

## HB0421S03 compared with HB0421S02

~~text~~ shows text that was in HB0421S02 but was deleted in HB0421S03.

text shows text that was not in HB0421S02 but was inserted into HB0421S03.

**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.

Representative Steve Eliason proposes the following substitute bill:

### HOMELESSNESS AND VULNERABLE POPULATIONS

#### AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Kirk A. Cullimore

---

---

#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ authorizes the Utah State Hospital to contract for certain services;
- ▶ provides for the duty of the executive committee of the Utah Homelessness Council (council) to serve in an advisory capacity for the council;
- ▶ requires the council to establish standards for prioritizing beds in homeless shelters;
- ▶ prohibits a homeless shelter from receiving funds from the Office of Homeless

## HB0421S03 compared with HB0421S02

Services upon failing to comply with the council's prioritization standards;

- ▶ allows a homeless shelter to receive grants from the council upon providing any amount of matching funds;
- ▶ requires the council to consider the amount of matching grants provided by a homeless shelter in awarding grants;
- ▶ clarifies that appropriations made from the Homeless Shelter Cities Mitigation Restricted Account (mitigation funds) do not lapse;
- ▶ allows the Department of Public Safety to receive mitigation funds under certain circumstances;

~~requires the council to consider whether a municipality has enforced certain ordinances in determining whether to approve mitigation funds;~~

~~prohibits a municipality from receiving mitigation funds unless the municipality enforces an ordinance prohibiting panhandling;~~ demonstrates progress in reducing certain conduct occurring in public spaces;

exempts certain counties from winter response plan requirements if a county develops a year-round plan for addressing the needs of individuals experiencing homelessness;

- ▶ increases the temperature for a code blue alert to take effect;
- ▶ allows a municipality to implement emergency measures to assist individuals experiencing homelessness during dangerous weather conditions; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

### Utah Code Sections Affected:

AMENDS:

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

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

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

## HB0421S03 compared with HB0421S02

35A-16-403, as last amended by Laws of Utah 2023, Chapter 302

35A-16-502, as repealed and reenacted by Laws of Utah 2023, Chapter 302

35A-16-701, as enacted by Laws of Utah 2023, Chapter 302

35A-16-702, as enacted by Laws of Utah 2023, Chapter 302

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

63J-1-602.1, as last amended by Laws of Utah 2023, Chapters 26, 33, 34, 194, 212,  
330, 419, 434, 448, and 534

ENACTS:

26B-5-381, Utah Code Annotated 1953

35A-16-205.1, Utah Code Annotated 1953

---

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

Section 1. Section **26B-5-381** is enacted to read:

**26B-5-381. Contracted state hospital services.**

(1) In accordance with the authority, responsibilities, and duties granted to the division and state hospital under this part, the state hospital may contract with any willing provider to:

(a) supervise and treat a patient with a mental illness who has been committed to the state hospital's custody; or

(b) facilitate the reentry of a discharged patient into the community.

(2) A provider who enters into a contract with the state hospital under Subsection (1) shall provide a level of supervision and security that is equal to or greater than the level of supervision and security that:

(a) is necessary to treat the patient with a mental illness; and

(b) would be offered at or recommended by the state hospital.

(3) In collaboration with the Division of Integrated Healthcare, the superintendent and clinical director shall provide a report to the Health and Human Services Interim Committee at or before the committee's 2024 November interim meeting that includes information and recommendations on:

(a) the number of patients with a mental illness served through a state hospital contract in accordance with Subsection (1), and the nature of the services rendered;

(b) addressing the needs of patients with complex legal and mental health statuses who

## HB0421S03 compared with HB0421S02

are expected to have significantly long stays at the state hospital and who are not able to be discharged into the community;

(c) the creation of a low-acuity step-down facility to assist patients described in Subsection (3)(b); and

(d) opportunities for collaboration with local mental health authorities and other willing providers to provide low-acuity step-down services to assist patients described in Subsection (3)(b).

