

**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

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**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 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;



- 26           ▶ allows the Department of Public Safety to receive mitigation funds under certain
- 27 circumstances;
- 28           ▶ prohibits a municipality from receiving mitigation funds unless the municipality
- 29 demonstrates progress in reducing certain conduct occurring in public spaces;
- 30           ▶ exempts certain counties from winter response plan requirements if a county
- 31 develops a year-round plan for addressing the needs of individuals experiencing
- 32 homelessness;
- 33           ▶ increases the temperature for a code blue alert to take effect;
- 34           ▶ allows a municipality to implement emergency measures to assist individuals
- 35 experiencing homelessness during dangerous weather conditions; and
- 36           ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38           None

39 **Other Special Clauses:**

40           This bill provides a special effective date.

41           This bill provides retrospective operation.

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44           **35A-16-205**, as last amended by Laws of Utah 2022, Chapter 403
- 45           **35A-16-302**, as last amended by Laws of Utah 2023, Chapter 302
- 46           **35A-16-402**, as last amended by Laws of Utah 2023, Chapter 302
- 47           **35A-16-403**, as last amended by Laws of Utah 2023, Chapter 302
- 48           **35A-16-502**, as repealed and reenacted by Laws of Utah 2023, Chapter 302
- 49           **35A-16-701**, as enacted by Laws of Utah 2023, Chapter 302
- 50           **35A-16-702**, as enacted by Laws of Utah 2023, Chapter 302
- 51           **59-12-205**, as last amended by Laws of Utah 2023, Chapters 302, 471 and 492
- 52           **63J-1-602.1**, as last amended by Laws of Utah 2023, Chapters 26, 33, 34, 194, 212,
- 53 330, 419, 434, 448, and 534

54 ENACTS:

- 55           **26B-5-381**, Utah Code Annotated 1953
- 56           **35A-16-205.1**, Utah Code Annotated 1953

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*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 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:

88           ~~[(1)]~~ (a) shall provide final approval for:  
89           ~~[(a)]~~ (i) the homeless services budget;  
90           ~~[(b)]~~ (ii) the strategic plan; and  
91           ~~[(c)]~~ (iii) the awarding of funding for the provision of homeless services as described  
92 in Subsection 35A-16-203(1)(d);

93           ~~[(2)]~~ (b) in cooperation with the coordinator, shall:  
94           ~~[(a)]~~ (i) develop and maintain the homeless services budget;  
95           ~~[(b)]~~ (ii) develop and maintain the strategic plan; and  
96           ~~[(c)]~~ (iii) review applications and approve funding for the provision of homeless  
97 services in the state as described in Subsection 35A-16-203(1)(d);

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

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

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

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

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

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

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

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

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

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

118           (h) shall establish standards for the prioritization of beds located in homeless shelters

119 in accordance with Section [35A-16-205.1](#).

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

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

124 **35A-16-205.1. Homelessness council to establish standards for the prioritization of**  
125 **homeless shelter beds -- Dissemination -- Compliance with standards required for receipt**  
126 **of state funds.**

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

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

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

132 (i) individuals eligible for Temporary Assistance for Needy Families funds pursuant to  
133 42 U.S.C. Sec. 604; and

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

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

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

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

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

145 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

146 (1) The homelessness council may award ongoing or one-time grants or contracts  
147 funded from the Homeless to Housing Reform Restricted Account created in Section  
148 [35A-16-303](#).

149 (2) As a condition of receiving money, including any ongoing money, from the

150 restricted account, an entity awarded a grant or contract under this section shall provide  
151 detailed and accurate reporting on at least an annual basis to the homelessness council and the  
152 coordinator that describes:

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

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

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

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

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

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

164 (i) families with children;

165 (ii) transitional-aged youth;

166 (iii) single men or single women;

167 (iv) veterans;

168 (v) victims of domestic violence;

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

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

172 (viii) individuals exiting prison or jail; or

173 (ix) individuals who are homeless without shelter;

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

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

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

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

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

180 (v) implementing a coordinated entry system with consistent assessment tools to

