

SB0154S03 compared with SB0154S01

~~{Omitted text}~~ shows text that was in SB0154S01 but was omitted in SB0154S03

inserted text shows text that was not in SB0154S01 but was inserted into SB0154S03

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

1

Legislative Audit Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Jordan D. Teuscher

2

3

LONG TITLE

4

General Description:

5

This bill enacts and amends provisions ~~{related to certain information provided to }~~ governing the duties and powers of the legislative auditor general.

7

Highlighted Provisions:

8

This bill:

9

- restates the authority of the legislative auditor general;

10

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

10

- excludes certain information provided to the legislative auditor general from the definition of "record";

12

- permits an entity to provide certain privileged items to the legislative auditor general;

13

- requires an entity that withholds certain privileged items from the legislative auditor general to expressly assert a privilege;

15

- permits the legislative auditor general to contest a privilege claim;

16

-

SB0154S01

SB0154S01 compared with SB0154S03

requires, in certain circumstances, an entity to submit privileged items to an arbitrator to determine a privilege claim;

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

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

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

26 ▸ authorizes the legislative auditor general to review and monitor the Utah System of Higher Education;

18 ▸ coordinates enactment of provisions with S.J.R. 4, Joint Resolution Amending Court Rules on Attorney Confidentiality; and

20 ▸ makes technical corrections.

31 Money Appropriated in this Bill:

32 None

33 Other Special Clauses:

34 This bill provides a coordination clause.

36 AMENDS:

37 **36-12-15** (Effective 05/07/25) (Applies beginning 06/21/24), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (Effective 05/07/25) (Applies beginning 06/21/24), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

39 **36-12-15.3** (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 403 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 403

40 **53F-2-526** (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 374 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 374

41 **59-1-403** (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 25, 35 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 25, 35

42 ENACTS:

43 **36-12-15.4** (Effective 05/07/25), Utah Code Annotated 1953 (Effective 05/07/25), Utah Code Annotated 1953

44 Utah Code Sections affected by Coordination Clause:

SB0154S01 compared with SB0154S03

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

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

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

36-12-15. (Effective 05/07/25) (Applies beginning 06/21/24)Office of the Legislative Auditor General established -- Qualifications -- Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.

(1) As used in this section:

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

(b) "Entity" means:

(i) a government organization; or

(ii) a receiving organization.

(c) "Government organization" means:

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

(ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section 11-13-103, or any other local government unit.

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

(e) "Receiving organization" means an organization that receives public funds that is not a government organization.

(2)

(a) There is created the Office of the Legislative Auditor General as a permanent staff office for the Legislature.

The authority of the legislative auditor general is:

established in Utah Constitution, Article VI, Section 33; and

an extension of the Legislature's inherent inquiry and investigatory power.

(3) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least seven years of experience in the auditing or public accounting profession, or the equivalent, prior to appointment.

SB0154S01 compared with SB0154S03

(4) The legislative auditor general shall [appoint]employ and develop a professional staff within budget limitations.

60 (5) The office shall exercise the constitutional authority provided in Utah Constitution, Article VI,
Section 33.

62 (6) Under the direction of the legislative auditor general, the office shall:

63 (a) conduct comprehensive and special purpose audits, examinations, investigations, or reviews of
entity funds, functions, and accounts;

65 (b) prepare and submit a written report on each audit action to the Audit Subcommittee created in
Section 36-12-8 and make the report available to all members of the Legislature within 75 days after
the audit action is completed;

68 (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the legislative
auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part 9, Government
Performance Reporting and Efficiency Process, and legislative rule;

72 (d) create, manage, and report to the Audit Subcommittee a list of high risk programs and operations
that:

74 (i) threaten public funds or programs;

75 (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or

76 (iii) require transformation;

77 (e) monitor and report to the Audit Subcommittee the health of a government organization's internal
audit functions;

79 (f) make recommendations to increase the independence and value added of internal audit functions
throughout the state;

81 (g) implement a process to track, monitor, and report whether the subject of an audit has implemented
recommendations made in the audit report;

83 (h) establish, train, and [maintain]retain individuals within the office to conduct investigations and
represent themselves as lawful investigators on behalf of the office;

85 (i) establish policies, procedures, methods, and standards of audit work and investigations for the office
and staff;

87 (j) prepare and submit each audit and investigative report independent of any influence external of the
office, including the content of the report, the conclusions reached in the report, and the manner of
disclosing the legislative auditor general's findings;

SB0154S01 compared with SB0154S03

- 90 (k) prepare and submit [the]an annual budget request for the office; and
91 (l) perform other duties as prescribed by the Legislature.
- 109 (7)
- 92 (a) ~~{(7)}~~ In conducting an audit action of an entity, the office may include a determination of any or all
of the following:
- 94 [(a)] (i) the honesty and integrity of any of the entity's fiscal affairs;
- 95 [(b)] (ii) the accuracy and reliability of the entity's internal control systems and specific financial
statements and reports;
- 97 [(c)] (iii) whether [or not] ~~the entity's financial controls are adequate and effective to properly record~~
~~and safeguard the entity's acquisition, custody, use, and accounting of public funds;~~
- 100 [(d)] (iv) whether the entity's administrators have complied with legislative intent;
- 101 [(e)] (v) whether the entity's operations have been conducted in an efficient, effective, and cost efficient
manner;
- 103 [(f)] (vi) whether the entity's programs have been effective in accomplishing intended objectives; and
- 105 [(g)] (vii) whether the entity's management control and information systems are adequate and effective.
- 124 (b) The office may provide to an entity that is the subject of an audit action the following:
- 126 (i) the record classification of a draft report of an audit action;
- 127 (ii) opportunity to discuss a draft report of an audit action before release;
- 128 (iii) the contact information of the office's manager or supervisor of an audit action; or
- 129 (iv) any other information related to the audit action.
- 107 (8)
- [(a)] ~~If requested by the office, each entity that the legislative auditor general is authorized to audit~~
~~under Utah Constitution, Article VI, Section 33, or this section shall, notwithstanding any other~~
~~provision of law [except as provided in Subsection (8)(b)], provide the office with access to~~
~~information, materials, or resources the office determines are necessary to conduct an audit,~~
~~examination, investigation, or review, including:~~
- 113 [(f)] (a) the following in the possession or custody of the entity in the format identified by the
office:
- 115 [(A)] (i) a record, document, and report; and
- 116 [(B)] (ii) films, tapes, recordings, and electronically stored information;
- 117 [(f)] (b) entity personnel; and

