

Senator Kirk A. Cullimore 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;
- ▶ establishes the HOME Court Pilot Program to provide for comprehensive, court-supervised treatment and services to individuals in Salt Lake County with mental illness;
- ▶ 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 Services (office) 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



- 26 homeless shelter in awarding grants;
- 27 ▶ allows the Department of Public Safety to receive Homeless Shelter Cities
- 28 Mitigation Restricted Account funds (mitigation funds) under certain
- 29 circumstances;
- 30 ▶ clarifies that mitigation funds are nonlapsing and allows the office to disburse
- 31 uncommitted mitigation funds to municipalities in the following year;
- 32 ▶ prohibits a municipality from receiving mitigation funds unless the municipality
- 33 enforces certain prohibitions and demonstrates improvement in reducing certain
- 34 conduct;
- 35 ▶ exempts certain counties from winter response plan requirements if a county
- 36 develops a year-round plan for addressing the needs of individuals experiencing
- 37 homelessness;
- 38 ▶ increases the temperature for a code blue alert to take effect;
- 39 ▶ allows a municipality to implement emergency measures to assist individuals
- 40 experiencing homelessness during dangerous weather conditions;
- 41 ▶ amends provisions concerning how a health care provider submits a request for an
- 42 individual who voluntarily requests to be restricted from purchasing or possessing
- 43 firearms; and
- 44 ▶ makes technical and conforming changes.

45 **Money Appropriated in this Bill:**

46 None

47 **Other Special Clauses:**

48 This bill provides a special effective date.

49 This bill provides retrospective operation.

50 **Utah Code Sections Affected:**

51 AMENDS:

52 [35A-16-203](#), as last amended by Laws of Utah 2023, Chapter 302

53 [35A-16-205](#), as last amended by Laws of Utah 2022, Chapter 403

54 [35A-16-302](#), as last amended by Laws of Utah 2023, Chapter 302

55 [35A-16-402](#), as last amended by Laws of Utah 2023, Chapter 302

56 [35A-16-403](#), as last amended by Laws of Utah 2023, Chapter 302

57 **35A-16-502**, as repealed and reenacted by Laws of Utah 2023, Chapter 302
 58 **35A-16-701**, as enacted by Laws of Utah 2023, Chapter 302
 59 **35A-16-702**, as enacted by Laws of Utah 2023, Chapter 302
 60 **53-5c-301**, as last amended by Laws of Utah 2023, Chapter 405
 61 **53-5c-302**, as enacted by Laws of Utah 2023, Chapter 405
 62 **59-12-205**, as last amended by Laws of Utah 2023, Chapters 302, 471 and 492
 63 **63J-1-602.1**, as last amended by Laws of Utah 2023, Chapters 26, 33, 34, 194, 212,
 64 330, 419, 434, 448, and 534

65 ENACTS:

66 **26B-5-381**, Utah Code Annotated 1953
 67 **26B-5-382**, Utah Code Annotated 1953
 68 **35A-16-205.1**, Utah Code Annotated 1953



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

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

72 **26B-5-381. Contracted state hospital services.**

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

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

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

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

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

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

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

87 (a) the number of patients with a mental illness served through a state hospital contract

88 in accordance with Subsection (1), and the nature of the services rendered;

89 (b) addressing the needs of patients with complex legal and mental health statuses who
90 are expected to have significantly long stays at the state hospital and who are not able to be
91 discharged into the community;

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

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

97 Section 2. Section **26B-5-382** is enacted to read:

98 **26B-5-382. HOME Court Pilot Program -- Requirements -- Funding -- Reporting.**

99 (1) As used in this section, "pilot program" means the HOME Court Pilot Program
100 established in Subsection (2).

101 (2) Subject to appropriations from the Legislature and the appointment of a judge to
102 preside over the proceedings, the Third Judicial District Court of Salt Lake County shall
103 establish and administer a HOME Court Pilot Program beginning October 1, 2024, and ending
104 June 30, 2029, that provides for comprehensive and individualized, court-supervised treatment
105 and services to individuals with mental illness.

106 (3) The pilot program shall:

107 (a) allow a person to petition the court for an order requiring an individual's
108 participation in the pilot program;

109 (b) require the court to substitute the local mental health authority as the petitioner if
110 the initial petitioner is not the local mental health authority;

111 (c) provide an opportunity for the parties to enter into an agreement regarding an
112 individual's participation in the pilot program, including a treatment plan, prior to a court order
113 under Subsection (3)(e);

114 (d) provide for a hearing at which information is presented to determine whether an
115 individual qualifies for court-ordered participation in the pilot program as provided in
116 Subsection (3)(e);

117 (e) require the court to order an individual to participate in the pilot program if, upon
118 completion of the hearing described in Subsection (3)(d), the court finds by clear and

119 convincing evidence that:

120 (i) the individual resides or may be presently found within Salt Lake County;

121 (ii) the individual has a mental illness;

122 (iii) because of the individual's mental illness, the individual:

123 (A) is unlikely to survive or remain safe without supervision, assistance, or services; or

124 (B) meets the criteria described in Subsection [26B-5-351\(14\)\(c\)\(i\)](#) or (ii);

125 (iv) there is no appropriate less-restrictive alternative to a court order for participation

126 in the pilot program;

127 (v) the individual is likely to benefit from participation in the pilot program; and

128 (vi) there is adequate capacity within the pilot program to meet the individual's need

129 for services described in Subsection (3)(f);

130 (f) upon the court's order for an individual to participate in the pilot program, require
131 the local mental health authority to prepare a comprehensive and individualized treatment plan,
132 for approval by the court, that includes the following components for the individual to
133 successfully achieve the purposes of the pilot program:

134 (i) mental health services;

135 (ii) housing resources;

136 (iii) social services;

137 (iv) case management;

138 (v) peer support;

139 (vi) exit or transition services; and

140 (vii) individualized goals for the successful completion of the pilot program;

141 (g) upon the court's approval of a treatment plan prepared by the local mental health
142 authority:

143 (i) require the local mental health authority to coordinate services required for
144 participation in the pilot program; and

145 (ii) require the court to conduct regular review hearings as deemed necessary to
146 evaluate the individual's progress in completing the treatment plan; and

147 (h) operate in a manner that is consistent with the procedures for ordering assisted
148 outpatient treatment under Section [26B-5-351](#).