181 provide appropriate and timely access to services for homeless individuals and families;  
182 (vi) providing access to caseworkers or other individualized support for homeless  
183 individuals and families;  
184 (vii) encouraging employment and increased financial stability for individuals and  
185 families being diverted from or exiting homelessness;  
186 (viii) creating additional affordable housing for state residents;  
187 (ix) providing services and support to prevent homelessness among at-risk individuals  
188 and adults;  
189 (x) providing services and support to prevent homelessness among at-risk children,  
190 adolescents, and young adults;  
191 (xi) preventing the reoccurrence of homelessness among individuals and families  
192 exiting homelessness; and  
193 (xii) providing medical respite care for homeless individuals where the homeless  
194 individuals can access medical care and other supportive services; and  
195 (e) address the needs identified in the strategic plan described in Section 35A-16-203  
196 for inclusion in the annual written report described in Section 35A-1-109.  
197 (4) In addition to the other provisions of this section, in determining the awarding of a  
198 grant or contract under this section to design, build, create, or renovate a facility that will  
199 provide shelter or other resources for the homeless, of the homelessness council, with the  
200 concurrence of the coordinator, may consider whether the facility will be:  
201 (a) located near mass transit services;  
202 (b) located in an area that meets or will meet all zoning regulations before a final  
203 dispersal of funds;  
204 (c) safe and welcoming both for individuals using the facility and for members of the  
205 surrounding community; and  
206 (d) located in an area with access to employment, job training, and positive activities.  
207 (5) In accordance with Subsection (4), and subject to the approval the homelessness  
208 council, with the concurrence of the coordinator, the following may recommend a site location,  
209 acquire a site location, and hold title to real property, buildings, fixtures, and appurtenances of  
210 a facility that provides or will provide shelter or other resources for the homeless:  
211 (a) the county executive of a county of the first class on behalf of the county of the first

212 class, if the facility is or will be located in the county of the first class in a location other than  
213 Salt Lake City;

214 (b) the state;

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

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

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

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

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

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

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

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

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

231 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**  
232 **for disbursing account funds to eligible municipalities.**

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

235 (2) The account shall be funded by:

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

238 (b) interest earned on the account; and

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

240 (3) The office shall administer the account.

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



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

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

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

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

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

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

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

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

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

272 (b) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the  
273 maximum amount of funds that the office may disburse each year to a single second-tier

274 municipality may not exceed 50% of the total amount of funds disbursed under Subsection  
275 (4)(a)(ii).

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

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

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

286 (f) (i) Notwithstanding any other provision in this section, if an eligible municipality  
287 requests account funds under Section [35A-16-403](#) and the request is denied for the sole reason  
288 that the municipality failed to demonstrate progress as provided in Subsection  
289 [35A-16-403](#)(2)(g), the office may disburse the account funds that the municipality would  
290 otherwise have received to:

291 (A) eligible municipalities in accordance with the provisions of this Subsection (4); or

292 (B) subject to Subsection (4)(f)(ii), the Department of Public Safety.

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

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

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

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

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

304 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**

305 **Mitigation Restricted Account funds.**

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

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

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

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

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

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

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

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

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

322 (iv) the amount of account funds requested.

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

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

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

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

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

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

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

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

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

344 (iii) the availability of funding for the eligible municipality under Subsection  
345 [35A-16-402\(4\)](#);

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

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

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

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

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

357 (B) conduct that impedes or blocks traffic within the municipality in violation of  
358 Subsection [41-6a-1009\(4\)](#).

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

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

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

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

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

374 ~~[(g)(i) Except as provided in Subsection (2)(g)(ii), an eligible municipality may not~~  
 375 ~~receive account funds under this section unless the eligible municipality enforces an ordinance~~  
 376 ~~that prohibits camping.]~~

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

380 (h) If the homelessness council approves an eligible municipality's request to receive  
 381 account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the  
 382 amount of funds for disbursement to the eligible municipality under Subsection  
 383 [35A-16-402\(4\)](#).

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

387 Section 7. Section [35A-16-502](#) is amended to read:

388 **[35A-16-502. Winter response plan required -- Contents -- Review --](#)**

389 **Consequences after determination of noncompliance.**

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

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

396 (2) The winter response plan shall:

397 (a) provide assurances to the office that the applicable county will meet the applicable

398 county's targeted winter response bed count or other accommodations during the subsequent  
399 winter response period by establishing plans for the requisite need during the subsequent winter  
400 response period;

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

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

406 (d) include a detailed county plan for a code blue event as defined in Section  
407 35A-16-701, including the number and location of available beds for individuals experiencing  
408 homelessness for the duration of the code blue event; and

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

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

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

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

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

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

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

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

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

424 ~~(3)~~ (4) To assist a task force in preparing a winter response plan, by no later than  
425 March 30 of the year in which the winter response plan is due, the applicable local homeless  
426 council, in coordination with the office, shall provide the following information to the task  
427 force:

428 (a) the targeted winter response bed count;

429 (b) the requirements for the plan described in Subsection (2)(d);  
430 (c) the availability of funds that can be used to mitigate the winter response plan; and  
431 (d) any component required for the winter response plan to achieve compliance that is  
432 not described in Subsection (2).