SB0154S01 compared with SB0154S03

- 118 ~~[(iii)]~~ (c) each official or unofficial recording of formal or informal meetings or conversations to
which the entity has access.
- 120 ~~[(b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not
apply.]~~
- 122 (9)
- (a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI,
Section 33, the legislative auditor general may issue a subpoena to access information, materials, or
resources in accordance with Chapter 14, Legislative Subpoena Powers.
- 126 (b) ~~The legislative auditor general may issue a subpoena, as described in Subsection (9)(a), to a
financial institution or any other entity to obtain information as part of an investigation {of }
[of]involving public funds and~~fraud, waste, or abuse, including any suspected malfeasance,
misfeasance, or nonfeasance ~~[involving public funds]~~.
- 130 (10)
- (a) As used in this Subsection (10):
- 154 (i) "Bad faith" means an action or inaction that is unambiguously not authorized under an authority
described in Subsection (10)(a)(iii)(A), (B), or (C).
- 156 (ii) "Item" means information, materials, or resources described in Subsection (8).
- (iii)(a) { As used in this Subsection (10), "privileged" } "Privileged item" means an item that is an
attorney-client communication, attorney work product, or information relating to representation of
the entity, governed by:
- 133 (A)(i) Utah Rules of Professional Conduct, Rule 1.6;
- 134 (B)(ii) Utah Rules of Evidence, Rule 504; or
- 135 (C)(iii) Utah Rules of { [Professional Conduct, Rule 1.6] } Civil Procedure, Rule 26.
- 136 (b) ~~{ [A lawyer is expressly authorized to provide confidential information on the entity]client's behalf
under} If an entity discloses information to the legislative auditor general that is confidential
under Utah Rules of Professional Conduct, Rule 1.6{ [(b)(6)] } , the disclosure is authorized in
accordance with Utah Rules of Professional Conduct, Rule { 1.6(6)(b) } 1.6(b)(6), and does not make
the information discoverable or prevent the entity from claiming that the information is privileged in
another proceeding.~~
- 138 (c) If requested by the legislative auditor general for an audit action, an entity may provide a privileged
item.

SB0154S01 compared with SB0154S03

- 140 (d) If an entity withholds ~~{a privileged}~~ an item after a request by the legislative auditor general for
an audit action, the entity shall, for each instance in which the entity asserts privilege, submit to the
legislative auditor general a written statement:
- 143 (i) expressly asserting the privilege and the authority for the privilege claim; and
- 144 (ii) for each privilege claim, describing the nature of the ~~{privileged}~~ item in a manner that, without
revealing the attorney-client communication, attorney work product, or representation information
itself, ~~{will enable}~~ enables the legislative auditor general to evaluate the privilege claim.
- 148 ~~{(e)}~~ }
- (e)(i) The legislative auditor general may contest a privilege claim asserted under Subsection (10)(d) by
~~{submitting the privilege claim to an arbitrator, selected by the office, for review.}~~ :
- 180 (i) notifying the entity in writing of each contested privilege claim and providing the list of available
arbitrators described in Subsection (10)(f); and
- 150a (ii) ~~{Ŝ→ { } {(ii)} }~~ {The office shall select as} submitting each contested privilege claim to the
arbitrator {an individual who:} selected in accordance with Subsection (10)(f).
- 150b ~~{(A) {is licensed to practice law in the state of Utah; and;}}~~
- 150c ~~{(B) {does not have a known, direct, or material interest in the outcome of the arbitration
proceeding or a known, existing, or substantial relationship with the entity or, except for
selection by the office for the arbitration, the office.}}~~
- 184 (f)
- 151 (i) ~~{[(ii)]→ { } {(iii)} }~~ ~~{ } ←Ŝ }~~ The legislative auditor general shall ~~{provide to the entity}~~ :
- 152 (A) ~~{notification in writing}~~ maintain a list of ~~{each contested privilege claim}~~ three arbitrators; and
- 153 ~~{(B) {the arbitrator's information.}}~~
- 186 (B) engage an arbitrator selected in accordance with this Subsection (10)(f).
- 187 (ii) No later than three business days after receiving the notification under Subsection (10)(e)(i), the
entity may select an arbitrator from the list provided by the legislative auditor general.
- 190 (iii) If an entity fails to select an arbitrator in accordance with Subsection (10)(f)(ii), the legislative
auditor general shall select an arbitrator from the list.
- 192 (iv) The arbitrator shall be licensed to practice law in the state of Utah and in good standing.
- 194 (v) Subject to Subsection (10)(i)(ii), the entity and the legislative auditor general shall equally bare the
cost of the arbitrator.
- 154 (g) ~~{Ŝ→ { } {f} [(iii)]→ { } {(iv)} }~~ ~~{ } ←Ŝ }~~ The entity:

SB0154S01 compared with SB0154S03

- 155 (i)(A) shall provide to the arbitrator the {privileged} item {described in the} and contested privilege
claim no later than seven business days after {receiving} the {written notification described in}
arbitrator is engaged under Subsection {~~[(10)(e)(ii)](10)(e)(iii)~~} (10)(f); and
- 158 (ii)(B) may provide supplemental information in support of a privilege claim.
- 159 (h){ §→ {} {} {~~(iv)~~} {} {~~(v)~~} {} } ←§ } No later than seven business days after the arbitrator
receives the {privileged item} contested privilege claim under Subsection {~~[(10)(e)(iii)](10)(e)(iv)~~}
(10)(g)(i), the arbitrator shall:
- 161 (i)(A) conduct an in camera review of {the privileged} each contested item and the authority for the
relevant privilege claim;
- 163 (ii)(B) review supplemental information submitted under Subsection {~~[(10)(e)(iii)(B)](10)(e)(iv)(B)~~}
(10)(g)(ii) and any supplemental information provided by the legislative auditor general; {and}
- 166 (iii)(C) issue a determination as to whether the entity has a valid claim of privilege, favoring access to
the legislative auditor general of material that is not privileged{~~;~~} ; and
- 209 (iv) issue a determination as to whether the entity acted in bad faith.
- 210 (i)
- 168 (i){ §→ {} {} {~~(v)~~} {} {~~(vi)~~} {} } ←§ } If the arbitrator determines that an entity does not have a
valid privilege claim, the entity shall{~~;~~} provide the withheld item to the legislative auditor general
immediately.
- 170 {~~(A) {provide the withheld information, material, resource, or communication to the legislative auditor~~
~~general; and}~~}
- 172 (ii)(B) {~~reimburse~~} If the {~~legislative auditor general for compensation~~} arbitrator determines that the
entity acted in bad faith, the entity shall bare the full cost of the arbitrator.
- 173 (j)(f) The arbitrator may not disclose:
- 174 (i) a privileged item; or
- 175 (ii) supplemental information described in Subsection {~~[(10)(e)(iii)(B)](10)(e)(iv)(B)~~} (10)(g)(ii).
- 176 (k)(g) Provisions of {Subsection (10)(e)} this Subsection (10) are not subject to Title 78B, Chapter 11,
Utah Uniform Arbitration Act.
- 178 [(40)] (11) To preserve the professional integrity and independence of the office:
- 179 (a) no legislator or public official may urge the appointment of any person to the office; and
- 181

SB0154S01 compared with SB0154S03

- (b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.

184 ~~[(11)]~~ (12)

- (a) The following records in the custody or control of the legislative auditor general are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:

187 (i) records and audit work papers that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the legislative auditor general in preparing a final audit report;

193 (ii) records and audit workpapers that would disclose the identity of a person who, during the course of a legislative audit, communicated the existence of:

195 (A) unethical behavior;

196 (B) waste of public funds, property, or personnel; or

197 (C) a violation or suspected violation of a United States, Utah state, or political subdivision law, rule, ordinance, or regulation, if the person disclosed on the condition that the identity of the person be protected;

200 (iii) before an audit is completed and the final audit report is released, records or drafts circulated to a person who is not an employee or head of an entity for review, response, or information;

203 (iv) records that would disclose:

204 (A) an outline;

205 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or

206 (C) other procedural documents necessary to fulfill the duties of the office; and

207 (v) requests for audits]a request for an audit, if disclosure would risk circumvention of [an
theaudit.

208 (b) The provisions of Subsection ~~{(11)(a)}~~ [(11)(a)](12)(a) do not prohibit the disclosure of records or information to a government prosecutor or peace officer if those records or information relate to a violation of the law by an entity or entity employee.

211 (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting held in accordance with Section 52-4-205:

SB0154S01 compared with SB0154S03

- 213 (i) is a protected record, as defined in Section 63G-2-103;
214 (ii) to the extent the record contains information:
215 (A) described in Section 63G-2-302, is a private record; or
216 (B) described in Section 63G-2-304, is a controlled record; and
217 (iii) may not be reclassified by the office.
218 (d) The provisions of this section do not limit the authority otherwise given to the legislative auditor
general to maintain the private, controlled, or protected record status of a shared record in the
legislative auditor general's possession or classify a document as public, private, controlled, or
protected under Title 63G, Chapter 2, Government Records Access and Management Act.
- 223 (e) If provided to the legislative auditor general, the following are not a record, as defined in Section
63G-2-103:
225 (i) a privileged item, as defined in Subsection (10)(a); and
226 (ii) supplemental information described in Subsection {[(10)(e)(iii)(B)][(10)(e)(iv)(B)] (10)(g)(ii).
227 [(12)] (13) The legislative auditor general shall:
228 (a) be available to the Legislature and to the Legislature's committees for consultation on matters
relevant to areas of the legislative auditor general's professional competence;
230 (b) conduct special audits as requested by the Audit Subcommittee;
231 (c) report immediately to the Audit Subcommittee any apparent violation of penal statutes disclosed by
the audit of an entity and furnish to the Audit Subcommittee all information relative to the apparent
violation;
234 (d) report immediately to the Audit Subcommittee any apparent instances of malfeasance or
nonfeasance by an entity officer or employee disclosed by the audit of an entity; and
237 (e) make any recommendations to the Audit Subcommittee with respect to the alteration or
improvement of the accounting system used by an entity.
- 239 [(13)] (14) If the legislative auditor general conducts an audit of an entity that has previously been
audited and finds that the entity has not implemented a recommendation made by the legislative
auditor general in a previous audit report, the legislative auditor general shall report to the Audit
Subcommittee that the entity has not implemented the recommendation.
- 244 [(14)] (15) Before each annual general session, the legislative auditor general {shall} :
288 (a) shall:
245 [(a)] (i) prepare an annual report that:

SB0154S01 compared with SB0154S03

- 246 ~~[(i)]~~ (A) summarizes the audits, examinations, investigations, and reviews conducted by the office since
the last annual report; and
- 248 ~~[(ii)]~~ (B) evaluate and report the degree to which an entity that has been the subject of an audit has
implemented the audit recommendations;
- 250 ~~[(b)]~~ (ii) include in the report any items and recommendations that the legislative auditor general
believes the Legislature should consider in the annual general session; and
- 252 ~~[(e)]~~ (iii) deliver the report to the Legislature and to the appropriate committees of the Legislature{ }
[.]; and
- 299 (b) may use information from an audit response plan or update of an audit response plan as described in
Section 36-12-15.3 when preparing the annual report described in Subsection (15)(a)(i).
- 254 ~~[(15)]~~ (16)
- (a) If the chief officer of an entity has actual knowledge or reasonable cause to believe that there is
misappropriation of the entity's public funds or assets, or another entity officer has actual knowledge
or reasonable cause to believe that the chief officer is misappropriating the entity's public funds or
assets, the chief officer or, alternatively, the other entity officer, shall immediately notify, in writing:
- 259 (i) the office;
- 260 (ii) the attorney general, county attorney, or district attorney; and
- 261 (iii)
- (A) for a state government organization, the chief executive officer;
- 262 (B) for a political subdivision government organization, the legislative body or governing board; or
- 264 (C) for a receiving organization, the governing board or chief executive officer unless the chief
executive officer is believed to be misappropriating the funds or assets, in which case the next
highest officer of the receiving organization.
- 267 (b) As described in Subsection [(15)(a)](16)(a), the entity chief officer or, if applicable, another entity
officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public Employees
Act.
- 270 (c) If the Office of the Legislative Auditor General receives a notification under Subsection [(15)(a)]
(16)(a) or other information of misappropriation of public funds or assets of an entity, the office
shall inform the Audit Subcommittee.
- 273

SB0154S01 compared with SB0154S03

(d) The attorney general, county attorney, or district attorney shall notify, in writing, the Office of the Legislative Auditor General whether the attorney general, county attorney, or district attorney pursued criminal or civil sanctions in the matter.

276 ~~[(16)]~~ (17)

(a) An actor commits interference with a legislative audit if the actor uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:

279 (i) a legislative audit action; or

280 (ii) the office's decisions relating to:

281 (A) the content of the office's report;

282 (B) the conclusions reached in the office's report; or

283 (C) the manner of disclosing the results and findings of the office.

284 (b) A violation of Subsection [(16)(a)](17)(a) is a class B misdemeanor.

285 ~~[(17)]~~ (18)

(a) The office may require any current employee, or any applicant for employment, to submit to a fingerprint-based local, regional, and criminal history background check as an ongoing condition of employment.

288 (b) An employee or applicant for employment shall provide a completed fingerprint card to the office upon request.

290 (c) The office shall require that an individual required to submit to a background check under this Subsection [(17)](18) also provide a signed waiver on a form provided by the office that meets the requirements of Subsection 53-10-108(4).

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

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

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

300 ~~[(18)]~~ (19) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General shall conduct a feasibility study under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

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

SB0154S01 compared with SB0154S03

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

(1) As used in this section:

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

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

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

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

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

(f) "Entity" means:

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

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

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

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

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

(j) "Reply" means a written document that the office issues that contains the office's response to an entity's audit response plan.

(2)

(a) In addition to any other information that the office is required to include or attach to an audit report, the office shall, for each audit report the office issues:

~~[(a)]~~ (i) ~~subject to Subsection (2)(b),~~ include in the audit report:

~~[(i)]~~ (A) the identity of the chief officer; and

~~[(ii)]~~ (B) a notice to the chief officer that the chief officer must comply with the reporting requirements described in this section; and

~~[(b)]~~ (ii) attach to the audit report:

SB0154S01 compared with SB0154S03

384 [(i)] (A) the audit response plan of the entity that is the subject of the audit report; and
386 [(ii)] (B) at the discretion of the legislative auditor general, a reply to the entity's audit response plan.
388 (b) To comply with the reporting requirements of this section, the legislative auditor general may:
390 (i) identify an individual other than the chief officer; or
391 (ii) if the entity is an entity under the direct supervision and control of the governor or the lieutenant
governor, identify with the governor or lieutenant governor or their designee, an individual other
than the chief officer to comply with the reporting requirements of this section.
395 (3) The chief officer of an entity that is the subject of an audit report shall:
396 (a) prepare an audit response plan that:
397 (i) is in writing;
398 (ii) responds to the findings in the audit report; and
399 (iii) subject to Subsection (4), for each recommendation in the audit report:
400 (A) describes how the entity will implement the recommendation;
401 (B) identifies the individual employed by or otherwise affiliated with the entity who is responsible for
implementing the recommendation;
403 (C) establishes a timetable that identifies benchmarks for the entity to implement the recommendation;
and
405 (D) specifies an anticipated deadline by which the entity will fully implement the recommendation; and
407 (b) sign and submit the audit response plan to the office before the office submits the audit report to the
Audit Subcommittee under Subsection 36-12-15(6)(b).
409 (4) If the chief officer described in Subsection (3) objects to implementing a recommendation in an
audit report, the chief officer shall:
411 (a) prepare an audit response plan in accordance with Subsections (3)(a)(i) and (ii) that:
412 (i) explains the basis for the objection; and
413 (ii)
(A) identifies an alternative action that the entity will implement; or
414 (B) specifies that the entity will not implement the recommendation or an alternative action; and
416 (b) comply with submission requirements described in Subsection (3)(b).
417 (5) A chief officer implementing an alternative action under Subsection (4)(a)(ii)(A) shall, as it relates
to the alternative action, include in the audit response plan the information described in Subsection
(3)(a)(iii).

