, not inconsistent with state or federal
law or regulations;

HB0596 compared with HB0596S01

- 133 (f) take necessary steps, including legal action, to recover money or the monetary value of services
provided to a recipient who was not eligible;
- 135 (g) set and collect fees for the department's services;
- 136 (h) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or limited by
law;
- 138 (i) acquire, manage, and dispose of any real or personal property needed or owned by the department,
not inconsistent with state law;
- 140 (j) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the proceeds thereof,
may be credited to the program designated by the donor, and may be used for the purposes requested
by the donor, as long as the request conforms to state and federal policy; all donated funds shall be
considered private, nonlapsing funds and may be invested under guidelines established by the state
treasurer;
- 145 (k) accept and employ volunteer labor or services; the department is authorized to reimburse volunteers
for necessary expenses, when the department considers that reimbursement to be appropriate;
- 148 (l) carry out the responsibility assigned in the workforce services plan by the State Workforce
Development Board;
- 150 (m) carry out the responsibility assigned by Section 26B-1-430 with respect to coordination of services
for students with a disability;
- 152 (n) provide training and educational opportunities for the department's staff;
- 153 (o) collect child support payments and any other money due to the department;
- 154 (p) apply the provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and
Enforcement of Spousal and Child Support, to parents whose child lives out of the home in a
department licensed or certified setting;
- 157 (q) establish policy and procedures, within appropriations authorized by the Legislature, in cases
where the Division of Child and Family Services or the Division of Juvenile Justice and Youth
Services is given custody of a minor by the juvenile court under Title 80, Utah Juvenile Code, or
the department is ordered to prepare an attainment plan for a minor found not competent to proceed
under Section 80-6-403, including:
- 162 (i) designation of interagency teams for each juvenile court district in the state;
- 163 (ii) delineation of assessment criteria and procedures;
- 164

HB0596 compared with HB0596S01

- (iii) minimum requirements, and timeframes, for the development and implementation of a collaborative service plan for each minor placed in department custody; and
- 167 (iv) provisions for submittal of the plan and periodic progress reports to the court;
- 168 (r) carry out the responsibilities assigned to the department by statute;
- 169 (s) as further provided in Subsection (3), examine and audit the expenditures of any public funds provided to a local health department, a local substance abuse authority, a local mental health authority, a local area agency on aging, and any person, agency, or organization that contracts with or receives funds from those authorities or agencies;
- 174 (t) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and persons to provide intercountry adoption services;
- 176 (u) within legislative appropriations, promote and develop a system of care and stabilization services:
- 178 (i) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- 179 (ii) that encompasses the department, department contractors, and the divisions, offices, or institutions within the department, to:
- 181 (A) navigate services, funding resources, and relationships to the benefit of the children and families whom the department serves;
- 183 (B) centralize department operations, including procurement and contracting;
- 184 (C) develop policies that govern business operations and that facilitate a system of care approach to service delivery;
- 186 (D) allocate resources that may be used for the children and families served by the department or the divisions, offices, or institutions within the department, subject to the restrictions in Section 63J-1-206;
- 189 (E) create performance-based measures for the provision of services; and
- 190 (F) centralize other business operations, including data matching and sharing among the department's divisions, offices, and institutions;
- 192 (v) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
- 196 (i) under this title;
- 197 (ii) by the department; or
- 198 (iii) by an agency or division within the department;

HB0596 compared with HB0596S01

- 199 (w) enter into cooperative agreements with the Department of Environmental Quality to delineate
specific responsibilities to assure that assessment and management of risk to human health from the
environment are properly administered;
- 202 (x) consult with the Department of Environmental Quality and enter into cooperative agreements, as
needed, to ensure efficient use of resources and effective response to potential health and safety
threats from the environment, and to prevent gaps in protection from potential risks from the
environment to specific individuals or population groups;
- 207 (y) to the extent authorized under state law or required by federal law, promote and protect the health
and wellness of the people within the state;
- 209 (z) establish, maintain, and enforce rules authorized under state law or required by federal law to
promote and protect the public health or to prevent disease and illness;
- 211 (aa) investigate the causes of epidemic, infectious, communicable, and other diseases affecting the
public health;
- 213 (bb) provide for the detection and reporting of communicable, infectious, acute, chronic, or any other
disease or health hazard which the department considers to be dangerous, important, or likely to
affect the public health;
- 216 (cc) collect and report information on causes of injury, sickness, death, and disability and the risk
factors that contribute to the causes of injury, sickness, death, and disability within the state;
- 219 (dd) collect, prepare, publish, and disseminate information to inform the public concerning the health
and wellness of the population, specific hazards, and risks that may affect the health and wellness of
the population and specific activities which may promote and protect the health and wellness of the
population;
- 223 (ee) abate nuisances when necessary to eliminate sources of filth and infectious and communicable
diseases affecting the public health;
- 225 (ff) make necessary sanitary and health investigations and inspections in cooperation with local health
departments as to any matters affecting the public health;
- 227 (gg) establish laboratory services necessary to support public health programs and medical services in
the state;
- 229 (hh) establish and enforce standards for laboratory services which are provided by any laboratory in the
state when the purpose of the services is to protect the public health;

231

HB0596 compared with HB0596S01

- (ii) cooperate with the Labor Commission to conduct studies of occupational health hazards and occupational diseases arising in and out of employment in industry, and make recommendations for elimination or reduction of the hazards;
- 234 (jj) cooperate with the local health departments, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;
- 239 (kk) investigate the causes of maternal and infant mortality;
- 240 (ll) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol, and provide the Commissioner of Public Safety with monthly statistics reflecting the results of these examinations, with necessary safeguards so that information derived from the examinations is not used for a purpose other than the compilation of these statistics;
- 246 (mm) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease control, vital and health statistics, sanitation, public health nursing, and other preventive health programs necessary or desirable for the protection of public health;
- 250 (nn) conduct health planning for the state;
- 251 (oo) monitor the costs of health care in the state and foster price competition in the health care delivery system;
- 253 (pp) establish methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals the providers serve;
- 256 (qq) designate Alzheimer's disease and related dementia as a public health issue and, within budgetary limitations, implement a state plan for Alzheimer's disease and related dementia by incorporating the plan into the department's strategic planning and budgetary process;
- 260 (rr) coordinate with other state agencies and other organizations to implement the state plan for Alzheimer's disease and related dementia;
- 262 (ss) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required by the agency or under this Title 26B, Utah Health and Human Services Code;

HB0596 compared with HB0596S01

- 267 (tt) oversee public education vision screening as described in Section 53G-9-404;
268 (uu) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue Alert;
270 (vv) issue code red alerts in accordance with Title 35A, Chapter 16, Part 13, Code Red Alert; and
272 ~~[(vv)]~~ (ww) as allowed by state and federal law, share data with the Office of Families that is relevant to
the duties described in Subsection 26B-1-243(4), which may include, to the extent available:
275 (i) demographic data concerning family structures in the state; and
276 (ii) data regarding the family structure associated with:
277 (A) suicide, depression, or anxiety; and
278 (B) various health outcomes.
279 (3)
(a) Under Subsection (2)(s), those local departments, local authorities, area agencies, and any person
or entity that contracts with or receives funds from those departments, authorities, or area agencies,
shall provide the department with any information the department considers necessary.
283 (b) The department is further authorized to issue directives resulting from any examination or audit
to a local department, local authority, an area agency, and persons or entities that contract with or
receive funds from those departments, authorities, or agencies with regard to any public funds.
287 (c) If the department determines that it is necessary to withhold funds from a local health department,
local mental health authority, or local substance abuse authority based on failure to comply with
state or federal law, policy, or contract provisions, the department may take steps necessary to
ensure continuity of services.

71 Section 1. Section **35A-16-102** is amended to read:

72 **35A-16-102. Definitions.**

As used in this chapter:

- 294 (1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.
295 (2) "Chief executive officer" means the same as that term is defined in Section 11-51-102.
296 (3) "Client" means an individual who is experiencing homelessness or an individual at risk of becoming
homeless.
298 (4) "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.

81

HB0596 compared with HB0596S01

(5) "Congregate shelter" means a facility that provides temporary shelter to individuals in a shared, open space with limited or no privacy.

301 ~~[(5)]~~ (6) "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.

304 ~~[(6)]~~ (7) "Coordinator" means the state homelessness coordinator appointed under Section 63J-4-202.

306 ~~[(7)]~~ (8) "County of the first class" means the same as that term is defined in Section 17-60-104.

307 ~~[(8)]~~ (9) "County of the second class" means the same as that term is defined in Section 17-60-104.

309 ~~[(9)]~~ (10) "Eligible services" means any activities or services that mitigate the impacts of the location
of an eligible shelter, including direct services, public safety services, and emergency services,
as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.

313 (10){(11)}

(a) "Emergency shelter" means a facility that provides immediate, temporary shelter to individuals
experiencing homelessness.

315 (b) "Emergency shelter" includes a shelter in response to:

316 (i) a subsequent winter response period, as defined in Section 35A-16-501; and

317 (ii) a code blue event, as defined in Section 35A-16-701{~~;~~ and}.

101 ~~[(10)]~~ (12) {~~a code red event, as defined in Section 35A-16-1301.~~}

319 ~~[(10)]~~ (11) "Executive committee" means the executive committee of the board.

320 ~~[(11)]~~ (12){(13)} "Exit destination" means:

321 (a) a homeless situation;

322 (b) an institutional situation;

323 (c) a temporary housing situation;

324 (d) a permanent housing situation; or

325 (e) other.

326 ~~[(12)]~~ (13){(14)} "First-tier eligible municipality" means a municipality that:

327 (a) is located within:

328 (i) a county of the first or second class, as classified in Section 17-60-104; or

329 (ii) a county of the third class, as classified in Section 17-60-104, if the municipality has a population of
100,000 or more;

HB0596 compared with HB0596S01

- 331 (b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's
geographic boundaries within the following fiscal year;
- 333 (c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires
eligible services; and
- 335 (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.
- 336 ~~[(13)]~~ (14){(15)} "Homeless Management Information System" or "HMIS" means an information
technology system that:
- 338 (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
- 340 (b) meets the requirements of the United States Department of Housing and Urban Development.
- 342 ~~[(14)]~~ (15){(16)} "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).
- 345 ~~[(15)]~~ (16){(17)} "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.
- 130 (18) "Noncongregate shelter" means a facility in a tier-one or tier-two eligible municipality that
provides temporary shelter to individuals in a separate and private unit.
- 348 ~~[(16)]~~ (17){(19)} "Office" means the Office of Homeless Services.
- 349 ~~[(17)]~~ (18){(20)} "Residential, vocational and life skills program" means the same as that term is
defined in Section 13-53-102.
- 351 ~~[(18)]~~ (19){(21)} "Second-tier eligible municipality" means a municipality that:
- 352 (a) is located within:
- 353 (i) a county of the fourth, fifth, or sixth class; or
- 354 (ii) a county of the third class, if the municipality has a population of less than 100,000;
- 356 (b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's
geographic boundaries within the following fiscal year;
- 358 (c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires
eligible services; and
- 360 (d) is certified as a second-tier eligible municipality in accordance with Section 35A-16-404.
- 362 ~~[(19)]~~ (20){(22)}

HB0596 compared with HB0596S01

(a) "Service provider" means a state agency, a local government, or a private organization that provides services to clients.

