

1 **Public Funds Reporting Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies the duties of the state auditor.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ directs the state auditor to annually prepare a report that states, for each entity that holds
9 public funds, the entity's total balance of cash and investments.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

16 **67-3-1**, as last amended by Laws of Utah 2024, Chapters 3, 158

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

19 Section 1. Section **67-3-1** is amended to read:

20 **67-3-1 . Functions and duties.**

21 (1)(a) The state auditor is the auditor of public accounts and is independent of any
22 executive or administrative officers of the state.

23 (b) The state auditor is not limited in the selection of personnel or in the determination
24 of the reasonable and necessary expenses of the state auditor's office.

25 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
26 financial statements showing:

27 (a) the condition of the state's finances;

28 (b) the revenues received or accrued;

29 (c) expenditures paid or accrued;

30 (d) the amount of unexpended or unencumbered balances of the appropriations to the

31 agencies, departments, divisions, commissions, and institutions; and

32 (e) the cash balances of the funds in the custody of the state treasurer.

33 (3)(a) The state auditor shall:

34 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
35 of any department of state government or any independent agency or public
36 corporation as the law requires, as the auditor determines is necessary, or upon
37 request of the governor or the Legislature;

38 (ii) perform the audits in accordance with generally accepted auditing standards and
39 other auditing procedures as promulgated by recognized authoritative bodies; and

40 (iii) as the auditor determines is necessary, conduct the audits to determine:

41 (A) honesty and integrity in fiscal affairs;

42 (B) accuracy and reliability of financial statements;

43 (C) effectiveness and adequacy of financial controls; and

44 (D) compliance with the law.

45 (b) If any state entity receives federal funding, the state auditor shall ensure that the
46 audit is performed in accordance with federal audit requirements.

47 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
48 appropriation to the state auditor from the General Fund.

49 (ii) If an appropriation is not provided, or if the federal government does not
50 specifically provide for payment of audit costs, the costs of the federal compliance
51 portions of the audit shall be allocated on the basis of the percentage that each
52 state entity's federal funding bears to the total federal funds received by the state.

53 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
54 audit funds passed through the state to local governments and to reflect any
55 reduction in audit time obtained through the use of internal auditors working
56 under the direction of the state auditor.

57 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
58 financial audits, and as the auditor determines is necessary, conduct performance and
59 special purpose audits, examinations, and reviews of any entity that receives public
60 funds, including a determination of any or all of the following:

61 (i) the honesty and integrity of all the entity's fiscal affairs;

62 (ii) whether the entity's administrators have faithfully complied with legislative intent;

63 (iii) whether the entity's operations have been conducted in an efficient, effective, and
64 cost-efficient manner;

- 65 (iv) whether the entity's programs have been effective in accomplishing the intended
66 objectives; and
- 67 (v) whether the entity's management, control, and information systems are adequate,
68 effective, and secure.
- 69 (b) The auditor may not conduct performance and special purpose audits, examinations,
70 and reviews of any entity that receives public funds if the entity:
- 71 (i) has an elected auditor; and
- 72 (ii) has, within the entity's last budget year, had the entity's financial statements or
73 performance formally reviewed by another outside auditor.
- 74 (5) The state auditor:
- 75 (a) shall administer any oath or affirmation necessary to the performance of the duties of
76 the auditor's office; and
- 77 (b) may:
- 78 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 79 (ii) examine into any matter that the auditor considers necessary.
- 80 (6) The state auditor may require all persons who have had the disposition or management
81 of any property of this state or its political subdivisions to submit statements regarding
82 the property at the time and in the form that the auditor requires.
- 83 (7) The state auditor shall:
- 84 (a) except where otherwise provided by law, institute suits in Salt Lake County in
85 relation to the assessment, collection, and payment of revenues against:
- 86 (i) persons who by any means have become entrusted with public money or property
87 and have failed to pay over or deliver the money or property; and
- 88 (ii) all debtors of the state;
- 89 (b) collect and pay into the state treasury all fees received by the state auditor;
- 90 (c) perform the duties of a member of all boards of which the state auditor is a member
91 by the constitution or laws of the state, and any other duties that are prescribed by the
92 constitution and by law;
- 93 (d) stop the payment of the salary of any state official or state employee who:
- 94 (i) refuses to settle accounts or provide required statements about the custody and
95 disposition of public funds or other state property;
- 96 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
97 board or department head with respect to the manner of keeping prescribed
98 accounts or funds; or

