

# HB0459S01 compared with HB0459

{Omitted text} shows text that was in HB0459 but was omitted in HB0459S01

inserted text shows text that was not in HB0459 but was inserted into HB0459S01

**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.**

## Appropriations Subcommittee Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor:

---

---

### LONG TITLE

#### General Description:

This bill updates the names of certain appropriations subcommittees.

#### Highlighted Provisions:

This bill:

▸ changes the name of:

• the "Business, Economic Development, and Labor Appropriations Subcommittee" to the "Economic and Community Development Appropriations Subcommittee";

• the "Executive Offices and Criminal Justice Appropriations Subcommittee" to the "Criminal Justice Appropriations Subcommittee"; and

• the "Infrastructure and General Government Appropriations Subcommittee" to the "Transportation and Infrastructure Appropriations Subcommittee"; {and}

▸ modifies reporting requirements to align with the correct appropriations subcommittee;

▸ provides a coordination clause to coordinate with H.B. 200 regarding reporting requirements for a recreation restoration infrastructure grant; and

▸ makes technical and conforming changes.

HB0459

## HB0459 compared with HB0459S01

19 **Money Appropriated in this Bill:**

20 None

21 This bill provides a coordination clause.

24 **AMENDS:**

25 **4-46-303** , as last amended by Laws of Utah 2023, Chapter 180 , as last amended by Laws of Utah  
2023, Chapter 180

26 **17B-2a-808.1** , as last amended by Laws of Utah 2024, Chapter 498 , as last amended by Laws of  
Utah 2024, Chapter 498

27 **32B-2-307** , as last amended by Laws of Utah 2023, Chapter 538 , as last amended by Laws of Utah  
2023, Chapter 538

28 **32B-2-505** , as last amended by Laws of Utah 2023, Chapter 369 , as last amended by Laws of Utah  
2023, Chapter 369

29 **35A-6-105** , as last amended by Laws of Utah 2022, Chapter 415 , as last amended by Laws of Utah  
2022, Chapter 415

30 **36-33-103** , as renumbered and amended by Laws of Utah 2022, Chapter 334 , as renumbered and  
amended by Laws of Utah 2022, Chapter 334

31 **53-1-121** , as enacted by Laws of Utah 2021, Chapter 215 , as enacted by Laws of Utah 2021,  
Chapter 215

32 **53-2a-603** , as last amended by Laws of Utah 2023, Chapters 434, 534 , as last amended by Laws of  
Utah 2023, Chapters 434, 534

33 **53-2a-606** , as last amended by Laws of Utah 2023, Chapter 434 , as last amended by Laws of Utah  
2023, Chapter 434

34 **53-2a-1302** , as last amended by Laws of Utah 2023, Chapter 434 , as last amended by Laws of  
Utah 2023, Chapter 434

35 **53-8-105** , as last amended by Laws of Utah 2024, Chapter 425 , as last amended by Laws of Utah  
2024, Chapter 425

36 **53-8-214** , as last amended by Laws of Utah 2024, Chapter 251 , as last amended by Laws of Utah  
2024, Chapter 251

37 **53-10-910** , as renumbered and amended by Laws of Utah 2022, Chapter 430 , as renumbered and  
amended by Laws of Utah 2022, Chapter 430

38

## HB0459 compared with HB0459S01

53B-2a-117 , as last amended by Laws of Utah 2024, Chapter 378 , as last amended by Laws of Utah 2024, Chapter 378

36 **53B-17-1102 , as enacted by Laws of Utah 2018, Chapter 453 , as enacted by Laws of Utah 2018, Chapter 453**

37 **53B-18-1602 , as enacted by Laws of Utah 2018, Chapter 453 , as enacted by Laws of Utah 2018, Chapter 453**

39 **53B-18-1805** , as enacted by Laws of Utah 2023, Chapter 494 , as enacted by Laws of Utah 2023, Chapter 494

40 **53B-18-1806** , as enacted by Laws of Utah 2023, Chapter 494 , as enacted by Laws of Utah 2023, Chapter 494

41 **53B-20-104** , as last amended by Laws of Utah 2023, Chapter 369 , as last amended by Laws of Utah 2023, Chapter 369

42 **53B-22-204** , as last amended by Laws of Utah 2024, Chapter 378 , as last amended by Laws of Utah 2024, Chapter 378

43 **58-55-104** , as enacted by Laws of Utah 2019, Chapter 215 , as enacted by Laws of Utah 2019, Chapter 215

44 **58-55-105** , as enacted by Laws of Utah 2019, Chapter 215 , as enacted by Laws of Utah 2019, Chapter 215

45 **59-21-2** , as last amended by Laws of Utah 2024, Chapter 88 , as last amended by Laws of Utah 2024, Chapter 88

46 **63A-5b-404** , as last amended by Laws of Utah 2022, Chapter 421 , as last amended by Laws of Utah 2022, Chapter 421

47 **63A-5b-407** , as enacted by Laws of Utah 2023, Chapter 369 , as enacted by Laws of Utah 2023, Chapter 369

48 **63A-5b-912** , as renumbered and amended by Laws of Utah 2020, Chapter 152 , as renumbered and amended by Laws of Utah 2020, Chapter 152

49 **63A-5b-1002** , as last amended by Laws of Utah 2021, Chapter 116 , as last amended by Laws of Utah 2021, Chapter 116

50 **63A-13-502** , as last amended by Laws of Utah 2019, Chapter 286 , as last amended by Laws of Utah 2019, Chapter 286

51

## HB0459 compared with HB0459S01

- 52 **63A-16-302.1** , as enacted by Laws of Utah 2023, Chapter 496 , as enacted by Laws of Utah 2023,  
Chapter 496
- 53 **63H-7a-206** , as last amended by Laws of Utah 2024, Chapter 357 , as last amended by Laws of  
Utah 2024, Chapter 357
- 54 **63J-1-504** , as last amended by Laws of Utah 2023, Chapter 428 , as last amended by Laws of Utah  
2023, Chapter 428
- 55 **63M-7-904** , as last amended by Laws of Utah 2024, Chapter 506 , as last amended by Laws of Utah  
2024, Chapter 506
- 56 **63N-2-107** , as last amended by Laws of Utah 2024, Chapter 159 , as last amended by Laws of Utah  
2024, Chapter 159
- 57 **63N-6-301** , as last amended by Laws of Utah 2022, Chapters 298, 362 , as last amended by Laws of  
Utah 2022, Chapters 298, 362
- 58 **63N-21-401** , as enacted by Laws of Utah 2023, Chapter 38 , as enacted by Laws of Utah 2023,  
Chapter 38
- 59 **64-13-46.1** , as renumbered and amended by Laws of Utah 2024, Chapter 182 , as renumbered and  
amended by Laws of Utah 2024, Chapter 182
- 60 **64-13e-103** , as last amended by Laws of Utah 2023, Chapter 246 , as last amended by Laws of Utah  
2023, Chapter 246
- 61 **64-13e-105** , as last amended by Laws of Utah 2024, Chapter 467 , as last amended by Laws of Utah  
2024, Chapter 467
- 62 **67-5-1** , as last amended by Laws of Utah 2024, Chapters 2, 74 and 348 , as last amended by Laws  
of Utah 2024, Chapters 2, 74 and 348
- 63 **77-38-620** , as last amended by Laws of Utah 2023, Chapter 237 , as last amended by Laws of Utah  
2023, Chapter 237
- 64 **77-40a-107** , as enacted by Laws of Utah 2022, Chapter 384 and last amended by Coordination  
Clause, Laws of Utah 2022, Chapter 384 , as enacted by Laws of Utah 2022, Chapter 384 and last  
amended by Coordination Clause, Laws of Utah 2022, Chapter 384
- 65 **78A-2-310** , as enacted by Laws of Utah 2023, Chapter 428 , as enacted by Laws of Utah 2023,  
Chapter 428
- 66 **78A-5-303** , as enacted by Laws of Utah 2020, Chapter 62 , as enacted by Laws of Utah 2020,  
Chapter 62

## HB0459 compared with HB0459S01

67 **78B-1-117** , as last amended by Laws of Utah 2018, Chapter 25 , as last amended by Laws of Utah  
2018, Chapter 25

68 **79-8-203** , as renumbered and amended by Laws of Utah 2021, Chapter 280 , as renumbered and  
amended by Laws of Utah 2021, Chapter 280

69 **80-5-303** , as renumbered and amended by Laws of Utah 2021, Chapter 261 , as renumbered and  
amended by Laws of Utah 2021, Chapter 261

70 **80-5-502** , as renumbered and amended by Laws of Utah 2021, Chapter 261 , as renumbered and  
amended by Laws of Utah 2021, Chapter 261

71 REPEALS:

72 **53B-17-1102** , as enacted by Laws of Utah 2018, Chapter 453 , as enacted by Laws of Utah 2018,  
Chapter 453

73 **53B-18-1602** , as enacted by Laws of Utah 2018, Chapter 453 , as enacted by Laws of Utah 2018,  
Chapter 453

74 **Utah Code Sections affected by Coordination Clause:**

75 **79-8-203** , as renumbered and amended by Laws of Utah 2021, Chapter 280 , as renumbered and  
amended by Laws of Utah 2021, Chapter 280

76

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

78 Section 1. Section **4-46-303** is amended to read:

79 **4-46-303. Board to report annually.**

The board shall submit an annual report to the [~~Infrastructure and General Government~~]  
Transportation and Infrastructure and Natural Resources, Agriculture, and Environmental  
Quality Appropriations Subcommittees:

77 (1) specifying the amount of each disbursement from the fund;

78 (2) identifying the recipient of each disbursement and describing the project for which money was  
disbursed; and

80 (3) detailing the conditions, if any, placed by the board on disbursements from the fund.

87 Section 2. Section **17B-2a-808.1** is amended to read:

88 **17B-2a-808.1. Large public transit district board of trustees powers and duties -- Adoption  
of ordinances, resolutions, or orders -- Effective date of ordinances.**

84

## HB0459 compared with HB0459S01

- (1) The powers and duties of a board of trustees of a large public transit district stated in this section are in addition to the powers and duties stated in Section 17B-1-301.
- 86 (2) The board of trustees of each large public transit district shall:
- 87 (a) hold public meetings and receive public comment;
- 88 (b) ensure that the policies, procedures, and management practices established by the public transit district meet state and federal regulatory requirements and federal grantee eligibility;
- 91 (c) create and approve an annual budget, including the issuance of bonds and other financial instruments, after consultation with the local advisory council;
- 93 (d) approve any interlocal agreement with a local jurisdiction;
- 94 (e) in consultation with the local advisory council, approve contracts and overall property acquisitions and dispositions for transit-oriented development;
- 96 (f) in consultation with constituent counties, municipalities, metropolitan planning organizations, and the local advisory council:
- 98 (i) develop and approve a strategic plan for development and operations on at least a four-year basis; and
- 100 (ii) create and pursue funding opportunities for transit capital and service initiatives to meet anticipated growth within the public transit district;
- 102 (g) annually report the public transit district's long-term financial plan to the State Bonding Commission;
- 104 (h) annually report the public transit district's progress and expenditures related to state resources to the Executive Appropriations Committee and the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee;
- 108 (i) annually report to the Transportation Interim Committee the public transit district's efforts to engage in public-private partnerships for public transit services;
- 110 (j) hire, set salaries, and develop performance targets and evaluations for:
- 111 (i) the executive director; and
- 112 (ii) all chief level officers;
- 113 (k) supervise and regulate each transit facility that the public transit district owns and operates, including:
- 115 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and charges; and
- 117

## HB0459 compared with HB0459S01

- (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in connection with a transit facility that the district owns or controls;
- 119 (l) control the investment of all funds assigned to the district for investment, including funds:
  - 121 (i) held as part of a district's retirement system; and
  - 122 (ii) invested in accordance with the participating employees' designation or direction pursuant to an employee deferred compensation plan established and operated in compliance with Section 457 of the Internal Revenue Code;
  - 125 (m) in consultation with the local advisory council created under Section 17B-2a-808.2, invest all funds according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act;
  - 128 (n) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's services from the interest earnings of the investment fund for which the custodian is appointed;
  - 131 (o)
    - . (i) cause an annual audit of all public transit district books and accounts to be made by an independent certified public accountant;
    - 133 (ii) as soon as practicable after the close of each fiscal year, submit to each of the councils of governments within the public transit district a financial report showing:
      - 136 (A) the result of district operations during the preceding fiscal year;
      - 137 (B) an accounting of the expenditures of all local sales and use tax revenues generated under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;
      - 140 (C) the district's financial status on the final day of the fiscal year; and
      - 141 (D) the district's progress and efforts to improve efficiency relative to the previous fiscal year; and
    - 143 (iii) supply copies of the report under Subsection (2)(o)(ii) to the general public upon request;
  - 145 (p) report at least annually to the Transportation Commission created in Section 72-1-301, which report shall include:
    - 147 (i) the district's short-term and long-range public transit plans, including the portions of applicable regional transportation plans adopted by a metropolitan planning organization established under 23 U.S.C. Sec. 134; and
    - 150 (ii) any transit capital development projects that the board of trustees would like the Transportation Commission to consider;
  - 152

## HB0459 compared with HB0459S01

- (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits that the board of trustees determines, in consultation with the local advisory council created in Section 17B-2a-808.2, to be the most critical to the success of the organization;
- 156 (r) together with the local advisory council created in Section 17B-2a-808.2, hear audit reports for audits conducted in accordance with Subsection (2)(o);
- 158 (s) review and approve all contracts pertaining to reduced fares, and evaluate existing contracts, including review of:
- 160 (i) how negotiations occurred;
- 161 (ii) the rationale for providing a reduced fare; and
- 162 (iii) identification and evaluation of cost shifts to offset operational costs incurred and impacted by each contract offering a reduced fare;
- 164 (t) in consultation with the local advisory council, develop and approve other board policies, ordinances, and bylaws;
- 166 (u) review and approve any:
- 167 (i) contract or expense exceeding \$200,000; or
- 168 (ii) proposed change order to an existing contract if the change order:
- 169 (A) increases the total contract value to \$200,000 or more;
- 170 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or
- 171 (C) has a total change order value of \$200,000 or more; and
- 172 (v) coordinate with political subdivisions within the large public transit district and the department to coordinate public transit services provided by the large public transit district with pilot services related to public transit innovation grants.
- 175 (3) A board of trustees of a large public transit district may:
- 176 (a) subject to Subsection (4), make and pass ordinances, resolutions, and orders that are:
- 177 (i) not repugnant to the United States Constitution, the Utah Constitution, or the provisions of this part; and
- 179 (ii) necessary for:
- 180 (A) the governance and management of the affairs of the district;
- 181 (B) the execution of district powers; and
- 182 (C) carrying into effect the provisions of this part;
- 183



## HB0459 compared with HB0459S01

- (b) provide by resolution, under terms and conditions the board considers fit, for the payment of demands against the district without prior specific approval by the board, if the payment is:
- 186 (i) for a purpose for which the expenditure has been previously approved by the board;
- 188 (ii) in an amount no greater than the amount authorized; and
- 189 (iii) approved by the executive director or other officer or deputy as the board prescribes;
- 191 (c) in consultation with the local advisory council created in Section 17B-2a-808.2:
- 192 (i) hold public hearings and subpoena witnesses; and
- 193 (ii) appoint district officers to conduct a hearing and require the officers to make findings and conclusions and report them to the board; and
- 195 (d) appoint a custodian for the funds and securities under its control, subject to Subsection (2)(n).
- 197 (4) The board of trustees may not issue a bond unless the board of trustees has consulted and received approval from the State Finance Review Commission created in Section 63C-25-201.
- 200 (5) A member of the board of trustees of a large public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.
- 203 (6)
- . (a) The vote of the board of trustees on each ordinance or resolution shall be by roll call vote with each affirmative and negative vote recorded.
- 205 (b) The board of trustees of a large public transit district may not adopt an ordinance unless it is introduced at least 24 hours before the board of trustees adopts it.
- 207 (c) Each ordinance adopted by a large public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.
- 209 (7)
- . (a) The board of trustees shall provide a report to each city and town within the boundary of the large public transit district, that shall provide an accounting of:
- 211 (i) the amount of revenue from local option sales and use taxes under this part that was collected within each respective county, city, or town and allocated to the large public transit district as provided in this part;
- 214 (ii) how much revenue described in Subsection (7)(a)(i) was allocated to provide public transit services utilized by residents of each city and town; and
- 216 (iii) how the revenue described in Subsection [~~(7)(b)~~] (7)(a)(i) was spent to provide public transit services utilized by residents of each respective city and town.

