

Anthony E. Loubet proposes the following substitute bill:

Legislative Audit Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- restates the authority of the legislative auditor general;
- 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;
- excludes certain information provided to the legislative auditor general from the definition of "record";
- permits an entity to provide certain privileged items to the legislative auditor general;
- requires an entity that withholds certain privileged items from the legislative auditor general to expressly assert a privilege;
- permits the legislative auditor general to contest a privilege claim;
- requires, in certain circumstances, an entity to submit privileged items to an arbitrator to determine a privilege claim;
- authorizes the legislative auditor general to provide certain information to an audited entity;
- amends the definition of "chief officer" for purposes of an entity responding to a legislative audit;
- amends provisions governing an audit response plan and an update to a plan;
- authorizes the legislative auditor general to review and monitor the Utah System of Higher Education;
- coordinates enactment of provisions with S.J.R. 4, Joint Resolution Amending Court

29 Rules on Attorney Confidentiality; and
30 ▸ makes technical corrections.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a coordination clause.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **36-12-15 (Effective 05/07/25) (Applies beginning 06/21/24)**, as last amended by Laws of
38 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

40 **53F-2-526 (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

42 ENACTS:

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

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

45 **36-12-15**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

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

48 *The following section is affected by a coordination clause at the end of this bill.*

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

50 **36-12-15 (Effective 05/07/25) (Applies beginning 06/21/24). Office of the**
51 **Legislative Auditor General established -- Qualifications -- Powers, functions, and duties**
52 **-- Reporting -- Criminal penalty -- Employment.**

53 (1) As used in this section:

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

56 (b) "Entity" means:

57 (i) a government organization; or

58 (ii) a receiving organization.

59 (c) "Government organization" means:

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

61 (ii) a political subdivision, including a county, municipality, special district, special
62 service district, school district, interlocal entity as defined in Section 11-13-103,

- 63 or any other local government unit.
- 64 (d) "Office" means the Office of the Legislative Auditor General.
- 65 (e) "Receiving organization" means an organization that receives public funds that is not
66 a government organization.
- 67 (2)(a) There is created the Office of the Legislative Auditor General as a permanent staff
68 office for the Legislature.
- 69 (b) The authority of the legislative auditor general is:
- 70 (i) established in Utah Constitution, Article VI, Section 33; and
- 71 (ii) an extension of the Legislature's inherent inquiry and investigatory power.
- 72 (3) The legislative auditor general shall be a licensed certified public accountant or certified
73 internal auditor with at least seven years of experience in the auditing or public
74 accounting profession, or the equivalent, prior to appointment.
- 75 (4) The legislative auditor general shall [~~appoint~~] employ and develop a professional staff
76 within budget limitations.
- 77 (5) The office shall exercise the constitutional authority provided in Utah Constitution,
78 Article VI, Section 33.
- 79 (6) Under the direction of the legislative auditor general, the office shall:
- 80 (a) conduct comprehensive and special purpose audits, examinations, investigations, or
81 reviews of entity funds, functions, and accounts;
- 82 (b) prepare and submit a written report on each audit action to the Audit Subcommittee
83 created in Section 36-12-8 and make the report available to all members of the
84 Legislature within 75 days after the audit action is completed;
- 85 (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the
86 legislative auditor general determines necessary, in accordance with Title 63J,
87 Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and
88 legislative rule;
- 89 (d) create, manage, and report to the Audit Subcommittee a list of high risk programs
90 and operations that:
- 91 (i) threaten public funds or programs;
- 92 (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or
- 93 (iii) require transformation;
- 94 (e) monitor and report to the Audit Subcommittee the health of a government
95 organization's internal audit functions;
- 96 (f) make recommendations to increase the independence and value added of internal