- 99 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
100 official's or employee's attention;
- 101 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
102 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 103 (f) superintend the contractual auditing of all state accounts;
- 104 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
105 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
106 ensure that officials and employees in those taxing units comply with state laws and
107 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 108 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
109 if necessary, to ensure that officials and employees in the county comply with
110 Section 59-2-303.1; and
- 111 (i) withhold state allocated funds or the disbursement of property taxes from a local
112 government entity or a limited purpose entity, as those terms are defined in Section
113 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
114 registers and maintains the entity's registration with the lieutenant governor, in
115 accordance with Section 67-1a-15.
- 116 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
117 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
118 formal written notice of noncompliance from the auditor and has been given 60 days
119 to make the specified corrections.
- 120 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
121 fee-assessing unit that exclusively assesses fees has not made corrections to comply
122 with state laws and procedures in the budgeting, expenditures, and financial reporting
123 of public funds, the state auditor:
- 124 (i) shall provide a recommended timeline for corrective actions;
- 125 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
126 the state; and
- 127 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
128 account of a financial institution by filing an action in a court with jurisdiction
129 under Title 78A, Judiciary and Judicial Administration, requesting an order of the
130 court to prohibit a financial institution from providing the fee-assessing unit
131 access to an account.
- 132 (c) The state auditor shall remove a limitation on accessing funds under Subsection

- 133 (8)(b) upon compliance with state laws and procedures in the budgeting,
134 expenditures, and financial reporting of public funds.
- 135 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
136 state law, the state auditor:
- 137 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
138 comply;
- 139 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
140 state; and
- 141 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
142 account of a financial institution by:
- 143 (A) contacting the taxing or fee-assessing unit's financial institution and
144 requesting that the institution prohibit access to the account; or
- 145 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
146 Judicial Administration, requesting an order of the court to prohibit a financial
147 institution from providing the taxing or fee-assessing unit access to an account.
- 148 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,
149 the state auditor shall eliminate a limitation on accessing funds described in
150 Subsection (8)(d).
- 151 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
152 received formal written notice of noncompliance from the auditor and has been given 60
153 days to make the specified corrections.
- 154 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
155 auditor receives a notice of non-registration, as that term is defined in Section
156 67-1a-15.
- 157 (b) If the state auditor receives a notice of non-registration, the state auditor may
158 prohibit the local government entity or limited purpose entity, as those terms are
159 defined in Section 67-1a-15, from accessing:
- 160 (i) money held by the state; and
- 161 (ii) money held in an account of a financial institution by:
- 162 (A) contacting the entity's financial institution and requesting that the institution
163 prohibit access to the account; or
- 164 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
165 Judicial Administration, requesting an order of the court to prohibit a financial
166 institution from providing the entity access to an account.

167 (c) The state auditor shall remove the prohibition on accessing funds described in
168 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
169 defined in Section 67-1a-15, from the lieutenant governor.

170 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
171 auditor:

172 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
173 as those terms are defined in Section 67-1a-15, or a state or local taxing or
174 fee-assessing unit if the disbursement is necessary to:

175 (i) avoid a major disruption in the operations of the local government entity, limited
176 purpose entity, or state or local taxing or fee-assessing unit; or

177 (ii) meet debt service obligations; and

178 (b) may authorize a disbursement by a local government entity, limited purpose entity,
179 or state or local taxing or fee-assessing unit as the state auditor determines is
180 appropriate.

181 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
182 temporary custody of public funds if an action is necessary to protect public funds
183 from being improperly diverted from their intended public purpose.

184 (b) If the state auditor seeks relief under Subsection (12)(a):

185 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
186 and

187 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if
188 a court orders the public funds to be protected from improper diversion from their
189 public purpose.