433 ~~[(4)]~~ (5) In preparing the winter response plan, the task force shall coordinate with:

434 (a) the office;  
435 (b) the applicable local homeless council;  
436 (c) for Salt Lake County, the conference of mayors for Salt Lake County; and  
437 (d) for an applicable county not described in Subsection ~~[(4)(c)]~~ (5)(c), the council of  
438 governments for the applicable county.

439 ~~[(5)]~~ (6) In conducting site selection for a temporary winter response shelter under a  
440 winter response plan, the task force shall prioritize:

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

446 ~~[(6)]~~ (7) (a) On or before August 15 of the year in which a winter response plan is  
447 submitted, the office shall:

448 (i) conduct a review of the winter response plan for compliance with this section; and  
449 (ii) send a written notice of the office's determination regarding compliance to:  
450 (A) the task force for the applicable county;  
451 (B) the council of governments for the applicable county;  
452 (C) the applicable local homeless council; and  
453 (D) the legislative body of each municipality located within the applicable county.

454 (b) For purposes of Section [35A-16-502.5](#), an applicable county is in noncompliance  
455 with this section if:

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

460            [(7)] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
461 Act, the office may make rules establishing requirements for an applicable county's compliance  
462 with this section.

463            Section 8. Section **35A-16-701** is amended to read:

464            **35A-16-701. Definitions.**

465            As used in this part:

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

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

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

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

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

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

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

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

483            **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

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

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

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

489            (c) disseminate the code blue alert to:

490            (i) the public at large;



- 491 (ii) homeless shelters located within an affected county;
- 492 (iii) local government entities located within an affected county;
- 493 (iv) the office; and
- 494 (v) any other relevant public or private entities that provide services to individuals
- 495 experiencing homelessness within an affected county.
- 496 (2) The code blue alert shall:
  - 497 (a) identify each affected county;
  - 498 (b) specify the duration of the code blue alert;
  - 499 (c) describe the provisions that take effect for the duration of the code blue alert as
  - 500 described in Section 35A-16-703; and
  - 501 (d) include the information prepared by the office under Subsection (3).
- 502 (3) (a) The office shall prepare and regularly update information to assist individuals
- 503 experiencing homelessness during a code blue event, including:
  - 504 (i) the location and availability of homeless shelters and other community resources
  - 505 and services for individuals experiencing homelessness;
  - 506 (ii) information regarding public safety and emergency services; and
  - 507 (iii) any other information considered relevant by the office.
- 508 (b) The office shall submit to the Department of Health and Human Services the
- 509 information prepared and updated under Subsection (3)(a).
- 510 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 511 the Department of Health and Human Services, in coordination with the office, shall make
- 512 rules to implement this section.
  - 513 (b) The rules under Subsection (4)(a) shall:
    - 514 (i) establish any extreme weather conditions that warrant the issuance of a code blue
    - 515 alert; and
    - 516 (ii) establish standards for:
      - 517 (A) monitoring and evaluating National Weather Service forecasts and advisories to
      - 518 identify code blue events;
      - 519 (B) issuing code blue alerts under this section, including the form, content, and
      - 520 dissemination of code blue alerts;
      - 521 (C) the provisions that take effect within an affected county for the duration of a code

522 blue alert~~[, as provided in]~~ under Section 35A-16-703; and

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

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

530 Section 10. Section 59-12-205 is amended to read:

531 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
532 **tax revenue -- Determination of population.**

533 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
534 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's  
535 sales and use tax ordinances:

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

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

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

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

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

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

553 (C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax  
554 authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port  
555 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section  
556 11-58-201; and

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

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

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

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

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

567 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,  
568 2016.

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

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

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

575 (ii) the minimum tax revenue distribution.