## HB0459 compared with HB0459S01

- 218 (b) The board of trustees shall provide the report described in Subsection (7)(a):  
219 (i) on or before January 1, 2025; and  
220 (ii) at least every two years thereafter.
- 221 (c) To provide the report described in this Subsection (7), a board of trustees may coordinate with the  
Department of Transportation to report on relevant public transit capital development administered  
by the Department of Transportation.
- 230 Section 3. Section **32B-2-307** is amended to read:  
231 **32B-2-307. State Store Land Acquisition and Building Construction Fund.**
- 226 (1) As used in this section, "fund" means the State Store Land Acquisition and Building Construction  
Fund created in this section.
- 228 (2) There is created an enterprise fund known as the State Store Land Acquisition and Building  
Construction Fund.
- 230 (3) The fund is funded from the following sources:  
231 (a) appropriations made to the fund by the Legislature;  
232 (b) in accordance with Subsection (6)(a), proceeds from revenue bonds authorized by Title 63B, Bonds;  
234 (c) subject to Subsection (7)(b), repayments to the fund; and  
235 (d) the interest described in Subsection (4).
- 236 (4)  
. (a) The fund shall earn interest.  
237 (b) Interest earned on the fund shall be deposited into the fund.
- 238 (5) Subject to Subsection (6), the department may use the money deposited into the fund:  
239 (a) for construction of new state stores, including to purchase or lease property; and  
240 (b) for maintenance or renovation of existing state stores or facilities.
- 241 (6)  
. (a) Before the department spends or commits money from the fund, the department shall:  
243 (i) present to the [~~Infrastructure and General Government~~] Transportation and Infrastructure  
Appropriations Subcommittee a description of how the department will spend the money; and  
246 (ii) if the department intends to spend or commit money from the fund for construction of a new  
state store:
- 248 (A) receive approval from the Division of Facilities Construction and Management, created in Section  
63A-5b-301; and

## HB0459 compared with HB0459S01

- 250 (B) receive authorization in an appropriations act.
- 251 (b) Following a presentation described in Subsection (6)(a)(i), the [~~Infrastructure and General~~  
Government] Transportation and Infrastructure Appropriations Subcommittee shall recommend  
whether the department spend the money in accordance with the department's presentation.
- 255 (7)
- . (a) If the department uses money in the fund for a purpose described in Subsection (5), and  
subsequently issues a revenue bond for that purpose, the department shall repay the money with  
proceeds from the revenue bond.
- 258 (b) If the department uses money from the fund for a purpose described in Subsection (5), and  
subsequently uses, instead of issuing bonds, cash funding appropriated by the Legislature to fund  
that purpose, the department shall reimburse the fund:
- 261 (i) with proceeds from liquor revenue in the Liquor Control Fund, created in Section 32B-2-301, on a  
long-term payment schedule set by the state treasurer; and
- 263 (ii) before the transfer described in Subsection 32B-2-301(7).
- 264 (8)
- . (a) If the department uses money from the fund that the Legislature appropriated as a loan to be used for  
the purposes described in Subsection (5), the department shall repay the money with proceeds from  
liquor revenue in the Liquor Control Fund, created in Section 32B-2-301:
- 268 (i) with interest at prevailing municipal revenue bond rates for the state of Utah at the time of loan  
origination minus 50 basis points; and
- 270 (ii) on a term not to exceed 15 years.
- 271 (b) The department shall make each payment under Subsection (8)(a) before the transfer described in  
Subsection 32B-2-301(7).
- 279 Section 4. Section **32B-2-505** is amended to read:
- 280 **32B-2-505. Reporting requirements -- Building plan and market survey required --**  
**Department performance measures.**
- 276 (1) In 2018 and each year thereafter, the department shall present a five-year building plan to the  
[~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations  
Subcommittee that describes the department's anticipated property acquisition, building, and  
remodeling for the five years following the day on which the department presents the five-year  
building plan.

## HB0459 compared with HB0459S01

- 281 (2)
- . (a) In 2018 and every other year thereafter, the department shall complete a market survey to inform the department's five-year building plan described in Subsection (1).
- 283 (b) The department shall:
- 284 (i) provide a copy of each market survey to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee and the Business and Labor Interim Committee; and
- 287 (ii) upon request, appear before the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee to present the results of the market survey.
- 290 (3) For fiscal year 2018-19 and each fiscal year thereafter, before the fiscal year begins, the Governor's Office of Planning and Budget, in consultation with the department and the Office of the Legislative Fiscal Analyst, shall establish performance measures and goals to evaluate the department's operations during the fiscal year.
- 294 (4)
- . (a) The department may not submit a request to the Division of Facilities Construction and Management for a capital development project unless the department first obtains approval from the Governor's Office of Planning and Budget.
- 297 (b) In determining whether to grant approval for a request described in Subsection (4)(a), the Governor's Office of Planning and Budget shall evaluate the extent to which the department met the performance measures and goals described in Subsection (3) during the previous fiscal year.
- 307 Section 5. Section **35A-6-105** is amended to read:
- 308 **35A-6-105. Commissioner of Apprenticeship Programs.**
- 303 (1) There is created the position of Commissioner of Apprenticeship Programs within the department.
- 305 (2) The commissioner shall be appointed by the executive director and chosen from one or more recommendations provided by a majority vote of the State Workforce Development Board.
- 308 (3) The commissioner may be terminated without cause by the executive director.
- 309 (4) The commissioner shall:
- 310 (a) promote and educate the public, including high school guidance counselors and potential participants in apprenticeship programs, about apprenticeship programs, youth apprenticeship, and pre-apprenticeship programs offered in the state, including apprenticeship, youth apprenticeship,

## HB0459 compared with HB0459S01

and pre-apprenticeship programs offered by private sector businesses, trade groups, labor unions, partnerships with educational institutions, and other associations in the state;

316 (b) coordinate with the department and other stakeholders, including union and nonunion apprenticeship programs, the Office of Apprenticeship, the State Board of Education, the Utah system of higher education, the Department of Commerce, the Division of Professional Licensing, and the Governor's Office of Economic Opportunity to improve and promote apprenticeship opportunities in the state; and

321 (c) provide an annual written report to:

322 (i) the department for inclusion in the department's annual written report described in Section 35A-1-109;

324 (ii) the [~~Business, Economic Development, and Labor~~] Economic and Community Development Appropriations Subcommittee; and

326 (iii) the Higher Education Appropriations Subcommittee.

327 (5) The annual written report described in Subsection (4)(c) shall provide information concerning:

329 (a) the number of available apprenticeship, youth apprenticeship, and pre-apprenticeship programs in the state;

331 (b) the number of apprentice participants in each program;

332 (c) the completion rate of each program;

333 (d) the cost of state funding for each program; and

334 (e) recommendations for improving apprenticeship, youth apprenticeship, and pre-apprenticeship programs.

342 Section 6. Section **36-33-103** is amended to read:

343 **36-33-103. Panel powers and duties -- Record access and confidentiality.**

338 (1) The panel shall:

339 (a) examine and observe the process and execution of laws governing the child welfare system by the executive branch and the judicial branch;

341 (b) upon request, receive testimony from the public, the juvenile court, or a state agency involved with the child welfare system, including the division, another office or agency within the department, the attorney general, the Office of Guardian Ad Litem, or a school district;

345

## HB0459 compared with HB0459S01

- (c) before October 1 of each year, receive a report from the Administrative Office of the Courts identifying the cases not in compliance with the time limits established in the following sections, and the reasons for noncompliance:
- 348 (i) Subsection 80-3-301(1), regarding shelter hearings;
- 349 (ii) Section 80-3-401, regarding pretrial and adjudication hearings;
- 350 (iii) Section 80-3-402, regarding dispositional hearings;
- 351 (iv) Section 80-3-406, regarding reunification services; and
- 352 (v) Section 80-3-409, regarding permanency hearings and petitions for termination;
- 353 (d) receive recommendations from, and make recommendations to the governor, the Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the juvenile court, and the public;
- 356 (e)
- . (i) receive reports from the division and the Administrative Office of the Courts on budgetary issues impacting the child welfare system; and
- 358 (ii) before December 1 of each year, recommend, as the panel considers advisable, budgetary proposals to the Social Services Appropriations Subcommittee and the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee;
- 361 (f) study and recommend changes to laws governing the child welfare system;
- 362 (g) study actions the state can take to preserve, unify, and strengthen the child's family ties whenever possible in the child's best interest, including recognizing the constitutional rights and claims of parents if those family ties are severed or infringed;
- 365 (h) perform other duties related to the oversight of the child welfare system as the panel considers appropriate; and
- 367 (i) annually report the panel's findings and recommendations to the president of the Senate, the speaker of the House of Representatives, the Health and Human Services Interim Committee, and the Judiciary Interim Committee.
- 370 (2)
- . (a) The panel may:
- 371 (i) review and discuss individual child welfare cases;
- 372 (ii) make recommendations to the Legislature, the governor, the Board of Juvenile Court Judges, the division, and any other statutorily created entity related to the policies and procedures of the child welfare system; and

## HB0459 compared with HB0459S01

- 375 (iii) hold public hearings, as the panel considers advisable, in various locations within the state to  
afford all interested persons an opportunity to appear and present the persons' views regarding  
the child welfare system.
- 378 (b)
- . (i) If the panel discusses an individual child welfare case, the panel shall close the panel's meeting in  
accordance with Title 52, Chapter 4, Open and Public Meetings Act.
- 381 (ii) If the panel discusses an individual child welfare case, the panel shall make reasonable efforts to  
identify and consider the concerns of all parties to the case.
- 383 (iii) The panel may not make recommendations to the court, the division, or any other public or private  
entity regarding the disposition of an individual child welfare case.
- 386 (3)
- . (a) A record of the panel regarding an individual child welfare case:
- 387 (i) is classified as private under Section 63G-2-302; and
- 388 (ii) may be disclosed only in accordance with federal law and Title 63G, Chapter 2, Government  
Records Access and Management Act.
- 390 (b)
- . (i) The panel shall have access to all of the division's records, including records regarding individual  
child welfare cases.
- 392 (ii) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act,  
all documents and information received by the panel from the division shall maintain the same  
classification under Title 63G, Chapter 2, Government Records Access and Management Act, that  
was designated by the division.
- 397 (4) In order to accomplish the panel's oversight functions under this section, the panel has:
- 398 (a) all powers granted to legislative interim committees in Section 36-12-11; and
- 399 (b) legislative subpoena powers under, Chapter 14, Legislative Subpoena Powers.
- 406 Section 7. Section **53-1-121** is amended to read:
- 407 **53-1-121. Technology and equipment for officer-involved critical incident investigation --**  
**Rulemaking -- Legislative findings -- Revenue fund created.**
- 403 (1) The department shall assist the law enforcement agencies of the state and the state's political  
subdivisions to obtain technology and equipment to assist in the investigation of officer-involved  
critical incidents in which a firearm is used.

## HB0459 compared with HB0459S01

- 406 (2) To be eligible, the technology or equipment shall be:
- 407 (a) capable of recording actual shots fired, including the date and time, from a specific weapon;
- 409 (b) able to distinguish between actual shots fired and other, unrelated but contemporaneous, events; and
- 411 (c) tamper-proof and unable to be removed or manipulated by the officer.
- 412 (3) The department shall create a program to assist law enforcement agencies through monetary grants to:
- 414 (a) purchase technology and equipment to assist in the investigation of officer-involved critical incidents involving a firearm; and
- 416 (b) train law enforcement officers in the proper use and handling of any technology and equipment purchased in accordance with this section.
- 418 (4)
- . (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules establishing a program with criteria and procedures for granting matching funds under this section to law enforcement agencies to purchase technology or equipment meeting the criteria in Subsection (2).
- 422 (b) The rules shall require that funding provided to purchase technology or equipment under this section shall be matched by the requesting law enforcement agency.
- 424 (5) The Legislature finds that the money is for a general and statewide public purpose.
- 425 (6) Expenses accrued by the department in carrying out this section shall be provided from this appropriation, but may not exceed \$40,000 annually.
- 427 (7) The Legislature shall appropriate funds to the department to use for matching grants to local law enforcement agencies to carry out the purpose of this program.
- 429 (8) The department shall report annually to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee on the program. The report shall contain:
- 431 (a) the total amount of appropriations received by the program;
- 432 (b) amounts granted from the program to local law enforcement agencies, including an accounting of technology purchased by the local law enforcement agency;
- 434 (c) an accounting of any administrative expenses for the program paid out of the funds;
- 435 (d) requests for funding that were not granted and the reason for denial; and
- 436 (e) the total amount of remaining funds.

443 Section 8. Section **53-2a-603** is amended to read:



## HB0459 compared with HB0459S01

- 444           **53-2a-603. State Disaster Recovery Restricted Account.**
- 439   (1)
- (a) There is created a restricted account in the General Fund known as the "State Disaster Recovery Restricted Account."
- 441   (b) The disaster recovery account consists of:
- 442   (i) money deposited into the disaster recovery account in accordance with Section 63J-1-314;
- 444   (ii) money appropriated to the disaster recovery account by the Legislature; and
- 445   (iii) any other public or private money received by the division that is:
- 446   (A) given to the division for purposes consistent with this section; and
- 447   (B) deposited into the disaster recovery account at the request of:
- 448   (I) the division; or
- 449   (II) the person or entity giving the money.
- 450   (c) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
- 452   (2) Money in the disaster recovery account may only be expended or committed to be expended as follows:
- 454   (a)
- (i) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that does not exceed \$500,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster;
- 458   (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds \$500,000, but does not exceed \$3,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if the division:
- 462   (A) before making the expenditure or commitment to expend, obtains approval for the expenditure or commitment to expend from the governor;
- 464   (B) subject to Subsection (5), provides written notice of the expenditure or commitment to expend to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend; and

## HB0459 compared with HB0459S01

- 470 (C) makes the report required by Subsection 53-2a-606(2);
- 471 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend  
an amount that exceeds \$3,000,000, but does not exceed \$5,000,000, in accordance with Section  
53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster  
if, before making the expenditure or commitment to expend, the division:
- 476 (A) obtains approval for the expenditure or commitment to expend from the governor; and
- 478 (B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in  
accordance with Subsection 53-2a-606(3);
- 480 (iv) in any fiscal year the division may expend or commit to expend an amount that does not exceed  
\$500,000 to fund expenses incurred by the National Guard if:
- 482 (A) in accordance with Section 39A-3-103, the governor orders into active service the National Guard  
in response to a declared disaster; and
- 484 (B) the money is not used for expenses that qualify for payment as emergency disaster services; and
- 486 (v) in any fiscal year, the division may expend an amount that does not exceed \$750,000 to fund  
expenses incurred to develop or enhance emergency management capabilities if:
- 489 (A) the money is used for personnel, equipment, supplies, contracts, training, exercises, or other  
expenses deemed reasonable and necessary to:
- 491 (I) promote and strengthen the state's level of resiliency through mitigation, preparedness, response, or  
recovery activities; or
- 493 (II) meet federal grant matching requirements; and
- 494 (B) the disaster recovery account has a balance of funds available to be utilized while maintaining a  
minimum balance of \$5,000,000;
- 496 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or committed to be  
expended to fund costs to the state directly related to a declared disaster that are not costs related to:
- 499 (i) emergency disaster services;
- 500 (ii) emergency preparedness; or
- 501 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression Fund created in  
Section 65A-8-204, any fire suppression or presuppression costs that may be paid for from the  
Wildland Fire Suppression Fund if the county participates in the Wildland Fire Suppression Fund;
- 505 (c) to fund:
- 506 (i) the Local Government Emergency Response Loan Fund created in Section 53-2a-607; and

## HB0459 compared with HB0459S01

- 508 (ii) the Response, Recovery, and Post-disaster Mitigation Restricted Account created in Section  
53-2a-1302;
- 510 (d) the division may provide advanced funding from the disaster recovery account to recognized agents  
of the state when:
- 512 (i) Utah has agreed, through the division, to enact the Emergency Management Assistance Compact  
with another member state that has requested assistance during a declared disaster;
- 515 (ii) Utah agrees to provide resources to the requesting member state;
- 516 (iii) the agent of the state who represents the requested resource has no other funding source available at  
the time of the Emergency Management Assistance Compact request; and
- 519 (iv) the disaster recovery account has a balance of funds available to be utilized while maintaining a  
minimum balance of \$5,000,000;
- 521 (e) to fund up to \$500,000 for the governor's emergency appropriations described in Subsection  
63J-1-217(4); and
- 523 (f) to pay the state's deductible in the event of an earthquake.
- 524 (3) All funding provided in advance to an agent of the state and subsequently reimbursed shall be  
credited to the account.
- 526 (4) The state treasurer shall invest money in the disaster recovery account according to Title 51, Chapter  
7, State Money Management Act.
- 528 (5)
- 531 (a) Except as provided in Subsections (1) and (2), the money in the disaster recovery account may not  
be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in  
this section.
- 531 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from the disaster  
recovery account to eliminate or otherwise reduce an operating deficit if the money appropriated  
from the disaster recovery account is expended or committed to be expended for a purpose other  
than one listed in this section.
- 535 (c) The Legislature may not amend the purposes for which money in the disaster recovery account may  
be expended or committed to be expended except by the affirmative vote of two-thirds of all the  
members elected to each house.
- 538 (6) The division:
- 539

## HB0459 compared with HB0459S01

(a) shall provide the notice required by Subsection (2)(a)(ii) using the best available method under the circumstances as determined by the division; and

541 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

548 Section 9. Section **53-2a-606** is amended to read:

549 **53-2a-606. Reporting.**

544 (1) By no later than December 31 of each year, the division shall provide a written report to the governor and the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee of:

547 (a) the division's activities under this part;

548 (b) money expended or committed to be expended in accordance with this part;

549 (c) the balances in the disaster recovery fund; and

550 (d) any unexpended balance of appropriations from the disaster recovery fund.