Section 2. Section **35A-16-205** is amended to read:

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

~~(1)~~ The homelessness council:

~~(1)~~ ~~(a)~~ shall provide final approval for:

~~(a)~~ ~~(i)~~ the homeless services budget;

~~(b)~~ ~~(ii)~~ the strategic plan; and

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

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

~~(2)~~ ~~(b)~~ in cooperation with the coordinator, shall:

~~(a)~~ ~~(i)~~ develop and maintain the homeless services budget;

~~(b)~~ ~~(ii)~~ develop and maintain the strategic plan; and

~~(c)~~ ~~(iii)~~ review applications and approve funding for the provision of homeless services in the state as described in Subsection 35A-16-203(1)(d);

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

~~(4)~~ ~~(d)~~ shall cooperate with local homeless councils to:

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

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

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

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

## HB0421S03 compared with HB0421S02

~~[(6)]~~ (f) shall recommend performance and accountability measures for service providers, including the support of collecting consistent and transparent data; ~~[and]~~

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

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

~~[(b)]~~ (ii) shall identify specific targets and benchmarks that align with the strategic plan for each recommended award~~[-]~~; and

(h) shall establish standards for the prioritization of beds located in homeless shelters in accordance with Section 35A-16-205.1.

(2) The executive committee shall act in an advisory capacity for the homelessness council and make recommendations regarding the homelessness council's duties under Subsection (1).

Section 3. Section **35A-16-205.1** is enacted to read:

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

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

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

(a) assign highest priority for available beds to:

(i) individuals eligible for Temporary Assistance for Needy Families funds pursuant to 42 U.S.C. Sec. 604; and

(ii) individuals discharged from the Utah State Hospital created in Section 26B-5-302; and

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

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

## **HB0421S03 compared with HB0421S02**

(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 standards established by the homelessness council under Subsection (1).

Section 4. Section **35A-16-302** is amended to read:

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

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

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

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

(b) the progress towards measurable outcome-based benchmarks agreed to between the entity and the homelessness council before the awarding of the grant or contract.

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

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

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

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

(i) families with children;

(ii) transitional-aged youth;

(iii) single men or single women;

(iv) veterans;

(v) victims of domestic violence;

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

## **HB0421S03 compared with HB0421S02**

- (vii) individuals who are medically frail or terminally ill;
  - (viii) individuals exiting prison or jail; or
  - (ix) individuals who are homeless without shelter;
- (d) consider whether the project will address one or more of the following goals:
- (i) diverting homeless or imminently homeless individuals and families from emergency shelters by providing better housing-based solutions;
  - (ii) meeting the basic needs of homeless individuals and families in crisis;
  - (iii) providing homeless individuals and families with needed stabilization services;
  - (iv) decreasing the state's homeless rate;
  - (v) implementing a coordinated entry system with consistent assessment tools to provide appropriate and timely access to services for homeless individuals and families;
  - (vi) providing access to caseworkers or other individualized support for homeless individuals and families;
  - (vii) encouraging employment and increased financial stability for individuals and families being diverted from or exiting homelessness;
  - (viii) creating additional affordable housing for state residents;
  - (ix) providing services and support to prevent homelessness among at-risk individuals and adults;
  - (x) providing services and support to prevent homelessness among at-risk children, adolescents, and young adults;
  - (xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness; and
  - (xii) providing medical respite care for homeless individuals where the homeless individuals can access medical care and other supportive services; and
- (e) address the needs identified in the strategic plan described in Section 35A-16-203 for inclusion in the annual written report described in Section 35A-1-109.
- (4) In addition to the other provisions of this section, in determining the awarding of a grant or contract under this section to design, build, create, or renovate a facility that will provide shelter or other resources for the homeless, of the homelessness council, with the concurrence of the coordinator, may consider whether the facility will be:
- (a) located near mass transit services;

## HB0421S03 compared with HB0421S02

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

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

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

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

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

(b) the state;

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

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

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

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

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

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

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

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

Section 5. Section **35A-16-402** is amended to read:

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



## **HB0421S03 compared with HB0421S02**

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

(2) The account shall be funded by:

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

(b) interest earned on the account; and

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

(3) The office shall administer the account.

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

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

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

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

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

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

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

(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

## HB0421S03 compared with HB0421S02

homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and

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

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

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

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

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

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

(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 ~~{eligible }~~municipality ~~{does not enforce an ordinance required by}~~~~failed to demonstrate progress as provided in~~ Subsection 35A-16-403(2)(g), the office may disburse the account funds that the ~~{eligible }~~municipality would otherwise have received to:

(A) ~~{to }~~eligible municipalities in accordance with the provisions of this Subsection (4); or

(B) ~~{upon the recommendation of the homelessness council and }~~subject to Subsection (4)(f)(ii), ~~{to }~~the Department of Public Safety.