364 (b) "Service provider" includes a correctional facility and the Administrative Office of the Courts.

366 [~~(20)~~] (21){(23)} "Steering committee" means the Utah Homeless Network Steering Committee created in Section 35A-16-206.

368 [~~(21)~~] (22){(24)} "Strategic plan" means the statewide strategic plan to minimize homelessness in the state described in Subsection 35A-16-203(1)(c).

370 [~~(22)~~] (23){(25)} "Type of homelessness" means:

371 (a) chronic homelessness;

372 (b) episodic homelessness;

373 (c) situational homelessness; or

374 (d) family homelessness.

159 Section 2. Section **35A-16-202** is amended to read:

160 **35A-16-202. Powers and duties of the office.**

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

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

379 (b) coordinate the provision of homeless services in the state;

380 (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:

383 (i) shares client-level data between service providers in the state;

384 (ii) is effective as a case management system;

385 (iii) except for individuals receiving services who are victims of domestic violence, includes an effective authorization protocol for encouraging individuals who are provided with any homeless services in the state to provide accurate information to providers for inclusion in the HMIS; and

389 (iv) meets the requirements of the United States Department of Housing and Urban Development and other federal requirements;

391 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules defining "successful exit," "unsuccessful exit," and "neutral exit"; {~~and~~}

393 (e) provide support to the steering committee in developing the formula described in Section 35A-16-211 {~~f, {}~~} ;~~and~~}

HB0596 compared with HB0596S01

- 395 {~~(f) establish standards for determining capacity limits of homeless shelters in accordance with Section~~
396 ~~35A-16-205.2.~~}
- 397 (2) The office may:
- 398 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures
400 Act, seek federal grants, loans, or participation in federal programs; and
- 401 (b) for any federal program that requires the expenditure of state funds as a condition for participation
402 by the state in a fund, property, or service, with the governor's approval, expend whatever funds are
403 necessary out of the money provided by the Legislature for the use of the office.
- 404 (3)
- 405 (a) In accordance with Section 63A-5b-902, the office may accept a conveyance, lease, or disposal of
406 property owned by the Division of Facilities {and} Construction and Management, with the written
407 consent of the governing body of the municipality in which the property is located, for use as a
408 temporary shelter to individuals experiencing homelessness.
- 409 (b) For a conveyance of property described in Subsection (3)(a), the office, if approved by the board
410 and with the concurrence of the coordinator, may enter into a lease agreement with a nonprofit
411 service provider that the office selects to manage a homeless shelter in the leased space.
- 412 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may
413 make rules to establish a lease agreement template for a lease described in Subsection (3) that
414 includes:
- 415 (a) lease terms, including lease rates;
- 416 (b) homeless shelter use restrictions, including whether the homeless {center} shelter may be used as
417 an overflow or emergency shelter;
- 418 (c) operational requirements for compliance with the standards described in this chapter; and
- 419 (d) a termination clause, including cause for termination of a lease agreement if the housing sponsor
420 fails to meet the requirements under this chapter{;and}.
- 421 (5) Lease rates described in Subsection (4)(a) shall be set at market rate.
- 422 (5){(6)} Lease payments received under the lease agreement described in this section {shall} may be
423 {deposited into} used for the {Homeless Shelter Cities Mitigation Restricted Account} operations
424 and {used as for} maintenance of the {purpose described in Section 35A-16-402} leased space.
- 208 Section 3. Section **35A-16-203** is amended to read:
- 209 **35A-16-203. Powers and duties of the coordinator.**

HB0596 compared with HB0596S01

- 426 (1) The coordinator shall:
- 427 (a) coordinate the provision of homeless services in the state;
- 428 (b) in cooperation with the board, 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 board;
- 431 (c) in cooperation with the board, create a statewide strategic plan to minimize homelessness in the
state, which strategic plan shall receive final approval by the board;
- 434 (d) in cooperation with the board, oversee funding provided for the provision of homeless services,
which funding shall receive final approval by the board, including funding from the:
- 437 (i) Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 438 (ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303; and
- 440 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;
- 442 (e) provide administrative support to and serve as a member of the board;
- 443 (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
- 445 (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.
- 448 (2) The coordinator, in cooperation with the board, 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.
- 453 (3) The coordinator, in cooperation with the board and taking into account the metrics established and
data reported in accordance with Section 35A-16-211, shall ensure that the strategic plan described
in Subsection (1)(c):
- 456 (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;
- 459 (b) identifies best practices or innovative strategies 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;

HB0596 compared with HB0596S01

- 462 (c) identifies best practices or innovative strategies 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;
- 466 (d) identifies gaps and recommends solutions in the delivery of services to the variety of populations
experiencing homelessness in the state; and
- 468 (e) takes into consideration the success of the HOME Court Pilot Program established in Section
26B-5-382.
- 470 (4) In overseeing funding for the provision of homeless services as described in Subsection (1)(d), the
coordinator:
- 472 (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;
- 477 (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; and
- 483 (c) if the board has approved a funding formula developed by the steering committee, as described in
Section 35A-16-205:
- 485 (i) except as provided in Subsection (4)(c)(ii), shall utilize that funding formula in disbursing funds for
the provision of homeless services; and
- 487 (ii) shall ensure that any federal funds not subject to the funding formula are disbursed in accordance
with any applicable federal requirements.
- 489 (5) In cooperation with the board, the coordinator shall update the annual statewide budget and the
strategic plan described in this section on an annual basis.
- 491 (6)
- (a) On or before [~~October~~] November 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.
- 494 (b) The written report shall include:

HB0596 compared with HB0596S01

- 495 (i) the homeless services budget;
- 496 (ii) the strategic plan;
- 497 (iii) recommendations regarding improvements to coordinating and providing services to individuals
experiencing homelessness in the state;
- 499 (iv) in coordination with the board, a complete accounting of the office's disbursement of funds during
the previous fiscal year from:
- 501 (A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 502 (B) the Homeless to Housing Reform Restricted Account created in Section 35A-16-303;
- 504 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;
- 506 (D) the COVID-19 Homeless Housing and Services Grant Program created in Section 35A-16-602; and
- 508 (E) any other grant program created in statute that is administered by the office; and
- 510 (v) the data described in Section 35A-16-211.

295 Section 4. Section 35A-16-204 is amended to read:

296 **35A-16-204. Utah Homeless Services Board.**

- 297 (1) There is created within the office the Utah Homeless Services Board.
- 298 (2)
- (a) The board shall consist of the following members:
- 299 (i) a representative, appointed by the speaker of the House of Representatives;
- 300 (ii) a representative, appointed by the president of the Senate;
- 301 (iii) a private sector representative, appointed by the governor;
- 302 (iv) a representative, appointed by the governor;
- 303 (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the partnership's
successor organization;
- 305 (vi) the mayor of Salt Lake City;
- 306 (vii) the chief executive officer appointed by the Shelter Cities [~~Advisory~~] Coordinating Council in
accordance with Section 35A-16-210;
- 308 (viii) an individual with lived experience of homelessness, appointed by the chair of the board;
- 310 (ix) a representative, appointed by the Utah Association of Counties or the association's successor
organization;
- 312 (x) an individual who represents the Utah Homeless Network; and
- 313 (xi) the coordinator.

HB0596 compared with HB0596S01

- 314 (b) The governor shall select a board member to serve as chair of the board.
- 315 (3) The following four members of the board shall serve as the executive committee:
- 316 (a) the coordinator; and
- 317 (b) three board members chosen by the board chair, which shall include one of the members described
in Subsection (2)(a)(vi) or (2)(a)(vii).
- 319 (4)
- (a) The board shall meet at least once per calendar quarter.
- 320 (b) The chair, the coordinator, or three of the board members may call a board meeting.
- 321 (c) The individual calling the meeting shall provide notice of the meeting to the board members at least
three calendar days in advance of the meeting.
- 323 (5) A majority of the voting members of the board constitutes a quorum of the board at any meeting,
and the action of the majority of voting members present constitutes the action of the board.
- 326 (6)
- (a) 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.
- 329 (b) The executive committee is exempt from the requirements described in Title 52, Chapter 4, Open
and Public Meetings Act.
- 331 (7)
- (a) Except as required by Subsection (7)(c):
- 332 (i) each appointed member of the board, other than a board member described in Subsection (2)(a)
(vii), shall serve a four-year term; and
- 334 (ii) the board member appointed in accordance with Subsection (2)(a)(vii) shall serve a two-year
term.
- 336 (b) A board member may serve more than one term.
- 337 (c) The appointing authority, at the time of appointment or reappointment, may adjust the length of
terms to ensure that the terms of board members are staggered so that approximately half of the
appointed board members are appointed every two years.
- 340 (8) When a vacancy occurs in the appointed membership for any reason, the replacement is appointed
for the unexpired term.
- 342 (9)

HB0596 compared with HB0596S01

(a) Except as described in Subsection (9)(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

(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

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

(10) The office shall provide staff and administrative support to the board.

Section 6. Section 6 is enacted to read:

35A-16-205.2. Capacity limit of homeless shelters -- Determination.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules for determining the capacity limit of a homeless shelter.

(2) In determining the capacity limit under Subsection (1), the office shall:

(a) work in conjunction with the state fire marshal, local homeless councils, and a nonprofit organization that develops, holds, and manages high-impact emergency shelter facilities to assess the capacity limit of:

(i) a homeless shelter;

(ii) a temporary winter response shelter, as described in Section 35A-16-502;

(iii) a temporary shelter used during code blue events, as described in Section 35A-16-701;

(iv) a temporary shelter used during code red events, as described in Section 35A-16-1301; or

(v) a homeless resource center or emergency shelter;

(b) consider the location of a homeless shelter; and

(c) consider the potential impacts that an increase in shelter capacity may have on the surrounding community.

(3) No later than 10 days after the day on which a capacity limit is determined under Subsection (1), the office shall notify the applicable municipality of the capacity limit imposed on a homeless shelter located in the municipality.