551 (2)

. (a) The governor and the Department of Public Safety shall report to the Legislative Management Committee an expenditure or commitment to expend made in accordance with Subsection 53-2a-603(2)(a)(ii) or 53-2a-1302(5)(b)(ii).

554 (b) The governor and the Department of Public Safety shall make the report required by this Subsection (2) on or before the sooner of:

556 (i) the day on which the governor calls the Legislature into session; or

557 (ii) 15 days after the division makes the expenditure or commitment to expend described in Subsection 53-2a-603(2)(a)(ii) or 53-2a-1302(5)(b)(ii).

559 (3)

. (a) Subject to Subsection (3)(b), before the division makes an expenditure or commitment to expend described in Subsection 53-2a-603(2)(a)(iii) or 53-2a-1302(5)(b)(iii), the governor and the Department of Public Safety shall submit the expenditure or commitment to expend to the Executive Appropriations Committee for its review and recommendations.

564 (b) The Executive Appropriations Committee shall review the expenditure or commitment to expend and may:

566 (i) recommend that the division make the expenditure or commitment to expend;

567 (ii) recommend that the division not make the expenditure or commitment to expend; or

569 (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the expenditure or commitment to expend.

## HB0459 compared with HB0459S01

- 578 Section 10. Section **53-2a-1302** is amended to read:
- 579 **53-2a-1302. Response, Recovery, and Post-disaster Mitigation Restricted Account.**
- 575 (1) There is created a restricted account in the General Fund known as the "Response, Recovery, and  
Post-disaster Mitigation Restricted Account."
- 577 (2) The account consists of:
- 578 (a) money appropriated to the account by the Legislature;
- 579 (b) money deposited into the account in accordance with Section 63J-1-314;
- 580 (c) income and interest derived from the deposit and investment of money in the account; and
- 582 (d) private donations, grants, gifts, bequests, or money made available from any other source to  
implement this section.
- 584 (3)
- . (a) At the close of a fiscal year, money in the account exceeding \$50,000,000, excluding money granted  
to the account under Subsection (2)(d), shall be transferred to the State Disaster Recovery Restricted  
Account.
- 587 (b) Except as provided by Subsection (3)(a), money in the Response, Recovery, and Post-disaster  
Mitigation Restricted Account may only be used for the purposes set forth in this part.
- 590 (4) Subject to the requirements described in this part, and upon appropriation by the Legislature, the  
division may grant money appropriated from the account
- 592 to an affected community for the affected community's disaster response and recovery efforts as  
described in Section 53-2a-1303.
- 594 (5)
- . (a) Money in the account may only be expended or committed to be expended as provided in  
Subsections (5)(b) and (5)(c).
- 596 (b) Subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend for  
disaster response and recovery efforts as described in Section 53-2a-1303:
- 599 (i) an amount that does not exceed \$500,000 in response to a disaster described in Subsection  
53-2a-1303(2)(b);
- 601 (ii) an amount that exceeds \$500,000 but does not exceed \$3,000,000 for a disaster described in  
Subsection 53-2a-1303(2)(b) if the division:
- 603 (A) before making the expenditure or commitment to expend, obtains approval for the expenditure or  
commitment from the governor;

## HB0459 compared with HB0459S01

- 605 (B) provides written notice of the expenditure or commitment to expend to the speaker of the House  
of Representatives, the president of the Senate, the Division of Finance, the [~~Executive Offices~~  
and]Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and  
the Office of the Legislative Fiscal Analyst no later than 72 hours after making the expenditure or  
commitment to expend; and
- 611 (C) makes the report required by Subsection 53-2a-606(2); and
- 612 (iii) an amount that exceeds \$3,000,000 but does not exceed \$5,000,000, if, before making the  
expenditure or commitment to expend, the division:
- 614 (A) obtains approval for the expenditure or commitment from the governor; and
- 615 (B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in  
accordance with Subsection 53-2a-606(3).
- 617 (c) Money paid by the division under this part to government entities and private persons providing  
emergency disaster services are subject to Title 63G, Chapter 6a, Utah Procurement Code.
- 626 Section 11. Section **53-8-105** is amended to read:
- 627 **53-8-105. Duties of Highway Patrol.**
- 622 (1) In addition to the duties in this chapter, the Highway Patrol shall:
- 623 (a) enforce the state laws and rules governing use of the state highways;
- 624 (b) regulate traffic on all highways and roads of the state;
- 625 (c) assist the governor in an emergency or at other times at his discretion;
- 626 (d) in cooperation with federal, state, and local agencies, enforce and assist in the enforcement of all  
state and federal laws related to the operation of a motor carrier on a highway, including all state  
and federal rules and regulations;
- 629 (e) inspect certain vehicles to determine road worthiness and safe condition as provided in Section  
41-6a-1630;
- 631 (f) upon request, assist with any condition of unrest existing or developing on a campus or related  
facility of an institution of higher education;
- 633 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the state liquor  
laws;
- 635 (h) provide security and protection for both houses of the Legislature while in session as the speaker of  
the House of Representatives and the president of the Senate find necessary;
- 638 (i) enforce the state laws and rules governing use of capitol hill; and

## HB0459 compared with HB0459S01

- 639 (j) carry out the following for the Supreme Court and the Court of Appeals:
- 640 (i) provide security and protection to those courts when in session in the capital city of the state;
- 642 (ii) execute orders issued by the courts; and
- 643 (iii) carry out duties as directed by the courts.
- 644 (2)
- . (a) The division and the department shall annually:
- 645 (i) evaluate the inventory of new and existing state highways, in coordination with relevant local  
law enforcement agencies, to determine which law enforcement agency is best suited to patrol  
and enforce state laws and regulate traffic on each state highway; and
- 649 (ii) before October 1 of each year, report to the Transportation Interim Committee and the  
[Executive Offices and] Criminal Justice Appropriations Subcommittee regarding:
- 652 (A) significant changes to the patrol and enforcement responsibilities resulting from the evaluation  
described in Subsection (2)(a)(i); and
- 654 (B) any budget request necessary to accommodate additional patrol and enforcement responsibilities.
- 656 (b) The division and the department shall, before July 1 of each year, coordinate with the Department  
of Transportation created in Section 72-1-201 regarding patrol and enforcement responsibilities  
described in Subsection (2)(a) and incident management services on state highways.
- 666 Section 12. Section **53-8-214** is amended to read:
- 667 **53-8-214. Creation of the Motor Vehicle Safety Impact Restricted Account.**
- 662 (1) There is created a restricted account within the General Fund known as the Motor Vehicle Safety  
Impact Restricted Account.
- 664 (2) The account includes:
- 665 (a) deposits made to the restricted account from registration fees as described in Subsection  
41-1a-1201(7);
- 667 (b) deposits into the account as described in Section 41-1a-1211;
- 668 (c) donations or deposits made to the account; and
- 669 (d) any interest earned on the account.
- 670 (3) Upon appropriation, the division may use funds in the account to improve motor vehicle safety,  
mitigate impacts, and enforce safety provisions, including the following:
- 672 (a) hiring new Highway Patrol troopers;
- 673 (b) payment of overtime for Highway Patrol troopers; and

## HB0459 compared with HB0459S01

- 674 (c) acquisition of equipment to improve motor vehicle safety impacts and enforcement.  
675 (4) The division shall annually report to the ~~[Executive Offices and]~~Criminal Justice Appropriations  
Subcommittee to justify expenditures and use of funds in the account.

683 Section 13. Section **53-10-910** is amended to read:

684 **53-10-910. Reporting requirement.**

The Department of Public Safety and the Utah Bureau of Forensic Services shall report  
by July 31 of each year to the Law Enforcement and Criminal Justice Interim Committee and  
the ~~[Executive Offices and]~~Criminal Justice Appropriations Subcommittee regarding:

- 682 (1) the timelines set for testing all sexual assault kits submitted to the Utah Bureau of Forensic Services  
as provided in Subsection 53-10-903(2);  
684 (2) the goals established in Section 53-10-909;  
685 (3) the status of meeting those goals;  
686 (4) the number of sexual assault kits that are sent to the Utah Bureau of Forensic Services for testing;  
688 (5) the number of restricted kits held by law enforcement;  
689 (6) the number of sexual assault kits that are not processed in accordance with the timelines established  
in this part; and  
691 (7) future appropriations requests that will ensure that all DNA cases can be processed according to the  
timelines established by this part.

699 Section 14. Section **53B-2a-117** is amended to read:

700 **53B-2a-117. Legislative approval -- Capital development projects -- Prioritization.**

- 696 (1) As used in this section:  
697 (a) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by  
the Bureau of Labor Statistics of the United States Department of Labor.  
700 (b) "Fund" means the Technical Colleges Capital Projects Fund created in Section 53B-2a-118.  
702 (2) In accordance with this section, a technical college is required to receive legislative approval in an  
appropriations act for a dedicated project or a nondedicated project.  
704 (3) In accordance with Section 53B-2a-112, a technical college shall submit to the board a proposal for  
a funding request for each dedicated project or nondedicated project for which the technical college  
seeks legislative approval.  
707 (4) The board shall:

708



## HB0459 compared with HB0459S01

- (a) review each proposal submitted under Subsection (3) to ensure that the proposal complies with Section 53B-2a-112;
- 710 (b) based on the results of the board's review under Subsection (4)(a), create:
- 711 (i) a list of approved dedicated projects, prioritized in accordance with Subsection (6); and
- 713 (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection (6); and
- 715 (c) submit the lists described in Subsection (4)(b) to:
- 716 (i) the governor;
- 717 (ii) the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee;
- 719 (iii) the Higher Education Appropriations Subcommittee; and
- 720 (iv) the Division of Facilities Construction and Management for a:
- 721 (A) recommendation, for the list described in Subsection (4)(b)(i); or
- 722 (B) recommendation and prioritization, for the list described in Subsection (4)(b)(ii).
- 724 (5) A dedicated project:
- 725 (a) is subject to the recommendation of the Division of Facilities Construction and Management as described in Section 63A-5b-403; and
- 727 (b) is not subject to the prioritization of the Division of Facilities Construction and Management as described in Section 63A-5b-403.
- 729 (6)
- . (a) Subject to Subsection (7), the board shall prioritize funding requests for capital development projects described in this section based on:
- 731 (i) growth and capacity;
- 732 (ii) effectiveness and support of critical programs;
- 733 (iii) cost effectiveness;
- 734 (iv) building deficiencies and life safety concerns; and
- 735 (v) alternative funding sources.
- 736 (b) The board shall establish:
- 737 (i) how the board will measure each factor described in Subsection (6)(a); and
- 738 (ii) procedures for prioritizing funding requests for capital development projects described in this section.
- 740 (7)

## HB0459 compared with HB0459S01

- . (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board may annually prioritize:
- 742 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less than  
\$7,000,000;
- 744 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least \$7,000,000  
but less than \$14,000,000; or
- 746 (iii) one nondedicated project if the ongoing appropriation to the fund is at least \$14,000,000.
- 748 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts described in  
Subsection (7)(a) shall be adjusted by an amount equal to the percentage difference between:
- 751 (i) the Consumer Price Index for the 2019 calendar year; and
- 752 (ii) the Consumer Price Index for the previous calendar year.
- 753 (8)
- . (a) A technical college may request operations and maintenance funds for a capital development project  
approved under this section.
- 755 (b) A technical college shall make the request described in Subsection (8)(a) at the same time the  
technical college submits the proposal described in Subsection (3).
- 757 (c) The Legislature shall consider a technical college's request described in Subsection (8)(a).
- 759 ~~{Section 15. Section 53B-17-1102 is amended to read: }~~
- 760 **53B-17-1102. Researcher reporting requirements.**
- 761 (1) On or before September 1 each year, the university shall submit a written report to the governor,  
the Legislature, and the [~~Business, Economic Development, and Labor~~] Economic and Community  
Development Appropriations Subcommittee.
- 764 (2) A report under Subsection (1) shall contain:
- 765 (a) the amount and sources of funding expended on a researcher's research program, including:
- 767 (i) university funds and other state funds;
- 768 (ii) legislative appropriations;
- 769 (iii) federal funds;
- 770 (iv) philanthropic or nonprofit funds; and
- 771 (v) industry funds;
- 772 (b) a copy of each:
- 773 (i) technology disclosure that a researcher files with the university;

## HB0459 compared with HB0459S01

- 774 (ii) license agreement that the university enters into with respect to a technology developed by a  
researcher, including any current, expired, or breached license; and
- 776 (iii) patent filed by the university based on technology developed by a researcher;
- 777 (c) publications in which a researcher participated, including a citation for each peer reviewed  
publication;
- 779 (d) the number of jobs maintained by a researcher's research program and average wages paid to those  
holding those jobs;
- 781 (e) expenses paid by legislative appropriations for each researcher, including:
- 782 (i) salary and benefits for a researcher or staff;
- 783 (ii) operational expenses;
- 784 (iii) capital equipment expenses; and
- 785 (iv) travel; and
- 786 (f) compensation, including salary and benefits, that a researcher received from a publicly funded  
source other than legislative appropriations under this part.

788 ~~{Section 16. Section 53B-18-1602 is amended to read: }~~

789 **53B-18-1602. Researcher reporting requirements.**

- 790 (1) On or before September 1 each year, the university shall submit a written report to the governor,  
the Legislature, and the [~~Business, Economic Development, and Labor~~] Economic and Community  
Development Appropriations Subcommittee.
- 793 (2) A report under Subsection (1) shall contain:
- 794 (a) the amount and sources of funding expended on a researcher's research program, including:
- 796 (i) university funds and other state funds;
- 797 (ii) legislative appropriations;
- 798 (iii) federal funds;
- 799 (iv) philanthropic or nonprofit funds; and
- 800 (v) industry funds;
- 801 (b) a copy of each:
- 802 (i) technology disclosure that a researcher files with the university;
- 803 (ii) license agreement that the university enters into with respect to a technology developed by a  
researcher, including any current, expired, or breached license; and
- 805 (iii) patent filed by the university based on technology developed by a researcher;

## HB0459 compared with HB0459S01

- 806 (c) publications in which a researcher participated, including a citation for each peer reviewed  
publication;
- 808 (d) the number of jobs maintained by a researcher's research program and average wages paid to those  
holding those jobs;
- 810 (e) expenses paid by legislative appropriations for each researcher, including:
- 811 (i) salary and benefits for a researcher or staff;
- 812 (ii) operational expenses;
- 813 (iii) capital equipment expenses; and
- 814 (iv) travel; and
- 815 (f) compensation, including salary and benefits, that a researcher received from a publicly funded  
source other than legislative appropriations under this part.