## HB0421S03 compared with HB0421S02

(ii) ~~Account~~ (A) The office may not disburse account funds ~~disbursed~~ to the Department of Public Safety under Subsection (4)(f)(i) ~~shall be used by the~~ unless the disbursement is recommended and approved by the homelessness council.

(B) The Department of Public Safety shall use any account funds received under Subsection (4)(f)(i) to aid assist in the enforcement of state laws that promote the safety or well-being of individuals experiencing homelessness.

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

(6) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.

Section 6. Section **35A-16-403** is amended to read:

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

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

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

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

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

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

(c) The request described in Subsection ~~[(2)(b)(ii)]~~ (2)(b)(i) shall contain:

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

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

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

(iv) the amount of account funds requested.

(d) (i) On or before September 30, an eligible municipality that received account funds

## HB0421S03 compared with HB0421S02

during the previous fiscal year shall file electronically with the homelessness council a report that includes:

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

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

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

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

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

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

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

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

(iii) the availability of funding for the eligible municipality under Subsection 35A-16-402(4);

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

~~(v) for an eligible municipality that received account funds during the previous fiscal year, the extent to which the eligible municipality enforced an ordinance required by Subsection (2)(g) in the previous year; and~~

~~[(v)] (vi); and~~

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

(f) After making the evaluation described in Subsection (2)(e), and subject to Subsection (2)(g), the homelessness council shall vote to either approve or deny an eligible

## HB0421S03 compared with HB0421S02

municipality's request for account funds.

(g) (i) In addition to the evaluation under Subsection (2)(e), the homelessness council may not approve an eligible municipality's request to receive account funds under this section unless the municipality demonstrates to the satisfaction of the homelessness council the municipality's progress in reducing the following conduct:

(A) camping on streets, sidewalks, and other public spaces within the municipality; and

(B) conduct that impedes or blocks traffic within the municipality in violation of Subsection 41-6a-1009(4).

(ii) In determining whether an eligible municipality has demonstrated progress under Subsection (2)(g)(i), the homelessness council shall consider:

(A) the specific measures taken by the municipality to reduce the conduct described in Subsections (2)(g)(i)(A) and (B), and the effectiveness of these measures in reducing the conduct;

(B) the strategies utilized by the municipality in managing and improving public spaces within the municipality, and the impact of these strategies on safety, cleanliness, and the well-being of the community; and

(C) the gap between the number of individuals experiencing homelessness within the municipality and the availability of beds at eligible shelters to which the individuals experiencing homelessness have reasonable access, and any changes to this gap over time.

(iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in coordination with the office, the homelessness council shall make rules establishing standards for the information required by an eligible municipality to demonstrate progress under Subsection (2)(g)(i).

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

~~—— (A) [enforces] an ordinance that prohibits camping {}; and~~

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

~~—— }.]~~

~~[(ii) Subsection (2)(g)(i) {(A)} does not apply if each homeless shelter located within the county in which the eligible municipality is located is at full capacity, as defined by rule~~

## HB0421S03 compared with HB0421S02

~~made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

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

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

### Section 7. Section 35A-16-502 is amended to read:

#### **35A-16-502. Winter response plan required -- Contents -- Review -- Consequences after determination of noncompliance.**

(1) (a) The task force for an applicable county that is a county of the first class shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2023, 2024, and 2025.

(b) ~~The~~ Except as provided in Subsection (3), the task force for an applicable county not described in Subsection (1)(a) shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2024 and 2025.

(2) The winter response plan shall:

(a) provide assurances to the office that the applicable county will meet the applicable county's targeted winter response bed count or other accommodations during the subsequent winter response period by establishing plans for the requisite need during the subsequent winter response period;

(b) ensure that any temporary winter response shelter planned for operation within the applicable county will meet all local zoning requirements;

(c) include a detailed transportation plan, budget, revenue sources, including in-kind sources, and any other component specified by the office under Subsection (3) as a requirement for the applicable county to achieve compliance with this section;

(d) include a detailed county plan for a code blue event as defined in Section 35A-16-701, including the number and location of available beds for individuals experiencing homelessness for the duration of the code blue event; and

## HB0421S03 compared with HB0421S02

(e) be approved by the chief executive officer of:

(i) any municipality located within the applicable county in which a temporary winter response shelter is planned for operation during the subsequent winter response period; and

(ii) the applicable county, if a temporary winter response shelter is planned for operation within an unincorporated area of the county.