149 (4) (a) (i) If a individual participating in the pilot program has an outstanding warrant

150 or pending criminal matter in another Utah court, the Third Judicial District Court of Salt Lake
151 County may notify the other court in which the individual has an outstanding warrant or
152 pending criminal matter regarding the individual's participation in the pilot program.

153 (ii) Upon receiving notice of an individual's participation in the pilot program under
154 Subsection (4)(a)(i), the other court may, if deemed appropriate, recall the warrant or stay the
155 case in which the individual is involved unless the warrant or case involves a felony charge.

156 (iii) In determining whether to recall a warrant or stay a case under Subsection
157 (4)(a)(ii), the other court shall consider the likelihood of the individual's successful completion
158 of the pilot program, the severity of the pending charges, the impact on victims' rights, and the
159 impact on the government's ability and right to prosecute the case.

160 (b) (i) If an individual described in Subsection (4)(a)(i) successfully completes the pilot
161 program, the Third Judicial District Court of Salt Lake County may notify the other court in
162 which the individual has an outstanding warrant or pending criminal matter regarding the
163 individual's successful completion of the pilot program.

164 (ii) Upon receiving notice of an individual's successful completion of the pilot program
165 under Subsection (4)(b)(i), the other court shall consider the effect of the individual's
166 completion of the pilot program on the case pending before that court, including the dismissal
167 of criminal charges if deemed appropriate.

168 (5) (a) Costs of all services provided under the pilot program, including the costs
169 incurred by the multidisciplinary team described in Subsection (5)(b)(ii)(B), shall be paid by
170 Salt Lake County.

171 (b) If the Legislature appropriates money to the division for implementation of the pilot
172 program, the division shall:

173 (i) require the local mental health authority, as part of the plan required under
174 Subsection [17-43-301](#)(6)(a)(ii), to submit to the division a proposal for implementation of the
175 pilot program on or before May 15 of each year;

176 (ii) review the proposal described in Subsection (5)(b)(i) to ensure that the proposal:

177 (A) meets the requirements of this section; and

178 (B) establishes a multidisciplinary team, with a sufficient number of stakeholders, to
179 adequately address the provision of treatment and services under the pilot program;

180 (iii) upon approval of the proposal described in Subsection (5)(b)(i), contract funds

181 appropriated for the pilot program with the local mental health authority; and

182 (iv) conduct an annual audit and review of the local mental health authority, and any
183 contracted provider, regarding the use of funds appropriated for the pilot program.

184 (c) The matching requirement in Subsection [17-41-301\(6\)\(a\)\(x\)](#) does not apply to
185 funds appropriated by the Legislature for the pilot program.

186 (d) Subject to appropriation by the Legislature, Salt Lake County may:

187 (i) apply to the division to receive funds to cover the county's costs under the pilot
188 program; and

189 (ii) pay county contributions to the nonfederal share of Medicaid expenditures with
190 funds appropriated for the pilot program.

191 (6) The department shall:

192 (a) establish and evaluate metrics for the success of the pilot program with input from
193 the local mental health authority, the Utah Homelessness Council created in Section
194 [35A-16-204](#), and the Judicial Council; and

195 (b) in collaboration with the local mental health authority, submit to the Health and
196 Human Services Interim Committee a report on or before June 30 of each year, beginning in
197 calendar year 2025, regarding the outcomes of the pilot program.

198 Section 3. Section **35A-16-203** is amended to read:

199 **35A-16-203. Powers and duties of the coordinator.**

200 (1) The coordinator shall:

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

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

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

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

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

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

214 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
215 35A-16-402;

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

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

220 (g) report directly to the president of the Senate and the speaker of the House of
221 Representatives at least twice each year on issues regarding homelessness in the state and the
222 provision of homeless services in the state.

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

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

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

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

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

240 (d) identifies gaps and recommends solutions in the delivery of services to the variety
241 of populations experiencing homelessness in the state[-]; and

242 (e) takes into consideration the success of the HOME Court Pilot Program established

243 in Section [26B-5-382](#).

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

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

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

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

258 (6) (a) On or before October 1, the coordinator shall provide a written report to the
259 department for inclusion in the department's annual written report described in Section
260 [35A-1-109](#).