765 Section 15. Section **53B-18-1805** is amended to read:

766 **53B-18-1805. Duties of the project director.**

- 819 (1) The project director and the steering committee shall consult the following parties in developing and  
carrying out the initiative:
- 821 (a) representatives of each sector described in the industry advisory board membership in Subsection  
53B-18-1804(1), regardless of whether that sector is actually represented on the industry advisory  
board;
- 824 (b) institutions of higher education, including institutions of technical education, both inside and outside  
this state;
- 826 (c) the chairs of the following committees of the Legislature:
- 827 (i) the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations  
Subcommittee;
- 829 (ii) the Public Utilities, Energy, and Technology Interim Committee; and
- 830 (iii) the Transportation Interim Committee; and
- 831 (d) any other persons or entities the steering committee determines are relevant or necessary to fulfilling  
the stated mission.
- 833 (2) The project director, in consultation with the steering committee and the industry advisory board,  
shall lead an outreach and promotional effort to:

835

## HB0459 compared with HB0459S01

- (a) build awareness among stakeholders, industry partners, federal agencies, and the state's congressional delegation of the state's efforts to be a national leader in electrifying the state's transportation system; and
- 838 (b) attract industry partners and industry and federal investment to the state to design, develop, and deliver systems to promote and implement the initiative.
- 840 (3) The project director shall:
- 841 (a) oversee the operations of the initiative; and
- 842 (b) propose to the steering committee the program budget for the expenditure of funds appropriated by the Legislature to carry out the duties under this part.
- 844 (4)
- . (a) The project director may, in accordance with this part, and subject to this Subsection (4), expend funds appropriated by the Legislature.
- 846 (b)
- . (i) Before October 1, 2023, the project director may not expend more than 25% of the annual project budget.
- 848 (ii) At the first meeting of the steering committee, the project director shall:
- 849 (A) provide a detailed account to the steering committee for all expenditures made before October 1, 2023; and
- 851 (B) present a budget proposal for the remainder of the fiscal year ending June 30, 2024.
- 853 (iii) Before October 1, 2023, the project director may expend funds for the following purposes:
- 855 (A) establish necessary and time-sensitive groundwork for development of the vision and strategic objective of the initiative;
- 857 (B) acquisition of materials needed for the initiative; and
- 858 (C) costs to hire and pay salaries of staff.
- 859 (c) Except as described in Subsection (4)(b), the project director:
- 860 (i) shall propose an annual budget for the initiative; and
- 861 (ii) may not expend funds appropriated to the research center outside of the approved budget without approval of the steering committee.
- 811 Section 16. Section **53B-18-1806** is amended to read:
- 812 **53B-18-1806. Project development and strategic objectives -- Reporting requirements.**
- 866 (1)

## HB0459 compared with HB0459S01

- . (a) The research center shall develop and define an action plan for the electrification of transportation infrastructure in this state.
- 868 (b) The research center shall provide a report of the action plan that includes:
- 869 (i) a description of the ideal electrified transportation system and incremental steps to implement the action plan over 10-year, 20-year, and 30-year time horizons, including a description of a transportation system that:
- 872 (A) provides intelligent coordination for vehicular traffic and charging individually and collectively into a dynamically communicative transportation system that links to and coordinates with the electric grid;
- 875 (B) integrates across and supports all modes of transportation and vehicle classes in complementary ways;
- 877 (C) integrates with hydrogen and renewable natural gas generation, storage, grid support, and fuel cell vehicles in complementary ways; and
- 879 (D) provides improved air quality, reduced cost to move people and goods, and new jobs and economic growth in the state;
- 881 (ii) strategic objectives in each element of the action plan above that are necessary to realize the action plan;
- 883 (iii) an initial description of changes needed to realize the action plan in each of the following sectors across the ecosystem:
- 885 (A) electrical power generation, distribution, and utility-scale energy storage infrastructure and capacity, including reliability, cost, and availability standards;
- 888 (B) interconnected smart charging infrastructure, intelligent transportation systems, control systems, and communications systems to facilitate the transition to electrified transportation;
- 891 (C) private surface transportation, including passenger vehicles, freight trucks, and freight trains;
- 893 (D) public surface transportation, including passenger vehicles, buses, and trains;
- 894 (E) air transportation, including private commercial aircraft and unmanned aircraft systems;
- 896 (F) vehicles that operate off-highway, including construction, mining, and agriculture;
- 898 (G) charging technology, solutions, and systems, including charging stations and shared use of infrastructure across modes of transportation and vehicle classes;

900

## HB0459 compared with HB0459S01

- (H) workforce, including analysis of the capacity and types of education, vocations, trades, and certifications necessary in each relevant sector to develop the local workforce needed to accomplish the vision; and
- 903 (I) any other sector that the steering committee determines is substantially necessary to fulfilling the stated mission;
- 905 (iv) identification of key gaps in the ecosystem from the sectors and industries described in this Subsection (1)(b) that serve as priorities for near term innovation and investment;
- 908 (v) evaluation of risk and vulnerability of relevant supply chains, including natural resources to ensure stability and availability; and
- 910 (vi) an accounting of funds appropriated to or received by the research center, and any expenditure of those funds.
- 912 (c) Before August 1, 2024, the research center shall report on the action plan described in this Subsection (1) to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee of the Legislature.
- 915 (2) Beginning in 2025, before August 1 of each year, the research center shall provide an annual report to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee of the Legislature, including:
- 918 (a) an updated and prioritized list of strategic objectives identified in the initial report described in Subsection (1)(b);
- 920 (b) any actionable goals established or recommended by the research center;
- 921 (c) a prioritized list of steps to accomplish the goals and strategic objectives identified by the research center;
- 923 (d) metrics to measure the effectiveness of any goals or strategic objectives and related analysis;
- 925 (e) the research center's progress and effort in developing a long-range strategy for implementation of the action plan;
- 927 (f) the research center's efforts in and results of outreach to relevant industry, government, and investment sectors;
- 929 (g) any recommendations on potential legislation to implement the action plan; and
- 930 (h) an accounting of funds appropriated to or received by the research center, and any expenditure of those funds.
- 932

## HB0459 compared with HB0459S01

- (3) Before November 30, 2027, the Transportation Interim Committee shall consider whether to continue the initiative as described in this part or allow the repeal of this part as described in Section 63I-1-253.

883 Section 17. Section **53B-20-104** is amended to read:

884 **53B-20-104. Buildings and facilities -- Board approval of construction and purchases --**  
**Rules.**

938 (1) The board shall approve all new construction, repair, or purchase of educational and general buildings and facilities financed from any source at all institutions subject to the jurisdiction of the board.

941 (2) An institution may not submit plans or specifications to the Division of Facilities Construction and Management for the construction or alteration of buildings, structures, or facilities or for the purchases of equipment or fixtures for the structure without the authorization of the board.

945 (3) The board shall make rules establishing the conditions under which facilities may be eligible to request state funds for operations and maintenance.

947 (4) Before approving the purchase of a building, the board shall:

948 (a) determine whether or not the building will be eligible for state funds for operations and maintenance by applying the rules adopted under Subsection (3); and

950 (b) if the annual request for state funding for operations and maintenance will be greater than \$100,000, notify the speaker of the House, the president of the Senate, and the cochairs of the [~~Infrastructure and General Government subcommittee of the Legislature's Joint Appropriation Committee~~] Transportation and Infrastructure Appropriations Subcommittee.

903 Section 18. Section **53B-22-204** is amended to read:

904 **53B-22-204. Funding request for capital development project -- Legislative approval --**  
**Board prioritization, approval, and review.**

958 (1) In accordance with this section, an institution is required to receive legislative approval in an appropriations act for a dedicated project or a nondedicated project.

960 (2) An institution shall submit to the board a proposal for a funding request for each dedicated project or nondedicated project for which the institution seeks legislative approval.

963 (3) The board shall:

964 (a) review each proposal submitted under Subsection (2) to ensure the proposal:

965 (i) is cost effective and an efficient use of resources;



## HB0459 compared with HB0459S01

- 966 (ii) is consistent with the institution's mission and master plan; and  
967 (iii) fulfills a critical institutional facility need;
- 968 (b) based on the results of the board's review under Subsection (3)(a), create:
- 969 (i) a list of approved dedicated projects; and  
970 (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection (5); and  
972 (c) submit the lists described in Subsection (3)(b) to:
- 973 (i) the governor;  
974 (ii) the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations  
Subcommittee;  
976 (iii) the Higher Education Appropriations Subcommittee; and  
977 (iv) the Division of Facilities Construction and Management for a:
- 978 (A) recommendation, for the list described in Subsection (3)(b)(i); or  
979 (B) recommendation and prioritization, for the list described in Subsection (3)(b)(ii).
- 981 (4) A dedicated project:
- 982 (a) is subject to the recommendation of the Division of Facilities Construction and Management as  
described in Section 63A-5b-403; and  
984 (b) is not subject to the prioritization of the Division of Facilities Construction and Management as  
described in Section 63A-5b-403.
- 986 (5)
- . (a) Subject to Subsection (6), the board shall prioritize institution requests for funding for nondedicated  
projects based on:
- 988 (i) capital facility need;  
989 (ii) utilization of facilities;  
990 (iii) maintenance and condition of facilities; and  
991 (iv) any other factor determined by the board.
- 992 (b) On or before August 1, 2019, the board shall establish how the board will prioritize institution  
requests for funding for nondedicated projects, including:
- 994 (i) how the board will measure each factor described in Subsection (5)(a); and  
995 (ii) procedures for prioritizing requests.
- 996 (6)
- .

## HB0459 compared with HB0459S01

- (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board may annually prioritize:
- 998 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less than  
\$50,000,000;
- 1000 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least \$50,000,000  
but less than \$100,000,000; or
- 1002 (iii) one nondedicated project if the ongoing appropriation to the fund is at least \$100,000,000.
- 1004 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts described in  
Subsection (6)(a) shall be adjusted by an amount equal to the percentage difference between:
- 1007 (i) the Consumer Price Index for the 2019 calendar year; and
- 1008 (ii) the Consumer Price Index for the previous calendar year.
- 1009 (7)
- . (a) An institution may request operations and maintenance funds for a capital development project  
approved under this section.
- 1011 (b) An institution shall make the request described in Subsection (7)(a) at the same time the institution  
submits the proposal described in Subsection (2).
- 1013 (c) The Legislature shall consider an institution's request described in Subsection (7)(a).
- 1014 (8) After an institution completes a capital development project described in this section, the board shall  
review the capital development project, including the costs and design of the capital development  
project.
- 965 Section 19. Section **58-55-104** is amended to read:
- 966 **58-55-104. Electrician Education Fund.**
- 1019 (1) There is created an expendable special revenue fund known as the Electrician Education Fund.
- 1021 (2) The fund consists of money from a surcharge fee, established by the division in accordance with  
Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees for an apprentice  
electrician, journeyman electrician, master electrician, residential journeyman electrician, and  
residential master electrician.
- 1025 (3) The surcharge fee described in Subsection (2) may not be more than \$5.
- 1026 (4) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
- 1028 (5) The director may, with the concurrence of the commission, make distributions from the fund for the  
following purposes:

## HB0459 compared with HB0459S01

- 1030 (a) education and training of licensees under this chapter who are practicing in the electrical trade; and  
1032 (b) education and training of other licensees under this chapter or the public in matters concerning electrical laws and practices.
- 1034 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the excess amount shall be transferred to the General Fund.
- 1036 (7) The division shall report annually to the [~~Business, Economic Development, and Labor~~] General Government Appropriations Subcommittee regarding the balance in the fund and how the fund is being used.
- 987 Section 20. Section **58-55-105** is amended to read:  
988 **58-55-105. Plumber Education Fund.**
- 1041 (1) There is created an expendable special revenue fund known as the Plumber Education Fund.  
1043 (2) The fund consists of money from a surcharge fee, established by the division in accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees for apprentice plumbers, journeyman plumbers, master plumbers, residential journeyman plumbers, and residential master plumbers.
- 1047 (3) The surcharge fee described in Subsection (2) may not be more than \$5.  
1048 (4) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.  
1050 (5) The director may, with the concurrence of the commission, make distributions from the fund for the following purposes:
- 1052 (a) education and training of licensees under this chapter who are licensed in the professions described in Subsection (2); and  
1054 (b) education and training of other licensees under this chapter or the public in matters concerning plumbing laws and practices.
- 1056 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the excess amount shall be transferred to the General Fund.
- 1058 (7) The division shall report annually to the [~~Business, Economic Development, and Labor~~] General Government Appropriations Subcommittee regarding the balance in the fund and how the fund is being used.
- 1009 Section 21. Section **59-21-2** is amended to read:  
1010

## HB0459 compared with HB0459S01

### **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus Account money -- Mineral Lease Account created -- Contents -- Appropriation of money from Mineral Lease Account.**

- 1065 (1)
- . (a) There is created a restricted account within the General Fund known as the "Mineral Bonus Account."
- 1067 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments deposited pursuant to Subsection 59-21-1(3).
- 1069 (c) The Legislature shall make appropriations from the Mineral Bonus Account in accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.
- 1072 (d) The state treasurer shall:
- 1073 (i) invest the money in the Mineral Bonus Account by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and
- 1075 (ii) deposit all interest or other earnings derived from the account into the Mineral Bonus Account.
- 1077 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year into the Wildland Fire Suppression Fund created in Section 65A-8-204, up to \$2,000,000 but not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire Suppression Fund.
- 1082 (2)
- . (a) There is created a restricted account within the General Fund known as the "Mineral Lease Account."
- 1084 (b) The Mineral Lease Account consists of federal mineral lease money deposited pursuant to Subsection 59-21-1(1).
- 1086 (c) The Legislature shall make appropriations from the Mineral Lease Account as provided in Subsection 59-21-1(1) and this Subsection (2).
- 1088 (d) The Legislature shall annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the Permanent Community Impact Fund established by Section 35A-8-303.
- 1091 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.

1095

## HB0459 compared with HB0459S01

- (f) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Utah Geological Survey Restricted Account, created in Section 79-3-403, to be used by the Utah Geological Survey for activities carried on by the Utah Geological Survey having as a purpose the development and exploitation of natural resources in the state.
- 1100 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used for activities carried on by the laboratory having as a purpose the development and exploitation of water resources in the state.
- 1104 (h)
- . (i) The Legislature shall annually appropriate to the Division of Finance 40% of all deposits made to the Mineral Lease Account to be distributed as provided in Subsection (2)(h)(ii) to:
- 1107 (A) counties;
- 1108 (B) special service districts established:
- 1109 (I) by counties;
- 1110 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1111 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 1112 (C) special service districts established:
- 1113 (I) by counties;
- 1114 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1115 (III) for other purposes authorized by statute.
- 1116 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
- 1117 (A) in amounts proportionate to the amount of mineral lease money generated by each county; and
- 1119 (B) to a county or special service district established by a county under Title 17D, Chapter 1, Special Service District Act, as determined by the county legislative body.
- 1122 (i)
- . (i) The Legislature shall annually appropriate 5% of all deposits made to the Mineral Lease Account to the Department of Workforce Services to be distributed to:
- 1125 (A) special service districts established:
- 1126 (I) by counties;
- 1127 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1128 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 1129 (B) special service districts established:

## HB0459 compared with HB0459S01

- 1130 (I) by counties;
- 1131 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1132 (III) for other purposes authorized by statute.
- 1133 (ii) The Department of Workforce Services may distribute the amounts described in Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1, Special Service District Act, by counties:
- 1136 (A) of the third, fourth, fifth, or sixth class;
- 1137 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
- 1139 (C) that are significantly socially or economically impacted as provided in Subsection (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq.
- 1142 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C) shall be as a result of:
- 1144 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons as defined in Section 59-5-101;
- 1146 (B) the employment of persons residing within the county in hydrocarbon extraction, including the extraction of solid hydrocarbons as defined in Section 59-5-101; or
- 1149 (C) a combination of Subsections (2)(i)(iii)(A) and (B).
- 1150 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to special service districts established by counties under Title 17D, Chapter 1, Special Service District Act, the Department of Workforce Services shall:
- 1153 (A)
- . (I) allocate 50% of the appropriations equally among the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and
- 1155 (II) allocate 50% of the appropriations based on the ratio that the population of each county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and
- 1159 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the allocated revenues to special service districts established by the counties under Title 17D, Chapter 1, Special Service District Act, as determined by the executive director of the Department of Workforce Services after consulting with the county legislative bodies of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

## HB0459 compared with HB0459S01

- 1165 (v) The executive director of the Department of Workforce Services:  
1166 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii) and (iii);  
1168 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service districts established  
by counties under Title 17D, Chapter 1, Special Service District Act, that meet the requirements of  
Subsections (2)(i)(ii) and (iii); and  
1171 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may make rules:  
1173 (I) providing a procedure for making the distributions under this Subsection (2)(i) to special service  
districts; and  
1175 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).  
1176 (j)  
. (i) The Legislature shall annually make the following appropriations from the Mineral Lease Account:  
1178 (A) an amount equal to 52 cents multiplied by the number of acres of school or institutional trust  
lands, lands owned by the Division of State Parks or the Division of Outdoor Recreation,  
and lands owned by the Division of Wildlife Resources that are not under an in lieu of taxes  
contract, to each county in which those lands are located;  
1183 (B) to each county in which school or institutional trust lands are transferred to the federal  
government after December 31, 1992, an amount equal to the number of transferred acres in the  
county multiplied by a payment per acre equal to the difference between 52 cents per acre and  
the per acre payment made to that county in the most recent payment under the federal payment  
in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal payment was equal to or  
exceeded the 52 cents per acre, in which case a payment under this Subsection (2)(j)(i)(B) may  
not be made for the transferred lands;  
1191 (C) to each county in which federal lands, which are entitlement lands under the federal in lieu of  
taxes program, are transferred to the school or institutional trust, an amount equal to the number  
of transferred acres in the county multiplied by a payment per acre equal to the difference  
between the most recent per acre payment made under the federal payment in lieu of taxes  
program and 52 cents per acre, unless the federal payment was equal to or less than 52 cents  
per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for the  
transferred land; and  
1199 (D) to a county of the fifth or sixth class, an amount equal to the product of:  
1200 (I) \$1,000; and

