

# HB0215S03 compared with HB0215S02

~~{Omitted text}~~ shows text that was in HB0215S02 but was omitted in HB0215S03  
inserted text shows text that was not in HB0215S02 but was inserted into HB0215S03

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

1

2

3

4

5

6

7

8

9

10

13

15

16

18

20

21

Office of Legislative Auditor General Provisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill amends provisions governing the duties and powers of the legislative auditor general.

Highlighted Provisions:

This bill:

restates the legislative auditor general's constitutional authority;

amends provisions governing information that maybe subject to federal law and is requested by the legislative auditor general from an entity, including the State Tax Commission;

authorizes the legislative auditor general to provide certain information to an audited entity;

amends provisions governing criminal interference with a legislative audit;

amends the definition of "chief officer" for purposes of an entity responding to a legislative audit;

permits the legislative auditor general to identify an individual other than a chief officer to respond to a legislative audit;

amends provisions governing an audit response plan and an update to a plan;

HB0215S02

## HB0215S02 compared with HB0215S03

authorizes the legislative auditor general to review and monitor{~~-, examine, and review~~} the Utah System of Higher Education; and

▸ makes other technical and conforming changes.

### Money Appropriated in this Bill:

None

None

### AMENDS:

**36-12-15** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

**36-12-15.3** , as enacted by Laws of Utah 2024, Chapter 403 , as enacted by Laws of Utah 2024, Chapter 403

**53F-2-526** , as enacted by Laws of Utah 2024, Chapter 374 , as enacted by Laws of Utah 2024, Chapter 374

**59-1-403** , as last amended by Laws of Utah 2024, Chapters 25, 35 , as last amended by Laws of Utah 2024, Chapters 25, 35

### ENACTS:

**36-12-15.4** , Utah Code Annotated 1953 , Utah Code Annotated 1953

---

---

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

Section 1. Section **36-12-15** is amended to read:

**36-12-15. Office of the Legislative Auditor General established -- Qualifications -- Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.**

(1) As used in this section:

(a) "Audit action" means an audit, examination, investigation, or review of an entity conducted by the office.

(b) "Entity" means:

(i) a government organization; or

(ii) a receiving organization.

(c) "Government organization" means:

(i) a state branch, department, or agency; or

## HB0215S02 compared with HB0215S03

- (ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section 11-13-103, or any other local government unit.
- 52 (d) "Office" means the Office of the Legislative Auditor General.
- 53 (e) "Receiving organization" means an organization that receives public funds that is not a government organization.
- 55 (2)
- . (a) There is created the Office of the Legislative Auditor General as a permanent staff office for the Legislature.
- 57 (b) The authority of the legislative auditor general is:
- 58 (i) established in Utah Constitution, Article VI, Section 33; and
- 59 (ii) an extension of the Legislature's inherent inquiry and investigatory power.
- 60 (3) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least seven years of experience in the auditing or public accounting profession, or the equivalent, prior to appointment.
- 63 (4) The legislative auditor general shall [~~appoint~~] employ and develop a professional staff within budget limitations.
- 65 (5) The office shall exercise the constitutional authority provided in Utah Constitution, Article VI, Section 33.
- 67 (6) Under the direction of the legislative auditor general, the office shall:
- 68 (a) conduct comprehensive and special purpose audits, examinations, investigations, or reviews of entity funds, functions, and accounts;
- 70 (b) prepare and submit a written report on each audit action to the Audit Subcommittee created in Section 36-12-8 and make the report available to all members of the Legislature within 75 days after the audit action is completed;
- 73 (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the legislative auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;
- 77 (d) create, manage, and report to the Audit Subcommittee a list of high risk programs and operations that:
- 79 (i) threaten public funds or programs;
- 80 (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or

## HB0215S02 compared with HB0215S03

- 81 (iii) require transformation;
- 82 (e) monitor and report to the Audit Subcommittee the health of a government organization's internal  
audit functions;
- 84 (f) make recommendations to increase the independence and value added of internal audit functions  
throughout the state;
- 86 (g) implement a process to track, monitor, and report whether the subject of an audit has implemented  
recommendations made in the audit report;
- 88 (h) establish, train, and [~~maintain~~] retain individuals within the office to conduct investigations and  
represent themselves as lawful investigators on behalf of the office;
- 90 (i) establish policies, procedures, methods, and standards of audit work and investigations for the office  
and staff;
- 92 (j) prepare and submit each audit and investigative report independent of any influence external of the  
office, including the content of the report, the conclusions reached in the report, and the manner of  
disclosing the legislative auditor general's findings;
- 95 (k) prepare and submit [~~the~~] an annual budget request for the office; and
- 96 (l) perform other duties as prescribed by the Legislature.
- 97 (7) In conducting an audit action of an entity, the office may include a determination of any or all of the  
following:
- 99 (a) the honesty and integrity of any of the entity's fiscal affairs;
- 100 (b) the accuracy and reliability of the entity's internal control systems and specific financial statements  
and reports;
- 102 (c) whether [~~or not~~] the entity's financial controls are adequate and effective to properly record and  
safeguard the entity's acquisition, custody, use, and accounting of public funds;
- 105 (d) whether the entity's administrators have complied with legislative intent;
- 106 (e) whether the entity's operations have been conducted in an efficient, effective, and cost efficient  
manner;
- 108 (f) whether the entity's programs have been effective in accomplishing intended objectives; and
- 110 (g) whether the entity's management control and information systems are adequate and effective.
- 112 (8) The office may provide to an entity that is the subject of an audit action the following:
- 113 (a) the record classification of a draft report of an audit action;
- 114 (b) an opportunity to discuss a draft report of an audit action before release;