261 (b) The written report shall include:

262 (i) the homeless services budget;

263 (ii) the strategic plan;

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

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

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

269 (B) the Homeless to Housing Reform Restricted Account created in Section
270 [35A-16-303](#);

271 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section
272 [35A-16-402](#);

273 (D) the COVID-19 Homeless Housing and Services Grant Program created in Section

274 35A-16-602; and

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

276 Section 4. Section 35A-16-205 is amended to read:

277 **35A-16-205. Duties of the homelessness council and executive committee.**

278 (1) The homelessness council:

279 ~~[(1)]~~ (a) shall provide final approval for:

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

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

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

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

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

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

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

287 ~~[(c)]~~ (iii) review applications and approve funding for the provision of homeless

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

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

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

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

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

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

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

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

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

304 ~~[(a)]~~ (i) may only recommend funding if the proposed recipient has a policy to share

305 client-level service information with other entities in accordance with state and federal law to
306 enhance the coordination of services for individuals who are experiencing homelessness; and
307 ~~[(b)]~~ (ii) shall identify specific targets and benchmarks that align with the strategic plan
308 for each recommended award[-]; and

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

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

314 Section 5. Section 35A-16-205.1 is enacted to read:

315 **35A-16-205.1. Homelessness council to establish standards for the prioritization of**
316 **homeless shelter beds -- Dissemination -- Compliance with standards required for receipt**
317 **of state funds.**

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

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

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

323 (i) individuals eligible for Temporary Assistance for Needy Families funds pursuant to
324 42 U.S.C. Sec. 604; and

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

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

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

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

335 Section 6. Section 35A-16-302 is amended to read:

336 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

337 (1) The homelessness council may award ongoing or one-time grants or contracts
338 funded from the Homeless to Housing Reform Restricted Account created in Section
339 35A-16-303.

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

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

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

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

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

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

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

355 (i) families with children;

356 (ii) transitional-aged youth;

357 (iii) single men or single women;

358 (iv) veterans;

359 (v) victims of domestic violence;

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

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

363 (viii) individuals exiting prison or jail; or

364 (ix) individuals who are homeless without shelter;

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

366 (i) diverting homeless or imminently homeless individuals and families from

- 367 emergency shelters by providing better housing-based solutions;
- 368 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 369 (iii) providing homeless individuals and families with needed stabilization services;
- 370 (iv) decreasing the state's homeless rate;
- 371 (v) implementing a coordinated entry system with consistent assessment tools to
- 372 provide appropriate and timely access to services for homeless individuals and families;
- 373 (vi) providing access to caseworkers or other individualized support for homeless
- 374 individuals and families;
- 375 (vii) encouraging employment and increased financial stability for individuals and
- 376 families being diverted from or exiting homelessness;
- 377 (viii) creating additional affordable housing for state residents;
- 378 (ix) providing services and support to prevent homelessness among at-risk individuals
- 379 and adults;
- 380 (x) providing services and support to prevent homelessness among at-risk children,
- 381 adolescents, and young adults;
- 382 (xi) preventing the reoccurrence of homelessness among individuals and families
- 383 exiting homelessness; and
- 384 (xii) providing medical respite care for homeless individuals where the homeless
- 385 individuals can access medical care and other supportive services; and
- 386 (e) address the needs identified in the strategic plan described in Section [35A-16-203](#)
- 387 for inclusion in the annual written report described in Section [35A-1-109](#).
- 388 (4) In addition to the other provisions of this section, in determining the awarding of a
- 389 grant or contract under this section to design, build, create, or renovate a facility that will
- 390 provide shelter or other resources for the homeless, of the homelessness council, with the
- 391 concurrence of the coordinator, may consider whether the facility will be:
- 392 (a) located near mass transit services;
- 393 (b) located in an area that meets or will meet all zoning regulations before a final
- 394 dispersal of funds;
- 395 (c) safe and welcoming both for individuals using the facility and for members of the
- 396 surrounding community; and
- 397 (d) located in an area with access to employment, job training, and positive activities.

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

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

405 (b) the state;

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

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

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

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

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

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

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

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

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

422 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**
423 **for disbursing account funds to eligible municipalities.**

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

426 (2) The account shall be funded by:

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

429 (b) interest earned on the account; and

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

431 (3) The office shall administer the account.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

477 (f) (i) Notwithstanding any other provision in this section, if an eligible municipality
478 requests account funds under Section 35A-16-403 and the request is denied for the sole reason
479 that the municipality has failed to comply with the requirements of Subsection
480 35A-16-403(2)(g)(i), the office may disburse the account funds that the municipality would
481 otherwise have received to:

482 (A) eligible municipalities in accordance with the provisions of this Subsection (4); or
483 (B) subject to Subsection (4)(f)(ii), the Department of Public Safety.

484 (ii) (A) The office may not disburse account funds to the Department of Public Safety
485 under Subsection (4)(f)(i) unless the disbursement is recommended and approved by the
486 homelessness council.

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

490 (5) The office may use up to 2.75% of any appropriations made to the account by the

491 Legislature to offset the office's administrative expenses under this part.

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

494 (7) The office may disburse any uncommitted account funds to municipalities under
495 this section in the following year.

496 Section 8. Section **35A-16-403** is amended to read:

497 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**
498 **Mitigation Restricted Account funds.**

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

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

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

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

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

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

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

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

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

515 (iv) the amount of account funds requested.

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

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

521 (B) an evaluation of the eligible municipality's effectiveness in using the account funds

522 to address the eligible municipality's needs due to the location of an eligible shelter;

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

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

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

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

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

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

537 (iii) the availability of funding for the eligible municipality under Subsection
538 [35A-16-402\(4\)](#);

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

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

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

545 (g) (i) [~~Except as provided in Subsection (2)(g)(ii), an eligible municipality may not~~] In
546 addition to the evaluation under Subsection (2)(e), the homelessness council may not approve
547 an eligible municipality's request to receive account funds under this section unless the eligible
548 municipality;

549 (A) enforces an ordinance that prohibits camping;

550 (B) enforces an ordinance or other applicable state law prohibiting conduct that
551 impedes or blocks traffic in violation of Subsection [41-6a-1009\(4\)](#); and

552 (C) demonstrates improvement in reducing the conduct described in Subsections

553 (2)(g)(i)(A) and (B).