## HB0459 compared with HB0459S01

- 1201 (II) the number of residences described in Subsection (2)(j)(iv) that are located within the county.
- 1203 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the county legislative body, distribute the money or a portion of the money to:
- 1205 (A) special service districts established by the county under Title 17D, Chapter 1, Special Service District Act;
- 1207 (B) school districts; or
- 1208 (C) public institutions of higher education.
- 1209 (iii)
- . (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the Division of Finance shall increase or decrease the amounts per acre provided for in Subsections (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.
- 1214 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.
- 1218 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:
- 1219 (A) owned by:
- 1220 (I) the Division of State Parks;
- 1221 (II) the Division of Outdoor Recreation; or
- 1222 (III) the Division of Wildlife Resources;
- 1223 (B) located on lands that are owned by:
- 1224 (I) the Division of State Parks;
- 1225 (II) the Division of Outdoor Recreation; or
- 1226 (III) the Division of Wildlife Resources; and
- 1227 (C) are not subject to taxation under:
- 1228 (I) Chapter 2, Property Tax Act; or
- 1229 (II) Chapter 4, Privilege Tax.
- 1230 (k) The Legislature shall annually appropriate to the Permanent Community Impact Fund all deposits remaining in the Mineral Lease Account after making the appropriations provided for in Subsections (2)(d) through (j).
- 1233 (3)



## HB0459 compared with HB0459S01

- . (a) Each agency, board, institution of higher education, and political subdivision receiving money under this chapter shall provide the Legislature, through the Office of the Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual basis.
- 1237 (b) The accounting required under Subsection (3)(a) shall:
- 1238 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year; and
- 1240 (ii) be reviewed by the [~~Business, Economic Development, and Labor~~] Economic and Community Development Appropriations Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary Procedures Act.
- 1191 Section 22. Section **63A-5b-404** is amended to read:
- 1192 **63A-5b-404. Exceptions to requirement of legislative approval for capital development projects.**
- 1246 (1)
- . (a) Except as provided in this section, a capital development project may not be constructed on state property without legislative approval.
- 1248 (b) The division may authorize a capital development project on state property without legislative approval only as provided in this section.
- 1250 (2)
- . (a) Legislative approval is not required for a capital development project that consists of the design or construction of a new facility if:
- 1252 (i) the division determines that the requesting agency has provided adequate assurance that state funds will not be used for the design or construction of the facility;
- 1255 (ii) the agency provides to the division a written document, signed by the head of the agency:
- 1257 (A) stating that funding or a revenue stream is in place, or will be in place before the project is completed, to ensure that increased state funding will not be required to cover the cost of operations and maintenance for the resulting facility or for immediate or future capital improvements; and
- 1261 (B) detailing the source of the funding that will be used for the cost of operations and maintenance and for immediate and future capital improvements to the resulting facility; and
- 1264 (iii) the division determines that the use of the state property:
- 1265 (A) is appropriate and consistent with the master plan for the property; and
- 1266 (B) will not create an adverse impact on the state.

## HB0459 compared with HB0459S01

- 1267 (b) For a facility constructed without legislative approval under Subsection (2)(a), an agency may not request:
- 1269 (i) increased state funds for operations and maintenance; or
- 1270 (ii) increased state capital improvement funding.
- 1271 (3) Legislative approval is not required for:
- 1272 (a) a facility:
- 1273 (i) to be built with funds other than state funds and owned by an entity other than a state entity; and
- 1275 (ii) that is within a research park area at the University of Utah or Utah State University;
- 1277 (b) a facility to be built at This is the Place State Park by the This is the Place Foundation with funds of the This is the Place Foundation or with donated services or materials and that may include grant money from the state;
- 1280 (c) a project that:
- 1281 (i) is funded by the Uintah Basin Revitalization Fund or the Navajo Revitalization Fund; and
- 1283 (ii) does not provide a new facility for an agency or institution of higher education; or
- 1284 (d) a project on school and institutional trust lands that:
- 1285 (i) is funded by the trust lands administration from the Land Grant Management Fund; and
- 1287 (ii) does not fund construction of a new facility for an agency or institution of higher education.
- 1289 (4)
- . (a) Legislative approval is not required for a capital development project to be built for the Department of Transportation resulting from:
- 1291 (i) an exchange of real property under Section 72-5-111; or
- 1292 (ii) a sale or exchange of real property from a maintenance facility if the proceeds from the sale of the real property are used for, or the real property is exchanged for:
- 1295 (A) real property for another maintenance facility; or
- 1296 (B) another maintenance facility, including improvements for a maintenance facility.
- 1298 (b) If the Department of Transportation approves a sale or exchange under Subsection (4)(a) for a capital development project subject to the board's approval, the Department of Transportation shall notify the president of the Senate, the speaker of the House of Representatives, and the cochairs of the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee of the Legislature's Joint Appropriations Committee about any new facilities to be built or improved.

## HB0459 compared with HB0459S01

- 1253 Section 23. Section **63A-5b-407** is amended to read:
- 1254 **63A-5b-407. State Agency Capital Development Fund -- Creation -- Process.**
- 1307 (1)
- . (a) There is created a capital projects fund known as the State Agency Capital Development Fund.
- 1309 (b) The State Agency Capital Development Fund and this section do not apply to an institution of higher education.
- 1311 (2) The State Agency Capital Development Fund is funded from the following sources:
- 1312 (a) one-time appropriations made to the State Agency Capital Development Fund by the Legislature;
- 1314 (b) ongoing appropriations made by the Legislature; or
- 1315 (c) revenue received from the sale, lease, or disposition of any state agency building or property associated with the implementation of the Statewide Master Plan for State Agencies as described in Subsection (7).
- 1318 (3) Subject to Subsection (4), and subject to appropriation by the Legislature, the division may use the money deposited into the State Agency Capital Development Fund for capital development projects, capital improvement projects, and to design, renovate, or construct facilities for state agencies.
- 1322 (4)
- . (a) Before the division spends or commits money from the State Agency Capital Development Fund, in accordance with Sections 63A-5b-402, 63A-5b-405, and 63A-5b-501, the division shall present to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee:
- 1326 (i) a description of each project for which the division will spend the money; and
- 1327 (ii) the amount of money needed for each project.
- 1328 (b) Following a presentation described in Subsection (4)(a), the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee shall recommend to the Legislature appropriations of money from the State Agency Capital Development Fund to the division for approved projects in the division's plan.
- 1332 (c) In accordance with this section, the division is required to receive legislative approval through an appropriations act in order to expend money in the State Agency Capital Development Fund for a capital development project.
- 1335 (5) In the 2024 General Session of the Legislature, and each year thereafter, and in accordance with Sections 63A-5b-402, 63A-5b-405, and 63A-5b-501, the division shall present a five-year

## HB0459 compared with HB0459S01

building plan to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee that describes the division's anticipated plan for designing, renovating, or building state agency facilities.

1340 (6) The division may not submit a request to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee for funding from the State Agency Capital Development Fund unless:

1343 (a) the project complies with the Statewide Master Plan for State Agencies; and

1344 (b) the division first obtains approval from the Governor's Office of Planning and Budget.

1346 (7) If a building is vacated by an agency and the agency moves to another building, proceeds from the sale or lease of the vacated building:

1348 (a) may not be used by the agency or otherwise absorbed into the agency's budget; and

1349 (b) shall be deposited into the State Agency Capital Development Fund described in this section.

1299 Section 24. Section **63A-5b-912** is amended to read:

1300 **63A-5b-912. Report to Transportation and Infrastructure Appropriations Subcommittee.**

The division shall, on or before the third Wednesday in November of every even-numbered year, present a written report to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee that identifies state land and buildings that are no longer needed and can be sold by the state.

1306 Section 25. Section **63A-5b-1002** is amended to read:

1307 **63A-5b-1002. State Building Energy Efficiency Program.**

1360 (1) The division shall:

1361 (a) develop and administer the energy efficiency program, which shall include guidelines and procedures to improve energy efficiency in the maintenance and management of state facilities;

1364 (b) provide information and assistance to agencies in the agencies' efforts to improve energy efficiency in state facilities;

1366 (c) analyze energy consumption by agencies to identify opportunities for improved energy efficiency;

1368 (d) establish an advisory group composed of representatives of agencies to provide information and assistance in the development and implementation of the energy efficiency program; and

1371 (e) submit to the governor and to the [~~Infrastructure and General Government~~] Transportation and Infrastructure Appropriations Subcommittee of the Legislature an annual report that:

1374 (i) identifies strategies for long-term improvement in energy efficiency;

## HB0459 compared with HB0459S01

- 1375 (ii) identifies goals for energy conservation for the upcoming year; and  
1376 (iii) details energy management programs and strategies that were undertaken in the previous year to  
improve the energy efficiency of agencies and the energy savings achieved.
- 1379 (2) Each agency shall:
- 1380 (a) designate a staff member that is responsible for coordinating energy efficiency efforts within the  
agency with assistance from the division;
- 1382 (b) provide energy consumption and costs information to the division;
- 1383 (c) develop strategies for improving energy efficiency and reducing energy costs; and  
1384 (d) provide the division with information regarding the agency's energy efficiency and reduction  
strategies.
- 1386 (3)
- . (a) An agency may enter into a performance efficiency agreement for a term of up to 20 years.
- 1388 (b) Before entering into a performance efficiency agreement, the agency shall:
- 1389 (i) utilize the division to oversee the project unless the project is exempt from the division's oversight or  
the oversight is delegated to the agency under the provisions of Section 63A-5b-701;
- 1392 (ii) obtain the prior approval of the governor or the governor's designee; and  
1393 (iii) provide the Office of the Legislative Fiscal Analyst with a copy of the proposed agreement before  
the agency enters into the agreement.
- 1395 (4) An agency may consult with the energy efficiency program manager within the division regarding:
- 1397 (a) the cost effectiveness of energy efficiency measures; and  
1398 (b) ways to measure energy savings that take into account fluctuations in energy costs and temperature.
- 1400 (5)
- . (a) Except as provided under Subsection (5)(c) and subject to future budget constraints, the Legislature  
may not remove energy savings from an agency's appropriation.
- 1403 (b) An agency shall use energy savings to:
- 1404 (i) fund the cost of the energy efficiency measures; and  
1405 (ii) if funds are available after meeting the requirements of Subsection (5)(b)(i), fund and implement  
new energy efficiency measures.
- 1407 (c) The Legislature may remove energy savings if:
- 1408 (i) an agency has complied with Subsection (5)(b)(i); and  
1409 (ii) no new cost-effective energy efficiency measure is available for implementation.

## HB0459 compared with HB0459S01

1358 Section 26. Section **63A-13-502** is amended to read:

1359 **63A-13-502. Report and recommendations to governor and {~~Transportation and~~  
Infrastructure} General Government Appropriations Subcommittee.**

- 1413 (1) The inspector general of Medicaid services shall, on an annual basis, prepare an electronic report on  
the activities of the office for the preceding fiscal year.
- 1415 (2) The report shall include:
- 1416 (a) non-identifying information, including statistical information, on:
- 1417 (i) the items described in Subsection 63A-13-202(1)(b) and Section 63A-13-204;
- 1418 (ii) action taken by the office and the result of that action;
- 1419 (iii) fraud, waste, and abuse in the state Medicaid program, including emerging trends of Medicaid  
fraud, waste, and abuse and the office's actions to identify and address the emerging trends;
- 1422 (iv) the recovery of fraudulent or improper use of state and federal Medicaid funds, including total  
dollars recovered through cash recovery, credit adjustments, and rebilled claims;
- 1425 (v) measures taken by the state to discover and reduce fraud, waste, and abuse in the state Medicaid  
program;
- 1427 (vi) audits conducted by the office, including performance and financial audits;
- 1428 (vii) investigations conducted by the office and the results of those investigations, including preliminary  
investigations;
- 1430 (viii) administrative and educational efforts made by the office and the division to improve compliance  
with Medicaid program policies and requirements;
- 1432 (ix) total cost avoidance attributed to an office policy or action;
- 1433 (x) the number of complaints against Medicaid recipients received and disposition of those complaints;
- 1435 (xi) the number of educational activities that the office provided to a provider or a state agency;
- 1437 (xii) the number of credible allegations of fraud referred to the Medicaid fraud control unit under  
Section 63A-13-501; and
- 1439 (xiii) the number of data pulls performed and general results of those pulls;
- 1440 (b) recommendations on action that should be taken by the Legislature or the governor to:
- 1442 (i) improve the discovery and reduction of fraud, waste, and abuse in the state Medicaid program;
- 1444 (ii) improve the recovery of fraudulently or improperly used Medicaid funds; and
- 1445 (iii) reduce costs and avoid or minimize increased costs in the state Medicaid program;
- 1447 (c) recommendations relating to rules, policies, or procedures of a state or local government entity; and

## HB0459 compared with HB0459S01

- 1449 (d) services provided by the state Medicaid program that exceed industry standards.
- 1450 (3) The report described in Subsection (1) may not include any information that would interfere with or jeopardize an ongoing criminal investigation or other investigation.
- 1452 (4) On or before November 1 of each year, the inspector general of Medicaid services shall provide the electronic report described in Subsection (1) to the [~~Infrastructure and General Government~~] {~~Transportation and Infrastructure~~} General Government Appropriations Subcommittee of the Legislature and to the governor.
- 1404 Section 27. Section **63A-16-302.1** is amended to read:
- 1405 **63A-16-302.1. Reporting on consolidation of certain information technology services.**
- 1459 (1) The division shall, in collaboration with the Cybersecurity Commission created in Section 63C-27-201, identify opportunities, limitations, and barriers to enhancing the overall cybersecurity resilience of the state by consolidating:
- 1462 (a) certain information technology services utilized by governmental entities; and
- 1463 (b) to the extent feasible, the information technology networks that are operated or utilized by governmental entities.
- 1465 (2) On or before November 15, 2023, the division shall report the information described in Subsection (1) to:
- 1467 (a) the Government Operations Interim Committee;
- 1468 (b) the [~~Infrastructure and General Government~~] {~~Transportation and Infrastructure~~} General Government Appropriations Subcommittee; and
- 1470 (c) the Cybersecurity Commission created in Section 63C-27-201.
- 1419 Section 28. Section **63H-7a-206** is amended to read:
- 1420 **63H-7a-206. Required annual reporting and strategic plan.**
- 1473 (1) The authority shall create, maintain, and review annually a statewide, comprehensive multiyear strategic plan, in consultation with state and local stakeholders, the PSAP advisory committee, and the public safety advisory committee, that:
- 1476 (a) coordinates the authority's activities and duties in the:
- 1477 (i) 911 Division;
- 1478 (ii) Radio Network Division;
- 1479 (iii) Interoperability Division; and
- 1480 (iv) Administrative Services Division; and

## HB0459 compared with HB0459S01

- 1481 (b) includes:
- 1482 (i) a plan for maintaining, upgrading, and expanding the public safety communications network,  
including microwave and fiber optics based systems;
- 1484 (ii) a plan for statewide interoperability;
- 1485 (iii) a plan for statewide coordination;
- 1486 (iv) radio network coverage maps; and
- 1487 (v) FirstNet standards.
- 1488 (2) The executive director shall update the strategic plan described in Subsection (1) before July 1 of  
each year.
- 1490 (3) The executive director shall, before December 1 of each year, report on the strategic plan described  
in Subsection (1) to:
- 1492 (a) the board;
- 1493 (b) the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee;
- 1494 (c) the Legislative Management Committee; and
- 1495 (d) the Retirement and Independent Entities Interim Committee.
- 1496 (4) Each report described in Subsection (3) shall include a description of the authority's goals for  
implementation of the strategic plan and a progress report of accomplishments and updates to the  
strategic plan.
- 1499 (5) The authority shall consider the strategic plan described in Subsection (1) before spending funds in  
the restricted accounts created by this chapter.
- 1501 (6)
- . (a) Following the close of each fiscal year, the executive director shall submit and make available to  
the public an annual report of the authority's activities for the preceding year to the governor, the  
board, the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee, the Legislative  
Management Committee, and the Retirement and Independent Entities Interim Committee.
- 1506 (b) Each report described in Subsection (6)(a) shall include:
- 1507 (i) the agency's complete operating and financial statement for the preceding fiscal year;
- 1509 (ii) the total aggregate surcharge collected by the state in the last fiscal year under Title 69, Chapter 2,  
Part 4, Prepaid Wireless Telecommunications Service Charges;
- 1512 (iii) the amount of each disbursement from the restricted accounts described in:
- 1513 (A) Section 63H-7a-304; and



## HB0459 compared with HB0459S01

- 1514 (B) Section 63H-7a-403;
- 1515 (iv) the recipient of each disbursement, the goods and services received, and a description of the project funded by the disbursement;
- 1517 (v) any conditions the authority placed on the disbursements from a restricted account;
- 1519 (vi) the anticipated expenditures from the restricted accounts described in this chapter for the next fiscal year;
- 1521 (vii) the amount of any unexpended funds carried forward; and
- 1522 (viii) other relevant justification for ongoing support from the restricted accounts created by:
- 1524 (A) Section 63H-7a-304; and
- 1525 (B) Section 63H-7a-403.
- 1474 Section 29. Section **63J-1-504** is amended to read:
- 1475 **63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and assessing fees without legislative approval -- Report summarizing fees.**
- 1529 (1) As used in this section:
- 1530 (a)
- . (i) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- 1533 (ii) "Agency" does not include:
- 1534 (A) the Legislature or a committee or staff office of the Legislature; or
- 1535 (B) the Judiciary, as that term is defined in Section 78A-2-310.
- 1536 (b) "Agency's cost" means all of a fee agency's direct and indirect costs and expenses for providing the goods or service for which the fee agency charges a fee or for regulating the industry in which the persons paying the fee operate, including:
- 1539 (i) salaries, benefits, contracted labor costs, travel expenses, training expenses, equipment and material costs, depreciation expense, utility costs, and other overhead costs; and
- 1542 (ii) costs and expenses for administering the fee.
- 1543 (c) "Fee agency" means an agency that is authorized to establish and charge a service fee or a regulatory fee.
- 1545 (d) "Fee schedule" means the complete list of service fees and regulatory fees charged by a fee agency and the amount of those fees.