## HB0215S02 compared with HB0215S03

- 115 (c) the contact information for the office's manager or supervisor of an audit action; or  
116 (d) any other information related to the audit action.  
117 ~~[(8)]~~ (9)
- . [(a)] If requested by the office, each entity that the legislative auditor general is authorized to audit under Utah Constitution, Article VI, Section 33, ~~[or this section]~~ shall, notwithstanding any other provision of law~~[-except as provided in Subsection (8)(b)]~~, provide the office with access to information, materials, or resources the office determines are necessary to conduct an audit, examination, investigation, or review, including:
- 123 [(i)] (a) the following in the possession or custody of the entity in the format identified by the office:
- 125 ~~[(A)]~~ (i) a record, document, and report; and  
126 ~~[(B)]~~ (ii) films, tapes, recordings, and electronically stored information;  
127 [(ii)] (b) entity personnel; and  
128 [(iii)] (c) each official or unofficial recording of formal or informal meetings or conversations to which the entity has access.
- 130 ~~[(b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not apply.]~~
- 132 ~~[(9)]~~ (10)
- . (a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI, Section 33, the legislative auditor general may issue a subpoena to access information, materials, or resources in accordance with Chapter 14, Legislative Subpoena Powers.
- 136 (b) The legislative auditor general may issue a subpoena, as described in Subsection ~~[(9)]~~ (10)(a), to a financial institution or any other entity to obtain information as part of an investigation ~~[of]~~ involving public funds and fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance~~[-involving public funds]~~.
- 140 ~~[(10)]~~ (11) To preserve the professional integrity and independence of the office:
- 141 (a) no legislator or public official may urge the appointment of any person to the office; and  
143 (b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.
- 146 ~~[(11)]~~ (12)

## HB0215S02 compared with HB0215S03

- . (a) The following records in the custody or control of the legislative auditor general are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:
- 149 (i) records and audit work papers that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the legislative auditor general in preparing a final audit report;
- 155 (ii) records and audit workpapers that would disclose the identity of a person who, during the course of a legislative audit, communicated the existence of:
- 157 (A) unethical behavior;
- 158 (B) waste of public funds, property, or personnel; or
- 159 (C) a violation or suspected violation of a United States, Utah state, or political subdivision law, rule, ordinance, or regulation, if the person disclosed on the condition that the identity of the person be protected;
- 162 (iii) before an audit is completed and the final audit report is released, records or drafts circulated to a person who is not an employee or head of an entity for review, response, or information;
- 165 (iv) records that would disclose:
- 166 (A) an outline;
- 167 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
- 168 (C) other procedural documents necessary to fulfill the duties of the office; and
- 169 (v) ~~requests for audits~~ a request for an audit, if disclosure would risk circumvention of ~~an~~ the audit.
- 171 (b) The provisions of Subsection ~~[(11)]~~ (12)(a) do not prohibit the disclosure of records or information to a government prosecutor or peace officer if those records or information relate to a violation of the law by an entity or entity employee.
- 174 (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting held in accordance with Section 52-4-205:
- 176 (i) is a protected record, as defined in Section 63G-2-103;
- 177 (ii) to the extent the record contains information:
- 178 (A) described in Section 63G-2-302, is a private record; or
- 179 (B) described in Section 63G-2-304, is a controlled record; and

## HB0215S02 compared with HB0215S03

- 180 (iii) may not be reclassified by the office.
- 181 (d) The provisions of this section do not limit the authority otherwise given to the legislative auditor  
general to maintain the private, controlled, or protected record status of a shared record in the  
legislative auditor general's possession or classify a document as public, private, controlled, or  
protected under Title 63G, Chapter 2, Government Records Access and Management Act.
- 186 ~~[(12)]~~ (13) The legislative auditor general shall:
- 187 (a) be available to the Legislature and to the Legislature's committees for consultation on matters  
relevant to areas of the legislative auditor general's professional competence;
- 189 (b) conduct special audits as requested by the Audit Subcommittee;
- 190 (c) report immediately to the Audit Subcommittee any apparent violation of penal statutes disclosed by  
the audit of an entity and furnish to the Audit Subcommittee all information relative to the apparent  
violation;
- 193 (d) report immediately to the Audit Subcommittee any apparent instances of malfeasance or  
nonfeasance by an entity officer or employee disclosed by the audit of an entity; and
- 196 (e) make any recommendations to the Audit Subcommittee with respect to the alteration or  
improvement of the accounting system used by an entity.
- 198 ~~[(13)]~~ (14) If the legislative auditor general conducts an audit of an entity that has previously been  
audited and finds that the entity has not implemented a recommendation made by the legislative  
auditor general in a previous audit report, the legislative auditor general shall report to the Audit  
Subcommittee that the entity has not implemented the recommendation.
- 203 ~~[(14)]~~ (15) Before each annual general session, the legislative auditor general:
- 204 (a) shall:
- 205 ~~[(a)]~~ (i) prepare an annual report that:
- 206 ~~[(i)]~~ (A) summarizes the audits, examinations, investigations, and reviews conducted by the office since  
the last annual report; and
- 208 ~~[(ii)]~~ (B) evaluate and report the degree to which an entity that has been the subject of an audit has  
implemented the audit recommendations;
- 210 ~~[(b)]~~ (ii) include in the report any items and recommendations that the legislative auditor general  
believes the Legislature should consider in the annual general session; and
- 213 ~~[(e)]~~ (iii) deliver the report to the Legislature and to the appropriate committees of the Legislature~~[-]~~ ;  
and

## HB0215S02 compared with HB0215S03

- 215 (b) may use information from an audit response plan or update of an audit response plan as described in  
218 Section 36-12-15.3 when preparing the annual report described in Subsection (15)(a)(i).
- 218 [(15)] (16)
- . (a) If the chief officer of an entity has actual knowledge or reasonable cause to believe that there is misappropriation of the entity's public funds or assets, or another entity officer has actual knowledge or reasonable cause to believe that the chief officer is misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other entity officer, shall immediately notify, in writing:
- 223 (i) the office;
- 224 (ii) the attorney general, county attorney, or district attorney; and
- 225 (iii)
- . (A) for a state government organization, the chief executive officer;
- 226 (B) for a political subdivision government organization, the legislative body or governing board; or
- 228 (C) for a receiving organization, the governing board or chief executive officer unless the chief executive officer is believed to be misappropriating the funds or assets, in which case the next highest officer of the receiving organization.
- 231 (b) As described in Subsection [(15)] (16)(a), the entity chief officer or, if applicable, another entity officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act.
- 234 (c) If the Office of the Legislative Auditor General receives a notification under Subsection [(15)] (16)(a) or other information of misappropriation of public funds or assets of an entity, the office shall inform the Audit Subcommittee.
- 237 (d) The attorney general, county attorney, or district attorney shall notify, in writing, the Office of the Legislative Auditor General whether the attorney general, county attorney, or district attorney pursued criminal or civil sanctions in the matter.
- 240 [(16)]
- . (a) ~~An actor commits interference with a legislative audit if the actor uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:~~
- 243 [(i) a legislative audit action; or]
- 244 [(ii) the office's decisions relating to:]
- 245 [(A) the content of the office's report;]
- 246 [(B) the conclusions reached in the office's report; or]