SB0154S01 compared with SB0154S03

- 420 (6) Subject to Subsection [(8)] (9), if the chief officer of an entity that is the subject of an audit
report implements a recommendation under Subsection (3)(a)(iii), or an alternative action under
Subsections (4)(a)(ii)(A) and (5), the chief officer shall, no later than 180 days after the day on
which the Audit Subcommittee refers the audit report to a legislative committee:
- 425 (a) prepare an update to the entity's audit response plan that:
- 426 (i) is in writing; and
- 427 (ii) describes the entity's progress towards fully implementing:
- 428 (A) each recommendation addressed in the entity's audit response plan under Subsection (3)(a)(iii); or
- 430 (B) each alternative action addressed in the entity's audit response plan under Subsections (4)(a)(ii)(A)
and (5); and
- 432 (b) submit the update to the legislative committee and the legislative auditor general.
- 433 (7) Subject to Subsection [(8)] (9), after the chief officer described in Subsection (6) complies with the
submission requirements described in Subsection (6)(b), the chief officer shall:
- 436 (a) continue to update the audit response plan in accordance with Subsection (6)(a); and
- 437 (b) submit the update to the legislative committee and the legislative auditor general at least semi-
annually.
- 439 (8) Upon receiving an audit response plan update under Subsection (6) or (7), the legislative auditor
general may inform the chief officer of the following:
- 441 (a)
- 443 (i) if the legislative auditor general agrees or disagrees with the implementation status of a
recommendation; and
- 446 (ii) if the legislative auditor general disagrees with the implementation status, the basis for the
disagreement and an opportunity for the chief officer to provide additional information; and
- 448 (b) if the chief officer no longer needs to provide an update on the status of a recommendation.
- 448 [(8)] (9) A chief officer's obligation to update an audit response plan under this section terminates when
the legislative auditor general reports to the Audit Subcommittee that the entity which is the subject
of the audit report has fully implemented:
- 451 (a) each recommendation addressed in the entity's audit response plan under Subsection (3)(a)(iii); or
- 453 (b) each alternative action addressed in the entity's audit response plan under Subsections (4)(a)(ii)(A)
and (5) only if the alternative action has addressed the recommendation identified in the audit report.
- 456 Section 3. Section 3 is enacted to read:

SB0154S01 compared with SB0154S03

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

(1) As used in this section:

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

(b) "Institution" means an institution within the Utah System of Higher Education.

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

(d) "System" means the Utah System of Higher Education described in Section 53B-1-102.

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

(a) review and monitor the system, board, and an institution;

(b) identify areas where the system, board, and an institution can enhance performance, effectiveness, and efficiency, or otherwise meet responsibilities set forth for the system in statute; and

(c) establish a list of high-risk programs, operations, and functions in the system that may require executive action, or have capacity for improved efficiency or effectiveness.

(3) Upon request, the system, board, or an institution shall provide to the office information, materials, or resources in accordance with Subsection 36-12-15(8).

(4) The legislative auditor general shall report findings to and regularly update the Legislative Audit Subcommittee and board.

Section 4. Section 53F-2-526 is amended to read:

53F-2-526. Excellence in Education and Leadership Supplement.

(1) As used in this section:

(a) "Center" means the Center for the School of the Future at Utah State University established in Section 53B-18-801.

(b) "Eligible teacher" means a teacher who is a top-performing teacher that the center determines using an LEA's assessment methods, including:

(i) student growth or achievement measures;

(ii) professional evaluations;

(iii) parent surveys; and

(iv) other data-driven criteria the LEA establishes and the center verifies for validity.

(c) "Eligible teacher" includes an individual whom an LEA participating in the program employs and who holds:

(i) a license the state board issues; and

(ii) a position that includes a current classroom teaching assignment.

SB0154S01 compared with SB0154S03

- 494 (d) "High poverty school" means the same as the term is defined in Section 53F-2-513.
- 495 (e) "LEA" means:
- 496 (i) a school district;
- 497 (ii) charter school; and
- 498 (iii) a regional education service agency.
- 499 (f) "Program" means the Excellence in Education and Leadership Supplement created in Subsection (2).
- 501 (g) "Tier performance level" means the following levels of performance for a teacher in comparison to
all teachers the center determines in accordance with Subsection (7):
- 503 (i) the top 5% of teachers;
- 504 (ii) the next 6%-10% of teachers; and
- 505 (iii) the next 11%-25% of teachers.
- 506 (h) "Top-performing" means the top 25% of teachers in comparison to all teachers the center determines
using the methods described in Subsection (1)(b).
- 508 (2) Beginning July 1, 2024, there is created a five-year pilot program known as the Excellence in
Education and Leadership Supplement to provide a salary supplement to an eligible teacher in
recognition for outstanding instructional talent.
- 511 (3)
- (a) No later than December 31, 2024, an LEA shall declare the LEA's intent to participate in the
program to the center.
- 513 (b) If an LEA declares an intent to participate in the program, the LEA shall:
- 514 (i) develop a process for a school principal or the principal's designee to assess a teacher's performance
consistent with this section to determine if a teacher is an eligible teacher, including the
corresponding tier performance level; and
- 517 (ii) create an appeals process for an employee who is not nominated to be an eligible teacher.
- 519 (4) No later than April 1, 2025, an LEA shall:
- 520 (a) attend a training that the center creates regarding the guidelines for developing a process described
in Subsection (3); and
- 522 (b) develop and submit for approval the LEA's process described in Subsection (3) to the center.
- 524 (5)
- (a) The center shall review the LEA's process described in Subsection (3) and approve the process or
request that the LEA make changes to the submitted process.