## HB0459 compared with HB0459S01

- 1547 (e) "Regulatory fee" means a fee that a fee agency charges to cover the agency's cost of regulating the industry in which the persons paying the fee operate.
- 1549 (f) "Service fee" means a fee that a fee agency charges to cover the agency's cost of providing the goods or service for which the fee is charged.
- 1551 (2)
- . (a) A fee agency that charges or intends to charge a service fee or regulatory fee shall adopt a fee schedule.
- 1553 (b) A service fee or regulatory fee that a fee agency charges shall:
- 1554 (i) be reasonable and fair;
- 1555 (ii) reflect and be based on the agency's cost for the fee; and
- 1556 (iii) be established according to a cost formula determined by the executive director of the Governor's Office of Planning and Budget and the director of the Division of Finance in conjunction with the fee agency seeking to establish the fee.
- 1559 (3) Except as provided in Subsection (7), a fee agency may not:
- 1560 (a) set fees by rule; or
- 1561 (b) create, change, or collect any fee unless the fee has been established according to the procedures and requirements of this section.
- 1563 (4) Each fee agency that is proposing a new fee or proposing to change a fee shall:
- 1564 (a) present each proposed fee at a public hearing, subject to the requirements of Title 52, Chapter 4, Open and Public Meetings Act;
- 1566 (b) increase, decrease, or affirm each proposed fee based on the results of the public hearing;
- 1568 (c) except as provided in Subsection (8), submit the fee schedule to the Legislature as part of the agency's annual appropriations request; and
- 1570 (d) modify the fee schedule as necessary to implement the Legislature's actions.
- 1571 (5)
- . (a) No later than November 30, 2022, the Governor's Office of Planning and Budget and the Division of Finance shall submit a report to the [~~Infrastructure and General Government~~] {~~Transportation and Infrastructure~~} General Government Appropriations Subcommittee of the Legislature.
- 1575 (b) A report under Subsection (5)(a) shall:
- 1576 (i) provide a summary of:
- 1577 (A) the types of service fees and regulatory fees included in the fee schedules of all fee agencies;

## HB0459 compared with HB0459S01

- 1579 (B) the methods used by fee agencies to determine the amount of fees;
- 1580 (C) each estimated agency's cost related to each fee;
- 1581 (D) whether a fee is intended to cover the agency's cost related to the fee;
- 1582 (E) whether the fee agency intends to subsidize the fee to cover the agency's cost related to the fee and, if so, the fee agency's justification for the subsidy; and
- 1584 (F) whether the fee agency set the fee at an amount that exceeds the agency's cost related to the fee and, if so, the fee agency's justification for the excess fee; and
- 1586 (ii) include any recommendations for improving the process described in this section.
- 1587 (6)
- . (a) A fee agency shall submit the fee agency's fee schedule to the Legislature for the Legislature's approval on an annual basis.
- 1589 (b) The Legislature may approve, increase or decrease and approve, or reject any fee submitted to it by a fee agency.
- 1591 (7) After conducting the public hearing required by this section, a fee agency may establish and assess fees without first obtaining legislative approval if:
- 1593 (a)
- . (i) the Legislature creates a new program that is to be funded by fees to be set by the Legislature;
- 1595 (ii) the new program's effective date is before the Legislature's next annual general session; and
- 1597 (iii) the fee agency submits the fee schedule for the new program to the Legislature for its approval at a special session, if allowed in the governor's call, or at the next annual general session of the Legislature, whichever is sooner; or
- 1600 (b)
- . (i) the fee agency proposes to increase or decrease an existing fee for the purpose of adding or removing a transactional fee that is charged or assessed by a non-governmental third party but is included as part of the fee charged by the fee agency;
- 1604 (ii) the amount of the increase or decrease in the fee is equal to the amount of the transactional fee charged or assessed by the non-governmental third party; and
- 1606 (iii) the increased or decreased fee is submitted to the Legislature for the Legislature's approval at a special session, if allowed in the governor's call, or at the next annual session of the Legislature, whichever is sooner.
- 1609 (8)

## HB0459 compared with HB0459S01

- . (a) A fee agency that intends to change any fee shall submit to the governor, as part of the agency's annual appropriation request a list that identifies:
- 1611 (i) the title or purpose of the fee;
- 1612 (ii) the present amount of the fee;
- 1613 (iii) the proposed new amount of the fee;
- 1614 (iv) the percent that the fee will have increased if the Legislature approves the higher fee;
- 1616 (v) the estimated total annual revenue and total estimated annual revenue change that will result from the changed fee;
- 1618 (vi) the account or fund into which the fee will be deposited;
- 1619 (vii) the reason for the change in the fee;
- 1620 (viii) the estimated number of persons to be charged the fee;
- 1621 (ix) the estimated agency's cost related to the fee;
- 1622 (x) whether the fee is a service fee or a regulatory fee;
- 1623 (xi) whether the fee is intended to cover the agency's cost related to the fee;
- 1624 (xii) whether the fee agency intends to subsidize the fee to cover the agency's cost related to the fee and, if so, the fee agency's justification for the subsidy; and
- 1626 (xiii) whether the fee agency set the fee at an amount that exceeds the agency's cost related to the fee and, if so, the fee agency's justification for the excess fee.
- 1628 (b)
- . (i) The governor may review and approve, modify and approve, or reject the fee increases.
- 1630 (ii) The governor shall transmit the list required by Subsection (8)(a), with any modifications, to the legislative fiscal analyst with the governor's budget recommendations.
- 1633 (c) Bills approving any fee change shall be filed before the beginning of the Legislature's annual general session, if possible.
- 1635 (9)
- . (a) Except as provided in Subsection (9)(b), the School and Institutional Trust Lands Administration, established in Section 53C-1-201, is exempt from the requirements of this section.
- 1638 (b) The following fees of the School and Institutional Trust Lands Administration are subject to the requirements of this section: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing nonuse, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

## HB0459 compared with HB0459S01

1590 Section 30. Section **63M-7-904** is amended to read:

1591 **63M-7-904. Duties of the commission -- Report.**

1645 (1) The commission shall:

1646 (a) advocate for the adoption, repeal, or modification of laws or proposed legislation in the interest of  
victims of crime;

1648 (b) make recommendations to the Legislature, the governor, and the Judicial Council on the following:

1650 (i) enforcing existing rights of victims of crime;

1651 (ii) enhancing rights of victims of crime;

1652 (iii) the role of victims of crime in the criminal justice system;

1653 (iv) victim restitution;

1654 (v) educating and training criminal justice professionals on the rights of victims of crime; and

1656 (vi) enhancing services to victims of crimes; and

1657 (c) provide training on the rights of victims of crime.

1658 (2) The commission shall, in partnership with state agencies and organizations, including the Children's  
Justice Center Program, the Utah Office for Victims of Crime, and the Division of Child and Family  
Services:

1661 (a) review and assess the duties and practices of the State Commission on Criminal and Juvenile Justice  
regarding services and criminal justice policies pertaining to victims;

1663 (b) encourage and facilitate the development and coordination of trauma-informed services for crime  
victims throughout the state;

1665 (c) encourage and foster public and private partnerships for the purpose of:

1666 (i) assessing needs for crime victim services throughout the state;

1667 (ii) developing crime victim services and resources throughout the state; and

1668 (iii) coordinating crime victim services and resources throughout the state;

1669 (d) generate unity for ongoing efforts to reduce and eliminate the impact of crime on victims through a  
comprehensive and evidence-based prevention, treatment, and justice strategy;

1672 (e) recommend and support the creation, dissemination, and implementation of statewide policies and  
plans to address crimes, including domestic violence, sexual violence, child abuse, and driving  
under the influence of drugs and alcohol;

1675

## HB0459 compared with HB0459S01

- (f) collect information on statewide funding for crime victim services and prevention efforts, including the sources, disbursement, and outcomes of statewide funding for crime victim services and prevention efforts;
- 1678 (g) consider recommendations from any subcommittee of the commission; and
- 1679 (h) make recommendations regarding:
- 1680 (i) the duties and practices of the State Commission on Criminal and Juvenile Justice to ensure that:
- 1682 (A) crime victims are a vital part of the criminal justice system of the state;
- 1683 (B) all crime victims and witnesses are treated with dignity, respect, courtesy, and sensitivity; and
- 1685 (C) the rights of crime victims and witnesses are honored and protected by law in a manner no less vigorous than protections afforded to criminal defendants; and
- 1687 (ii) statewide funding for crime victim services and prevention efforts.
- 1688 (3) The commission may:
- 1689 (a) subject to court rules and the governor's approval, advocate in an appellate court on behalf of a victim of crime;
- 1691 (b) recommend to the Legislature the services to be funded by the Victim Services Restricted Account;
- 1693 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the process by which a victim, or a representative of a victim, may submit a complaint alleging a violation of the victim's rights; and
- 1696 (d) review any action taken by a victim rights committee created in accordance with Section 63M-7-1002.
- 1698 (4) The commission shall report the commission's recommendations annually to the State Commission on Criminal and Juvenile Justice, the governor, the Judicial Council, the ~~[Executive Offices and]~~Criminal Justice Appropriations Subcommittee, the Health and Human Services Interim Committee, the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim Committee.
- 1703 (5) When taking an action or making a recommendation, the commission shall respect that a state agency is bound to follow state law and may have duties or responsibilities imposed by state law.
- 1653 Section 31. Section **63N-2-107** is amended to read:
- 1654 **63N-2-107. Reports of new state revenue, partial rebates, and tax credits.**
- 1708 (1) Before October 1 of each year, the office shall submit a report to the Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:

## HB0459 compared with HB0459S01

- 1711 (a)
- . (i) the total estimated amount of new state revenue created from new commercial projects;
- 1713 (ii) the estimated amount of new state revenue from new commercial projects that will be generated from:
- 1715 (A) sales tax;
- 1716 (B) income tax; and
- 1717 (C) corporate franchise and income tax; and
- 1718 (iii) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded; and
- 1720 (b) the total estimated amount of tax credits that the office projects that business entities will qualify to claim under this part.
- 1722 (2) By the first business day of each month, the office shall submit a report to the Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:
- 1725 (a) each new written agreement that the office entered into since the last report;
- 1726 (b) the estimated amount of new state revenue that will be generated under each written agreement described in Subsection (2)(a);
- 1728 (c) the estimated maximum amount of tax credits that a business entity could qualify for under each written agreement described in Subsection (2)(a); and
- 1730 (d) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded.
- 1732 (3) At the reasonable request of the Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst, or the Division of Finance, the office shall provide additional information about the tax credit, new incremental jobs and high paying jobs, costs, and economic benefits related to this part, if the information is part of a public record as defined in Section 63G-2-103.
- 1737 (4) By October 1, the office shall submit to the Economic Development and Workforce Services Interim Committee, the [~~Business, Economic Development, and Labor~~] Economic and Community Development Appropriations Subcommittee, and the governor, a written report that provides an overview of the implementation and efficacy of the statewide economic development strategy,

## HB0459 compared with HB0459S01

including an analysis of the extent to which the office's programs are aligned with the prevailing economic conditions expected in the next fiscal year.

1691 Section 32. Section **63N-6-301** is amended to read:

1692 **63N-6-301. Utah Capital Investment Corporation -- Powers and purposes -- Reporting requirements.**

1747 (1)

. (a) There is created an independent quasi-public nonprofit corporation known as the Utah Capital Investment Corporation.

1749 (b) The corporation:

1750 (i) may exercise all powers conferred on independent corporations under Section 63E-2-106;

1752 (ii) is subject to the prohibited participation provisions of Section 63E-2-107; and

1753 (iii) is subject to the other provisions of Title 63E, Chapter 2, Independent Corporations Act, except as otherwise provided in this part.

1755 (c) The corporation shall file with the Division of Corporations and Commercial Code:

1756 (i) articles of incorporation; and

1757 (ii) any amendment to its articles of incorporation.

1758 (d) In addition to the articles of incorporation, the corporation may adopt bylaws and operational policies that are consistent with this chapter.

1760 (e) Except as otherwise provided in this part, this part does not exempt the corporation from the requirements under state law which apply to other corporations organized under Title 63E, Chapter 2, Independent Corporations Act.

1763 (2) The purposes of the corporation are to:

1764 (a) administer the Utah fund of funds;

1765 (b) select an investment fund allocation manager to manage investments by the Utah fund of funds;

1767 (c) negotiate the terms of a contract with the investment fund allocation manager;

1768 (d) execute the contract with the selected investment fund manager on behalf of the Utah fund of funds; and

1770 (e) receive investment returns from the Utah fund of funds.

1771 (3) The corporation may not:

1772 (a) exercise governmental functions;

1773 (b) have members;



## HB0459 compared with HB0459S01

- 1774 (c) pledge the credit or taxing power of the state or any political subdivision of the state; or  
1776 (d) make its debts payable out of any money except money of the corporation.
- 1777 (4) The obligations of the corporation are not obligations of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations, but are obligations of the corporation payable solely and only from the corporation's funds.
- 1781 (5) The corporation may:
- 1782 (a) engage consultants and legal counsel;  
1783 (b) expend funds;  
1784 (c) invest funds;  
1785 (d) issue debt and equity, and borrow funds;  
1786 (e) enter into contracts;  
1787 (f) insure against loss;  
1788 (g) hire employees; and  
1789 (h) perform any other act necessary to carry out its purposes.
- 1790 (6)
- . (a) The corporation shall publish on or before September 1 an annual report of the activities conducted by the Utah fund of funds and submit, in accordance with Section 68-3-14, the written report to:
- 1793 (i) the governor;  
1794 (ii) the [~~Business, Economic Development, and Labor~~] Economic and Community Development Appropriations Subcommittee;  
1796 (iii) the Business and Labor Interim Committee; and  
1797 (iv) the Retirement and Independent Entities Interim Committee.
- 1798 (b) The annual report shall:
- 1799 (i) be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature;  
1801 (ii) include a copy of the audit of the Utah fund of funds described in Section 63N-6-405;  
1803 (iii) include a detailed balance sheet, revenue and expenses statement, and cash flow statement;  
1805 (iv) include detailed information regarding:  
1806 (A) realized gains from investments and any realized losses; and  
1807 (B) unrealized gains and any unrealized losses based on the net present value of ongoing investments;  
1809 (v) include detailed information regarding all yearly expenditures, including:

## HB0459 compared with HB0459S01

- 1810 (A) administrative, operating, and financing costs;
- 1811 (B) aggregate compensation information for full- and part-time employees, including benefit and travel expenses; and
- 1813 (C) expenses related to the allocation manager;
- 1814 (vi) include detailed information regarding all funding sources for administrative, operations, and financing expenses, including expenses charged by or to the Utah fund of funds, including management and placement fees;
- 1817 (vii) for each individual fund that the Utah fund of funds is invested in that represents at least 5% of the net assets of the Utah fund of funds, include the name of the fund, the total value of the fund, the fair market value of the Utah fund of funds' investment in the fund, and the percentage of the total value of the fund held by the Utah fund of funds; and
- 1822 (viii) include an aggregate total value for all funds the Utah fund of funds is invested in.
- 1771 Section 33. Section **63N-21-401** is amended to read:
- 1772 **63N-21-401. Annual report.**
- 1826 (1) On or before September 1 of each year, the innovation lab shall publish an annual report of the activities conducted by the Utah innovation fund and submit, in accordance with Section 68-3-14, the written report to:
- 1829 (a) the governor;
- 1830 (b) the [~~Business, Economic Development, and Labor~~] Economic and Community Development Appropriations Subcommittee;
- 1832 (c) the Economic Development and Workforce Services Interim Committee; and
- 1833 (d) the Retirement and Independent Entities Interim Committee.
- 1834 (2) The annual report shall:
- 1835 (a) be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature;
- 1837 (b) include a copy of the annual audit required under Section 63N-21-402;
- 1838 (c) describe the policies adopted by the board under Subsection 63N-21-203(1)(b);
- 1839 (d) include detailed information regarding:
- 1840 (i) the name and location of each qualified business that received capital from the Utah innovation fund;
- 1842 (ii) the amount of each qualified investment made by the Utah innovation fund;
- 1843 (iii) the aggregate amount of capital provided to qualified businesses;

## HB0459 compared with HB0459S01

- 1844 (iv) realized gains from qualified investments and any realized losses; and  
1845 (v) unrealized gains and any unrealized losses based on the net present value of ongoing qualified  
investments;  
1847 (e) include detailed information regarding the innovation lab's yearly expenditures, including:  
1849 (i) administrative, operating, and financing expenses; and  
1850 (ii) aggregate compensation information for full-time and part-time employees, including benefit and  
travel expenses;  
1852 (f) include detailed information regarding all funding sources for administrative, operating, and  
financing expenses, including any fees charged by the innovation lab to the Utah innovation fund  
under Subsection 63N-21-201(4)(g); and  
1855 (g) include an explanation of the Utah innovation fund's progress in achieving the purposes described in  
Subsection 63N-21-301(2).