## HB0215S02 compared with HB0215S03

- 247 [~~(C)~~ the manner of disclosing the results and findings of the office.]  
248 [~~(b)~~] (17)
- . (a) As used in this Subsection (17), "legislative audit" means:
- 249 (i) an audit action; or  
250 (ii) the office's decision relating to:
- 251 (A) the content of a report;  
252 (B) the conclusions reached in a report; or  
253 (C) the manner of disclosing the results and findings of the office.
- 254 (b) An actor commits interference with a legislative audit if the actor, with intent to hinder, delay,  
falsify, or prevent a legislative audit:
- 256 (i) prevents by force, intimidation, or deception any person from performing an act that responds to or  
assists with a legislative audit;
- 258 (ii) alters, destroys, conceals, or removes any material, information, or resources from a legislative  
audit;
- 260 (iii) makes, presents, or uses material, information, or resources known by the actor to be false;  
262 (iv) conceals an item described in Subsection (9) or other information that is not confidential or  
privileged; or
- 264 (v) provides false information.
- 265 (c)
- . (i) A violation of Subsection [~~(16)~~](a) (17)(b)(i), (ii), or (iii) is a class [B] A misdemeanor.  
267 (ii) A violation of Subsection (17)(b)(iv), (v), or (vi) is a class B misdemeanor.
- 268 [~~(17)~~] (18)
- . (a) The office may require any current employee, or any applicant for employment, to submit to a  
fingerprint-based local, regional, and criminal history background check as an ongoing condition of  
employment.
- 271 (b) An employee or applicant for employment shall provide a completed fingerprint card to the office  
upon request.
- 273 (c) The office shall require that an individual required to submit to a background check under this  
Subsection [~~(17)~~] (18) also provide a signed waiver on a form provided by the office that meets the  
requirements of Subsection 53-10-108(4).

276

## HB0215S02 compared with HB0215S03

(d) For a noncriminal justice background search and registration in accordance with Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:

(i) the employee's or applicant's personal identifying information and fingerprints for a criminal history search of applicable local, regional, and national databases; and

(ii) a request for all information received as a result of the local, regional, and nationwide background check.

[(18)] (19) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General shall conduct a feasibility study under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

Section 2. Section **36-12-15.3** is amended to read:

**36-12-15.3. Response to audit -- Chief officer -- Entity reporting requirements -- Audit response plan -- Semi-annual update.**

(1) As used in this section:

(a) "Alternative action" means a process, practice, or procedure that an entity implements in response to an audit report that is different from the process, practice, or procedure described in a recommendation.

(b) "Audit report" means a written report that the office issues that contains the office's findings and recommendations with respect to an audit of an entity.

(c) "Audit response plan" means a written document that an entity issues that contains the entity's response to an audit report of the entity.

(d) "Audit Subcommittee" means the subcommittee created in Subsection 36-12-8(1)(c).

(e) "Chief officer" means the individual ~~[who holds ultimate authority over]~~ responsible for the day-to-day direction, management~~[or governance]~~ , and operation of an entity.

(f) "Entity" means:

(i) the same as that term is defined in Subsection 36-12-15(1); or

(ii) any other person that the office is authorized to audit under any other provision of law.

(g) "Legislative committee" means the committee to which the Audit Subcommittee refers an audit report under Subsection 36-12-8(2)(d)(ii)(C).

(h) "Office" means the Office of the Legislative Auditor General.

(i) "Recommendation" means a process, practice, or procedure described in an audit report that the office proposes an entity implement.

## HB0215S02 compared with HB0215S03

- 309 (j) "Reply" means a written document that the office issues that contains the office's response to an  
entity's audit response plan.
- 311 (2)
- . (a) In addition to any other information that the office is required to include or attach to an audit report,  
the office shall, for each audit report the office issues:
- 313 ~~[(a)]~~ (i) subject to Subsection (2)(b), include in the audit report:
- 314 ~~[(i)]~~ (A) the identity of the chief officer; and
- 315 ~~[(ii)]~~ (B) a notice to the chief officer that the chief officer must comply with the reporting requirements  
described in this section; and
- 317 ~~[(b)]~~ (ii) attach to the audit report:
- 318 ~~[(i)]~~ (A) the audit response plan of the entity that is the subject of the audit report; and
- 320 ~~[(ii)]~~ (B) at the discretion of the legislative auditor general, a reply to the entity's audit response plan.
- 322 (b) To comply with the reporting requirements of this section, the legislative auditor general may:
- 324 (i) identify an individual other than the chief officer; or
- 325 (ii) if the entity is an entity under the direct supervision and control of the governor or the lieutenant  
governor, identify with the governor or lieutenant governor or their designee, an individual other  
than the chief officer to comply with the reporting requirements of this section.
- 329 (3) The chief officer of an entity that is the subject of an audit report shall:
- 330 (a) prepare an audit response plan that:
- 331 (i) is in writing;
- 332 (ii) responds to the findings in the audit report; and
- 333 (iii) subject to Subsection (4), for each recommendation in the audit report:
- 334 (A) describes how the entity will implement the recommendation;
- 335 (B) identifies the individual employed by or otherwise affiliated with the entity who is responsible for  
implementing the recommendation;
- 337 (C) establishes a timetable that identifies benchmarks for the entity to implement the recommendation;  
and
- 339 (D) specifies an anticipated deadline by which the entity will fully implement the recommendation; and
- 341 (b) sign and submit the audit response plan to the office before the office submits the audit report to the  
Audit Subcommittee under Subsection 36-12-15(6)(b).