(3) The requirements of Subsection (1)(b) do not apply to an applicable county if:

(a) on or before August 1, 2024, the applicable county submits to the office:

(i) documentation demonstrating that the applicable county is developing a plan to address the needs of individuals experiencing homelessness within the county throughout the entire year, as opposed to only during the winter response period; and

(ii) a county plan for a code blue event as described in Subsection (2)(d);

(b) on or before August 1, 2025, the applicable county submits to the office the year-round plan developed under Subsection (2)(a)(i); and

(c) the office determines that the applicable county's year-round plan meets the requirements of a winter response plan as described in Subsection (2) for the entire year.

~~[(3)]~~ (4) To assist a task force in preparing a winter response plan, by no later than March 30 of the year in which the winter response plan is due, the applicable local homeless council, in coordination with the office, shall provide the following information to the task force:

(a) the targeted winter response bed count;

(b) the requirements for the plan described in Subsection (2)(d);

(c) the availability of funds that can be used to mitigate the winter response plan; and

(d) any component required for the winter response plan to achieve compliance that is not described in Subsection (2).

~~[(4)]~~ (5) In preparing the winter response plan, the task force shall coordinate with:

(a) the office;

(b) the applicable local homeless council;

(c) for Salt Lake County, the conference of mayors for Salt Lake County; and

(d) for an applicable county not described in Subsection ~~[(4)(e)]~~ (5)(c), the council of governments for the applicable county.

~~[(5)]~~ (6) In conducting site selection for a temporary winter response shelter under a

## HB0421S03 compared with HB0421S02

winter response plan, the task force shall prioritize:

- (a) a site located more than one mile from any homeless shelter;
- (b) a site located more than one mile from any permanent supportive housing, as verified by the office; and
- (c) a site located in a municipality or unincorporated area of the applicable county that does not have a homeless shelter.

~~(6)~~(7) (a) On or before August 15 of the year in which a winter response plan is submitted, the office shall:

- (i) conduct a review of the winter response plan for compliance with this section; and
- (ii) send a written notice of the office's determination regarding compliance to:
  - (A) the task force for the applicable county;
  - (B) the council of governments for the applicable county;
  - (C) the applicable local homeless council; and
  - (D) the legislative body of each municipality located within the applicable county.
- (b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance with this section if:

- (i) the applicable county's task force fails to submit a timely winter response plan under this section; or
- (ii) the office determines that the winter response plan prepared for the applicable county does not comply with this section.

~~(7)~~(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules establishing requirements for an applicable county's compliance with this section.

Section ~~(7)~~8. Section **35A-16-701** is amended to read:

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

As used in this part:

- (1) "Affected county" means a county of the first, second, third, or fourth class in which a code blue event is anticipated.
- (2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an affected county.
- (3) "Capacity limit" means a limit as to the number of individuals that a homeless



## HB0421S03 compared with HB0421S02

shelter may provide temporary shelter to under a conditional use permit.

(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.

(5) "Code blue event" means a weather event in which the National Weather Service predicts temperatures of [~~15~~] 18 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.

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

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

Section ~~8~~9. Section **35A-16-702** is amended to read:

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

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

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

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

(c) disseminate the code blue alert to:

(i) the public at large;

(ii) homeless shelters located within an affected county;

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

(iv) the office; and

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

(2) The code blue alert shall:

(a) identify each affected county;

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

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

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

## HB0421S03 compared with HB0421S02

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

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

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

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

(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.

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

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

(ii) establish standards for:

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

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

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

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

(5) Nothing in this section prohibits a municipality from ~~[issuing a safety alert based on other]~~ implementing emergency plans or other measures to assist individuals experiencing homelessness at times when environmental conditions ~~[that]~~ present a substantial threat to the health or safety of individuals experiencing homelessness, provided that 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.

Section ~~9~~10. Section **59-12-205** is amended to read:

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

## HB0421S03 compared with HB0421S02

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

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

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

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

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

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

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

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

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

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

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

## HB0421S03 compared with HB0421S02

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

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

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

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

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

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

(ii) the minimum tax revenue distribution.

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

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

(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.

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

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

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

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

## HB0421S03 compared with HB0421S02

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

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

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

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

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

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

(A) contains sand and gravel; and

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

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

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

(A) the total amount of sand and gravel, measured in tons, sold during a calendar year from all sand and gravel extraction sites located within a county, city, or town; to

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

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

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

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

(c) (i) Beginning July 2023, and each July thereafter, the commission shall distribute from total collections under this part an amount equal to the annual dedicated sand and gravel

## HB0421S03 compared with HB0421S02

sales tax revenue for the preceding calendar year to each county, city, or town in the same proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.