190 (13) The state auditor shall:

191 (a) establish audit guidelines and procedures for audits of local mental health and
192 substance abuse authorities and their contract providers, conducted pursuant to Title
193 17, Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part
194 3, Local Mental Health Authorities, Title 26B, Chapter 5, Health Care - Substance
195 Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports from Political
196 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and

197 (b) ensure that those guidelines and procedures provide assurances to the state that:

198 (i) state and federal funds appropriated to local mental health authorities are used for
199 mental health purposes;

200 (ii) a private provider under an annual or otherwise ongoing contract to provide

201 comprehensive mental health programs or services for a local mental health
202 authority is in compliance with state and local contract requirements and state and
203 federal law;

204 (iii) state and federal funds appropriated to local substance abuse authorities are used
205 for substance abuse programs and services; and

206 (iv) a private provider under an annual or otherwise ongoing contract to provide
207 comprehensive substance abuse programs or services for a local substance abuse
208 authority is in compliance with state and local contract requirements, and state and
209 federal law.

210 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for
211 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting
212 Reports from Political Subdivisions, Interlocal Organizations, and Other Local
213 Entities Act, initiate audits or investigations of any political subdivision that are
214 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability
215 of financial statements, effectiveness, and adequacy of financial controls and
216 compliance with the law.

217 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
218 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
219 may initiate an audit or investigation of the public entity subject to the notice to
220 determine compliance with Section 11-41-103.

221 (15)(a) The state auditor may not audit work that the state auditor performed before
222 becoming state auditor.

223 (b) If the state auditor has previously been a responsible official in state government
224 whose work has not yet been audited, the Legislature shall:

225 (i) designate how that work shall be audited; and

226 (ii) provide additional funding for those audits, if necessary.

227 (16) The state auditor shall:

228 (a) with the assistance, advice, and recommendations of an advisory committee
229 appointed by the state auditor from among special district boards of trustees, officers,
230 and employees and special service district boards, officers, and employees:

231 (i) prepare a Uniform Accounting Manual for Special Districts that:

232 (A) prescribes a uniform system of accounting and uniform budgeting and
233 reporting procedures for special districts under Title 17B, Limited Purpose
234 Local Government Entities - Special Districts, and special service districts

- 235 under Title 17D, Chapter 1, Special Service District Act;
- 236 (B) conforms with generally accepted accounting principles; and
- 237 (C) prescribes reasonable exceptions and modifications for smaller districts to the
- 238 uniform system of accounting, budgeting, and reporting;
- 239 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
- 240 reflect generally accepted accounting principles;
- 241 (iii) conduct a continuing review and modification of procedures in order to improve
- 242 them;
- 243 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 244 (v)(A) prepare instructional materials, conduct training programs, and render other
- 245 services considered necessary to assist special districts and special service
- 246 districts in implementing the uniform accounting, budgeting, and reporting
- 247 procedures; and
- 248 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with
- 249 Title 63G, Chapter 22, State Training and Certification Requirements; and
- 250 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
- 251 and experiences of specific special districts and special service districts selected by
- 252 the state auditor and make the information available to all districts.
- 253 (17)(a) The following records in the custody or control of the state auditor are protected
- 254 records under Title 63G, Chapter 2, Government Records Access and Management
- 255 Act:
- 256 (i) records that would disclose information relating to allegations of personal
- 257 misconduct, gross mismanagement, or illegal activity of a past or present
- 258 governmental employee if the information or allegation cannot be corroborated by
- 259 the state auditor through other documents or evidence, and the records relating to
- 260 the allegation are not relied upon by the state auditor in preparing a final audit
- 261 report;
- 262 (ii) records and audit workpapers to the extent the workpapers would disclose the
- 263 identity of an individual who during the course of an audit, communicated the
- 264 existence of any waste of public funds, property, or manpower, or a violation or
- 265 suspected violation of a law, rule, or regulation adopted under the laws of this
- 266 state, a political subdivision of the state, or any recognized entity of the United
- 267 States, if the information was disclosed on the condition that the identity of the
- 268 individual be protected;