343

## HB0215S02 compared with HB0215S03

(4) If the chief officer described in Subsection (3) objects to implementing a recommendation in an audit report, the chief officer shall:

(a) prepare an audit response plan in accordance with Subsections (3)(a)(i) and (ii) that:

(i) explains the basis for the objection; and

(ii)

(A) identifies an alternative action that the entity will implement; or

(B) specifies that the entity will not implement the recommendation or an alternative action; and

(b) comply with submission requirements described in Subsection (3)(b).

(5) A chief officer implementing an alternative action under Subsection (4)(a)(ii)(A) shall, as it relates to the alternative action, include in the audit response plan the information described in Subsection (3)(a)(iii).

(6) Subject to Subsection [(8)] (9), if the chief officer of an entity that is the subject of an audit report implements a recommendation under Subsection (3)(a)(iii), or an alternative action under Subsections (4)(a)(ii)(A) and (5), the chief officer shall, no later than 180 days after the day on which the Audit Subcommittee refers the audit report to a legislative committee:

(a) prepare an update to the entity's audit response plan that:

(i) is in writing; and

(ii) describes the entity's progress towards fully implementing:

(A) each recommendation addressed in the entity's audit response plan under Subsection (3)(a)(iii); or

(B) each alternative action addressed in the entity's audit response plan under Subsections (4)(a)(ii)(A) and (5); and

(b) submit the update to the legislative committee and the legislative auditor general.

(7) Subject to Subsection [(8)] (9), after the chief officer described in Subsection (6) complies with the submission requirements described in Subsection (6)(b), the chief officer shall:

(a) continue to update the audit response plan in accordance with Subsection (6)(a); and

(b) submit the update to the legislative committee and the legislative auditor general at least semi-annually.

(8) Upon receiving an audit response plan update under Subsection (6) or (7), the legislative auditor general may inform the chief officer of the following:

(a)

## HB0215S02 compared with HB0215S03

(i) whether the legislative auditor general agrees or disagrees with the implementation status of a recommendation; and

377 (ii) if the legislative auditor general disagrees with the implementation, the basis for the disagreement  
and an opportunity for the chief officer to provide additional information; and

380 (b) if the chief officer no longer needs to provide an update on the status of a recommendation.

382 [(8)] (9) A chief officer's obligation to update an audit response plan under this section terminates when  
the legislative auditor general reports to the Audit Subcommittee that the entity which is the subject  
of the audit report has fully implemented:

385 (a) each recommendation addressed in the entity's audit response plan under Subsection (3)(a)(iii); or

387 (b) each alternative action addressed in the entity's audit response plan under Subsections (4)(a)(ii)(A)  
and (5) only if the alternative action has addressed the recommendation identified in the audit report.

390 Section 3. Section 3 is enacted to read:

391 **36-12-15.4. Legislative auditor general -- Review of Utah System of Higher Education.**

392 (1) As used in this section:

393 (a) "Board" means the Utah Board of Higher Education, created in Section 53B-1-402.

394 (b) "Institution {of higher education}" means an institution within the Utah System of Higher  
Education.

396 (c) "Office" means the Office of the Legislative Auditor General created in Section 36-12-15.

396 ~~{(e)}~~ (d) {"Utah"} "System" means the Utah System of Higher Education ~~{"means the system"}~~  
described in Section 53B-1-102.

398 ~~{(d) {"Office" means the Office of the Legislative Auditor General.}}~~

399 ~~{(2) {"The legislative auditor general shall:}}~~

400 ~~{(a) {"monitor, examine, and review the Utah System of Higher Education and board, including:}}~~

400 (2) As directed by the Legislative Audit Subcommittee, the office may:

402 ~~{(i)}~~ (a) review and monitor the ~~{mission-of}~~ system, ~~{leadership-of}~~ board, and ~~{culture within the~~  
Utah System of Higher Education and the board} an institution;

404 ~~{(ii) {"whether the state-level vision and goals described in Section 53B-1-402 reflect the educational~~  
and workforce needs of the state;}}

406 ~~{(iii) {"whether the metrics adopted under Section 53B-1-402 adequately measure performance related~~  
to the goals and performance on measures of operational efficiency;}}

409

## HB0215S02 compared with HB0215S03

- {(iv)} {~~whether the data quality and collection by the board under Section 53B-1-402 is standardized through the Utah System of Higher Education and provides meaningful information on the performance of each institution of higher education; and~~}
- 413 {(v)} (b) {~~whether~~} identify areas where the system, board, and an institution {~~of higher education has adopted~~} can enhance performance {~~metrics~~} , effectiveness, and {~~is executing practices to measure and achieve those metrics~~} efficiency, or otherwise meet responsibilities set forth for the system in statute; and
- 415 {(b)} {~~create and manage a list of high-risk programs, operations, and systems in the Utah System of Higher Education that;~~}
- 417 {(i)} {~~require transformation;~~}
- 418 {(ii)} {~~require improved efficiency or effectiveness;~~}
- 419 {(iii)} (c) {~~are vulnerable to mismanagement~~} establish a list of high-risk programs, {fraud} operations, and functions in the system that may require executive action or, and functions in the system that may require executive action or {~~waste; or~~} have capacity for improved efficiency or effectiveness.
- 420 {(iv)} {~~are not compliant with applicable laws, rules, policies, or best practices.~~}
- 421 (3) Upon request, {~~an institution of higher education or~~} the {~~board~~} system, board, or an institution shall provide to the office information, materials, or resources in accordance with Subsection 36-12-15(8).
- 423 (4) The legislative auditor general shall {~~provide the list described in Subsection (2)(b) and~~} report findings to and regularly update the Legislative Audit Subcommitteeand board.
- 412 Section 4. Section **53F-2-526** is amended to read:
- 413 **53F-2-526. Excellence in Education and Leadership Supplement.**
- 427 (1) As used in this section:
- 428 (a) "Center" means the Center for the School of the Future at Utah State University established in Section 53B-18-801.
- 430 (b) "Eligible teacher" means a teacher who is a top-performing teacher that the center determines using an LEA's assessment methods, including:
- 432 (i) student growth or achievement measures;
- 433 (ii) professional evaluations;
- 434 (iii) parent surveys; and
- 435 (iv) other data-driven criteria the LEA establishes and the center verifies for validity.