(4) Notwithstanding any other provisions in this chapter, state funds may not be awarded under this chapter directly to or for the benefit of a homeless shelter located within the state unless the homeless shelter complies with the capacity limits determined by the office under Subsection (1).

Section 5. Section **35A-16-208** is amended to read:

HB0596 compared with HB0596S01

- 354 **35A-16-208. Reporting requirements -- Outcome measures.**
539 (1)
 (a) The office shall report, for the state and for each local homeless council:
540 (i) the state's year-to-date progress toward reaching a functional zero level of homelessness for each
 type of homelessness and subpopulation, including:
542 (A) the number of individuals who are homeless for the first time;
543 (B) the number of individuals who returned to homelessness after having exited homelessness within
 the two previous years;
545 (C) the number of individuals who remained homeless since the last report;
546 (D) the number of individuals experiencing homelessness since the last report by household type;
548 (E) the number of individuals who exited by exit destination; and
549 (F) the number of individuals who are experiencing homelessness for the first time plus the number
 of individuals who are returning to homelessness minus the number of individuals who are exiting
 homelessness;
552 (ii) the percentage of individuals experiencing homelessness who:
553 (A) have a mental health disorder;
554 (B) have a substance use disorder;
555 (C) have a chronic health condition;
556 (D) have a physical disability;
557 (E) have a developmental disability;
558 (F) have HIV/AIDS;
559 (G) are survivors of domestic violence;
560 (H) are veterans; and
561 (I) are unaccompanied youth 24 years old or younger;
562 (iii) the number of individuals who exited homeless services since the last report by:
563 (A) type of homelessness;
564 (B) subpopulation; and
565 (C) exit destination;
566 (iv) the progress, by project type, on each goal established in accordance with Subsection (3); and
568 (v) the data provided by the homeless services provider ombudsman as described in Section
 35A-16-1002.

HB0596 compared with HB0596S01

- 570 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified information.
572 (2) The office shall report the data described in Subsection (1):
573 (a) in the annual report required by Section 35A-16-203; and
574 [~~(b) on or before October 1 of each year, through an oral presentation to the Economic Development
and Workforce Services Interim Committee; and]~~
576 [~~(c)~~] (b) on a data dashboard for the public with specific additional data points recommended by the
board.
578 (3) The board and the local homeless councils shall jointly establish quarterly goals for each project
type.
580 (4) The board and the local homeless councils shall jointly make annual progress reports identifying:
582 (a) the percentage of clients:
583 (i) screened for social needs; and
584 (ii) referred for services that match the clients' social needs;
585 (b) the percentage of clients subsequently referred to community-based providers who can:
587 (i) address the client's needs;
588 (ii) follow-up on status of addressing the client's needs; and
589 (iii) report back to the referring entity;
590 (c) the number of youth receiving parent or guardian bereavement support services; and
591 (d) the number of clients with:
592 (i) a successful exit;
593 (ii) an unsuccessful exit;
594 (iii) a neutral exit; and
595 (iv) continued enrollment in the project.
- 412 Section 6. Section **35A-16-210** is amended to read:
413 **35A-16-210. Shelter Cities Coordinating Council.**
598 (1) There is established the Shelter Cities [~~Advisory Board~~] Coordinating Council.
599 (2) The Shelter Cities [~~Advisory Board~~] Coordinating Council shall consist of the following members:
601 (a) the chief executive officer of each first-tier eligible municipality, or the chief executive officer's
designee; and
603 (b) the chief executive officer of each second-tier eligible municipality, or the chief executive officer's
designee.

HB0596 compared with HB0596S01

- 605 (3)
- (a) The Shelter Cities [~~Advisory Board~~] Coordinating Council shall appoint, in accordance with this section, one chief executive officer representing a municipality as a member to the board.
- 608 (b) The members of the Shelter Cities [~~Advisory Board~~] Coordinating Council shall make an appointment, or fill a vacancy, by a majority vote of all members of the Shelter Cities [~~Advisory Board~~] Coordinating Council who are present at the meeting during which an appointment is made.
- 612 (c) The Shelter Cities [~~Advisory Board~~] Coordinating Council may not appoint the chief executive officer described in Subsection 35A-16-204(2)(a)(vi).
- 614 (d) Section 35A-16-204 governs other terms of appointment.
- 615 (4) The Shelter Cities [~~Advisory Board~~] Coordinating Council may make recommendations to the board regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state.
- 618 (5) The office and an association representing at least two municipalities in the state shall jointly provide staff and administrative support to the Shelter Cities [~~Advisory Board~~] Coordinating Council.
- 437 Section 7. Section **35A-16-210.1** is amended to read:
- 438 **35A-16-210.1. Shelter Counties Coordinating Council.**
- 623 (1) There is established the Shelter Counties [~~Advisory Board~~] Coordinating Council.
- 624 (2) The Shelter Counties [~~Advisory Board~~] Coordinating Council shall consist of the chief executive officer of each county that maintains a homeless shelter year round, or the chief executive officer's designee.
- 627 (3) The Shelter Counties [~~Advisory Board~~] Coordinating Council may make recommendations to the board regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state.
- 630 (4) The office and an association representing at least two counties in the state shall jointly provide staff and administrative support to the Shelter Counties [~~Advisory Board~~] Coordinating Council.
- 449 Section 8. Section **35A-16-212** is amended to read:
- 450 **35A-16-212. Property Loss Related to Homelessness Compensation Enterprise Fund.**
- 636 (1) As used in this part:
- 637 (a) "Fund" means the Property Loss Related to Homelessness Compensation Enterprise Fund created in Subsection (3).

HB0596 compared with HB0596S01

- 639 (b) "Homeless services facility" means an eligible shelter under Subsection [~~35A-16-401(5)(a) or (5)~~
640 ~~(b)]~~ ~~{35A-16-401(6)(a)}~~ 35A-16-401(5)(a), (b), or (c).
- 641 (c) "Property loss" means:
- 642 (i) documented damage to or theft of personal property; or
- 643 (ii) documented cost of cleaning, sanitizing, repairing, or restoring real property.
- 644 (2) Documentation required for Subsection (1)(c) shall include closed insurance claim information with
any settlement amount.
- 646 (3) There is created an enterprise fund known as the Property Loss Related to Homelessness
Compensation Enterprise Fund.
- 648 (4) The fund shall consist of:
- 649 (a) gifts, grants, donations, and loan repayments or any other conveyance of money that may be made to
the fund from private sources; and
- 651 (b) additional amounts as appropriated by the Legislature.
- 652 (5) The fund shall be administered by the office.
- 653 (6) Funds may be used to:
- 654 (a) provide a no-interest loan to a business that:
- 655 (i) meets the requirements of Subsection (6)(b); and
- 656 (ii) enters into an agreement with the department to:
- 657 (A) use loan funds for documented costs for property loss or for documented costs to mitigate property
loss as a direct result of the presence of the homeless services facility; and
- 660 (B) repay the loan no later than one year from the day on which the loan is disbursed to the business;
- 662 (b) except as provided in Subsection (12), compensate a business that:
- 663 (i) is located within 1/5 of a mile of a homeless services facility; and
- 664 (ii) experiences property loss as a direct result of the presence of the homeless services facility; or
- 666 (c) compensate an individual who:
- 667 (i) lives within 1/5 of a mile from a homeless services facility; and
- 668 (ii) experiences property loss as a direct result of the presence of the homeless services facility.
- 670 (7) An individual who receives compensation from the fund shall:
- 671 (a) be a resident of Utah; and
- 672 (b) have a need that meets the requirements of this section.
- 673 (8)

HB0596 compared with HB0596S01

- (a) A business that receives compensation or a loan from the fund shall be in good standing with the State Tax Commission and Department of Commerce.
- 675 (b) The State Tax Commission and Department of Commerce may charge a business described in Subsection (8)(a) a nominal fee to obtain a certificate of good standing to meet the requirements under this section.
- 678 (9)
- (a) The fund may not duplicate or supplant a service or support mechanism provided to an individual or business by another government entity or private agency.
- 680 (b) The fund may supplement a service or support mechanism provided to an individual or business by another government entity or private agency, if the service or support mechanism does not fully cover the cost of the individual's or business's property loss.
- 683 (10) Administrative and operating expenses for the fund shall be paid from the fund.
- 684 (11) The executive director may expend up to 4% of the revenues of the fund, including any appropriations to the fund, for administrative expenses.
- 686 (12) A business located at parcel record number 15-26-326-016-0000 is not eligible to receive compensation for property loss as a direct result of the presence of a homeless services facility.
- 689 (13) The office shall:
- 690 (a) administer the loan program, including:
- 691 (i) in each calendar year that money is available from the fund for distribution by the office, announcing, at least once in that year, a loan application period by sending notice to interested persons;
- 694 (ii) accepting applications received in a timely manner;
- 695 (iii) reviewing loan applications;
- 696 (iv) determining eligibility in accordance with this section; and
- 697 (v) distributing loan money to an approved loan recipient; and
- 698 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer the program, including:
- 700 (i) loan application requirements;
- 701 (ii) procedures to approve a loan;
- 702 (iii) procedures for distributing money to loan recipients;
- 703 (iv) criteria for confirming the amount of property loss; and

HB0596 compared with HB0596S01

- 704 (v) criteria prioritizing disbursements in the event of limited funds.
- 705 (14) The office may do any act necessary or convenient to the exercise of the powers granted by this
part or reasonably implied from those granted powers, including:
- 707 (a) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the servicing of loans
made by the fund;
- 709 (b) make or execute contracts and other instruments necessary or convenient for the performance of the
office's duties and exercise of the office's powers and functions under this part, including contracts
or agreements for the servicing and originating of loans; and
- 713 (c) selling, at a public or private sale, with public bidding, an obligation held by the fund.
- 714 (15) Any money returned to the department under this section from a person that received a loan from
the fund shall be deposited into the fund.
- 532 Section 9. Section **35A-16-401** is amended to read:
- 533 **35A-16-401. Definitions.**
- As used in this part:
- 719 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section
35A-16-402.
- 721 (2) "Authorized provider" means a nonprofit provider of homeless services that is authorized by a third-
tier eligible municipality to operate a temporary [~~winter response~~] emergency shelter within the
municipality [~~in accordance with Part 5, Winter Response Plan Requirements~~].
- 725 ~~{(3) "Congregate shelter" means a facility that provides temporary shelter to individuals in a shared,
open space with limited or no privacy.}~~
- 727 ~~{(3){1} {(4)+}~~ "Eligible municipality" means:
- 728 (a) a first-tier eligible municipality;
- 729 (b) a second-tier eligible municipality; or
- 730 (c) a third-tier eligible municipality.
- 731 ~~{(4){1} {(5)+}~~ "Eligible services" means any activities or services that mitigate the impacts of the
location of an eligible shelter, including direct services, public safety services, and emergency
services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.
- 735 ~~{(5){1} {(6)+}~~ "Eligible shelter" means:
- 736 (a) for a first-tier eligible municipality, a homeless shelter that:

HB0596 compared with HB0596S01

- 737 (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the
office;
- 739 (ii) operates year-round; and
- 740 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;
- 742 (b) for a second-tier municipality, a homeless shelter that:
- 743 (i)
- {(A)} has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by
the office;
- 745 {(ii)} {(B)} operates year-round; and
- 746 {(iii)} {(C)} is not subject to restrictions that limit the hours, days, weeks, or months of
operation; ~~{f} and~~
- 562 (c) an eligible shelter under Subsection (5)(a) or (b), if the homeless shelter operates for more than 365
continuous days, regardless of whether the homeless shelter is intended to operate as an emergency
shelter, as long as the homeless shelter meets the requirements of an eligible shelter defined in
Subsection (5)(a) or (b); and
- 566 {(e)} (d) {or}
- 748 ~~{(ii) {is an eligible shelter under Subsection (6)(c), if the homeless shelter operates for more than 365
continuous days, regardless of whether the homeless shelter is intended to operate as an emergency
shelter, as long as the homeless shelter meets the requirements of an eligible shelter defined in
Subsection (6)(a) or (b); and}}~~
- 752 ~~{(e)}~~ for a third-tier eligible municipality, a homeless shelter that:
- 753 ~~{(i)~~
- ~~(A) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the
office; and]~~
- 755 ~~[(B) operates for no less than three months during the period beginning October 1 and ending April 30
of the following year; or]~~
- 757 ~~[(ii)~~
- ~~(A) meets the definition of a homeless shelter under Section 35A-16-501; and]~~
- 758 ~~[(B) contains beds that are utilized as part of a county's winter response plan under Section
35A-16-502.]~~
- 760

HB0596 compared with HB0596S01

(i) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and

762 (ii) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year.

764 ~~{(6){}} {(7)}~~ "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.

766 ~~{(7){}} {(8)}~~ "Municipality" means a city or town.

767 ~~{(9) "Noncongregate shelter" means a facility in a tier-one or tier-two eligible municipality that provides temporary shelter to individuals in a separate and private unit. }~~

769 ~~{(8){}} {(10)}~~ "Public safety services" means law enforcement, emergency medical services, or fire protection.

771 ~~{(9){}} {(11)}~~ "Third-tier eligible municipality" means a municipality that:

772 (a) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year; and

774 (b) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services.

776 ~~{Section 12. Section 35A-16-402 is amended to read: }~~

777 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula for disbursing account funds to eligible municipalities.**

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

781 (2) The account shall be funded by:

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

784 (b) interest earned on the account; ~~and~~

785 (c) appropriations made to the account by the Legislature[-:]; and

786 (d) lease payments deposited into the account in accordance with Section 35A-16-202.

787 (3) The office shall administer the account.

788 (4)

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

790 (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:

HB0596 compared with HB0596S01

- 792 (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;
- 796 (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
- 801 (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;
- 804 (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:
- 806 (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;
- 810 (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
- 815 (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
- 818 (iii) 10% shall be disbursed to third-tier eligible municipalities that have been approved to receive
account funds under Section 35A-16-403, in accordance with a formula established by the office
and approved by the board.
- 821 (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).
- 825 (c) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider of a third-tier
eligible municipality.

827

HB0596 compared with HB0596S01

- 831 (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.
- 835 (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.
- (f)
- (i) Notwithstanding any other provision in this section, if an eligible municipality requests account funds under Section 35A-16-403 and the request is denied for the sole reason that the municipality has failed to comply with the requirements of Subsection 35A-16-403(2)(g)(i), the office may disburse the account funds that the municipality would otherwise have received to:
- 840 (A) eligible municipalities in accordance with the provisions of this Subsection (4); or
- 842 (B) subject to Subsection (4)(f)(ii), the Department of Public Safety.
- 843 (ii)
- (A) The office may not disburse account funds to the Department of Public Safety under Subsection (4)(f)(i) unless the disbursement is recommended and approved by the board.
- 846 (B) The Department of Public Safety shall use any account funds received under Subsection (4)(f)(i) to assist in the enforcement of state laws that promote the safety or well-being of individuals experiencing homelessness.
- 849 (5) In disbursing account funds to municipalities under Subsection (4), the office may not consider the capacity of an eligible shelter to qualify a municipality for multiple tiers of funding.
- 852 (6) The office may use up to 2.75% of any appropriations made to the account by the Legislature to offset the office's administrative expenses under this part.
- 854 (7) Subject to appropriations, the lease deposits described in Subsection (2)(d) may only be expended for the costs incurred by the office for the operations and maintenance of a leased space under Section 35A-16-202.
- 857 [~~(7)~~] (8) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.
- 859 [~~(8)~~] (9) The office may disburse any uncommitted account funds to municipalities under this section in the following year.
- 861

HB0596 compared with HB0596S01

(10) The office shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer this section.

588 Section 10. Section **10** is enacted to read:

589 **35A-16-406. Mitigation Fund Task Force.**

590 (1) As used in this section:

591 (a) "Eligible shelter" means the same as that term is defined in Section 35A-16-401.

592 (b) "Task force" means the Mitigation Fund Task Force created in this section.

593 (2) There is created within the office the Mitigation Fund Task Force consisting of the following seven voting members:

595 (a) the coordinator or the coordinator's designee;

596 (b) three members, one each, from a municipality that hosts a qualifying homeless shelter, selected by the board of directors of the Utah League of Cities and Towns as recommended by the Shelter Cities Coordinating Council; and

599 (c) three members, one each, from a municipality that does not host a qualifying homeless shelter, selected by the board of directors of the Utah League of Cities and Towns.

602 (3) In addition to the seven voting members, a representative from the Utah League of Cities and Towns shall serve on the task force in a nonvoting capacity.

604 (4) The coordinator, or the coordinator's designee, shall serve as the chair of the task force.

605 (5)

(a) If a vacancy occurs in the membership of the task force, the member shall be replaced in the same manner in which the original selection was made.

607 (b) A member shall serve until the member's successor is appointed.

608 (6)

(a) The chair is responsible for the call and conduct of task force meetings.

609 (b) The chair shall call and conduct meetings of the task force as the chair determines appropriate during the 2026 legislative interim period.

611 (7)

(a) A majority of the members of the task force constitutes a quorum.

612 (b) The action of a majority of a quorum constitutes an action of the task force.

613 (8) A member of the task force may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

HB0596 compared with HB0596S01

- 615 (a) Section 63A-3-106;
616 (b) Section 63A-3-107; and
617 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
619 (9) The office shall provide staff support to the task force.
620 (10) The task force shall:
621 (a) assess public safety costs incurred by a municipality that hosts an eligible shelter;
622 (b) develop best practices for identifying, documenting, and categorizing mitigation expenses incurred
by a municipality related to hosting an eligible shelter;
624 (c) evaluate and recommend a mitigation funding formula for an eligible shelter that:
625 (i) accounts for system capacity and utilization; and
626 (ii) adjusts over time based on measurable system metrics;
627 (d) make recommendations regarding distributions from the mitigation fund to a municipality that hosts
an eligible shelter, including consideration of:
629 (i) for a congregate shelter, the number of beds and bed occupancy rates for the eligible shelter; and
631 (ii) for a noncongregate shelter, the number of rooms and room occupancy rates for the eligible shelter;
633 (e) make recommendations regarding contributions to the mitigation fund by a municipality that does
not host an eligible shelter; and
635 (f) make recommendations regarding qualifying offsets against required mitigation fund contributions
from a municipality, including consideration of:
637 (i) site-based crisis shelters, as defined by the United States Department of Housing and Urban
Development;
639 (ii) site-based supported living programs for people with a serious mental illness as defined by the
United States Department of Housing and Urban Development; and
641 (iii) site-based transitional housing, as defined by the United States Department of Housing and Urban
Development.
643 (11) On or before November 1, 2026, the task force shall report the task force's findings and
recommendations described in Subsection (10) to the office.

645 Section 11. Section **35A-16-701** is amended to read:

646 **35A-16-701. Definitions.**

As used in this part:

866

HB0596 compared with HB0596S01

- (1) "Affected county" means a county of the first, second, third, or fourth class in which a code blue event is anticipated.
- 868 (2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an affected county.
- 870 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide temporary shelter ~~{to under a conditional use permit{}}~~ ~~in accordance with Section 35A-16-205.1~~.
- 873 (4) "Code blue alert" means a proclamation issued by the Department of Health and Human Services under Section 35A-16-702 to alert the public of a code blue event.
- 875 (5) "Code blue event" means a weather event in which the National Weather Service predicts temperatures of ~~[18]~~ 25 degrees Fahrenheit or less, including wind chill, or any other extreme weather conditions established in rules made by the Department of Health and Human Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or fourth class for two hours or longer within the next 24 to 48 hours.
- 880 (6) "Homeless shelter" means a facility that provides temporary shelter to individuals experiencing homelessness.
- 882 (7) "Municipality" means a city or town.
- 664 Section 12. Section **35A-16-702** is amended to read:
- 665 **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**
- 886 (1) The Department of Health and Human Services shall:
- 887 (a) monitor and evaluate forecasts and advisories produced by the National Weather Service;
- 889 (b) issue a code blue alert under this section if the Department of Health and Human Services identifies a code blue event; and
- 891 (c) disseminate the code blue alert to:
- 892 (i) the public at large;
- 893 (ii) homeless shelters located within an affected county;
- 894 (iii) local government entities located within an affected county;
- 895 (iv) the office; and
- 896 (v) any other relevant public or private entities that provide services to individuals experiencing homelessness within an affected county.
- 898 (2) The code blue alert shall:

HB0596 compared with HB0596S01

- 899 (a) identify each affected county;
- 900 (b) specify the duration of the code blue alert;
- 901 (c) describe the provisions that take effect for the duration of the code blue alert as described in Section
35A-16-703; and
- 903 (d) include the information prepared by the office under Subsection (3).
- 904 (3)
- (a) The office shall prepare and regularly update information to assist individuals experiencing
homelessness during a code blue event, including:
- 906 (i) the location and availability of homeless shelters and other community resources and services
for individuals experiencing homelessness;
- 908 (ii) information regarding public safety and emergency services; and
- 909 (iii) any other information considered relevant by the office.
- 910 (b) The office shall submit to the Department of Health and Human Services the information prepared
and updated under Subsection (3)(a).
- 912 (4)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department
of Health and Human Services, in coordination with the office, shall make rules to implement this
section.
- 915 (b) The rules under Subsection (4)(a) shall:
- 916 (i) establish any extreme weather conditions that warrant the issuance of a code blue alert; and
- 918 (ii) establish standards for:
- 919 (A) monitoring and evaluating National Weather Service forecasts and advisories to identify code blue
events;
- 921 (B) issuing code blue alerts under this section, including the form, content, and dissemination of code
blue alerts;
- 923 (C) the provisions that take effect within an affected county for the duration of a code blue alert under
Section 35A-16-703; and
- 925 (D) coordinating with the office to receive the information described in Subsection (3).
- 927 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office, in
coordination with the Department of Health and Human Services, may make rules to establish a
temperature range and duration period under which a code blue shelter may operate if:

HB0596 compared with HB0596S01

- 931 (a) the Department of Health and Human Services issues a code blue alert under this section that is
terminated before the duration of the code blue alert expires; or
- 933 (b) the temperature is within two degrees of a code blue event even if the Department of Health and
Human Services does not issue a code blue alert.
- 935 [(5)] (6) Nothing in this section prohibits a municipality from implementing emergency plans or other
measures to assist individuals experiencing homelessness at times when environmental conditions
present a substantial threat to the health or safety of individuals experiencing homelessness,
[provided that] if the emergency plans or other measures implemented by the municipality do not
conflict with any applicable provisions that take effect during a code blue event in accordance with
Section 35A-16-703.