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

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

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

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

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

568 (iii) The homelessness council may coordinate with the Department of Public Safety
569 for the receipt of quantitative and qualitative data to determine compliance with applicable
570 state and local laws.

571 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
572 and with the approval of the homelessness council, the office shall make rules establishing
573 standards for the information required by an eligible municipality to demonstrate improvement
574 under Subsection (2)(g)(i)(C).

575 (h) If the homelessness council approves an eligible municipality's request to receive
576 account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the
577 amount of funds for disbursement to the eligible municipality under Subsection
578 [35A-16-402\(4\)](#).

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

582 Section 9. Section **35A-16-502** is amended to read:

583 **35A-16-502. Winter response plan required -- Contents -- Review --**

584 **Consequences after determination of noncompliance.**

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

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

591 (2) The winter response plan shall:

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

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

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

601 (d) include a detailed county plan for a code blue event as defined in Section
602 [35A-16-701](#), including the number and location of available beds for individuals experiencing
603 homelessness for the duration of the code blue event; and

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

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

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

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

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

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

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

615 (b) on or before August 1, 2025, the applicable county submits to the office the
616 year-round plan developed under Subsection (3)(a)(i); and

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

619 ~~[(3)]~~ (4) To assist a task force in preparing a winter response plan, by no later than
620 March 30 of the year in which the winter response plan is due, the applicable local homeless
621 council, in coordination with the office, shall provide the following information to the task
622 force:

- 623 (a) the targeted winter response bed count;
- 624 (b) the requirements for the plan described in Subsection (2)(d);
- 625 (c) the availability of funds that can be used to mitigate the winter response plan; and
- 626 (d) any component required for the winter response plan to achieve compliance that is
627 not described in Subsection (2).

628 ~~[(4)]~~ (5) In preparing the winter response plan, the task force shall coordinate with:

- 629 (a) the office;
- 630 (b) the applicable local homeless council;
- 631 (c) for Salt Lake County, the conference of mayors for Salt Lake County; and
- 632 (d) for an applicable county not described in Subsection ~~[(4)(c)]~~ (5)(c), the council of
633 governments for the applicable county.

634 ~~[(5)]~~ (6) In conducting site selection for a temporary winter response shelter under a
635 winter response plan, the task force shall prioritize:

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

641 ~~[(6)]~~ (7) (a) On or before August 15 of the year in which a winter response plan is
642 submitted, the office shall:

- 643 (i) conduct a review of the winter response plan for compliance with this section; and
- 644 (ii) send a written notice of the office's determination regarding compliance to:
645 (A) the task force for the applicable county;

- 646 (B) the council of governments for the applicable county;
- 647 (C) the applicable local homeless council; and
- 648 (D) the legislative body of each municipality located within the applicable county.

649 (b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance
650 with this section if:

651 (i) the applicable county's task force fails to submit a timely winter response plan under
652 this section; or

653 (ii) the office determines that the winter response plan prepared for the applicable
654 county does not comply with this section.

655 [~~7~~] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
656 Act, the office may make rules establishing requirements for an applicable county's compliance
657 with this section.

658 Section 10. Section 35A-16-701 is amended to read:

659 **35A-16-701. Definitions.**

660 As used in this part:

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

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

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

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

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

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

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

677 Section 11. Section **35A-16-702** is amended to read:

678 **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

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

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

681 Service;

682 (b) issue a code blue alert under this section if the Department of Health and Human

683 Services identifies a code blue event; and

684 (c) disseminate the code blue alert to:

685 (i) the public at large;

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

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

688 (iv) the office; and

689 (v) any other relevant public or private entities that provide services to individuals

690 experiencing homelessness within an affected county.

691 (2) The code blue alert shall:

692 (a) identify each affected county;

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

694 (c) describe the provisions that take effect for the duration of the code blue alert as

695 described in Section [35A-16-703](#); and

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

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

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

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

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

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

705 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
706 the Department of Health and Human Services, in coordination with the office, shall make
707 rules to implement this section.

708 (b) The rules under Subsection (4)(a) shall:
709 (i) establish any extreme weather conditions that warrant the issuance of a code blue
710 alert; and
711 (ii) establish standards for:
712 (A) monitoring and evaluating National Weather Service forecasts and advisories to
713 identify code blue events;
714 (B) issuing code blue alerts under this section, including the form, content, and
715 dissemination of code blue alerts;
716 (C) the provisions that take effect within an affected county for the duration of a code
717 blue alert~~[, as provided in]~~ under Section 35A-16-703; and

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

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

725 Section 12. Section **53-5c-301** is amended to read:

726 **53-5c-301. Voluntary restrictions on firearm purchase and possession.**

727 (1) An individual who is not a restricted person under Section 76-10-503 may
728 voluntarily request to be restricted from the purchase or possession of firearms.

729 (2) An individual requesting to be restricted under Subsection (1) may request
730 placement on one of the following restricted lists:

731 (a) a restricted list that:

732 (i) restricts the individual from purchasing or possessing a firearm for 180 days with
733 automatic removal of the individual from the restricted list at the end of the 180 days; and

734 (ii) allows the individual to request removal 30 days after the day on which the
735 individual is added to the restricted list; or

736 (b) a restricted list that:

737 (i) restricts the individual from purchasing or possessing a firearm indefinitely; and

738 (ii) allows the individual to request removal 90 days after the day on which the

739 individual is added to the restricted list.