## HB0215S02 compared with HB0215S03

- 436 (c) "Eligible teacher" includes an individual whom an LEA participating in the program employs and  
who holds:
- 438 (i) a license the state board issues; and
- 439 (ii) a position that includes a current classroom teaching assignment.
- 440 (d) "High poverty school" means the same as the term is defined in Section 53F-2-513.
- 441 (e) "LEA" means:
- 442 (i) a school district;
- 443 (ii) charter school; and
- 444 (iii) a regional education service agency.
- 445 (f) "Program" means the Excellence in Education and Leadership Supplement created in Subsection (2).
- 447 (g) "Tier performance level" means the following levels of performance for a teacher in comparison to  
all teachers the center determines in accordance with Subsection (7):
- 449 (i) the top 5% of teachers;
- 450 (ii) the next 6%-10% of teachers; and
- 451 (iii) the next 11%-25% of teachers.
- 452 (h) "Top-performing" means the top 25% of teachers in comparison to all teachers the center determines  
using the methods described in Subsection (1)(b).
- 454 (2) Beginning July 1, 2024, there is created a five-year pilot program known as the Excellence in  
Education and Leadership Supplement to provide a salary supplement to an eligible teacher in  
recognition for outstanding instructional talent.
- 457 (3)
- . (a) No later than December 31, 2024, an LEA shall declare the LEA's intent to participate in the  
program to the center.
- 459 (b) If an LEA declares an intent to participate in the program, the LEA shall:
- 460 (i) develop a process for a school principal or the principal's designee to assess a teacher's performance  
consistent with this section to determine if a teacher is an eligible teacher, including the  
corresponding tier performance level; and
- 463 (ii) create an appeals process for an employee who is not nominated to be an eligible teacher.
- 465 (4) No later than April 1, 2025, an LEA shall:
- 466 (a) attend a training that the center creates regarding the guidelines for developing a process described  
in Subsection (3); and

## HB0215S02 compared with HB0215S03

- 468 (b) develop and submit for approval the LEA's process described in Subsection (3) to the center.  
470 (5)
- . (a) The center shall review the LEA's process described in Subsection (3) and approve the process or  
request that the LEA make changes to the submitted process.
- 472 (b) If the center requests changes to the LEA's submitted process, the LEA shall work with the center to  
make necessary changes to receive final approval from the center.
- 474 (c) No later than June 30, 2025, the center shall provide final approval or denial of an LEA's process.
- 476 (6) Before the start of the 2025-2026 school year, an LEA with an approved process as described in  
Subsection (5) shall:
- 478 (a) ensure each school principal or the principal's designee attends a training that the center creates  
regarding:
- 480 (i) how to effectively use the LEA's approved process to select and submit to the center nominations for  
eligible teachers, including the corresponding tier performance level; and
- 483 (ii) how to protect student and educator data privacy when submitting nominations and applications, as  
described in Subsection (9)(b)(ii)[-] ;
- 485 (b) provide information to teachers within the LEA regarding the program and how the school's  
principal or principal's designee will use the approved LEA process to make nominations of eligible  
teachers;
- 488 (c) ensure each school principal or the principal's designee uses the LEA's approved process to  
evaluate and select which teachers within the school to nominate as eligible teachers, including the  
corresponding tier performance level; and
- 491 (d) as provided in Subsection (9), submit to the center a list of the nominated eligible teachers for the  
center to consider.
- 493 (7) In assessing if a nominated teacher is an eligible teacher, the center shall create an assessment  
process that:
- 495 (a) uses the methods described in Subsection (1)(b);
- 496 (b) calibrates the submissions an LEA submits to determine, for all nominated teachers statewide,  
which teachers are eligible teachers, including the corresponding tier performance level;
- 499 (c) may use additional criteria as determined by the center in consultation with participating LEAs; and
- 501 (d) establishes a scoring rubric including the scores required for a designation in each tier performance  
level.



## HB0215S02 compared with HB0215S03

- 503 (8)
- 504 . (a) The center shall collaborate with LEAs to create:
- 505 (i) selection and submission guidelines for:
- 506 (A) the approval of the LEA's process as described in Subsection (5); and
- 507 (B) the list of nominated eligible teachers described in Subsection (6);
- 508 (ii) methods to determine student growth and achievement measures for subject areas that do not
- 509 have standardized assessment data;
- 510 (iii) the weightings for each element of the assessment process described in Subsection (7); and
- 511 (iv) the trainings described in this section.
- 512 (b) The center may provide program related technical assistance to an LEA.
- 513 (9)
- 514 . (a) An LEA shall:
- 515 (i) apply to the center on behalf of the nominated eligible teachers within the LEA through a
- 516 process and format that the center determines; and
- 517 (ii) ensure a school principal or the principal's designee reevaluates an eligible teacher's designation
- 518 under this section every three years.
- 519 (b) The center shall:
- 520 (i) create an application process for an LEA to submit the list of nominated eligible teachers described
- 521 in Subsection (9)(a);
- 522 (ii) coordinate with the state board in the creation of the application process described in Subsection (9)
- 523 (b)(i) to ensure that any sharing of student and educator data during the application process:
- 524 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99;
- 525 (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and
- 526 (C) uses disclosure avoidance techniques, including aggregating and otherwise de-identifying data;
- 527 (iii) no later than October 1, 2026, determine if a nominated teacher is an eligible teacher through the
- 528 process described in Subsection (7);
- 529 (iv) verify:
- 530 (A) the validity of the LEA's process and assessment of an eligible teacher as described in Subsections
- 531 (4) and (5); and
- 532 (B) the nominations described in Subsection (7) with the LEA and school administrators;
- 533
- 536