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

577 (i) "Annual local contribution" means the lesser of \$275,000 or an amount equal to  
578 2.55% of the participating local government's tax revenue distribution amount under  
579 Subsection (2)(a)(i) for the previous fiscal year.

580 (ii) "Participating local government" means a county or municipality, as defined in  
581 Section 10-1-104, that is not an eligible municipality certified in accordance with Section  
582 35A-16-404.

583 (b) For revenue collected from the tax authorized by this part that is distributed on or

584 after January 1, 2019, the commission, before making a tax revenue distribution under  
585 Subsection (2)(a)(i) to a participating local government, shall:

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

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

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

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

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

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

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

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

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

608 (A) contains sand and gravel; and

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

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

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

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

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

615 calendar year from sand and gravel extraction sites statewide.

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

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

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

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

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

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

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

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

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

640 Section 11. Section **63J-1-602.1** is amended to read:

641 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

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

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

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

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

648 (4) Money received by the Utah Inland Port Authority, as provided in Section  
649 [11-58-105](#).

650 (5) The Commerce Electronic Payment Fee Restricted Account created in Section  
651 [13-1-17](#).

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

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

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

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

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

661 (11) The Criminal Background Check Restricted Account created in Section  
662 [31A-3-105](#).

663 (12) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except  
664 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.

665 (13) The Title Licensee Enforcement Restricted Account created in Section  
666 [31A-23a-415](#).

667 (14) The Health Insurance Actuarial Review Restricted Account created in Section  
668 [31A-30-115](#).

669 (15) The State Mandated Insurer Payments Restricted Account created in Section  
670 [31A-30-118](#).

671 (16) The Insurance Fraud Investigation Restricted Account created in Section  
672 [31A-31-108](#).

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

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

- 677 (19) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 678 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain  
679 products or services, as provided in Section [35A-13-202](#).
- 680 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section  
681 [35A-16-402](#).
- 682 [~~(21)~~] (22) The Oil and Gas Administrative Penalties Account created in Section  
683 [40-6-11](#).
- 684 [~~(22)~~] (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 685 [~~(23)~~] (24) The Division of Oil, Gas, and Mining Restricted account created in Section  
686 [40-6-23](#).
- 687 [~~(24)~~] (25) The Electronic Payment Fee Restricted Account created by Section  
688 [41-1a-121](#) to the Motor Vehicle Division.
- 689 [~~(25)~~] (26) The License Plate Restricted Account created by Section [41-1a-122](#).
- 690 [~~(26)~~] (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted  
691 Account created by Section [41-3-110](#) to the State Tax Commission.
- 692 [~~(27)~~] (28) The State Disaster Recovery Restricted Account to the Division of  
693 Emergency Management, as provided in Section [53-2a-603](#).
- 694 [~~(28)~~] (29) The Response, Recovery, and Post-disaster Mitigation Restricted Account  
695 created in Section [53-2a-1302](#).
- 696 [~~(29)~~] (30) The Department of Public Safety Restricted Account to the Department of  
697 Public Safety, as provided in Section [53-3-106](#).
- 698 [~~(30)~~] (31) The Utah Highway Patrol Aero Bureau Restricted Account created in  
699 Section [53-8-303](#).
- 700 [~~(31)~~] (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 701 [~~(32)~~] (33) The Technical Colleges Capital Projects Fund created in Section  
702 [53B-2a-118](#).
- 703 [~~(33)~~] (34) The Higher Education Capital Projects Fund created in Section  
704 [53B-22-202](#).
- 705 [~~(34)~~] (35) A certain portion of money collected for administrative costs under the  
706 School Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 707 [~~(35)~~] (36) The Public Utility Regulatory Restricted Account created in Section

708 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

709 [~~36~~] (37) Funds collected from a surcharge fee to provide certain licensees with  
710 access to an electronic reference library, as provided in Section 58-3a-105.

711 [~~37~~] (38) Certain fines collected by the Division of Professional Licensing for  
712 violation of unlawful or unprofessional conduct that are used for education and enforcement  
713 purposes, as provided in Section 58-17b-505.

714 [~~38~~] (39) Funds collected from a surcharge fee to provide certain licensees with  
715 access to an electronic reference library, as provided in Section 58-22-104.

716 [~~39~~] (40) Funds collected from a surcharge fee to provide certain licensees with  
717 access to an electronic reference library, as provided in Section 58-55-106.