SB0154S01 compared with SB0154S03

- 526 (b) If the center requests changes to the LEA's submitted process, the LEA shall work with the center to
make necessary changes to receive final approval from the center.
- 528 (c) No later than June 30, 2025, the center shall provide final approval or denial of an LEA's process.
- 530 (6) Before the start of the 2025-2026 school year, an LEA with an approved process as described in
Subsection (5) shall:
- 532 (a) ensure each school principal or the principal's designee attends a training that the center creates
regarding:
- 534 (i) how to effectively use the LEA's approved process to select and submit to the center nominations for
eligible teachers, including the corresponding tier performance level; and
- 537 (ii) how to protect student and educator data privacy when submitting nominations and applications, as
described in Subsection (9)(b)(ii)[-] ;
- 539 (b) provide information to teachers within the LEA regarding the program and how the school's
principal or principal's designee will use the approved LEA process to make nominations of eligible
teachers;
- 542 (c) ensure each school principal or the principal's designee uses the LEA's approved process to
evaluate and select which teachers within the school to nominate as eligible teachers, including the
corresponding tier performance level; and
- 545 (d) as provided in Subsection (9), submit to the center a list of the nominated eligible teachers for the
center to consider.
- 547 (7) In assessing if a nominated teacher is an eligible teacher, the center shall create an assessment
process that:
- 549 (a) uses the methods described in Subsection (1)(b);
- 550 (b) calibrates the submissions an LEA submits to determine, for all nominated teachers statewide,
which teachers are eligible teachers, including the corresponding tier performance level;
- 553 (c) may use additional criteria as determined by the center in consultation with participating LEAs; and
- 555 (d) establishes a scoring rubric including the scores required for a designation in each tier performance
level.
- 557 (8)
- (a) The center shall collaborate with LEAs to create:
- 558 (i) selection and submission guidelines for:
- 559 (A) the approval of the LEA's process as described in Subsection (5); and

SB0154S01 compared with SB0154S03

- 560 (B) the list of nominated eligible teachers described in Subsection (6);
- 561 (ii) methods to determine student growth and achievement measures for subject areas that do not
have standardized assessment data;
- 563 (iii) the weightings for each element of the assessment process described in Subsection (7); and
- 565 (iv) the trainings described in this section.
- 566 (b) The center may provide program related technical assistance to an LEA.
- 567 (9)
- (a) An LEA shall:
- 568 (i) apply to the center on behalf of the nominated eligible teachers within the LEA through a
process and format that the center determines; and
- 570 (ii) ensure a school principal or the principal's designee reevaluates an eligible teacher's designation
under this section every three years.
- 572 (b) The center shall:
- 573 (i) create an application process for an LEA to submit the list of nominated eligible teachers described
in Subsection (9)(a);
- 575 (ii) coordinate with the state board in the creation of the application process described in Subsection (9)
(b)(i) to ensure that any sharing of student and educator data during the application process:
- 578 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99;
- 580 (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and
- 581 (C) uses disclosure avoidance techniques, including aggregating and otherwise de-identifying data;
- 583 (iii) no later than October 1, 2026, determine if a nominated teacher is an eligible teacher through the
process described in Subsection (7);
- 585 (iv) verify:
- 586 (A) the validity of the LEA's process and assessment of an eligible teacher as described in Subsections
(4) and (5); and
- 588 (B) the nominations described in Subsection (7) with the LEA and school administrators;
- 590 (v) certify a list of eligible teachers, including the total amount of funding the LEA receives for the
LEA's eligible teachers; and
- 592 (vi) provide the list described in Subsection (9)(b)(iv) to the state board.
- 593 (10)
- (a) Subject to legislative appropriations, the state board shall:

SB0154S01 compared with SB0154S03

- 594 (i) disburse funding to an LEA in the amount the center verifies that an LEA qualifies to receive for
salary supplements under this section; and
- 596 (ii)
- (A) except as provided in Subsection (10)(a)(ii)(B), allocate 1% of the funds appropriated under this
section to the center; and
- 598 (B) provide no more than \$500,000 to the center each fiscal year from the funds described in Subsection
(10)(a)(ii)(A).
- 600 (b) The annual salary supplement for an eligible teacher is:
- 601 (i) \$10,000 for a teacher in the top 5% of teachers;
- 602 (ii) \$5,000 for a teacher in the next 6%-10% of teachers; and
- 603 (iii) \$2,000 for a teacher in the next 11%-25% of teachers.
- 604 (c) If the eligible teacher is employed at a high poverty school, the eligible teacher shall receive an
additional salary supplement that is equal in amount to the eligible teacher's salary supplement
described in Subsection (10)(b).
- 607 (11)
- (a) An LEA shall:
- 608 (i) use the program funds to provide a salary supplement equal to the amount specified in
Subsection (10) for each eligible teacher in each tier performance level; and
- 611 (ii) provide the salary supplement in an eligible teacher's regularly occurring compensation in equal
amounts through the contracted school years related to the salary supplement award.
- 614 (b) An LEA:
- 615 (i) may use up to 4% of the money appropriated to the LEA for salary supplements to cover
administrative costs associated with implementing the program;
- 617 (ii) may use money appropriated to the LEA for the salary supplement for employer-paid benefits; and
- 619 (iii) may not include a salary supplement received under this section:
- 620 (A) in a retirement calculation; or
- 621 (B) as part of retirement contributions.
- 622 (c) The salary supplement is not part of an eligible teacher's base pay, and is subject to the eligible
teacher's designation as an eligible teacher.
- 624

SB0154S01 compared with SB0154S03

(12) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, an LEA may distribute the funds to each eligible teacher of the same tier of performance level on a pro rata basis.