## HB0215S02 compared with HB0215S03

- (v) certify a list of eligible teachers, including the total amount of funding the LEA receives for the LEA's eligible teachers; and
- 538 (vi) provide the list described in Subsection (9)(b)(iv) to the state board.
- 539 (10)
- . (a) Subject to legislative appropriations, the state board shall:
- 540 (i) disburse funding to an LEA in the amount the center verifies that an LEA qualifies to receive for salary supplements under this section; and
- 542 (ii)
- . (A) except as provided in Subsection (10)(a)(ii)(B), allocate 1% of the funds appropriated under this section to the center; and
- 544 (B) provide no more than \$500,000 to the center each fiscal year from the funds described in Subsection (10)(a)(ii)(A).
- 546 (b) The annual salary supplement for an eligible teacher is:
- 547 (i) \$10,000 for a teacher in the top 5% of teachers;
- 548 (ii) \$5,000 for a teacher in the next 6%-10% of teachers; and
- 549 (iii) \$2,000 for a teacher in the next 11%-25% of teachers.
- 550 (c) If the eligible teacher is employed at a high poverty school, the eligible teacher shall receive an additional salary supplement that is equal in amount to the eligible teacher's salary supplement described in Subsection (10)(b).
- 553 (11)
- . (a) An LEA shall:
- 554 (i) use the program funds to provide a salary supplement equal to the amount specified in Subsection (10) for each eligible teacher in each tier performance level; and
- 557 (ii) provide the salary supplement in an eligible teacher's regularly occurring compensation in equal amounts through the contracted school years related to the salary supplement award.
- 560 (b) An LEA:
- 561 (i) may use up to 4% of the money appropriated to the LEA for salary supplements to cover administrative costs associated with implementing the program;
- 563 (ii) may use money appropriated to the LEA for the salary supplement for employer-paid benefits; and
- 565 (iii) may not include a salary supplement received under this section:
- 566 (A) in a retirement calculation; or

## HB0215S02 compared with HB0215S03

- 567 (B) as part of retirement contributions.
- 568 (c) The salary supplement is not part of an eligible teacher's base pay, and is subject to the eligible  
teacher's designation as an eligible teacher.
- 570 (12) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient  
to cover the costs associated with salary supplements, an LEA may distribute the funds to each  
eligible teacher of the same tier of performance level on a pro rata basis.
- 574 (13) The center and the state board shall collaborate regarding data sharing and other relevant  
interactions to facilitate the successful administration of the program.
- 576 (14)
- . (a) An eligible teacher that receives a salary supplement under the program has no vested property right  
in the salary supplement or the designation as an eligible teacher.
- 579 (b) An eligible teacher's salary supplement and designation under this section are void if the school  
principal or principal's designee, LEA, or the center made or certified the designation improperly.
- 582 (15)
- . (a) Subject to prioritization of the Audit Subcommittee, unless the state board contracts a private auditor  
in accordance with Subsection (15)(b), the Office of the Legislative Auditor General established  
under Section 36-12-15 shall, in any fiscal year:
- 586 (i) conduct an audit of the program including:
- 587 (A) an evaluation of the implementation of the program; and
- 588 (B) the efficacy of the program, including program outcomes; and
- 589 (ii) prepare and submit a written report for an audit described in this section in accordance with  
Subsection 36-12-15[(4)(b)(ii);] (6)(b).
- 591 (b) Subject to legislative appropriations, the state board may contract with an external auditor to  
perform the audit described in this Subsection (15).
- 593 (16)
- . (a) The center shall report to the Education Interim Committee no later than the 2024 October meeting  
the following:
- 595 (i) the methodology and process the center develops to achieve the requirements of Subsection (7);
- 597 (ii) relevant data and updates resulting from the collaborations described in Subsection (8);
- 599 (iii) any recommendations for future legislation; and
- 600 (iv) data regarding salary supplement programs, including:

## HB0215S02 compared with HB0215S03

- 601 (A) different approaches used to reward teacher performance, including different evaluation methods;  
603 (B) research outlining the effectiveness and impact of different salary supplement amounts on teacher retention; and  
605 (C) other considerations for impactful salary supplement programs in relation to teacher retention.  
607 (b) Beginning November 1, 2026, the center shall provide an annual report to the Education Interim Committee regarding:  
609 (i) the statewide metrics used in accordance with Subsection (7);  
610 (ii) de-identified and aggregated data showing the number of:  
611 (A) salary supplements per school, including total number of eligible teachers in each school;  
613 (B) eligible teachers in high poverty schools;  
614 (C) eligible teachers in each tier performance level;  
615 (D) eligible teachers in subject areas that do not have standardized assessments; and  
617 (E) salary supplement denials per school, including the reasons for a denial;  
618 (iii) proportion of eligible teachers in:  
619 (A) school districts; and  
620 (B) charter schools; and  
621 (iv) teacher retention data for a school where an eligible teacher is employed.  
609 Section 5. Section **59-1-403** is amended to read:  
610 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**  
624 (1) As used in this section:  
625 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:  
626 (i) the commission administers under:  
627 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;  
629 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;  
630 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;  
631 (D) Section 19-6-805;  
632 (E) Section 63H-1-205; or  
633 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; and  
635 (ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge to a qualifying jurisdiction.  
637 (b) "Qualifying jurisdiction" means:

## HB0215S02 compared with HB0215S03

- 638 (i) a county, city, or town;
- 639 (ii) the military installation development authority created in Section 63H-1-201; or
- 640 (iii) the Utah Inland Port Authority created in Section 11-58-201.
- 641 (2)
- . (a) Any of the following may not divulge or make known in any manner any information gained by that person from any return filed with the commission:
- 643 (i) a tax commissioner;
- 644 (ii) an agent, clerk, or other officer or employee of the commission; or
- 645 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.
- 647 (b) An official charged with the custody of a return filed with the commission is not required to produce the return or evidence of anything contained in the return in any action or proceeding in any court, except:
- 650 (i) in accordance with judicial order;
- 651 (ii) on behalf of the commission in any action or proceeding under:
- 652 (A) this title; or
- 653 (B) other law under which persons are required to file returns with the commission;
- 655 (iii) on behalf of the commission in any action or proceeding to which the commission is a party; or
- 657 (iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the return are directly involved in the action or proceeding.
- 659 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.
- 662 (d) Notwithstanding any other provision of state law, a person described in Subsection (2)(a) may not divulge or make known in any manner any information gained by that person from any return filed with the commission to the extent that the disclosure is prohibited under federal law.
- 666 (3) This section does not prohibit:
- 667 (a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;
- 669 (b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and