- 97 audit functions throughout the state;
- 98 (g) implement a process to track, monitor, and report whether the subject of an audit has
- 99 implemented recommendations made in the audit report;
- 100 (h) establish, train, and ~~[maintain]~~ retain individuals within the office to conduct
- 101 investigations and represent themselves as lawful investigators on behalf of the office;
- 102 (i) establish policies, procedures, methods, and standards of audit work and
- 103 investigations for the office and staff;
- 104 (j) prepare and submit each audit and investigative report independent of any influence
- 105 external of the office, including the content of the report, the conclusions reached in
- 106 the report, and the manner of disclosing the legislative auditor general's findings;
- 107 (k) prepare and submit ~~[the]~~ an annual budget request for the office; and
- 108 (l) perform other duties as prescribed by the Legislature.
- 109 (7)(a) In conducting an audit action of an entity, the office may include a determination
- 110 of any or all of the following:
- 111 ~~[(a)]~~ (i) the honesty and integrity of any of the entity's fiscal affairs;
- 112 ~~[(b)]~~ (ii) the accuracy and reliability of the entity's internal control systems and
- 113 specific financial statements and reports;
- 114 ~~[(c)]~~ (iii) whether ~~[or not]~~ the entity's financial controls are adequate and effective to
- 115 properly record and safeguard the entity's acquisition, custody, use, and
- 116 accounting of public funds;
- 117 ~~[(d)]~~ (iv) whether the entity's administrators have complied with legislative intent;
- 118 ~~[(e)]~~ (v) whether the entity's operations have been conducted in an efficient, effective,
- 119 and cost efficient manner;
- 120 ~~[(f)]~~ (vi) whether the entity's programs have been effective in accomplishing intended
- 121 objectives; and
- 122 ~~[(g)]~~ (vii) whether the entity's management control and information systems are
- 123 adequate and effective.
- 124 (b) The office may provide to an entity that is the subject of an audit action the
- 125 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.
- 130 (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:

~~[(i)]~~ (a) the following in the possession or custody of the entity in the format identified by the office:

~~[(A)]~~ (i) a record, document, and report; and

~~[(B)]~~ (ii) films, tapes, recordings, and electronically stored information;

~~[(ii)]~~ (b) entity personnel; and

~~[(iii)]~~ (c) each official or unofficial recording of formal or informal meetings or conversations to which the entity has access.

~~[(b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not apply.]~~

(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.

(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]~~ involving public funds and fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance~~[-involving public funds]~~.

(10)(a) As used in this Subsection (10):

(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).

(ii) "Item" means information, materials, or resources described in Subsection (8).

(iii) "Privileged item" means an item that is an attorney-client communication, attorney work product, or information relating to representation of the entity, governed by:

(A) Utah Rules of Professional Conduct, Rule 1.6;

(B) Utah Rules of Evidence, Rule 504; or

(C) Utah Rules of Civil Procedure, Rule 26.

(b) If an entity discloses information to the legislative auditor general that is confidential under Utah Rules of Professional Conduct, Rule 1.6, the disclosure is authorized in

165 accordance with Utah Rules of Professional Conduct, Rule 1.6(b)(6), and does not
166 make the information discoverable or prevent the entity from claiming that the
167 information is privileged in another proceeding.

168 (c) If requested by the legislative auditor general for an audit action, an entity may
169 provide a privileged item.

170 (d) If an entity withholds an item after a request by the legislative auditor general for an
171 audit action, the entity shall, for each instance in which the entity asserts privilege,
172 submit to the legislative auditor general a written statement:

173 (i) expressly asserting the privilege and the authority for the privilege claim; and

174 (ii) for each privilege claim, describing the nature of the item in a manner that,
175 without revealing the attorney-client communication, attorney work product, or
176 representation information itself, enables the legislative auditor general to evaluate
177 the privilege claim.

178 (e) The legislative auditor general may contest a privilege claim asserted under
179 Subsection (10)(d) by:

180 (i) notifying the entity in writing of each contested privilege claim and providing the
181 list of available arbitrators described in Subsection (10)(f); and

182 (ii) submitting each contested privilege claim to the arbitrator selected in accordance
183 with Subsection (10)(f).

184 (f)(i) The legislative auditor general shall:

185 (A) maintain a list of three arbitrators; and

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
188 (10)(e)(i), the entity may select an arbitrator from the list provided by the
189 legislative auditor general.

190 (iii) If an entity fails to select an arbitrator in accordance with Subsection (10)(f)(ii),
191 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
193 standing.

194 (v) Subject to Subsection (10)(i)(ii), the entity and the legislative auditor general shall
195 equally bare the cost of the arbitrator.

196 (g) The entity:

197 (i) shall provide to the arbitrator the item and contested privilege claim no later than
198 seven business days after the arbitrator is engaged under Subsection (10)(f); and