740 (3) (a) Subject to Subsections (8) and (9), the bureau shall develop a process and forms
741 for inclusion on, and removal from, a restricted list as described in Subsection (2) to be
742 maintained by the bureau.

743 (b) The bureau shall make the forms for inclusion and removal available by download
744 through the bureau's website and require, at a minimum, the following information for the
745 individual described in Subsection (1):

746 (i) name;

747 (ii) address;

748 (iii) date of birth;

749 (iv) contact information;

750 (v) signature; and

751 (vi) (A) if the individual is entered on the restricted list as described in Subsection
752 (2)(a), an acknowledgment of the statement in Subsection (8)(a); or

753 (B) if the individual is entered on the restricted list as described in Subsection (2)(b),
754 an acknowledgment of the statement in Subsection (8)(b).

755 (4) (a) An individual requesting inclusion on a restricted list under Subsection (2)
756 shall:

757 (i) deliver the completed form in person to a law enforcement agency; or

758 (ii) direct the individual's health care provider under Section 53-5c-302 to

759 electronically deliver the individual's ~~[completed form]~~ request to the bureau.

760 (b) The law enforcement agency described in Subsection (4)(a)(i):

761 (i) shall verify the individual's identity before accepting the form;

762 (ii) may not accept a form from someone other than the individual named on the form;

763 and

764 (iii) shall transmit the form electronically to the bureau through the Utah Criminal
765 Justice Information System.

766 (5) Upon receipt of a verified form provided under this section or Section 53-5c-302
767 requesting inclusion on a restricted list, the bureau shall, within 24 hours, add the individual's
768 name to the restricted list.

769 (6) (a) For an individual added to the restricted list described in Subsection (2)(a):

770 (i) the individual may not request removal from the restricted list unless the individual
771 has been on the restricted list for at least 30 days;

772 (ii) the bureau shall remove the individual from the restricted list 180 days after the day
773 on which the individual was added to the restricted list, unless the individual:

774 (A) requests to be removed from the restricted list after 30 days;

775 (B) requests to remain on the restricted list; or

776 (C) directs the individual's health care provider to request that the individual remain on
777 the restricted list;

778 (iii) a request for an extension shall be made in the same manner as the original
779 request; and

780 (iv) the individual may continue to request, or direct the individual's health care
781 provider to continue to request, extensions every 180 days.

782 (b) For an individual added to a restricted list under Subsection (2)(b), the individual:

783 (i) may not request removal from the restricted list unless the individual has been on
784 the restricted list for at least 90 days; and

785 (ii) shall remain on the restricted list, unless the bureau receives a request from the
786 individual to have the individual's name removed from the restricted list.

787 (7) If an individual restricted under this section is a concealed firearm permit holder,
788 the individual's permit shall be:

789 (a) suspended upon entry on the restricted list; and

790 (b) reinstated upon removal from the restricted list, unless:

791 (i) the permit has been revoked, been suspended for a reason other than under this
792 section, or has expired; or

793 (ii) the individual has become a restricted person under Section [76-10-503](#).

794 (8) (a) The form for an individual seeking to be placed on the restricted list described
795 in Subsection (2)(a) shall have the following language prominently displayed before the
796 signature:

797 "ACKNOWLEDGMENT

798 ["]By presenting this completed form to a law enforcement agency, I understand that I
799 am requesting that my name be placed on a restricted list that restricts my ability to purchase or
800 possess firearms for a minimum of 30 days, and up to 6 months. I understand that by

801 voluntarily making myself a temporarily restricted person, I may not have a firearm in my
802 possession and any attempt to purchase a firearm while I am on the restricted list will be
803 declined. I also understand that any time after 30 days, I may request removal from the
804 restricted list and all previous rights will be restored. In addition, if I am in possession of a
805 valid concealed firearm permit, my permit will be suspended during the time I am on the
806 restricted list, but will be reinstated upon my removal, unless the permit has expired, been
807 revoked, been suspended for another reason, or I become ineligible to possess a firearm.
808 Additionally, I acknowledge that if I possess a firearm or attempt to purchase a firearm while
809 outside Utah, I will be subject to the law of that location regarding restricted persons."

810 (b) The form for an individual seeking to be placed on the restricted list described in
811 Subsection (2)(b) shall have the following language prominently displayed before the
812 signature:

813 "ACKNOWLEDGMENT

814 ["]By presenting this completed form to a law enforcement agency, I understand that I
815 am requesting that my name be placed on a restricted list that restricts my ability to purchase or
816 possess firearms indefinitely. I understand that by voluntarily making myself a temporarily
817 restricted person, I may not have a firearm in my possession and any attempt to purchase a
818 firearm while I am on the restricted list will be declined. I also understand that any time after
819 90 days, I may request removal from the restricted list and all previous rights will be restored.
820 In addition, if I am in possession of a valid concealed firearm permit, my permit will be
821 suspended during the time I am on the restricted list, but will be reinstated upon my removal,
822 unless the permit has expired, been revoked, been suspended for another reason, or I become
823 ineligible to possess a firearm. Additionally, I acknowledge that if I possess a firearm or
824 attempt to purchase a firearm while outside Utah, I will be subject to the law of that location
825 regarding restricted persons."

826 (9) (a) An individual requesting removal from a restricted list shall deliver a completed
827 removal form in person to:

- 828 (i) the law enforcement agency that processed the inclusion form if the individual was
829 placed on the restricted list under Subsection (4)(a)(i); or
830 (ii) the individual's local law enforcement agency if the individual was placed on the
831 restricted list under Subsection (4)(a)(ii).