671

## HB0215S02 compared with HB0215S03

- (c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:
- 673 (i) who brings action to set aside or review a tax based on the report or return;
- 674 (ii) against whom an action or proceeding is contemplated or has been instituted under this title; or
- 676 (iii) against whom the state has an unsatisfied money judgment.
- 677 (4)
- . (a) Notwithstanding Subsection (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:
- 681 (i) the United States Internal Revenue Service; or
- 682 (ii) the revenue service of any other state.
- 683 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.
- 691 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.
- 696 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the Division of Environmental Response and Remediation, as defined in Section 19-6-402, as requested by the director of the Division of Environmental Response and Remediation, any records, returns, or other information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program participation fee.
- 702 (e) Notwithstanding Subsection (2), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:
- 705 (i) Chapter 13, Part 2, Motor Fuel; or

## HB0215S02 compared with HB0215S03

- 706 (ii) Chapter 13, Part 4, Aviation Fuel.
- 707 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer, as defined in  
Section 59-22-202, the commission shall report to the manufacturer:
- 709 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and  
reported to the commission for the previous calendar year under Section 59-14-407; and
- 712 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which  
a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to  
the commission under Subsection 59-14-401(1)(a)(v).
- 716 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers, distributors,  
wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling  
cigarettes to consumers within the state under Subsection 59-14-210(2).
- 720 (h) Notwithstanding Subsection (2), the commission may:
- 721 (i) provide to the Division of Consumer Protection within the Department of Commerce and the  
attorney general data:
- 723 (A) reported to the commission under Section 59-14-212; or
- 724 (B) related to a violation under Section 59-14-211; and
- 725 (ii) upon request, provide to any person data reported to the commission under Subsections  
59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 727 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee of the  
Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning  
and Budget, provide to the committee or office the total amount of revenues collected by the  
commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by  
the committee or office.
- 732 (j) Notwithstanding Subsection (2), the commission shall make the directory required by Section  
59-14-603 available for public inspection.
- 734 (k) Notwithstanding Subsection (2), the commission may share information with federal, state, or local  
agencies as provided in Subsection 59-14-606(3).
- 736 (l)
- . (i) Notwithstanding Subsection (2), the commission shall provide the Office of Recovery Services  
within the Department of Health and Human Services any relevant information obtained from a

## HB0215S02 compared with HB0215S03

return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.

- 741 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of Recovery  
Services to any other state's child support collection agency involved in enforcing that support  
obligation.
- 744 (m)
- . (i) Notwithstanding Subsection (2), upon request from the state court administrator, the commission  
shall provide to the state court administrator, the name, address, telephone number, county of  
residence, and social security number on resident returns filed under Chapter 10, Individual Income  
Tax Act.
- 748 (ii) The state court administrator may use the information described in Subsection (4)(m)(i) only as a  
source list for the master jury list described in Section 78B-1-106.
- 751 (n)
- . (i) As used in this Subsection (4)(n):
- 752 (A) "GOEO" means the Governor's Office of Economic Opportunity created in Section  
63N-1a-301.
- 754 (B) "Income tax information" means information gained by the commission that is required to  
be attached to or included in a return filed with the commission under Chapter 7, Corporate  
Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 758 (C) "Other tax information" means information gained by the commission that is required to be  
attached to or included in a return filed with the commission except for a return filed under  
Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 762 (D) "Tax information" means income tax information or other tax information.
- 763 (ii)
- . (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(ii)(B) or (C), the  
commission shall at the request of GOEO provide to GOEO all income tax information.
- 766 (B) For purposes of a request for income tax information made under Subsection (4)(n)(ii)(A), GOEO  
may not request and the commission may not provide to GOEO a person's address, name, social  
security number, or taxpayer identification number.
- 770 (C) In providing income tax information to GOEO, the commission shall in all instances protect the  
privacy of a person as required by Subsection (4)(n)(ii)(B).



## HB0215S02 compared with HB0215S03

- 772 (iii)
- . (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(iii)(B), the commission shall at the request of GOEO provide to GOEO other tax information.
- 775 (B) Before providing other tax information to GOEO, the commission shall redact or remove any name, address, social security number, or taxpayer identification number.
- 778 (iv) GOEO may provide tax information received from the commission in accordance with this Subsection (4)(n) only:
- 780 (A) as a fiscal estimate, fiscal note information, or statistical information; and
- 781 (B) if the tax information is classified to prevent the identification of a particular return.
- 783 (v)
- . (A) A person may not request tax information from GOEO under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if GOEO received the tax information from the commission in accordance with this Subsection (4)(n).
- 787 (B) GOEO may not provide to a person that requests tax information in accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information GOEO provides in accordance with Subsection (4)(n)(iv).
- 790 (o) Notwithstanding Subsection (2), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:
- 793 (i) the following relating to an agreement sales and use tax:
- 794 (A) information contained in a return filed with the commission;
- 795 (B) information contained in a report filed with the commission;
- 796 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or
- 797 (D) a document filed with the commission; or
- 798 (ii) a report of an audit or investigation made with respect to an agreement sales and use tax.
- 800 (p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:
- 803 (i) requests the information; and
- 804 (ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.