(13) The center and the state board shall collaborate regarding data sharing and other relevant interactions to facilitate the successful administration of the program.

(14)

(a) An eligible teacher that receives a salary supplement under the program has no vested property right in the salary supplement or the designation as an eligible teacher.

(b) An eligible teacher's salary supplement and designation under this section are void if the school principal or principal's designee, LEA, or the center made or certified the designation improperly.

(15)

(a) Subject to prioritization of the Audit Subcommittee, unless the state board contracts a private auditor in accordance with Subsection (15)(b), the Office of the Legislative Auditor General established under Section 36-12-15 shall, in any fiscal year:

(i) conduct an audit of the program including:

(A) an evaluation of the implementation of the program; and

(B) the efficacy of the program, including program outcomes; and

(ii) prepare and submit a written report for an audit described in this section in accordance with Subsection 36-12-15[(4)(b)(ii)] (6)(b).

(b) Subject to legislative appropriations, the state board may contract with an external auditor to perform the audit described in this Subsection (15).

(16)

(a) The center shall report to the Education Interim Committee no later than the 2024 October meeting the following:

(i) the methodology and process the center develops to achieve the requirements of Subsection (7);

(ii) relevant data and updates resulting from the collaborations described in Subsection (8);

(iii) any recommendations for future legislation; and

(iv) data regarding salary supplement programs, including:

(A) different approaches used to reward teacher performance, including different evaluation methods;

(B) research outlining the effectiveness and impact of different salary supplement amounts on teacher retention; and

SB0154S01 compared with SB0154S03

- (C) other considerations for impactful salary supplement programs in relation to teacher retention.
- (b) Beginning November 1, 2026, the center shall provide an annual report to the Education Interim Committee regarding:
- (i) the statewide metrics used in accordance with Subsection (7);
 - (ii) de-identified and aggregated data showing the number of:
 - (A) salary supplements per school, including total number of eligible teachers in each school;
 - (B) eligible teachers in high poverty schools;
 - (C) eligible teachers in each tier performance level;
 - (D) eligible teachers in subject areas that do not have standardized assessments; and
 - (E) salary supplement denials per school, including the reasons for a denial;
 - (iii) proportion of eligible teachers in:
 - (A) school districts; and
 - (B) charter schools; and
 - (iv) teacher retention data for a school where an eligible teacher is employed.

Section 5. Section 59-1-403 is amended to read:

59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.

- (1) As used in this section:
- (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:
 - (i) the commission administers under:
 - (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;
 - (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
 - (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
 - (D) Section 19-6-805;
 - (E) Section 63H-1-205; or
 - (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; and
 - (ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge to a qualifying jurisdiction.
 - (b) "Qualifying jurisdiction" means:
 - (i) a county, city, or town;
 - (ii) the military installation development authority created in Section 63H-1-201; or
 - (iii) the Utah Inland Port Authority created in Section 11-58-201.

SB0154S01 compared with SB0154S03

- 696 (2)
- (a) Any of the following may not divulge or make known in any manner any information gained by that person from any return filed with the commission:
- 698 (i) a tax commissioner;
- 699 (ii) an agent, clerk, or other officer or employee of the commission; or
- 700 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.
- 702 (b) An official charged with the custody of a return filed with the commission is not required to produce the return or evidence of anything contained in the return in any action or proceeding in any court, except:
- 705 (i) in accordance with judicial order;
- 706 (ii) on behalf of the commission in any action or proceeding under:
- 707 (A) this title; or
- 708 (B) other law under which persons are required to file returns with the commission;
- 710 (iii) on behalf of the commission in any action or proceeding to which the commission is a party; or
- 712 (iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the return are directly involved in the action or proceeding.
- 714 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.
- 717 (d) Notwithstanding any other provision of state law, a person described in Subsection (2)(a) may not divulge or make known in any manner any information gained by that person from any return filed with the commission to the extent that the disclosure is prohibited under federal law.
- 721 (3) This section does not prohibit:
- 722 (a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;
- 724 (b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and
- 726 (c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:
- 728 (i) who brings action to set aside or review a tax based on the report or return;
- 729 (ii) against whom an action or proceeding is contemplated or has been instituted under this title; or

SB0154S01 compared with SB0154S03

- 731 (iii) against whom the state has an unsatisfied money judgment.
732 (4)
- (a) Notwithstanding Subsection (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:
- 736 (i) the United States Internal Revenue Service; or
737 (ii) the revenue service of any other state.
- 738 (b) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.
- 746 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.
- 751 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the Division of Environmental Response and Remediation, as defined in Section 19-6-402, as requested by the director of the Division of Environmental Response and Remediation, any records, returns, or other information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program participation fee.
- 757 (e) Notwithstanding Subsection (2), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:
- 760 (i) Chapter 13, Part 2, Motor Fuel; or
761 (ii) Chapter 13, Part 4, Aviation Fuel.
- 762 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer, as defined in Section 59-22-202, the commission shall report to the manufacturer:
- 764