832 (b) The law enforcement agency described in Subsection (9)(a):
833 (i) shall verify the individual's identity before accepting the form;
834 (ii) may not accept a removal form from someone other than the individual named on
835 the form; and
836 (iii) shall transmit the removal form electronically to the bureau through the Utah
837 Criminal Justice Information System.

838 (10) Upon receipt of a verified removal form, the bureau shall, after three business
839 days, remove the individual from the restricted list and remove the information from the
840 National Instant Criminal Background Check System.

841 (11) For an individual added to the restricted list under Subsection (2)(a), within 30
842 days before the 180-day removal deadline, the bureau shall notify the individual at the address
843 listed on the inclusion form described in Subsection (4) and, if applicable, the law enforcement
844 agency that processed the inclusion form, that the individual is due to be removed from the
845 restricted list, and the date on which the removal will occur, unless the individual requests an
846 extension of up to 180 days.

847 (12) (a) A law enforcement agency that receives a request for inclusion under
848 Subsection (4)(a)(i) shall:

849 (i) maintain the completed form and all subsequent completed forms in a separate file;
850 and

851 (ii) for an individual added to the restricted list under Subsection (2)(a), destroy the
852 entire file within five days after the date indicated in the notification if the individual does not
853 request an extension after notification in accordance with Subsection (11).

854 (b) A law enforcement agency that receives a removal request under Subsection (9)
855 shall destroy the entire file associated with the individual within five days after the day on
856 which the information is transmitted to the bureau.

857 (c) Upon removal of an individual from a restricted list, the bureau shall destroy all
858 records related to the inclusion and removal of the individual within five days after the day on
859 which the individual was removed.

860 (d) All forms and records created in accordance with this section are classified as
861 private records in accordance with Title 63G, Chapter 2, Government Records Access and
862 Management Act.

863 (13) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah
864 Administrative Rulemaking Act, to develop the process and forms to implement this section.

865 Section 13. Section **53-5c-302** is amended to read:

866 **53-5c-302. Assistance from a health care provider -- Restricted list.**

867 (1) An individual who is not a restricted person under Section **76-10-503** and is
868 seeking inclusion on a restricted list under Section **53-5c-301** may direct the individual's health
869 care provider to electronically deliver the individual's inclusion [~~form~~] request described in
870 Section **53-5c-301** to the bureau.

871 (2) In addition to the inclusion form described in Section **53-5c-301**, the bureau shall
872 create a form, available by download through the bureau's website, for:

873 (a) an individual who is directing a health care provider to electronically deliver the
874 individual's inclusion [~~form~~] request and require, at a minimum, the following information:

875 (i) the individual's signature;

876 (ii) the name of the individual's health care provider; and

877 (iii) the individual's acknowledgment of the statement in Subsection (4)(a); and

878 (b) a health care provider who is delivering an individual's inclusion [~~forms~~] request
879 and require, at a minimum, the following information for the health care provider:

880 (i) the health care provider's name;

881 (ii) the name of the health care provider's organization;

882 (iii) the health care provider's license or certification, including the license or
883 certification number;

884 (iv) the health care provider's signature; and

885 (v) the health care provider's acknowledgment of the statement in Subsection (4)(b).

886 (3) (a) An individual who is directing a health care provider to electronically deliver
887 the individual's [~~inclusion form~~] request to be included on a restricted list shall, in the presence
888 of the health care provider, complete the forms described in Section **53-5c-301** and Subsection
889 (2)(a).

890 (b) The health care provider:

891 (i) shall verify the individual's identity before accepting the forms;

892 (ii) may not accept forms from someone other than the individual named on the forms;

893 (iii) shall complete the form described in Subsection (2)(b); and

894 (iv) shall deliver the [~~individual's and health care provider's forms electronically to the~~
895 ~~bureau~~] request to the bureau electronically and maintain a copy of the completed request in the
896 individual's health record.

897 (4) (a) The form described in Subsection (2)(a) shall have the following language
898 prominently displayed before the signature:

899 "ACKNOWLEDGMENT

900 ["By presenting this completed form to my health care provider, I understand that I am
901 requesting that my health care provider present my name to the Bureau of Criminal
902 Identification to be placed on a restricted list that restricts my ability to purchase or possess
903 firearms."

904 (b) The form described in Subsection (2)(b) shall have the following language
905 prominently displayed before the signature:

906 "ACKNOWLEDGMENT

907 ["By presenting this completed form to the Bureau of Criminal Identification, I
908 understand that I am acknowledging that I have verified the identity of [name of individual
909 seeking inclusion on a restricted list] and have witnessed [name of individual] sign the form
910 requesting that [name of individual] be placed on a restricted list that restricts [name of
911 individual]'s ability to purchase or possess firearms. I affirm that [name of individual] is
912 currently my patient, and I am a licensed health care provider acting within the scope of my
913 license, certification, practice, education, or training."

914 (5) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah
915 Administrative Rulemaking Act, to develop the process and forms to implement this section.

916 Section 14. Section **59-12-205** is amended to read:

917 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
918 **tax revenue -- Determination of population.**

919 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section
920 **59-12-204**, a county, city, or town shall adopt amendments to the county's, city's, or town's
921 sales and use tax ordinances:

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

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

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

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

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

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

939 (C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax
940 authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port
941 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section
942 11-58-201; and

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

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

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

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

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

953 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,
954 2016.

955 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue

956 distributions an eligible county, city, or town received from a tax imposed in accordance with
957 this part for fiscal year 2004-05.

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

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

961 (ii) the minimum tax revenue distribution.