723 Section 13. Section 13 is enacted to read:

725 **35A-16-1101. Advance payments to homeless services providers -- Requirements.**

11. Homeless Services Provider Payments

946 (1) As used in this section:

- 947 (a) "Contract" means a homeless services agreement between the office and a homeless services
provider that describes the scope of work, performance goals, funding terms, and other provisions
related to providing services to individuals experiencing homelessness.
- 951 (b) "Future services payment" means an advance payment made by the office to a homeless services
provider for services to be provided to individuals experiencing homelessness.
- 954 (2)
- (a) Beginning on July 1, 2026, and subject to Subsection (2)(b), the office {shall} may issue a future
services payment to each service provider that requests a future services payment, {if} as allowed
by the funding source for the contract.
- 957 (b) The amount of the future services payment described in Subsection (2)(a), for a given month, shall
be {based upon} equal to the service provider's {yearly dollar} total award amount {awarded under
the} divided by the term of the service provider's current {year's} contract {divided by 12} in
months.
- 960 (3)
- (a) Under the terms of the contract, a service provider shall submit an invoice for the actual services
provided for the month for which the service provider receives a future services payment.

963

HB0596 compared with HB0596S01

- (b) If the office determines that a {~~servicer~~} service provider's actual expenses are less than the amount of the most recent future services payment, the office {~~shall~~} may subtract the overpaid amount from the next future services payment to the service provider.
- 966 (c) If the service provider's actual expenses are greater than the amount of the most recent future services payment, the office {~~shall~~} may add the underpaid amount to the next future services payment to the service provider.
- 969 (d) If a service provider fails to submit a required invoice or is otherwise out of compliance with the service provider's contract or state law, the office may hold any future services payments to the service provider until the service provider comes into compliance.
- 973 (4) The office {~~shall~~} may ensure that an extension of a contract is executed no later than 30 days before the last day on which an existing contract ends.
- 975 (5) Nothing in this section prohibits the office from taking additional contractual or administrative action authorized by state law.
- 977 (6) The office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the procedures, documentation requirements, and payment schedules described in this section.

761 Section 14. Section 14 is enacted to read:

763 **35A-16-1201. Homeless Services Restricted Account -- Allowable uses -- Requirements for county participation.**

12. Homeless Services Restricted Account

984 (1) As used in this section:

985 (a) "Account" means the Homeless Services Restricted Account created in Subsection (2).

767 (b)

(i) "County matching funds" means a participating county's appropriations designated and expended for the provisions of homeless services described in Subsections (11) and (12) that exceed the participating county's baseline spending level in the fiscal year immediately before the participating county's initial participation in the matching program.

772 (ii) "County matching funds" includes funds previously recognized as qualifying matching funds if the participating county maintains at least the same level of funding provided by the county in the preceding fiscal year.

986

HB0596 compared with HB0596S01

(b){(c)} "Fiscal year" means the state fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

988 (c){(d)} "Participating county" means a county that creates a county restricted {fund} account for the purposes described in this section.

990 (d){(e)} "Street medicine" means health care that is provided by a licensed health care provider, who conducts patient visits outside of a health care facility, clinic, or shelter to an individual experiencing unsheltered homelessness.

993 (e){(f)}

(i) "Unsheltered homelessness" means, for an individual or family, not having a long-term or permanent structure in which to live.

995 (ii) "Unsheltered homelessness" may include sleeping in a vehicle, abandoned building, farm, wilderness, street, park, or encampment.

997 (2) There is created a restricted account within the General Fund known as the Homeless Services Restricted Account.

999 (3) ~~{Subject to appropriations, the }~~ The office shall have the authority to annually disburse funds from the account as provided in this section and as the office determines in rule as described in Subsection (14).

1001 (4) The account shall consist of:

1002 (a) money appropriated by the Legislature;

1003 (b) money received from the Cigarette Tax Restricted Account in accordance with Section {59-14-204(5)(d)} 59-14-204(6);

1005 (c) private donations, grants, gifts, bequests, or money made available from any other source to implement this section; and

1007 (d) interest and earnings on money in the account.

1008 (5)

~~{(a) {Money in the account shall earn interest.}}~~

(a) The state treasurer shall invest the money in the account according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act.

1009 (b) ~~{All interest earned on account money }~~ Interest and other earnings derived from the money in the account shall be deposited into the account.

802

HB0596 compared with HB0596S01

(6) The executive director may expend up to 10% of the revenues of the account, including any appropriations to the account, for administrative expenses of the office.

1010 (6){(7)} The funds in the account shall be nonlapsing.

805 (8) To be eligible for a disbursement of funds under this section, a participating county shall:

1011 (7){(a)} ~~{To be eligible for a disbursement of funds under this section, a participating county shall }~~
create a county restricted account:

1013 (a){(i)} for receipt of state fund distributions; and

1014 (b){(ii)} ~~{to deposit county }~~ into which the county deposits matching funds{-};

810 (b) provide detailed and accurate reporting on at least an annual basis to the office that describes:

812 (i) how funds provided to the participating county under this section have been spent by the county; and

814 (ii) the participating county's progress towards measurable outcome-based benchmarks agreed to by the participating county and the office; and

816 (c) comply with other requirements as the office determines in rule as described in Subsection (14).

1015 (8){(9)} A participating county that receives a disbursement of funds under this section shall:

1016 (a) commit to use the funds for the purposes described in Subsection ~~{(10)}~~ (11); and

1017 (b) deposit matching funds into the county trust account.

1018 (9){(10)} No later than August 1 of each year, a participating county that receives funds under this section shall provide the office with an accounting of:

1020 (a) the amount of money deposited in the county restricted account and from what sources;

1022 (b) the amount of funds expended from the county restricted account and from what source;

1024 (c) the purposes under Subsection ~~{(10)}~~ (11) for which funds from the county restricted account were expended; and

1026 (d) the amount of any remaining money in the county restricted account, and from what source.

1028 (10){(11)} ~~{subject }~~ Subject to appropriation, a participating county that receives funds under this part, may only use the funds for:

833 (a) Assertive Community Treatment support services;

834 (b) behavioral health support services for individuals with a history of homelessness;

835 (c) capital improvements, including to remodel or maintain a shelter;

836 (d) development and implementation of software for standardized screening tools to assess areas of strength and need of people experiencing homelessness, inform decision making regarding

HB0596 compared with HB0596S01

resources, service matching, and cross-system data sharing with criminal justice and behavioral health systems;

840 (e) mobile crisis outreach teams;

1030 (a){~~(f)~~} the operation of:

842 (i) a micro shelter community;

843 (ii) on-site behavioral support services and licensed clinical services for supported living programs for individuals with serious mental illnesses; or

1031 (i){~~(iii)~~} a winter overflow shelter;

1032 {~~(ii) {a micro shelter community; or}~~}

1033 {~~(iii) {permanent supportive housing for chronic homelessness;}~~}

1034 (b){~~(g)~~} payment to service providers;

1035 {~~(e) {capital improvements, including to remodel or maintain a shelter;}~~}

1036 {~~(d) {behavioral health support services for individuals with a history of homelessness;}~~}

1037 {~~(e) {Assertive Community Treatment support services;}~~}

1038 (f){~~(h)~~} {~~mobile crisis outreach~~} street medicine; or

1039 (g){~~(i)~~} other services the office determines necessary to meet the provisions of homeless services described in this chapter.

1041 (11){~~(12)~~}

(a) The office shall consult with the participating county's governing body to determine if additional uses of funds, other than the uses allowed under Subsection {~~(10)~~} (11), are needed for the county.

1044 (b) If the office and the county governing body agree to additional uses of the funds, as described in Subsection {~~(11)(a)~~} (12)(a), the county may use the funds for the purposes agreed to for the fiscal year in which the additional use of the funds is approved{~~;~~}.

1047 (12){~~(13)~~}

(a) A participating county may only be eligible to receive state funds in any given year in an amount equal to the {~~lesser of the~~} amount the participating county{~~;~~} deposits as matching funds as described in Subsection (8).

1049 {~~(i) {deposits as matching funds as described in Subsection (8); or}~~}

1050 {~~(ii) {expends for the previous fiscal year for the eligible uses described in Subsection (10).}~~}

1052 (b) A participating county that does not provide matching funds, as described in Subsection (8)(a), may not be eligible to receive funds until the participating county deposits funds into the participating

HB0596 compared with HB0596S01

county's restricted account in an amount agreed to by the office and the participating county's governing body.

863

(c)

(i) If a participating county does not show progress towards measurable outcome-based benchmarks, as described in Subsection (8)(b), the participating county may not be eligible to receive funds under this section.

866

(ii) For a participating county described in Subsection (13)(c)(i), the office, in consultation with the coordinator, may determine what actions the participating county may take to become eligible to receive funds under this section.

869

(14)

(a) The office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this part.

871

(b) The rules described in Subsection (14)(a) shall include:

872

(i) application requirements;

873

(ii) application procedures; and

874

(iii) procedures for distributing funds to participating counties, including prioritizing disbursements to participating counties within available funds.