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

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

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

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

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

Section ~~{10}~~11. Section **63J-1-602.1** is amended to read:

### **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

Appropriations made from the following accounts or funds are nonlapsing:

- (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- (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.
- (3) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.
- (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section 19-2a-106.
- (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.
- (8) State funds for matching federal funds in the Children's Health Insurance Program

## HB0421S03 compared with HB0421S02

as provided in Section 26B-3-906.

(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.

(10) The Technology Development Restricted Account created in Section 31A-3-104.

(11) The Criminal Background Check Restricted Account created in Section 31A-3-105.

(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.

(13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

(14) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

(15) The State Mandated Insurer Payments Restricted Account created in Section 31A-30-118.

(16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

(17) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

(18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

(19) The School Readiness Restricted Account created in Section 35A-15-203.

(20) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

(21) The Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

~~(21)~~ (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

~~(22)~~ (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.

~~(23)~~ (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.

~~(24)~~ (25) The Electronic Payment Fee Restricted Account created by Section

## HB0421S03 compared with HB0421S02

41-1a-121 to the Motor Vehicle Division.

~~[(25)]~~ (26) The License Plate Restricted Account created by Section 41-1a-122.

~~[(26)]~~ (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

~~[(27)]~~ (28) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.

~~[(28)]~~ (29) The Response, Recovery, and Post-disaster Mitigation Restricted Account created in Section 53-2a-1302.

~~[(29)]~~ (30) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

~~[(30)]~~ (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

~~[(31)]~~ (32) The DNA Specimen Restricted Account created in Section 53-10-407.

~~[(32)]~~ (33) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

~~[(33)]~~ (34) The Higher Education Capital Projects Fund created in Section 53B-22-202.

~~[(34)]~~ (35) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

~~[(35)]~~ (36) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

~~[(36)]~~ (37) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.

~~[(37)]~~ (38) 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.

~~[(38)]~~ (39) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

~~[(39)]~~ (40) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

~~[(40)]~~ (41) Funds collected from a surcharge fee to provide certain licensees with



## HB0421S03 compared with HB0421S02

access to an electronic reference library, as provided in Section 58-56-3.5.

~~[(41)]~~ (42) 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.

~~[(42)]~~ (43) The Relative Value Study Restricted Account created in Section 59-9-105.

~~[(43)]~~ (44) The Cigarette Tax Restricted Account created in Section 59-14-204.

~~[(44)]~~ (45) 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.

~~[(45)]~~ (46) 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.

~~[(46)]~~ (47) Certain funds donated to the Department of Health and Human Services, as provided in Section 26B-1-202.

~~[(47)]~~ (48) Certain funds donated to the Division of Child and Family Services, as provided in Section 80-2-404.

~~[(48)]~~ (49) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

~~[(49)]~~ (50) The Immigration Act Restricted Account created in Section 63G-12-103.

~~[(50)]~~ (51) Money received by the military installation development authority, as provided in Section 63H-1-504.

~~[(51)]~~ (52) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

~~[(52)]~~ (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

~~[(53)]~~ (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

~~[(54)]~~ (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

~~[(55)]~~ (56) The Motion Picture Incentive Account created in Section 63N-8-103.

~~[(56)]~~ (57) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

## HB0421S03 compared with HB0421S02

~~[(57)]~~ (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

~~[(58)]~~ (59) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

~~[(59)]~~ (60) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

~~[(60)]~~ (61) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

~~[(61)]~~ (62) Award money under the State Asset Forfeiture Grant Program, as provided under Section 77-11b-403.

~~[(62)]~~ (63) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

~~[(63)]~~ (64) Fees for certificate of admission created under Section 78A-9-102.

~~[(64)]~~ (65) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(65)]~~ (66) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

~~[(66)]~~ (67) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in Section 79-3-403.

~~[(67)]~~ (68) 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.

~~[(68)]~~ (69) Certain funds received by the Division of State Parks from the sale or disposal of buffalo, as provided under Section 79-4-1001.

### Section ~~{11}~~12. **Effective date.**

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

(2) If approved by two-thirds of all the members elected to each house, Section 59-12-205 takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

### Section ~~{12}~~13. **Retrospective operation.**

Section 59-12-205, effective May 1, 2024, has retrospective operation to January 1,

**HB0421S03 compared with HB0421S02**

2024.