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

963 (i) "Annual local contribution" means the lesser of \$275,000 or an amount equal to
964 2.55% of the participating local government's tax revenue distribution amount under
965 Subsection (2)(a)(i) for the previous fiscal year.

966 (ii) "Participating local government" means a county or municipality, as defined in
967 Section 10-1-104, that is not an eligible municipality certified in accordance with Section
968 35A-16-404.

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

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

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

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

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

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

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

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

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

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

994 (A) contains sand and gravel; and

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

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

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

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

1000 (B) the total amount of sand and gravel, measured in tons, sold during the same
1001 calendar year from sand and gravel extraction sites statewide.

1002 (b) For purposes of calculating the ratio described in Subsection (5)(a)(v), the
1003 commission shall:

1004 (i) use the gross sales data provided to the commission as part of the commission's
1005 property tax valuation process; and

1006 (ii) if a sand and gravel extraction site operates as a unit across municipal or county
1007 lines, apportion the reported tonnage among the counties, cities, or towns based on the
1008 percentage of the sand and gravel extraction site located in each county, city, or town, as
1009 approximated by the commission.

1010 (c) (i) Beginning July 2023, and each July thereafter, the commission shall distribute
1011 from total collections under this part an amount equal to the annual dedicated sand and gravel
1012 sales tax revenue for the preceding calendar year to each county, city, or town in the same
1013 proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.

1014 (ii) The commission shall ensure that the revenue distributed under this Subsection
1015 (5)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of
1016 total collections for the preceding 12-month period.

1017 (d) A county, city, or town shall use revenue described in Subsection (5)(c) for class B

1018 or class C roads.

1019 (6) (a) Population figures for purposes of this section shall be based on the most recent
1020 official census or census estimate of the United States Bureau of the Census.

1021 (b) If a needed population estimate is not available from the United States Bureau of
1022 the Census, population figures shall be derived from the estimate from the Utah Population
1023 Committee.

1024 (c) The population of a county for purposes of this section shall be determined only
1025 from the unincorporated area of the county.

1026 Section 15. Section **63J-1-602.1** is amended to read:

1027 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1028 Appropriations made from the following accounts or funds are nonlapsing:

1029 (1) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1030 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1031 as provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

1032 (3) Funds collected for directing and administering the C-PACE district created in
1033 Section [11-42a-106](#).

1034 (4) Money received by the Utah Inland Port Authority, as provided in Section
1035 [11-58-105](#).

1036 (5) The Commerce Electronic Payment Fee Restricted Account created in Section
1037 [13-1-17](#).

1038 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
1039 Section [19-2a-106](#).

1040 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
1041 Section [19-5-126](#).

1042 (8) State funds for matching federal funds in the Children's Health Insurance Program
1043 as provided in Section [26B-3-906](#).

1044 (9) Funds collected from the program fund for local health department expenses
1045 incurred in responding to a local health emergency under Section [26B-7-111](#).

1046 (10) The Technology Development Restricted Account created in Section [31A-3-104](#).

1047 (11) The Criminal Background Check Restricted Account created in Section
1048 [31A-3-105](#).

- 1049 (12) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
1050 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 1051 (13) The Title Licensee Enforcement Restricted Account created in Section
1052 [31A-23a-415](#).
- 1053 (14) The Health Insurance Actuarial Review Restricted Account created in Section
1054 [31A-30-115](#).
- 1055 (15) The State Mandated Insurer Payments Restricted Account created in Section
1056 [31A-30-118](#).
- 1057 (16) The Insurance Fraud Investigation Restricted Account created in Section
1058 [31A-31-108](#).
- 1059 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
1060 Account created in Section [32B-2-306](#).
- 1061 (18) The Drinking While Pregnant Prevention Media and Education Campaign
1062 Restricted Account created in Section [32B-2-308](#).
- 1063 (19) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 1064 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain
1065 products or services, as provided in Section [35A-13-202](#).
- 1066 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
1067 [35A-16-402](#).
- 1068 [~~(21)~~] (22) The Oil and Gas Administrative Penalties Account created in Section
1069 [40-6-11](#).
- 1070 [~~(22)~~] (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1071 [~~(23)~~] (24) The Division of Oil, Gas, and Mining Restricted account created in Section
1072 [40-6-23](#).
- 1073 [~~(24)~~] (25) The Electronic Payment Fee Restricted Account created by Section
1074 [41-1a-121](#) to the Motor Vehicle Division.
- 1075 [~~(25)~~] (26) The License Plate Restricted Account created by Section [41-1a-122](#).
- 1076 [~~(26)~~] (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted
1077 Account created by Section [41-3-110](#) to the State Tax Commission.
- 1078 [~~(27)~~] (28) The State Disaster Recovery Restricted Account to the Division of
1079 Emergency Management, as provided in Section [53-2a-603](#).

1080 [~~(28)~~] (29) The Response, Recovery, and Post-disaster Mitigation Restricted Account
1081 created in Section [53-2a-1302](#).

1082 [~~(29)~~] (30) The Department of Public Safety Restricted Account to the Department of
1083 Public Safety, as provided in Section [53-3-106](#).

1084 [~~(30)~~] (31) The Utah Highway Patrol Aero Bureau Restricted Account created in
1085 Section [53-8-303](#).

1086 [~~(31)~~] (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).

1087 [~~(32)~~] (33) The Technical Colleges Capital Projects Fund created in Section
1088 [53B-2a-118](#).

1089 [~~(33)~~] (34) The Higher Education Capital Projects Fund created in Section
1090 [53B-22-202](#).