876

Section 15. Section 15 is enacted to read:

878

35A-16-1301. {Definitions} Temporary shelter expansion -- Definitions -- Requirements --

Mitigation.

13. ~~{Code-Red}~~ Temporary Shelter Expansion

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

1060

~~(1) {"Affected county"} As used in this part, "municipal consent" means {a county of} the {first, second, third, or fourth class} written approval from a municipality in which a {code red event} congregate shelter is {anticipated} located to the office and to a service provider for temporary expansion of a congregate shelter's designated bed capacity.~~

1062

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

1064

~~{(3) {"Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide temporary shelter to under a conditional use permit or other restrictions required by law.}}~~

1067

HB0596 compared with HB0596S01

- {(4) {"Code red alert" means a proclamation issued by the Department of Health and Human Services under Section 35A-16-1302(4) to alert the public of a code red event.} }
- 1069 {(5) {"Code red event" means a weather event in which the National Weather Service predicts temperatures of 110 degrees Fahrenheit or more or any other extreme weather conditions established in rules made by the Department of Health and Human Services under Subsection 35A-16-1302(4), to occur in any county of the first, second, third, or fourth class for two hours or longer within the next 24 to 48 hours.} }
- 1074 (6){(2) {"Homeless shelter" means a facility that provides } A service provider may expand the capacity limit of a congregate shelter up to 135% of the shelter's designated bed capacity to provide temporary shelter to individuals experiencing homelessness{.} if:
- 1076 {(7) {"Municipality" means a city or town.} }
- 886 (a) the service provider informs the office of the need to temporarily expand the capacity limit of the shelter;
- 888 (b) the service provider requests approval from the municipality in which the congregate shelter is located to expand the shelter's capacity;
- 890 (c) the municipality in which the congregate shelter is located provides municipal consent to the service provider and the office; and
- 892 (d) the congregate shelter remains in compliance with the applicable state and local building and fire codes.
- 894 (3) Municipal consent under this section may include reasonable conditions related to public safety, coordination, or neighborhood mitigation.
- 896 (4) The authorization provided under this section does not modify any other applicable licensing, health, or safety requirements.
- 898 (5) A tier one shelter city in a city of the first class in a county of the third class:
- 899 (a) may expand the capacity limit of a congregate shelter, as described in Subsection (2) if local temperatures reach or exceed 105 degrees Fahrenheit; and
- 901 (b) may not have the shelter city's congregate shelter capacity reduced below the number of approved beds as of January 1, 2026.
- 903 (6) For purposes of formula distributions made under this chapter, the number of beds operated under Subsection (2) may be counted as tier three beds.

905

HB0596 compared with HB0596S01

(7) Additional bed capacity authorized under this section shall be mitigated using funds appropriated under this chapter as determined in rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

908 (8)

(a) A congregate shelter may not operate at the expanded capacity limit described in Subsection (2) after April 30, 2027.

910 (b) On or after May 1, 2027, a congregate shelter shall return to the congregate shelter's capacity limit as determined by the congregate shelter's conditional use permit unless otherwise authorized by the relevant municipality.

1077 Section 18. Section **18** is enacted to read:

1078 **35A-16-1302. Code red alert -- Content -- Dissemination -- Rulemaking.**

1080 (1) The Department of Health and Human Services shall:

1081 (a) monitor and evaluate forecasts and advisories produced by the National Weather Service;

1083 (b) issue a code red alert under this section if the Department of Health and Human Services identifies a code red event; and

1085 (c) disseminate the code red alert to:

1086 (i) the public at large;

1087 (ii) (ii)homeless shelters located within an affected county;

1088 (iii) (iii)local government entities located within an affected county;

1089 (iv) the office; and

1090 (v) any other relevant public or private entities that provide services to individuals experiencing homelessness within an affected county.

1092 (2) The code red alert shall:

1093 (a) identify each affected county;

1094 (b) specify the duration of the code red alert;

1095 (c) describe the provisions that take effect for the duration of the code red alert as described in Section 35A-16-1303; and

1097 (d) include the information prepared by the office under Subsection (3).

1098 (3)

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

HB0596 compared with HB0596S01

- 1100 (i) the location and availability of homeless shelters and other community resources and services
1102 for individuals experiencing homelessness;
1103 (ii) information regarding public safety and emergency services; and
1104 (iii) any other information considered relevant by the office.
1106 (b) The office shall submit to the Department of Health and Human Services the information prepared
and updated under Subsection (3)(a).
(4)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department
of Health and Human Services, in coordination with the office, shall make rules to implement this
section.
1109 (b) The rules under Subsection (4) shall:
1110 (i) establish any extreme weather conditions that warrant the issuance of a code red alert; and
1112 (ii) establish standards for:
1113 (A) monitoring and evaluating National Weather Service forecasts and advisories to identify code red
events;
1115 (B) issuing code red alerts under this section, including the form, content, and dissemination of code red
alerts;
1117 (C) the provisions that take effect within an affected county for the duration of a code red alert under
Section 35A-16-1303; and
1119 (D) coordinating with the office to receive the information described in Subsection (3).
1121 (5) Nothing in this section prohibits a municipality from implementing emergency plans or other
measures to assist individuals experiencing homelessness at times when environmental conditions
present a substantial threat to the health or safety of individuals experiencing homelessness, if
the emergency plans or other measures implemented by the municipality do not conflict with
any applicable provisions that take effect during a code red event in accordance with Section
35A-16-1303.

1127 Section 19. Section 19 is enacted to read:

1128 **35A-16-1303. Provisions in effect for duration of code red alert.**

Subject to rules made by the Department of Health and Human Services under
Subsection 35A-16-1302(4), the following provisions take effect within an affected county for
the duration of a code red alert:

HB0596 compared with HB0596S01

- 1133 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to provide temporary shelter to any number of individuals experiencing homelessness, if the homeless shelter is in compliance with the applicable building code and fire code;
- 1136 (2) a homeless shelter, in coordination with the applicable local homeless council, shall implement expedited intake procedures for individuals experiencing homelessness who request access to the homeless shelter;
- 1139 (3) a homeless shelter may not deny temporary shelter to any individual experiencing homelessness who requests access to the homeless shelter for temporary shelter unless the homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable individual would conclude that the individual presents a danger to public safety.
- 1143 (4) any indoor facility owned by a private organization, nonprofit organization, state government entity, or local government entity may be used to provide temporary shelter to individuals experiencing homelessness and is exempt from the licensure requirements of Title 26B, Chapter 2, Licensing and Certifications, for the duration of the code red alert and seven days following the day on which the code red alert ends, if the facility is in compliance with the applicable building code and fire code and the governing body of the organization or the legislative body of the government entity that owns the facility approves the use;
- 1151 (5) homeless shelters, state and local government entities, and other organizations that provide services to individuals experiencing homelessness shall coordinate street outreach efforts to distribute to individuals experiencing homelessness any available resources for survival in hot weather, including water, lightweight and light-colored clothing, a hat, sunscreen, or other items that may protect the individual from heat;
- 1156 (6) a state or local government entity, including a municipality, law enforcement agency, and local health department, may enforce a camping ordinance but may not seize from individuals experiencing homelessness any personal items for survival in hot weather, including clothing, tents, or other items used for shade; and
- 1160 (7) a municipality or other local government entity may not enforce any ordinance or policy that limits or restricts the ability for the provisions described in Subsections (1) through (7) to take effect, including local zoning ordinances.

913 Section 16. Section **59-12-205** is amended to read:

914

HB0596 compared with HB0596S01

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

- 1166 (1) To maintain in effect sales and use tax ordinances adopted [~~pursuant to~~] in accordance with 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:
- 1169 (a) within 30 days of the day on which the state makes an amendment to an applicable provision of Part
1, Tax Collection; and
- 1171 (b) as required to conform to the amendments to Part 1, Tax Collection.
- 1172 (2)
- (a) Except as provided in Subsections (3), (4), and (5) and subject to Subsection (6):
- 1173 (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
- 1177 (ii)
- (A) except as provided in Subsections (2)(a)(ii)(B), (C), (D), (E), and (F), 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;
- 1181 (B) except as provided in Subsections (10) through (13), 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;
- 1187 (C) except as provided in Subsections (10) through (13), beginning July 1, 2024, 20% 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;
- 1192 (D) except as provided in Subsections (10) through (13), 50% of each dollar collected from the sales
and use tax authorized by this part within the lake authority boundary, as defined in Section

HB0596 compared with HB0596S01

11-65-101, shall be distributed to the Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter following the creation of the Utah Lake Authority; and

1197 (E) except as provided in Subsections (10) through (13), beginning January 1, 2026, 50% of each dollar collected from the sales and use tax authorized by this part within the boundary of an eligible basic special district, as that term is defined in Section 17B-1-1405, and if applicable, the boundary of a public infrastructure district created by the eligible basic special district, shall be distributed to the eligible basic special district.

1203 (F) except as provided in Subsections (10) through (13), beginning the first day of a calendar quarter after the sales and use tax boundary for a major sporting event venue zone is established, the commission, at least annually, shall transfer an amount equal to 50% of the sales and use tax increment, as defined in Section 63N-3-1701, from the sales and use tax imposed under this part on transactions occurring within a sales and use tax boundary, as Section 63N-3-1710, to the creating entity of the major sporting event venue zone.

1210 (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before July 1, 2022.

1212 (3) Beginning no sooner than January 1, 2026, and before application of Subsections (2), (4), (5), and (6), and except as provided in Subsections (8) and (9), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the year set in the proposal and after the sales and use tax boundary for a convention center reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 100% of the sales and use tax increment, as defined in Section 63N-3-602, from the sales and use tax imposed under this part on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to the entity specified in the convention center reinvestment zone proposal submitted ~~[pursuant to]~~ in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1223 (4)

(a) As used in this Subsection (4):

1224 (i) "Eligible county, city, or town" means a county, city, or town that:

1225 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b) equal to the amount described in Subsection (4)(b)(ii); and

1227 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1, 2016.

1229

HB0596 compared with HB0596S01

(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.

1232 (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:

1234 (i) the payment required by Subsection (2); or

1235 (ii) the minimum tax revenue distribution.

1236 (c) For an eligible county, city, or town that qualifies to receive a distribution described in this Subsection (4), the commission shall apply the provisions of this Subsection (4) after the commission applies the provisions of Subsection (3).

1239 (5)

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

1240 (i)

(A) "Annual local contribution" means, for a fiscal year beginning on or after July 1, 2026, the lesser of \$316,250 or an amount equal to 2.93% of the participating local government's tax revenue distribution amount under Subsection (2)(a)(i) for ~~{the}~~ a previous fiscal year.