## HB0215S02 compared with HB0215S03

- 806 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah Communications Authority, or a division of the Utah Communications Authority, the information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and 63H-7a-502.
- 810 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah Educational Savings Plan information related to a resident or nonresident individual's contribution to a Utah Educational Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.
- 815 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with the Department of Health and Human Services or its designee with the adjusted gross income of an individual if:
- 819 (i) an eligibility worker with the Department of Health and Human Services or its designee requests the information from the commission; and
- 821 (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.
- 823 (t) Notwithstanding Subsection (2), the commission may provide to a county, as determined by the commission, information declared on an individual income tax return in accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption authorized under Section 59-2-103.
- 827 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding any access line provider that is over 90 days delinquent in payment to the commission of amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges, to the board of the Utah Communications Authority created in Section 63H-7a-201.
- 832 (v) Notwithstanding Subsection (2), the commission shall provide the Department of Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar year under Section 59-24-103.5.
- 835 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.
- 839 (x) Notwithstanding Subsection (2), the commission may provide the Public Service Commission or the Division of Public Utilities information related to a seller that collects and remits to the commission

## HB0215S02 compared with HB0215S03

a charge described in Subsection 69-2-405(2), including the seller's identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

844 (y)

. (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying jurisdiction the collection data necessary to verify the revenue collected by the commission for a distributed tax, fee, or charge collected within the qualifying jurisdiction.

848 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission shall provide a qualifying jurisdiction with copies of returns and other information relating to a distributed tax, fee, or charge collected within the qualifying jurisdiction.

852 (iii)

. (A) To obtain the information described in Subsection (4)(y)(ii), the chief executive officer or the chief executive officer's designee of the qualifying jurisdiction shall submit a written request to the commission that states the specific information sought and how the qualifying jurisdiction intends to use the information.

857 (B) The information described in Subsection (4)(y)(ii) is available only in official matters of the qualifying jurisdiction.

859 (iv) Information that a qualifying jurisdiction receives in response to a request under this subsection is:

861 (A) classified as a private record under Title 63G, Chapter 2, Government Records Access and Management Act; and

863 (B) subject to the confidentiality requirements of this section.

864 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic Beverage Services Commission, upon request, with taxpayer status information related to state tax obligations necessary to comply with the requirements described in Section 32B-1-203.

868 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of Workforce Services, as soon as practicable, whether an individual claimed and is entitled to claim a federal earned income tax credit for the year requested by the Department of Workforce Services if:

872 (i) the Department of Workforce Services requests this information; and

873 (ii) the commission has received the information release described in Section 35A-9-604.

875 (bb)

. (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means the administrator or the administrator's agent, as those terms are defined in Section 67-4a-102.

## HB0215S02 compared with HB0215S03

- 878 (ii)
- . (A) Notwithstanding Subsection (2), upon request from the unclaimed property administrator and to the extent allowed under federal law, the commission shall provide the unclaimed property administrator the name, address, telephone number, county of residence, and social security number or federal employer identification number on any return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 884 (B) The unclaimed property administrator may use the information described in Subsection (4)(bb)(ii) (A) only for the purpose of returning unclaimed property to the property's owner in accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.
- 888 (iii) The unclaimed property administrator is subject to the confidentiality provisions of this section with respect to any information the unclaimed property administrator receives under this Subsection (4)(bb).
- 891 (cc) Notwithstanding Subsection (2), the commission may, upon request, disclose a taxpayer's state individual income tax information to a program manager of the Utah Fits All Scholarship Program under Section 53F-6-402 if:
- 894 (i) the taxpayer consents in writing to the disclosure;
- 895 (ii) the taxpayer's written consent includes the taxpayer's name, social security number, and any other information the commission requests that is necessary to verify the identity of the taxpayer; and
- 898 (iii) the program manager provides the taxpayer's written consent to the commission.
- 899 (dd) Notwithstanding Subsection (2), the commission may provide to the Division of Finance within the Department of Government Operations any information necessary to facilitate a payment from the commission to a taxpayer, including:
- 902 (i) the name of the taxpayer entitled to the payment or any other person legally authorized to receive the payment;
- 904 (ii) the taxpayer identification number of the taxpayer entitled to the payment;
- 905 (iii) the payment identification number and amount of the payment;
- 906 (iv) the tax year to which the payment applies and date on which the payment is due;
- 907 (v) a mailing address to which the payment may be directed; and
- 908 (vi) information regarding an account at a depository institution to which the payment may be directed, including the name of the depository institution, the type of account, the account number, and the routing number for the account.

## HB0215S02 compared with HB0215S03

- 911 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of revenues  
collected by the commission under Subsection 59-5-202(5):
- 913 (i) at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the  
Governor's Office of Planning and Budget, to the committee or office for the time period specified  
by the committee or office; and
- 916 (ii) to the Division of Finance for purposes of the Division of Finance administering Subsection  
59-5-202(5).
- 918 (ff) Notwithstanding Subsection (2), the commission may provide the Department of Agriculture and  
Food with information from a return filed in accordance with Chapter 31, Cannabinoid Licensing  
and Tax Act.
- 921 (5)
- . (a) Each report and return shall be preserved for at least three years.
- 922 (b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or  
return.
- 924 (6)
- . (a) Any individual who violates this section is guilty of a class A misdemeanor.
- 925 (b) If the individual described in Subsection (6)(a) is an officer or employee of the state, the individual  
shall be dismissed from office and be disqualified from holding public office in this state for a  
period of five years thereafter.
- 928 (c) Notwithstanding Subsection (6)(a) or (b), GOEO, when requesting information in accordance with  
Subsection (4)(n)(iii), or an individual who requests information in accordance with Subsection (4)  
(n)(v):
- 931 (i) is not guilty of a class A misdemeanor; and
- 932 (ii) is not subject to:
- 933 (A) dismissal from office in accordance with Subsection (6)(b); or
- 934 (B) disqualification from holding public office in accordance with Subsection (6)(b).
- 936 (d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the Office of the  
Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an  
individual described in Subsection (2):
- 939 (i) is not guilty of a class A misdemeanor; and
- 940 (ii) is not subject to:

## HB0215S02 compared with HB0215S03

- 941 (A) dismissal from office in accordance with Subsection (6)(b); or  
942 (B) disqualification from holding public office in accordance with Subsection (6)(b).  
944 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

932 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

2-14-25 10:30 AM