1804 Section 34. Section **64-13-46.1** is amended to read:

1805 **64-13-46.1. Correctional Postnatal and Early Childhood Advisory Board -- Duties --**  
**Rulemaking.**

- 1860 (1) As used in this part:  
1861 (a) "Advisory board" means the Correctional Postnatal and Early Childhood Advisory Board.  
1863 (b) "Correctional facility" means a facility operated by the department or a county sheriff that houses  
inmates in a secure setting.  
1865 (c) "Incarcerated mother" means an inmate who:  
1866 (i) has recently given birth before entering a correctional facility;  
1867 (ii) is pregnant and incarcerated in a correctional facility; or  
1868 (iii) has given birth while incarcerated in a correctional facility.  
1869 (2) The advisory board shall consist of the following members:  
1870 (a) two individuals from the department, appointed by the executive director;  
1871 (b) one individual appointed by the Board of Pardons and Parole;  
1872 (c) one individual appointed by the president of the Utah Sheriffs' Association; and  
1873 (d) four individuals appointed by the executive director of the Department of Health and Human  
Services, including:  
1875 (i) two pediatric healthcare providers;  
1876 (ii) one individual with expertise in early childhood development; and

## HB0459 compared with HB0459S01

- 1877 (iii) one individual with experience advocating for incarcerated women.
- 1878 (3)
- . (a) Except as provided in Subsection (3)(b), a member of the advisory board shall be appointed for a four-year term.
- 1880 (b) A member that is appointed to complete an unexpired term may complete the unexpired term and serve a subsequent four-year term.
- 1882 (c) Appointments and reappointments may be staggered so that one-fourth of the advisory board changes each year.
- 1884 (d) The advisory board shall annually elect a chair and co-chair of the board from among the members of the board to serve a two-year term.
- 1886 (4) The advisory board shall meet at least bi-annually, or more frequently as determined by the executive director, the chair, or three or more members of the advisory board.
- 1888 (5) A majority of the board constitutes a quorum and a vote of the majority of the members present constitutes an action of the advisory board.
- 1890 (6) A member of the advisory board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
- 1892 (a) Section 63A-3-106;
- 1893 (b) Section 63A-3-107; and
- 1894 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- 1896 (7) The advisory board shall:
- 1897 (a) review research regarding childhood development and best practices for placing infants and incarcerated mothers in a diversion program not located in a correctional facility;
- 1900 (b) study the costs of implementing a diversion program for infants and incarcerated mothers removed from a correctional facility;
- 1902 (c) create a provisional plan for implementing a diversion program for infants and incarcerated mothers removed from a correctional facility; and
- 1904 (d) advise and make recommendations to the department and county sheriffs regarding rules and policies for placing an infant or incarcerated mother in a diversion program not located in a correctional facility.
- 1907 (8) On or before November 30, 2024, the advisory board shall provide a report of the advisory board's research and study under Subsections (7)(a) through (c), including any proposed legislation, to:

## HB0459 compared with HB0459S01

- 1910 (a) the Law Enforcement and Criminal Justice Interim Committee; and  
1911 (b) the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee.
- 1859 Section 35. Section **64-13e-103** is amended to read:  
1860 **64-13e-103. County correctional facility contracting program for state inmates -- Payments**  
**-- Reporting -- Contracts.**
- 1915 (1) Subject to Subsection (6), the department may contract with a county to house state inmates in a  
county correctional facility.
- 1917 (2) The department shall give preference for placement of state inmates, over private entities, to county  
correctional facility bed spaces for which the department has contracted under Subsection (1).
- 1920 (3)  
. (a) The compensation rate for housing state inmates pursuant to a contract described in Subsection (1)  
shall be:
- 1922 (i) except as provided in Subsection (3)(a)(ii), 84% of the state daily incarceration rate for a county  
correctional facility bed space in a county that, pursuant to the contract, is dedicated to a  
treatment program for state inmates, if the treatment program is approved by the department  
under Subsection (3)(c);
- 1926 (ii) 75% of the state daily incarceration rate for a county correctional facility bed space in a county  
that, pursuant to the contract, is dedicated to an alternative treatment program for state inmates,  
if the alternative treatment program is approved by the department under Subsection (3)(c); and
- 1930 (iii) 70% of the state daily incarceration rate for a county correctional facility bed space in a county  
other than the bed spaces described in Subsections (3)(a)(i) and (ii).
- 1933 (b) The department shall:
- 1934 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that  
establish standards that a treatment program is required to meet before the treatment program is  
considered for approval for the purpose of a county receiving payment based on the rate described in  
Subsection (3)(a)(i) or (ii); and
- 1939 (ii) determine on an annual basis, based on appropriations made by the Legislature for the contracts  
described in this section, whether to approve a treatment program that meets the standards  
established under Subsection (3)(b)(i), for the purpose of a county receiving payment based on the  
rate described in Subsection (3)(a)(i) or (ii).
- 1944

## HB0459 compared with HB0459S01

- (c) The department may not approve a treatment program for the purpose of a county receiving payment based on the rate described in Subsection (3)(a)(i) or (ii), unless:
- 1946 (i) the program meets the standards established under Subsection (3)(b)(i); and
- 1947 (ii) the department determines that the treatment program is needed by the department at the location where the treatment program will be provided.
- 1949 (d)
- . (i) The department shall annually:
- 1950 (A) collect information from each county described in Subsection (1) regarding the treatment programs for state inmates offered by the county;
- 1952 (B) evaluate, review, and audit the results of each treatment program on state inmate recidivism and other relevant metrics; and
- 1954 (C) on or before November 30, report the results of the information described in Subsection (3)(d)(i)(B) to the ~~[Executive Offices and]~~ Criminal Justice Appropriations Subcommittee.
- 1957 (ii) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (3)(d)(i).
- 1960 (4)
- . (a) Compensation to a county for state inmates incarcerated under this section shall be made by the department.
- 1962 (b) Funds from the County Correctional Facility Contracting Reserve Program may be used only once existing annual appropriated funds for the fiscal year have been exhausted.
- 1965 (5) Counties that contract with the department under Subsection (1) shall, on or before June 30 of each year, submit a report to the department that includes:
- 1967 (a) the number of state inmates the county housed under this section;
- 1968 (b) the total number of state inmate days of incarceration that were provided by the county; and
- 1970 (c) the information required under Subsection (3)(d)(i)(A).
- 1971 (6) Except as provided under Subsection (7), the department may not enter into a contract with a county as described under Subsection (1), unless:
- 1973 (a) beginning July 1, 2023, the county correctional facility within the county is in compliance with the reporting requirements described in Subsection 17-22-32(2); and
- 1975 (b) the Legislature has previously passed a joint resolution that includes the following information regarding the proposed contract:

## HB0459 compared with HB0459S01

- 1977 (i) the approximate number of beds to be contracted;
- 1978 (ii) the approximate amount of the county's long-term debt; and
- 1979 (iii) the repayment time of the debt for the facility where the inmates are to be housed.
- 1980 (7) The department may enter into a contract with a county government to house inmates without complying with the approval process described in Subsection (6) only if the county facility was under construction, or already in existence, on March 16, 2001.
- 1983 (8) Any resolution passed by the Legislature under Subsection (6) does not bind or obligate the Legislature or the department regarding the proposed contract.
- 1932 Section 36. Section **64-13e-105** is amended to read:
- 1933 **64-13e-105. Subcommittee on County Correctional Facility Contracting and Reimbursement -- Purpose -- Responsibilities -- Membership.**
- 1988 (1) There is created within the commission, the Subcommittee on County Correctional Facility Contracting and Reimbursement consisting of the individuals listed in Subsection (3).
- 1991 (2) The subcommittee shall meet at least annually to review, discuss, and make recommendations for:
- 1993 (a) the state daily incarceration rate, described in Section 64-13e-103.1;
- 1994 (b) county correctional facility contracting and reimbursement processes and goals, including the creation of a comprehensive statewide system of county correctional facility contracting and reimbursement;
- 1997 (c) developing a partnership between the state and counties to create common goals for housing state inmates;
- 1999 (d) calculations for the projected number of bed spaces needed;
- 2000 (e) programming for inmates while incarcerated;
- 2001 (f) proposals to reduce recidivism;
- 2002 (g) enhancing partnerships to improve law enforcement and incarceration programs;
- 2003 (h) inmate transportation costs; and
- 2004 (i) the compilation described in Subsection 64-13e-104(7).
- 2005 (3) The membership of the subcommittee shall consist of the following nine members:
- 2006 (a) as designated by the Utah Sheriffs' Association:
- 2007 (i) one sheriff of a county that is currently under contract with the department to house state inmates;  
and
- 2009

## HB0459 compared with HB0459S01

- (ii) one sheriff of a county that is currently receiving reimbursement from the department for housing state probationary inmates or state parole inmates;
- 2011 (b) the executive director of the department or the executive director's designee;
- 2012 (c) as designated by the Utah Association of Counties:
- 2013 (i) one member of the legislative body of one county that is currently under contract with the department to house state inmates; and
- 2015 (ii) one member of the legislative body of one county that is currently receiving reimbursement for housing state probationary inmates or state parole inmates;
- 2017 (d) the executive director of the commission or the executive director's designee;
- 2018 (e) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
- 2020 (f) one member of the Senate, appointed by the president of the Senate; and
- 2021 (g) the executive director of the Governor's Office of Planning and Budget or the executive director's designee.
- 2023 (4) The subcommittee shall report to the Law Enforcement and Criminal Justice Interim Committee in November of each year on the status of the comprehensive statewide county correctional facility reimbursement and contracting system.
- 2026 (5) The subcommittee shall report to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee not later than October 31 of each year on costs associated with the comprehensive statewide county correctional facility reimbursement and contracting system established in this chapter.
- 2030 (6)
  - . (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
    - 2032 (i) Section 63A-3-106;
    - 2033 (ii) Section 63A-3-107; and
    - 2034 (iii) rules made by the division according to Sections 63A-3-106 and 63A-3-107.
  - 2035 (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 1984 Section 37. Section **67-5-1** is amended to read:
- 1985 **67-5-1. General duties -- Restrictions.**



## HB0459 compared with HB0459S01

- 2039 (1) The attorney general shall:
- 2040 (a) perform all duties in a manner consistent with the attorney-client relationship under Section 67-5-17;
- 2042 (b) except as provided in Sections 10-3-928 and 17-18a-403, attend the Supreme Court and the Court of Appeals of this state, and all courts of the United States, and prosecute or defend all causes to which the state or any officer, board, or commission of the state in an official capacity is a party, and take charge, as attorney, of all civil legal matters in which the state is interested;
- 2047 (c) after judgment on any cause referred to in Subsection (1)(b), direct the issuance of process as necessary to execute the judgment;
- 2049 (d) account for, and pay over to the proper officer, all money that comes into the attorney general's possession that belongs to the state;
- 2051 (e) keep a file of all cases in which the attorney general is required to appear, including any documents and papers showing the court in which the cases have been instituted and tried, and whether they are civil or criminal, and:
- 2054 (i) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to judgment, a memorandum of the judgment and of any process issued if satisfied, and if not satisfied, documentation of the return of the sheriff;
- 2057 (ii) if criminal, the nature of the crime, the mode of prosecution, the stage of proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the execution, if the sentence has been executed, and, if not executed, the reason for the delay or prevention; and
- 2061 (iii) deliver this information to the attorney general's successor in office;
- 2062 (f) exercise supervisory powers over the district and county attorneys of the state in all matters pertaining to the duties of the district and county attorneys' offices, including the authority described in Subsection (2);
- 2065 (g) give the attorney general's opinion in writing and without fee, when required, upon any question of law relating to the office of the requester:
- 2067 (i) in accordance with Section 67-5-1.1, to the Legislature or either house;
- 2068 (ii) to any state officer, board, or commission; and
- 2069 (iii) to any county attorney or district attorney;
- 2070 (h) when required by the public service or directed by the governor, assist any county, district, or city attorney in the discharge of county, district, or city attorney's duties;
- 2072

## HB0459 compared with HB0459S01

- (i) purchase in the name of the state, under the direction of the state Board of Examiners, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and enter satisfaction in whole or in part of the judgments as the consideration of the purchases;
- 2076 (j) when the property of a judgment debtor in any judgment mentioned in Subsection (1)(i) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking precedence of the judgment in favor of the state, redeem the property, under the direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and pay all money necessary for the redemption, upon the order of the state Board of Examiners, out of any money appropriated for these purposes;
- 2083 (k) when in the attorney general's opinion it is necessary for the collection or enforcement of any judgment, institute and prosecute on behalf of the state any action or proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of Examiners, out of any money not otherwise appropriated;
- 2088 (l) discharge the duties of a member of all official boards of which the attorney general is or may be made a member by the Utah Constitution or by the laws of the state, and other duties prescribed by law;
- 2091 (m) institute and prosecute proper proceedings in any court of the state or of the United States to restrain and enjoin corporations organized under the laws of this or any other state or territory from acting illegally or in excess of their corporate powers or contrary to public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations, and wind up their affairs;
- 2096 (n) institute investigations for the recovery of all real or personal property that may have escheated or should escheat to the state, and for that purpose, subpoena any persons before any of the district courts to answer inquiries and render accounts concerning any property, examine all books and papers of any corporations, and when any real or personal property is discovered that should escheat to the state, institute suit in the district court of the county where the property is situated for its recovery, and escheat that property to the state;
- 2103 (o) administer the Children's Justice Center as a program to be implemented in various counties pursuant to Sections 67-5b-101 through 67-5b-107;
- 2105 (p) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;

## HB0459 compared with HB0459S01

- 2107 (q) pursue any appropriate legal action to implement the state's public lands policy established in  
Section 63C-4a-103;
- 2109 (r) investigate and prosecute violations of all applicable state laws relating to fraud in connection with  
the state Medicaid program and any other medical assistance program administered by the state,  
including violations of Title 26B, Chapter 3, Part 11, Utah False Claims Act;
- 2113 (s) investigate and prosecute complaints of abuse, neglect, or exploitation of patients:
- 2114 (i) in health care facilities that receive payments under the state Medicaid program;
- 2115 (ii) in board and care facilities, as defined in the federal Social Security Act, 42 U.S.C. Sec. 1396b(q)(4)  
(B), regardless of the source of payment to the board and care facility; and
- 2118 (iii) who are receiving medical assistance under the Medicaid program as defined in Section 26B-3-101  
in a noninstitutional or other setting;
- 2120 (t)
- . (i) report at least twice per year to the Legislative Management Committee on any pending or  
anticipated lawsuits, other than eminent domain lawsuits, that might:
- 2122 (A) cost the state more than \$500,000; or
- 2123 (B) require the state to take legally binding action that would cost more than \$500,000 to  
implement; and
- 2125 (ii) if the meeting is closed, include an estimate of the state's potential financial or other legal exposure  
in that report;
- 2127 (u)
- . (i) submit a written report to the committees described in Subsection (1)(u)(ii) that summarizes any  
lawsuit or decision in which a court or the Office of the Attorney General has determined that a  
state statute is unconstitutional or unenforceable since the attorney general's last report under this  
Subsection (1)(u), including any:
- 2131 (A) settlements reached;
- 2132 (B) consent decrees entered;
- 2133 (C) judgments issued;
- 2134 (D) preliminary injunctions issued;
- 2135 (E) temporary restraining orders issued; or
- 2136 (F) formal or informal policies of the Office of the Attorney General to not enforce a law; and
- 2138