SB0154S01 compared with SB0154S03

- (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59-14-407; and
- 767 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).
- 771 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers, distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling cigarettes to consumers within the state under Subsection 59-14-210(2).
- 775 (h) Notwithstanding Subsection (2), the commission may:
- 776 (i) provide to the Division of Consumer Protection within the Department of Commerce and the attorney general data:
- 778 (A) reported to the commission under Section 59-14-212; or
- 779 (B) related to a violation under Section 59-14-211; and
- 780 (ii) upon request, provide to any person data reported to the commission under Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 782 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning and Budget, provide to the committee or office the total amount of revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.
- 787 (j) Notwithstanding Subsection (2), the commission shall make the directory required by Section 59-14-603 available for public inspection.
- 789 (k) Notwithstanding Subsection (2), the commission may share information with federal, state, or local agencies as provided in Subsection 59-14-606(3).
- 791 (l)
- (i) Notwithstanding Subsection (2), the commission shall provide the Office of Recovery Services within the Department of Health and Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.
- 796

SB0154S01 compared with SB0154S03

(ii) The information described in Subsection (4)(l)(i) may be provided by the Office of Recovery Services to any other state's child support collection agency involved in enforcing that support obligation.

799 (m)

(i) Notwithstanding Subsection (2), upon request from the state court administrator, the commission shall provide to the state court administrator, the name, address, telephone number, county of residence, and social security number on resident returns filed under Chapter 10, Individual Income Tax Act.

803 (ii) The state court administrator may use the information described in Subsection (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

806 (n)

(i) As used in this Subsection (4)(n):

807 (A) "GOEO" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

809 (B) "Income tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

813 (C) "Other tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission except for a return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

817 (D) "Tax information" means income tax information or other tax information.

818 (ii)

(A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(ii)(B) or (C), the commission shall at the request of GOEO provide to GOEO all income tax information.

821 (B) For purposes of a request for income tax information made under Subsection (4)(n)(ii)(A), GOEO may not request and the commission may not provide to GOEO a person's address, name, social security number, or taxpayer identification number.

825 (C) In providing income tax information to GOEO, the commission shall in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

827 (iii)

SB0154S01 compared with SB0154S03

(A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(iii)(B), the commission shall at the request of GOEO provide to GOEO other tax information.

(B) Before providing other tax information to GOEO, the commission shall redact or remove any name, address, social security number, or taxpayer identification number.

(iv) GOEO may provide tax information received from the commission in accordance with this Subsection (4)(n) only:

(A) as a fiscal estimate, fiscal note information, or statistical information; and

(B) if the tax information is classified to prevent the identification of a particular return.

(v)

(A) A person may not request tax information from GOEO under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if GOEO received the tax information from the commission in accordance with this Subsection (4)(n).

(B) GOEO may not provide to a person that requests tax information in accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information GOEO provides in accordance with Subsection (4)(n)(iv).

(o) Notwithstanding Subsection (2), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

(i) the following relating to an agreement sales and use tax:

(A) information contained in a return filed with the commission;

(B) information contained in a report filed with the commission;

(C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

(D) a document filed with the commission; or

(ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

(p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:

(i) requests the information; and

(ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.

SB0154S01 compared with SB0154S03

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

SB0154S01 compared with SB0154S03

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

899 (y)

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

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

907 (iii)

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

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

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

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

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

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

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

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

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

930 (bb)

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

SB0154S01 compared with SB0154S03

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

SB0154S01 compared with SB0154S03

- 966 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of revenues
collected by the commission under Subsection 59-5-202(5):
- 968 (i) at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the
Governor's Office of Planning and Budget, to the committee or office for the time period specified
by the committee or office; and
- 971 (ii) to the Division of Finance for purposes of the Division of Finance administering Subsection
59-5-202(5).
- 973 (ff) Notwithstanding Subsection (2), the commission may provide the Department of Agriculture and
Food with information from a return filed in accordance with Chapter 31, Cannabinoid Licensing
and Tax Act.
- 976 (5)
- (a) Each report and return shall be preserved for at least three years.
- 977 (b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or
return.
- 979 (6)
- (a) Any individual who violates this section is guilty of a class A misdemeanor.
- 980 (b) If the individual described in Subsection (6)(a) is an officer or employee of the state, the individual
shall be dismissed from office and be disqualified from holding public office in this state for a
period of five years thereafter.
- 983 (c) Notwithstanding Subsection (6)(a) or (b), GOEO, when requesting information in accordance with
Subsection (4)(n)(iii), or an individual who requests information in accordance with Subsection (4)
(n)(v):
- 986 (i) is not guilty of a class A misdemeanor; and
- 987 (ii) is not subject to:
- 988 (A) dismissal from office in accordance with Subsection (6)(b); or
- 989 (B) disqualification from holding public office in accordance with Subsection (6)(b).
- 991 (d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the Office of the
Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an
individual described in Subsection (2):
- 994 (i) is not guilty of a class A misdemeanor; and
- 995 (ii) is not subject to:

SB0154S01 compared with SB0154S03

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

1000 Section 6. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

1002 Section 7. **Coordinating S.B. 154 with S.J.R. 4 if S.J.R. 4 does not pass.**

If S.J.R. 4, Joint Resolution Amending Court Rules on Attorney Confidentiality, does not pass, the Legislature intends that S.B. 154, Legislative Audit Amendments, not be enrolled and not become law.

3-7-25 3:25 PM