995 (B) "Annual local contribution" means, for a fiscal year beginning on or after July 1, 2027,

1244 ~~{(B)}~~ "Annual local contribution" means, for a fiscal year beginning on or after July 1, 2027, the lesser of [~~\$275,000~~] \$500,000 or an amount equal to [~~2.55%~~] 5% of the participating local government's tax revenue distribution amount under Subsection (2)(a)(i) for the previous fiscal year.

1248 (ii) "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 35A-16-404.

1251 (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:

1254 (i) adjust a participating local government's tax revenue distribution under Subsection (2)(a)(i) by:

1256 (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

1259 (B) if applicable, reducing the amount described in Subsection (5)(b)(i)(A) by an amount equal to one-twelfth of \$250 for each bed that is available at all homeless shelters located within the boundaries

HB0596 compared with HB0596S01

of the participating local government, as reported to the commission by the Office of Homeless Services in accordance with Section 35A-16-405; and

- 1264 (ii) deposit the resulting amount described in Subsection (5)(b)(i) into the Homeless Shelter Cities
Mitigation Restricted Account created in Section 35A-16-402.
- 1266 (c) For a participating local government that qualifies to receive a distribution described in Subsection
(4), the commission shall apply the provisions of this Subsection (5) after the commission applies
the provisions of Subsections (3) and (4).
- 1269 (6)
- (a) As used in this Subsection (6):
- 1270 (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.
- 1275 (ii) "Sand and gravel" means sand, gravel, or a combination of sand and gravel.
- 1276 (iii) "Sand and gravel extraction site" means a pit, quarry, or deposit that:
- 1277 (A) contains sand and gravel; and
- 1278 (B) is assessed by the commission in accordance with Section 59-2-201.
- 1279 (iv) "Ton" means a short ton of 2,000 pounds.
- 1280 (v) "Tonnage ratio" means the ratio of:
- 1281 (A) the total amount of sand and gravel, measured in tons, sold during a calendar year from all sand and
gravel extraction sites located within a county, city, or town; to
- 1284 (B) the total amount of sand and gravel, measured in tons, sold during the same calendar year from sand
and gravel extraction sites statewide.
- 1286 (b) For purposes of calculating the ratio described in Subsection (6)(a)(v), the commission shall:
- 1288 (i) use the gross sales data provided to the commission as part of the commission's property tax
valuation process; and
- 1290 (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.
- 1294 (c)

HB0596 compared with HB0596S01

- (i) Each July, 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.
- 1298 (ii) The commission shall ensure that the revenue distributed under this Subsection (6)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of total collections for the preceding 12-month period.
- 1301 (d) A county, city, or town shall use revenue described in Subsection (6)(c) for class B or class C roads.
- 1303 (7)
- (a) Population figures for purposes of this section shall be based on, to the extent not otherwise required by federal law:
- 1305 (i) the most recent estimate from the Utah Population Committee created in Section 63C-20-103; or
- 1307 (ii) if the Utah Population Committee estimate is not available for each municipality and unincorporated area, the adjusted sub-county population estimate provided by the Utah Population Committee in accordance with Section 63C-20-104.
- 1310 (b) The population of a county for purposes of this section shall be determined only from the unincorporated area of the county.
- 1312 (8)
- (a) As used in Subsections (8) and (9):
- 1313 (i) "Applicable percentage" means, for a convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, for sales occurring within the qualified development zone described in Subsection (8)(a)(ii), 100% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from the sales and use tax:
- 1318 (A) imposed by a city of the first class in a county of the first class under this part;
- 1319 (B) imposed by a city of the first class in a county of the first class under Section 59-12-402.1;
- 1321 (C) imposed by a county of the first class under Section 59-12-1102; and
- 1322 (D) imposed by a county of the first class under Part 22, Local Option Sales and Use Taxes for Transportation Act.
- 1324 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

HB0596 compared with HB0596S01

- 1327 (iii) "Qualifying construction materials" means construction materials that are:
- 1328 (A) delivered to a delivery outlet within a qualified development zone; and
- 1329 (B) intended to be permanently attached to real property within the qualified development zone.
- 1331 (b) For a sale of qualifying construction materials, the commission shall distribute the product
calculated in Subsection (8)(c) to a qualified development zone if the seller of the construction
materials:
- 1334 (i) establishes a delivery outlet with the commission within the qualified development zone;
- 1336 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (8)(b)(i);
and
- 1338 (iii) does not report the sales of the construction materials on a simplified electronic return.
- 1340 (c) For the purposes of Subsection (8)(b), the product is equal to:
- 1341 (i) the sales price or purchase price of the qualifying construction materials; and
- 1342 (ii) the applicable percentage.
- 1343 (9)
- (a) As used in this Subsection (9), "Schedule J sale" means a sale reported on State Tax Commission
Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.
- 1346 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified
development zone shall be distributed into the jurisdiction that would have received the revenue in
the absence of the qualified development zone.
- 1349 (10)
- (a) As used in this Subsection (10):
- 1350 (i) "Applicable percentage" means:
- 1351 (A) for a project area adopted by the military installation development authority under Title 63H,
Chapter 1, Military Installation Development Authority Act, for sales occurring within a qualified
development zone described in Subsection (10)(a)(iii)(A):
- 1355 (I) 50% of the revenue from the sales and use tax imposed under this part;
- 1356 (II) 100% of the revenue from the sales and use tax imposed by the military installation development
authority under Section 59-12-401; and
- 1358 (III) 100% of the revenue from the sales and use tax imposed by the military installation development
authority under Section 59-12-402; and
- 1360

HB0596 compared with HB0596S01

- (B) for a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, for sales occurring within a qualified development zone described in Subsection (10)(a)(iii)(B), 20% of the revenue from the sales and use tax under this part;
- 1364 (C) for the lake authority boundary, as defined in Section 11-65-101, for sales occurring within the qualified development zone described in Subsection (10)(a)(ii)(C), 50% of the revenue from the sales and use tax under this part;
- 1367 (D) for the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, for sales occurring within the qualified development zone described in Subsection (10)(a)(iii)(D), 100% of the revenue from the sales and use tax imposed by the Utah Fairpark Area Investment and Restoration District under Sections 59-12-401 and 59-12-402;
- 1372 (E) for an eligible basic special district created under Title 17B, Chapter 1, Part 14, Basic Special District, for sales occurring within a qualified development zone described in Subsection (10)(a)(iii)(E), 50% of the revenue from the sales and use tax imposed under this part;
- 1376 (ii) "Eligible basic special district" means the same as that term is defined in Section 17B-1-1405.
- 1378 (iii) "Qualified development zone" means the sales and use tax boundary of:
- 1379 (A) a project area adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act;
- 1381 (B) a project area under Title 11, Chapter 58, Utah Inland Port Authority Act;
- 1382 (C) the lake authority boundary, as defined in Section 11-65-101;
- 1383 (D) the Utah Fairpark Investment and Restoration District, created in Section 11-70-201; or
- 1385 (E) the area within the boundary of an eligible basic special district, and if applicable, the boundary of a public infrastructure district created by the basic special district;
- 1388 (iv) "Qualifying construction materials" means construction materials that are:
- 1389 (A) delivered to a delivery outlet within a qualified development zone; and
- 1390 (B) intended to be permanently attached to real property within the qualified development zone.
- 1392 (b) For a sale of qualifying construction materials, the commission shall distribute the product calculated in Subsection (10)(c) to a qualified development zone if the seller of the construction materials:
- 1395 (i) establishes a delivery outlet with the commission within the qualified development zone;
- 1397 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (10)(b)(i); and

HB0596 compared with HB0596S01

- 1399 (iii) does not report the sales of the construction materials on a simplified electronic return; or
1401 (c) For the purposes of Subsection (10)(b), the product is equal to:
1402 (i) the sales price or purchase price of the qualifying construction materials; and
1403 (ii) the applicable percentage.
1404 (11)
(a) As used in this Subsection (11):
1405 (i) "Applicable percentage" means the same as that term is defined in Subsection (10).
1406 (ii) "Qualified development zone" means the same as that term is defined in Subsection (10).
1408 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J
or a substantially similar form as designated by the commission.
1411 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified
development zone shall be distributed to the jurisdiction that would have received the revenue in the
absence of the qualified development zone.
1414 (12)
(a) As used in this Subsection (12):
1415 (i) "Applicable percentage" means, for a major sporting event venue zone created under Title
63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, for sales occurring within the
qualified development zone described in Subsection (12)(a)(ii):
1419 (A) 50% of the sales and use tax increment, as that term is defined in Section 63N-3-601, from the sales
and use tax imposed under this part;
1421 (B) 100% of the revenue from the sales and use tax imposed by the creating entity of a major sporting
event venue zone under Section 59-12-401; and
1423 (C) 100% of the revenue from the sales and use tax imposed by the creating entity of a major sporting
event venue zone under Section 59-12-402.
1425 (ii) "Qualified development zone" means the sales and use tax boundary, as described in Section
63N-3-1710, of a major sporting event venue zone created under Title 63N, Chapter 3, Part 17,
Major Sporting Event Venue Zone Act.
1428 (iii) "Qualifying construction materials" means construction materials that are:
1429 (A) delivered to a delivery outlet within a qualified development zone; and
1430 (B) intended to be permanently attached to real property within the qualified development zone.
1432

HB0596 compared with HB0596S01

(b) For a sale of qualifying construction materials, the commission shall distribute the product calculated in Subsection (12)(c) to the creating entity of a qualified development zone if the seller of the construction materials:

1435 (i) establishes a delivery outlet with the commission within the qualified development zone;
1437 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (12)(b) (i); and

1439 (iii) does not report the sales of the construction materials on a simplified electronic return; or

1441 (c) For the purposes of Subsection (12)(b), the product is equal to:

1442 (i) the sales price or purchase price of the qualifying construction materials; and

1443 (ii) the applicable percentage.

1444 (13)

(a) As used in this Subsection (13):

1445 (i) "Applicable percentage" means the same as that term is defined in Subsection (12).

1446 (ii) "Qualified development zone" means the same as that term is defined in Subsection (12).

1448 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J or a substantially similar form as designated by the commission.

1451 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be distributed to the jurisdiction that would have received the revenue in the absence of the qualified development zone.

1205 Section 17. Section **59-14-204** is amended to read:

1206 **59-14-204. Tax basis -- Rate -- Future increase -- Cigarette Tax Restricted Account --
Appropriation and expenditure of revenues.**

1457 (1) Except for cigarettes described under Subsection 59-14-210(3), there is levied a tax upon the sale, use, storage, or distribution of cigarettes in the state.