718 [~~40~~] (41) Funds collected from a surcharge fee to provide certain licensees with  
719 access to an electronic reference library, as provided in Section 58-56-3.5.

720 [~~41~~] (42) Certain fines collected by the Division of Professional Licensing for use in  
721 education and enforcement of the Security Personnel Licensing Act, as provided in Section  
722 58-63-103.

723 [~~42~~] (43) The Relative Value Study Restricted Account created in Section 59-9-105.

724 [~~43~~] (44) The Cigarette Tax Restricted Account created in Section 59-14-204.

725 [~~44~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal  
726 background check for a mortgage loan license, as provided in Section 61-2c-202.

727 [~~45~~] (46) Funds paid to the Division of Real Estate for the cost of a criminal  
728 background check for principal broker, associate broker, and sales agent licenses, as provided  
729 in Section 61-2f-204.

730 [~~46~~] (47) Certain funds donated to the Department of Health and Human Services, as  
731 provided in Section 26B-1-202.

732 [~~47~~] (48) Certain funds donated to the Division of Child and Family Services, as  
733 provided in Section 80-2-404.

734 [~~48~~] (49) Funds collected by the Office of Administrative Rules for publishing, as  
735 provided in Section 63G-3-402.

736 [~~49~~] (50) The Immigration Act Restricted Account created in Section 63G-12-103.

737 [~~50~~] (51) Money received by the military installation development authority, as  
738 provided in Section 63H-1-504.



- 739            [~~(51)~~] (52) The Computer Aided Dispatch Restricted Account created in Section  
740 [63H-7a-303](#).
- 741            [~~(52)~~] (53) The Unified Statewide 911 Emergency Service Account created in Section  
742 [63H-7a-304](#).
- 743            [~~(53)~~] (54) The Utah Statewide Radio System Restricted Account created in Section  
744 [63H-7a-403](#).
- 745            [~~(54)~~] (55) The Utah Capital Investment Restricted Account created in Section  
746 [63N-6-204](#).
- 747            [~~(55)~~] (56) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 748            [~~(56)~~] (57) Funds collected by the housing of state probationary inmates or state parole  
749 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 750            [~~(57)~~] (58) Certain forestry and fire control funds utilized by the Division of Forestry,  
751 Fire, and State Lands, as provided in Section [65A-8-103](#).
- 752            [~~(58)~~] (59) The Amusement Ride Safety Restricted Account, as provided in Section  
753 [72-16-204](#).
- 754            [~~(59)~~] (60) Certain funds received by the Office of the State Engineer for well drilling  
755 fines or bonds, as provided in Section [73-3-25](#).
- 756            [~~(60)~~] (61) The Water Resources Conservation and Development Fund, as provided in  
757 Section [73-23-2](#).
- 758            [~~(61)~~] (62) Award money under the State Asset Forfeiture Grant Program, as provided  
759 under Section [77-11b-403](#).
- 760            [~~(62)~~] (63) Funds donated or paid to a juvenile court by private sources, as provided in  
761 Subsection [78A-6-203\(1\)\(c\)](#).
- 762            [~~(63)~~] (64) Fees for certificate of admission created under Section [78A-9-102](#).
- 763            [~~(64)~~] (65) Funds collected for adoption document access as provided in Sections  
764 [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).
- 765            [~~(65)~~] (66) Funds collected for indigent defense as provided in Title 78B, Chapter 22,  
766 Part 4, Utah Indigent Defense Commission.
- 767            [~~(66)~~] (67) The Utah Geological Survey Oil, Gas, and Mining Restricted Account  
768 created in Section [79-3-403](#).
- 769            [~~(67)~~] (68) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades

770 State Park, and Green River State Park, as provided under Section [79-4-403](#).

771 ~~[(68)]~~ (69) Certain funds received by the Division of State Parks from the sale or  
772 disposal of buffalo, as provided under Section [79-4-1001](#).

773 Section 12. **Effective date.**

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

775 (2) If approved by two-thirds of all the members elected to each house, Section  
776 [59-12-205](#) takes effect upon approval by the governor, or the day following the constitutional  
777 time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in  
778 the case of a veto, the date of veto override.

779 Section 13. **Retrospective operation.**

780 Section [59-12-205](#), effective May 1, 2024, has retrospective operation to January 1,  
781 2024.