1091 [~~(34)~~] (35) A certain portion of money collected for administrative costs under the
1092 School Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

1093 [~~(35)~~] (36) The Public Utility Regulatory Restricted Account created in Section
1094 [54-5-1.5](#), subject to Subsection [54-5-1.5\(4\)\(d\)](#).

1095 [~~(36)~~] (37) Funds collected from a surcharge fee to provide certain licensees with
1096 access to an electronic reference library, as provided in Section [58-3a-105](#).

1097 [~~(37)~~] (38) Certain fines collected by the Division of Professional Licensing for
1098 violation of unlawful or unprofessional conduct that are used for education and enforcement
1099 purposes, as provided in Section [58-17b-505](#).

1100 [~~(38)~~] (39) Funds collected from a surcharge fee to provide certain licensees with
1101 access to an electronic reference library, as provided in Section [58-22-104](#).

1102 [~~(39)~~] (40) Funds collected from a surcharge fee to provide certain licensees with
1103 access to an electronic reference library, as provided in Section [58-55-106](#).

1104 [~~(40)~~] (41) Funds collected from a surcharge fee to provide certain licensees with
1105 access to an electronic reference library, as provided in Section [58-56-3.5](#).

1106 [~~(41)~~] (42) Certain fines collected by the Division of Professional Licensing for use in
1107 education and enforcement of the Security Personnel Licensing Act, as provided in Section
1108 [58-63-103](#).

1109 [~~(42)~~] (43) The Relative Value Study Restricted Account created in Section [59-9-105](#).

1110 [~~(43)~~] (44) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

1111 [~~(44)~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal
1112 background check for a mortgage loan license, as provided in Section [61-2c-202](#).

1113 [~~(45)~~] (46) Funds paid to the Division of Real Estate for the cost of a criminal
1114 background check for principal broker, associate broker, and sales agent licenses, as provided
1115 in Section [61-2f-204](#).

1116 [~~(46)~~] (47) Certain funds donated to the Department of Health and Human Services, as
1117 provided in Section [26B-1-202](#).

1118 [~~(47)~~] (48) Certain funds donated to the Division of Child and Family Services, as
1119 provided in Section [80-2-404](#).

1120 [~~(48)~~] (49) Funds collected by the Office of Administrative Rules for publishing, as
1121 provided in Section [63G-3-402](#).

1122 [~~(49)~~] (50) The Immigration Act Restricted Account created in Section [63G-12-103](#).

1123 [~~(50)~~] (51) Money received by the military installation development authority, as
1124 provided in Section [63H-1-504](#).

1125 [~~(51)~~] (52) The Computer Aided Dispatch Restricted Account created in Section
1126 [63H-7a-303](#).

1127 [~~(52)~~] (53) The Unified Statewide 911 Emergency Service Account created in Section
1128 [63H-7a-304](#).

1129 [~~(53)~~] (54) The Utah Statewide Radio System Restricted Account created in Section
1130 [63H-7a-403](#).

1131 [~~(54)~~] (55) The Utah Capital Investment Restricted Account created in Section
1132 [63N-6-204](#).

1133 [~~(55)~~] (56) The Motion Picture Incentive Account created in Section [63N-8-103](#).

1134 [~~(56)~~] (57) Funds collected by the housing of state probationary inmates or state parole
1135 inmates, as provided in Subsection [64-13e-104](#)(2).

1136 [~~(57)~~] (58) Certain forestry and fire control funds utilized by the Division of Forestry,
1137 Fire, and State Lands, as provided in Section [65A-8-103](#).

1138 [~~(58)~~] (59) The Amusement Ride Safety Restricted Account, as provided in Section
1139 [72-16-204](#).

1140 [~~(59)~~] (60) Certain funds received by the Office of the State Engineer for well drilling
1141 fines or bonds, as provided in Section [73-3-25](#).

1142 [~~(60)~~] (61) The Water Resources Conservation and Development Fund, as provided in
1143 Section 73-23-2.

1144 [~~(61)~~] (62) Award money under the State Asset Forfeiture Grant Program, as provided
1145 under Section 77-11b-403.

1146 [~~(62)~~] (63) Funds donated or paid to a juvenile court by private sources, as provided in
1147 Subsection 78A-6-203(1)(c).

1148 [~~(63)~~] (64) Fees for certificate of admission created under Section 78A-9-102.

1149 [~~(64)~~] (65) Funds collected for adoption document access as provided in Sections
1150 78B-6-141, 78B-6-144, and 78B-6-144.5.

1151 [~~(65)~~] (66) Funds collected for indigent defense as provided in Title 78B, Chapter 22,
1152 Part 4, Utah Indigent Defense Commission.

1153 [~~(66)~~] (67) The Utah Geological Survey Oil, Gas, and Mining Restricted Account
1154 created in Section 79-3-403.

1155 [~~(67)~~] (68) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
1156 State Park, and Green River State Park, as provided under Section 79-4-403.

1157 [~~(68)~~] (69) Certain funds received by the Division of State Parks from the sale or
1158 disposal of buffalo, as provided under Section 79-4-1001.

1159 Section 16. **Effective date.**

1160 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

1161 (2) (a) Except as provided in Subsection (2)(b), if approved by two-thirds of all the
1162 members elected to each house, the actions affecting Section 59-12-205 take effect upon
1163 approval by the governor, or the day following the constitutional time limit of Utah
1164 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1165 the date of veto override.

1166 (b) If this bill is not approved by two-thirds of all members elected to each house, the
1167 actions affecting Section 59-12-205 take effect May 1, 2024.

1168 Section 17. **Retrospective operation.**

1169 Section 59-12-205 has retrospective operation to January 1, 2024.