- 269 (iii) before an audit is completed and the final audit report is released, records or
270 drafts circulated to an individual who is not an employee or head of a
271 governmental entity for the individual's response or information;
- 272 (iv) records that would disclose an outline or part of any audit survey plans or audit
273 program; and
- 274 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 275 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
276 of records or information that relate to a violation of the law by a governmental entity
277 or employee to a government prosecutor or peace officer.
- 278 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
279 the state auditor to classify a document as public, private, controlled, or protected
280 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 281 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
282 the state auditor and the subject of an audit performed by the state auditor as to
283 whether the state auditor may release a record, as defined in Section 63G-2-103,
284 to the public that the state auditor gained access to in the course of the state
285 auditor's audit but which the subject of the audit claims is not subject to disclosure
286 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 287 (ii) The state auditor may submit a record dispute to the State Records Committee,
288 created in Section 63G-2-501, for a determination of whether the state auditor
289 may, in conjunction with the state auditor's release of an audit report, release to
290 the public the record that is the subject of the record dispute.
- 291 (iii) The state auditor or the subject of the audit may seek judicial review of a State
292 Records Committee determination under Subsection (17)(d)(ii), as provided in
293 Section 63G-2-404.
- 294 (18) If the state auditor conducts an audit of an entity that the state auditor has previously
295 audited and finds that the entity has not implemented a recommendation made by the
296 state auditor in a previous audit, the state auditor shall notify the Legislative
297 Management Committee through the Legislative Management Committee's audit
298 subcommittee that the entity has not implemented that recommendation.
- 299 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state
300 privacy officer described in Section 67-3-13.
- 301 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that
302 another government entity reports, on the financial, operational, and performance

- 303 metrics for the state system of higher education and the state system of public education,
304 including metrics in relation to students, programs, and schools within those systems.
- 305 (21)(a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits of:
- 306 (i) the scholarship granting organization for the Carson Smith Opportunity
307 Scholarship Program, created in Section 53E-7-402;
- 308 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
309 in Section 53F-4-302; and
- 310 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
311 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
312 program, taking into consideration the amount of the scholarship and the amount
313 of state and local funds dedicated on a per-student basis within the traditional
314 public education system.
- 315 (b) Nothing in this subsection limits or impairs the authority of the State Board of
316 Education to administer the programs described in Subsection (21)(a).
- 317 (22) The state auditor shall, based on the information posted by the Office of Legislative
318 Research and General Counsel under Subsection 36-12-12.1(2), for each policy, track
319 and post the following information on the state auditor's website:
- 320 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
- 321 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
322 adopted;
- 323 (c) an indication regarding whether the policy complies with the requirements
324 established by law for the policy; and
- 325 (d) a link to the policy.
- 326 (23)(a) A legislator may request that the state auditor conduct an inquiry to determine
327 whether a government entity, government official, or government employee has
328 complied with a legal obligation directly imposed, by statute, on the government
329 entity, government official, or government employee.
- 330 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
331 the inquiry requested.
- 332 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
333 auditor shall post the results of the inquiry on the state auditor's website.
- 334 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
335 determination, without conducting an audit, regarding whether the obligation was
336 fulfilled.

- 337 (24) The state auditor shall:
- 338 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
339 accordance with Section 63G-31-401; and
- 340 (b) report to the Legislative Management Committee, upon request, regarding the state
341 auditor's actions under this Subsection (24).
- 342 (25) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and
343 67-27-109 by:
- 344 (a) establishing a process to receive and audit each alleged violation; and
- 345 (b) reporting to the Legislative Management Committee, upon request, regarding the
346 state auditor's findings and recommendations under this Subsection (25).
- 347 (26)(a) On or before January 31 each year, the state auditor shall prepare a report that
348 states, for each entity that holds public funds as defined in Section 51-7-3, the entity's
349 total balance of cash and investments as of the last day of the immediately preceding
350 fiscal year.
- 351 (b) The state auditor shall make the report described in Subsection (26)(a) publicly
352 available on a website that the state auditor maintains.

353 Section 2. **Effective Date.**

354 This bill takes effect on May 7, 2025.