1459 (2) The rates of the tax levied under Subsection (1) are, beginning on July 1, 2010:

1460 (a) 8.5 cents on each cigarette, for all cigarettes weighing not more than three pounds per thousand cigarettes; and

1462 (b) 9.963 cents on each cigarette, for all cigarettes weighing in excess of three pounds per thousand cigarettes.

1464

HB0596 compared with HB0596S01

- (3) Except as otherwise provided under this chapter, the tax levied under Subsection (1) shall be paid by any person who is the manufacturer, jobber, importer, distributor, wholesaler, retailer, user, or consumer.
- 1467 (4) The tax rates specified in this section shall be increased by the commission by the same amount as
any future reduction in the federal excise tax on cigarettes.
- 1469 (5)
- (a) There is created within the General Fund a restricted account known as the "Cigarette Tax Restricted Account."
- 1471 (b) The Cigarette Tax Restricted Account consists of:
- 1472 (i) the first \$7,950,000 of the revenues collected from a tax under this section; and
- 1473 (ii) any other appropriations the Legislature makes to the Cigarette Tax Restricted Account.
- 1475 (c) For each fiscal year beginning with fiscal year 2011-12 and subject to appropriation by the
Legislature, the Division of Finance shall distribute money from the Cigarette Tax Restricted
Account as follows:
- 1478 (i) \$250,000 to the Department of Health to be expended for a tobacco prevention and control media
campaign targeted towards children;
- 1480 (ii) \$2,900,000 to the Department of Health to be expended for tobacco prevention, reduction, cessation,
and control programs;
- 1482 (iii) \$2,000,000 to the University of Utah Health Sciences Center for the Huntsman Cancer Institute to
be expended for cancer research; and
- 1484 (iv) \$2,800,000 to the University of Utah Health Sciences Center to be expended for medical education
at the University of Utah School of Medicine.
- 1486 ~~{(d) For a fiscal year beginning on or after July 1, 2026, and subject to appropriation by the Legislature,
the Division of Finance shall deposit revenue generated from the tax imposed by this part that is in
excess of \$48,900,000 to the Homeless Services Restricted Account to be expended for purposes
described in Section 35A-16-1201.}~~
- 1490 ~~{(d)}~~ ~~{(e)}~~ In determining how to appropriate revenue deposited into the Cigarette Tax Restricted
Account that is not otherwise appropriated under Subsection (5)(c), the Legislature shall give
particular consideration to enhancing Medicaid provider reimbursement rates and medical coverage
for the uninsured.

1241

HB0596 compared with HB0596S01

(6) For a fiscal year beginning on or after July 1, 2026, and subject to appropriation by the Legislature, the Division of Finance shall deposit revenue generated from the tax imposed by this part that is in excess of \$48,900,000 to the Homeless Services Restricted Account to be expended for purposes described in Section 35A-16-1201.

1245 Section 18. Section **63A-5b-902** is amended to read:

1246 **63A-5b-902. Application of part.**

1496 (1) Except as [stated] provided in Subsection (1)(d), the provisions of this part, other than this section, do not apply to:

1498 (a) the division's disposal or lease of division-owned property that would otherwise be subject to this part, if the division-owned property has a value under \$500,000, as estimated by the division;

1501 (b) a conveyance, lease, or disposal of division-owned property in connection with:

1502 (i) the establishment of a state store, as defined in Section 32B-1-102; or

1503 (ii) the construction of student housing;

1504 (c) a conveyance, lease, or disposal of any part of the point of the mountain state land, as defined in Section 11-59-102, by the Point of the Mountain State Land Authority created in Section 11-59-201;

1507 (d) a conveyance, lease, or disposal of division-owned property for fair market value, as determined by the division, under Subsection 63A-5b-303(1)(a)(viii), except that the following sections apply:

1510 (i) Section 63A-5b-907.5;

1511 (ii) Section 63A-5b-908;

1512 (iii) Section 63A-5b-910;

1513 (iv) Section 63A-5b-911; and

1514 (v) Section 63A-5b-912; or

1515 (e) a conveyance, lease, or disposal of any state-owned land, as defined in Section 11-70-101, by the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201[-]; or

1518 (f) a conveyance, lease, or disposal of division-owned property to the Office of Homeless Services to carry out the purposes described in Title 35A, Chapter 16, Part 2, Office of Homeless Services.

1521 (2) Nothing in Subsection (1)(a), (b), [~~or (d) may be construed to~~] (d), or (f) shall diminish or eliminate the division's responsibility to manage division-owned property in the best interests of the state.

1275 Section 19. Section **63I-2-235** is amended to read:

1276 **63I-2-235. Repeal dates: Title 35A.**

[Section 35A-3-212, Use of COVID-19 relief funds -- Grants to child care providers --

HB0596 compared with HB0596S01

~~Reporting requirements, is repealed June 30, 2025.]~~

Section 35A-16-406, Mitigation Fund Task Force, is repealed January 1, 2027.

- 1280 Section 20. Section **63J-1-602.1** is amended to read:
- 1281 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**
- Appropriations made from the following accounts or funds are nonlapsing:
- 1528 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- 1529 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided
under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
- 1531 (3) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.
- 1533 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- 1534 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- 1535 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section 19-2a-106.
- 1537 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section
19-5-126.
- 1539 (8) State funds for matching federal funds in the Children's Health Insurance Program as provided in
Section 26B-3-906.
- 1541 (9) Funds collected from the program fund for local health department expenses incurred in responding
to a local health emergency under Section 26B-7-111.
- 1543 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 1544 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 1545 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that
Section 31A-3-304 makes the money received under that section free revenue.
- 1547 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 1548 (14) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- 1550 (15) The State Mandated Insurer Payments Restricted Account created in Section 31A-30-118.
- 1552 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 1553 (17) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in
Section 32B-2-306.
- 1555 (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 1556 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain products or
services, as provided in Section 35A-13-202.

HB0596 compared with HB0596S01

- 1558 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in Section 35A-16-212.
- 1560 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.
- 1562 ~~(22)~~ (23) The Homeless Services Restricted Account created in Section 35A-16-1201.
- 1563 ~~(22)~~ (23) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 1564 ~~(23)~~ (24) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 1565 ~~(24)~~ (25) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 1567 ~~(25)~~ (26) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.
- 1569 ~~(26)~~ (27) The License Plate Restricted Account created by Section 41-1a-122.
- 1570 ~~(27)~~ (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.
- 1572 ~~(28)~~ (29) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.
- 1574 ~~(29)~~ (30) The Disaster Response, Recovery, and Mitigation Restricted Account created in Section 53-2a-1302.
- 1576 ~~(30)~~ (31) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 1578 ~~(31)~~ (32) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.
- 1580 ~~(32)~~ (33) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 1582 ~~(33)~~ (34) The DNA Specimen Restricted Account created in Section 53-10-407.
- 1583 ~~(34)~~ (35) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- 1584 ~~(35)~~ (36) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 1585 ~~(36)~~ (37) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 1587 ~~(37)~~ (38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).
- 1589 ~~(38)~~ (39) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.
- 1591

HB0596 compared with HB0596S01

- [~~(39)~~] (40) Certain fines collected by the Division of Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.
- 1594 [~~(40)~~] (41) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.
- 1596 [~~(41)~~] (42) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.
- 1598 [~~(42)~~] (43) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.
- 1600 [~~(43)~~] (44) Certain fines collected by the Division of Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.
- 1603 [~~(44)~~] (45) The Relative Value Study Restricted Account created in Section 59-9-105.
- 1604 [~~(45)~~] (46) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 1605 [~~(46)~~] (47) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.
- 1607 [~~(47)~~] (48) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.
- 1610 [~~(48)~~] (49) Certain funds donated to the Department of Health and Human Services, as provided in Section 26B-1-202.
- 1612 [~~(49)~~] (50) Certain funds donated to the Division of Child and Family Services, as provided in Section 80-2-404.
- 1614 [~~(50)~~] (51) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 1616 [~~(51)~~] (52) The Immigration Act Restricted Account created in Section 63G-12-103.
- 1617 [~~(52)~~] (53) Money received by the military installation development authority, as provided in Section 63H-1-504.
- 1619 [~~(53)~~] (54) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 1621 [~~(54)~~] (55) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 1623 [~~(55)~~] (56) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 1624 [~~(56)~~] (57) The Motion Picture Incentive Account created in Section 63N-8-103.
- 1625

HB0596 compared with HB0596S01

~~[(57)]~~ (58) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

1627 ~~[(58)]~~ (59) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

1629 ~~[(59)]~~ (60) The following funds or accounts created in Section 72-2-124:

1630 (a) Transportation Investment Fund of 2005;

1631 (b) Transit Transportation Investment Fund;

1632 (c) Cottonwood Canyons Transportation Investment Fund;

1633 (d) Active Transportation Investment Fund; and

1634 (e) Commuter Rail Subaccount.

1635 ~~[(60)]~~ (61) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

1637 ~~[(61)]~~ (62) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

1639 ~~[(62)]~~ (63) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

1641 ~~[(63)]~~ (64) Award money under the State Asset Forfeiture Grant Program, as provided under Section 77-11b-403.

1643 ~~[(64)]~~ (65) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

1645 ~~[(65)]~~ (66) Fees for certificate of admission created under Section 78A-9-102.

1646 ~~[(66)]~~ (67) Funds collected for adoption document access as provided in Sections 81-13-103, 81-13-504, and 81-13-505.

1648 ~~[(67)]~~ (68) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

1650 ~~[(68)]~~ (69) The Utah Geological Survey Restricted Account created in Section 79-3-403.

1651 ~~[(69)]~~ (70) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, and Green River State Park, as provided under Section 79-4-403.

1653 ~~[(70)]~~ (71) Certain funds received by the Division of State Parks from the sale or disposal of buffalo, as provided under Section 79-4-1001.

1655 Section . **FY 2026 Appropriations.**

1656 The following sums of money are appropriated for the fiscal year beginning July 1,

1657 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for

HB0596 compared with HB0596S01

1689 use the nonlapsing one-time general funds provided in
1690 Item 2 for the purposes described in Subsection
1691 35A-16-1201(10).

1411 Section 21. **Effective date.**

Effective Date.

This bill takes effect:

1694 (1) except as provided in Subsection (2), May 6, 2026; or

1695 (2) if approved by two-thirds of all members elected to each house, the later of:

1696 (a) April 1, 2026; or

1697 (b)

(i) upon approval by the governor;

1698 (ii) without the governor's approval, the day following the constitutional time limit of Utah

Constitution, Article VII, Section 8; or

1700 (iii) with the governor's veto and a vote of the Legislature to override the veto, the date of veto override.

3-1-26 7:22 PM