## HB0459 compared with HB0459S01

- (ii) at least 30 days before the Legislature's May and November interim meetings, submit the report described in Subsection (1)(u)(i) to:
  - 2140 (A) the Legislative Management Committee;
  - 2141 (B) the Judiciary Interim Committee; and
  - 2142 (C) the Law Enforcement and Criminal Justice Interim Committee;
- 2143 (v) if the attorney general operates the Office of the Attorney General or any portion of the Office of the Attorney General as an internal service fund agency in accordance with Section 67-5-4, submit to the rate committee established in Section 67-5-34:
  - 2146 (i) a proposed rate and fee schedule in accordance with Subsection 67-5-34(4); and
  - 2147 (ii) any other information or analysis requested by the rate committee;
  - 2148 (w) before the end of each calendar year, create an annual performance report for the Office of the Attorney General and post the report on the attorney general's website;
  - 2150 (x) ensure that any training required under this chapter complies with Title 63G, Chapter 22, State Training and Certification Requirements;
  - 2152 (y) notify the legislative general counsel in writing within three business days after the day on which the attorney general is officially notified of a claim, regardless of whether the claim is filed in state or federal court, that challenges:
    - 2155 (i) the constitutionality of a state statute;
    - 2156 (ii) the validity of legislation; or
    - 2157 (iii) any action of the Legislature;
  - 2158 (z)
    - . (i) notwithstanding Title 63G, Chapter 6a, Utah Procurement Code, provide a special advisor to the Office of the Governor and the Office of the Attorney General in matters relating to Native American and tribal issues to:
      - 2161 (A) establish outreach to the tribes and affected counties and communities; and
      - 2162 (B) foster better relations and a cooperative framework; and
    - 2163 (ii) annually report to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee regarding:
      - 2165 (A) the status of the work of the special advisor described in Subsection (1)(z)(i); and
      - 2167 (B) whether the need remains for the ongoing appropriation to fund the special advisor described in Subsection (1)(z)(i); [~~and~~]

## HB0459 compared with HB0459S01

- 2169 (aa)
- . (i) enforce compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in accordance with Section 63G-31-401; and
- 2171 (ii) report to the Legislative Management Committee, upon request, regarding the attorney general's enforcement under this Subsection (1)(aa)[-] ; and
- 2173 (bb) ensure compliance with Title 53B, Chapter 27, Part 6, Student Legal Representation, by:
- 2175 (i) establishing a process to track the number of complaints submitted by students;
- 2176 (ii) pursuing civil action to enforce statutory protections; and
- 2177 (iii) no later than November 1 each year, reporting to the Judiciary Interim Committee regarding the attorney general's enforcement under this Subsection [~~(1)(aa)~~] (1)(bb).
- 2180 (2)
- . (a) The attorney general may require a district attorney or county attorney of the state to, upon request, report on the status of public business entrusted to the district or county attorney's charge.
- 2183 (b) The attorney general may review investigation results de novo and file criminal charges, if warranted, in any case involving a first degree felony, if:
- 2185 (i) a law enforcement agency submits investigation results to the county attorney or district attorney of the jurisdiction where the incident occurred and the county attorney or district attorney:
- 2188 (A) declines to file criminal charges; or
- 2189 (B) fails to screen the case for criminal charges within six months after the law enforcement agency's submission of the investigation results; and
- 2191 (ii) after consultation with the county attorney or district attorney of the jurisdiction where the incident occurred, the attorney general reasonably believes action by the attorney general would not interfere with an ongoing investigation or prosecution by the county attorney or district attorney of the jurisdiction where the incident occurred.
- 2196 (c) If the attorney general decides to conduct a review under Subsection (2)(b), the district attorney, county attorney, and law enforcement agency shall, within 14 days after the day on which the attorney general makes a request, provide the attorney general with:
- 2200 (i) all information relating to the investigation, including all reports, witness lists, witness statements, and other documents created or collected in relation to the investigation;
- 2203 (ii) all recordings, photographs, and other physical or digital media created or collected in relation to the investigation;

## HB0459 compared with HB0459S01

- 2205 (iii) access to all evidence gathered or collected in relation to the investigation; and
- 2206 (iv) the identification of, and access to, all officers or other persons who have information relating to the investigation.
- 2208 (d) If a district attorney, county attorney, or law enforcement agency fails to timely comply with Subsection (2)(c), the attorney general may seek a court order compelling compliance.
- 2211 (e) If the attorney general seeks a court order under Subsection (2)(d), the court shall grant the order unless the district attorney, county attorney, or law enforcement agency shows good cause and a compelling interest for not complying with Subsection (2)(c).
- 2215 (3) The attorney general:
- 2216 (a) is a full-time employee of the state; and
- 2217 (b) may not engage in the private practice of law.
- 2165 Section 38. Section **77-38-620** is amended to read:
- 2166 **77-38-620. Safe at Home Program Restricted Account -- Report.**
- 2220 (1) There is created a restricted account in the General Fund known as the "Safe at Home Program Restricted Account."
- 2222 (2) The account shall be funded by:
- 2223 (a) private contributions;
- 2224 (b) gifts, donations, or grants from public or private entities; and
- 2225 (c) interest and earnings on account money.
- 2226 (3) Upon appropriation by the Legislature, the commission may expend funds from the account to:
- 2228 (a) designate, train, and manage program assistants;
- 2229 (b) develop, distribute, and process application forms and related materials for the program;
- 2231 (c) assist applicants and program participants in enrolling in the program; or
- 2232 (d) ensure program participants receive mail forwarded from the program to the program participant's actual address.
- 2234 (4) No later than December 31 of each year, the commission shall provide to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee a written report of the program's activities, including:
- 2237 (a) the contributions received under Subsection (2);
- 2238 (b) an accounting of the money expended or committed to be expended by the commission under Subsection (3); and

## HB0459 compared with HB0459S01

2240 (c) the balance of the account.

2188 Section 39. Section **77-40a-107** is amended to read:

2189 **77-40a-107. Expungement data requirements -- Report.**

2243 (1) No later than November 1 of each year, the Administrative Office of the Courts shall submit a written report to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee and the Judiciary Interim Committee regarding expungement data for the preceding fiscal year, including:

2247 (a) the number of petitions filed for expungement in the district, justice, and juvenile courts;

2249 (b) the number of petitions granted for expungement in the district, justice, and juvenile courts;

2251 (c) the number of orders issued for an automatic expungement by the district, justice, and juvenile courts;

2253 (d) the total number of individuals for whom at least one automatic expungement order was issued by the district, justice, or juvenile court; and

2255 (e) the total number of individuals for whom at least one petition-based expungement order was issued by the district, justice, or juvenile court.

2257 (2) No later than November 1 of each year, the bureau shall submit a written report to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee and the Judiciary Interim Committee regarding expungement data for the preceding fiscal year, including:

2260 (a) the number of applications for expungement received by the bureau;

2261 (b) the number of certificates of eligibility issued by the bureau; and

2262 (c) the number of orders for expungement received by the bureau.

2210 Section 40. Section **78A-2-310** is amended to read:

2211 **78A-2-310. Report by Judicial Council on court fees.**

2265 (1) As used in this section:

2266 (a) "Cost" means the direct and indirect costs and expenses for providing the good or service for which a fee is charged, including:

2268 (i) salaries, benefits, contracted labor costs, travel expenses, training expenses, equipment and material costs, depreciation expenses, utility costs, and other overhead costs; and

2271 (ii) costs and expenses for administering the fee.

2272 (b)

. (i) "Judiciary" means the Judicial Council, the Supreme Court, the Court of Appeals, a district court, or a juvenile court.

## HB0459 compared with HB0459S01

- 2274 (ii) "Judiciary" includes any board, committee, or staff office of the Judicial Council, the Supreme Court, the Court of Appeals, a district court, or a juvenile court.
- 2276 (2) Before November 30 of each year, the Judicial Council shall submit a report to the [~~Infrastructure and General Government~~] {~~Transportation and Infrastructure~~} General Government Appropriations Subcommittee of the Legislature that:
- 2279 (a) includes details on:
- 2280 (i) the types of fees charged and collected by the Judiciary;
- 2281 (ii) the methods used to determine the amount of each fee charged and collected by the Judiciary;
- 2283 (iii) the Judiciary's estimated cost related to each fee;
- 2284 (iv) whether each fee is intended to cover the Judiciary's cost related to the fee; and
- 2285 (v) the number of fee waivers granted by the Judiciary for each type of fee charged and collected by the Judiciary; and
- 2287 (b) include any recommendations regarding fees charged and collected by the Judiciary.
- 2288 (3) If the Judicial Council recommends that the Legislature create a fee or modify an existing fee under Subsection (2)(b), the Judicial Council shall include the following information with the recommendation:
- 2291 (a) the title or purpose of the fee;
- 2292 (b) the present amount of the fee;
- 2293 (c) the proposed amount of the fee;
- 2294 (d) the percent that the fee will have increased or decreased if the Legislature approves the modification of the fee;
- 2296 (e) the estimated total annual revenue and total estimated annual revenue change that will result from the creation or modification of the fee;
- 2298 (f) the account or fund into which the fee will be deposited;
- 2299 (g) the reason for the creating or modifying the fee;
- 2300 (h) the estimated number of persons to be charged the fee;
- 2301 (i) the Judiciary's estimated cost related to the fee; and
- 2302 (j) whether the fee is intended to cover the Judiciary's cost related to the fee.
- 2250 Section 41. Section **78A-5-303** is amended to read:
- 2251 **78A-5-303. Creation of a veterans treatment court.**
- 2305



## HB0459 compared with HB0459S01

- (1) The Judicial Council may create a veterans treatment court in any judicial district or geographic region that demonstrates:
- 2307 (a) the need for a veterans treatment court; and
- 2308 (b) the existence of a collaborative strategy between the veterans treatment court, prosecutors, defense attorneys, substance abuse treatment services, the Department of Corrections, and the United States Department of Veterans Affairs Veterans Justice Outreach Program to work with veteran offenders.
- 2312 (2) A veterans treatment court shall:
- 2313 (a) establish a collaborative strategy that includes monitoring and evaluation components to measure program effectiveness; and
- 2315 (b) submit a collaborative strategy, for the purpose of coordinating the disbursement of funding, to the Administrative Office of the Courts.
- 2317 (3) A veterans treatment court shall include continuous judicial supervision using a cooperative approach with prosecutors, defense attorneys, substance abuse treatment services, the Department of Corrections, and the United States Department of Veterans Affairs Veterans Justice Outreach Program, as appropriate, to promote public safety, protect participants' due process rights, and integrate veteran treatment programs with the justice system case processing.
- 2323 (4) Screening criteria for participation in a veterans treatment court shall include:
- 2324 (a) a plea in abeyance or plea agreement for a criminal offense, or a requirement for participation in a veterans treatment court as a condition of probation;
- 2326 (b) frequent alcohol and other drug testing, if appropriate;
- 2327 (c) participation in veteran outreach programs, including substance abuse treatment programs where appropriate;
- 2329 (d) sanctions for noncompliance with the requirements for participation in a veterans treatment court; and
- 2331 (e) any additional criteria developed by a veterans treatment court.
- 2332 (5) No later than October 1 each year, the Administrative Office of the Courts shall provide to the ~~[Executive Offices and]~~ Criminal Justice Appropriations Subcommittee a written report describing:
- 2335 (a) the types of policies and procedures adopted by veteran treatment courts;
- 2336 (b) the number of veteran participants in the previous fiscal year;
- 2337 (c) the outcomes for veteran participants in the previous fiscal year; and
- 2338 (d) recommendations for future veterans treatment courts, including expansion and funding.

## HB0459 compared with HB0459S01

2287 Section 42. Section **78B-1-117** is amended to read:

2288 **78B-1-117. Jurors and witnesses -- State payment for jurors and subpoenaed persons --**  
2343 **Appropriations and costs -- Expenses in justice court.**

- 2343 (1) The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation.
- 2349 (2) If expenses, for the purposes of this section, exceed the line item appropriation, the state court administrator shall submit a claim against the state to the Board of Examiners and request the board to recommend and submit a supplemental appropriation request to the Legislature for the deficit incurred.
- 2353 (3) In the justice courts, the fees, mileage, and other expenses authorized by law for jurors, prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs shall be paid by the municipality if the action is prosecuted by the city attorney, and by the county if the action is prosecuted by the county attorney or district attorney.
- 2357 (4) Beginning July 1, 2014, the state court administrator shall provide a report during each interim to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee detailing expenses, trends, and efforts made to minimize expenses and maximize performance of the costs under this section.
- 2361 (5) The funding of additional full-time equivalent employees shall be authorized by the Legislature through specific intent language.

2311 Section 43. Section **79-8-203** is amended to read:

2312 **79-8-203. Award of recreation restoration infrastructure grants.**

- 2365 (1) In determining the award of a recreation restoration infrastructure grant, the advisory committee shall prioritize projects that the advisory committee considers to be high demand outdoor recreation amenities or high priority trails.
- 2368 (2) The division may give special consideration to projects from qualified applicants within rural counties to ensure geographic parity of the awarded money.
- 2370 (3)

## HB0459 compared with HB0459S01

- (a) An applicant shall use a recreation restoration infrastructure grant to leverage private and other nonstate public money and the division may give priority to projects that exceed a 50% match from the applicant.
- 2373 (b) Leverage includes cash, resources, goods, or services necessary to complete a project.
- 2374 (c) The division shall apply money from a cooperative agreement entered into with the United States Department of Agriculture or the United States Department of the Interior as a portion of the applicant's match.
- 2377 (4) A recreation restoration infrastructure grant may only be awarded by the executive director after consultation with the director and the advisory committee.
- 2379 (5) A recreation restoration infrastructure grant is available for rehabilitation or restoration projects for high demand outdoor recreation amenities and high priority trails that relate directly to the visitor including:
- 2382 (a) a trail, trail head infrastructure, signage, and crossing infrastructure, for both nonmotorized and motorized recreation;
- 2384 (b) a campground or picnic area;
- 2385 (c) water recreation infrastructure, including a pier, dock, or boat ramp; and
- 2386 (d) recreation facilities that are accessible to visitors with disabilities.
- 2387 (6) The following are not eligible for a recreation restoration infrastructure grant:
- 2388 (a) general facility operations and administrative costs;
- 2389 (b) land acquisitions;
- 2390 (c) visitor facilities, as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2392 (d) water and utility systems; and
- 2393 (e) employee housing.
- 2394 (7) The division shall compile data and report to the [~~Business, Economic Development, and Labor~~] Economic and Community Development Appropriations Subcommittee on the:
- 2397 (a) effectiveness of the grant program in addressing the deferred maintenance and repair backlog of trails, campgrounds, and other recreation amenities on public lands;
- 2399 (b) estimated value of the rehabilitation or restoration projects;
- 2400 (c) number of miles of trails that are rehabilitated or restored; and
- 2401 (d) leverage of state money to federal and private money and in-kind services such as volunteer labor.

## HB0459 compared with HB0459S01

2351 Section 44. Section **80-5-303** is amended to read:

2352 **80-5-303. Report on the Juvenile Justice Reinvestment Restricted Account.**

No later than December 31 of each year, the division shall provide to the [~~Executive Offices and~~]Criminal Justice Appropriations Subcommittee a written report of the division's activities under Subsection 80-5-202(1)(c) and Section 80-5-302, including:

- 2408 (1) for the report submitted in 2019, the formula used to calculate the savings from General Fund appropriations under Subsection 80-5-202(1)(c);
- 2410 (2) the amount of savings from General Fund appropriations calculated by the division for the previous fiscal year;
- 2412 (3) an accounting of the money expended or committed to be expended under Subsection 80-5-302(4); and
- 2414 (4) the balance of the account.

2363 Section 45. Section **80-5-502** is amended to read:

2364 **80-5-502. New detention facilities.**

- 2417 (1) The division may issue requests for proposals to allow for the private construction of facilities suitable to meet the detention requirements of any county or group of counties, subject to approval by the governor.
- 2420 (2) The governor shall furnish an analysis of the benefits of the proposals received to the [~~Infrastructure and General~~] Transportation and Infrastructure Government Appropriations Subcommittee for the subcommittee's review.

2371 Section 46. **Repealer.**

This Bill Repeals:

2372 This bill repeals:

2373 Section **53B-17-1102, Researcher reporting requirements.**

2374 Section **53B-18-1602, Researcher reporting requirements.**

2375 Section 47. **Effective date.**

This bill takes effect on May 7, 2025.

2377 Section 48. **Coordinating H.B. 459 with H.B. 200.**

If H.B. 459, Appropriations Subcommittee Amendments, and H.B. 200, Outdoor Recreation Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, the amendments to Subsection 79-8-203(7) in H.B. 200 supersede the amendments to

## **HB0459 compared with HB0459S01**

Subsection 79-8-203(7) in H.B. 459.

2-11-25 9:47 PM