- 199 (ii) may provide supplemental information in support of a privilege claim.
- 200 (h) No later than seven business days after the arbitrator receives the contested privilege
- 201 claim under Subsection (10)(g)(i), the arbitrator shall:
- 202 (i) conduct an in camera review of each contested item and the authority for the
- 203 relevant privilege claim;
- 204 (ii) review supplemental information submitted under Subsection (10)(g)(ii) and any
- 205 supplemental information provided by the legislative auditor general;
- 206 (iii) issue a determination as to whether the entity has a valid claim of privilege,
- 207 favoring access to the legislative auditor general of material that is not privileged;
- 208 and
- 209 (iv) issue a determination as to whether the entity acted in bad faith.
- 210 (i)(i) If the arbitrator determines that an entity does not have a valid privilege claim,
- 211 the entity shall provide the withheld item to the legislative auditor general
- 212 immediately.
- 213 (ii) If the arbitrator determines that the entity acted in bad faith, the entity shall bare
- 214 the full cost of the arbitrator.
- 215 (j) The arbitrator may not disclose:
- 216 (i) a privileged item; or
- 217 (ii) supplemental information described in Subsection (10)(g)(ii).
- 218 (k) Provisions of this Subsection (10) are not subject to Title 78B, Chapter 11, Utah
- 219 Uniform Arbitration Act.
- 220 [(40)] (11) To preserve the professional integrity and independence of the office:
- 221 (a) no legislator or public official may urge the appointment of any person to the office;
- 222 and
- 223 (b) the legislative auditor general may not be appointed to serve on any board, authority,
- 224 commission, or other agency of the state during the legislative auditor general's term
- 225 as legislative auditor general.
- 226 [(41)] (12)(a) The following records in the custody or control of the legislative auditor
- 227 general are protected records under Title 63G, Chapter 2, Government Records
- 228 Access and Management Act:
- 229 (i) records and audit work papers that would disclose information relating to
- 230 allegations of personal misconduct, gross mismanagement, or illegal activity of a
- 231 past or present governmental employee if the information or allegation cannot be
- 232 corroborated by the legislative auditor general through other documents or

- 233 evidence, and the records relating to the allegation are not relied upon by the
234 legislative auditor general in preparing a final audit report;
- 235 (ii) records and audit workpapers that would disclose the identity of a person who,
236 during the course of a legislative audit, communicated the existence of:
- 237 (A) unethical behavior;
- 238 (B) waste of public funds, property, or personnel; or
- 239 (C) a violation or suspected violation of a United States, Utah state, or political
240 subdivision law, rule, ordinance, or regulation, if the person disclosed on the
241 condition that the identity of the person be protected;
- 242 (iii) before an audit is completed and the final audit report is released, records or
243 drafts circulated to a person who is not an employee or head of an entity for
244 review, response, or information;
- 245 (iv) records that would disclose:
- 246 (A) an outline;
- 247 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
- 248 (C) other procedural documents necessary to fulfill the duties of the office; and
- 249 (v) ~~[requests for audits]~~ a request for an audit, if disclosure would risk circumvention
250 of ~~[an]~~ the audit.
- 251 (b) The provisions of Subsection ~~[(11)(a)]~~ (12)(a) do not prohibit the disclosure of
252 records or information to a government prosecutor or peace officer if those records or
253 information relate to a violation of the law by an entity or entity employee.
- 254 (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting
255 held in accordance with Section 52-4-205:
- 256 (i) is a protected record, as defined in Section 63G-2-103;
- 257 (ii) to the extent the record contains information:
- 258 (A) described in Section 63G-2-302, is a private record; or
- 259 (B) described in Section 63G-2-304, is a controlled record; and
- 260 (iii) may not be reclassified by the office.
- 261 (d) The provisions of this section do not limit the authority otherwise given to the
262 legislative auditor general to maintain the private, controlled, or protected record
263 status of a shared record in the legislative auditor general's possession or classify a
264 document as public, private, controlled, or protected under Title 63G, Chapter 2,
265 Government Records Access and Management Act.
- 266 (e) If provided to the legislative auditor general, the following are not a record, as

defined in Section 63G-2-103:

(i) a privileged item, as defined in Subsection (10)(a); and

(ii) supplemental information described in Subsection (10)(g)(ii).

~~[(12)]~~ (13) The legislative auditor general shall:

(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;

(b) conduct special audits as requested by the Audit Subcommittee;

(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;

(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

(e) make any recommendations to the Audit Subcommittee with respect to the alteration or improvement of the accounting system used by an entity.

~~[(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.

~~[(14)]~~ (15) Before each annual general session, the legislative auditor general:

(a) shall:

~~[(a)]~~ (i) prepare an annual report that:

~~[(i)]~~ (A) summarizes the audits, examinations, investigations, and reviews conducted by the office since the last annual report; and

~~[(ii)]~~ (B) evaluate and report the degree to which an entity that has been the subject of an audit has implemented the audit recommendations;

~~[(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

~~[(c)]~~ (iii) deliver the report to the Legislature and to the appropriate committees of the Legislature~~[-]~~ ; and

(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

301 Subsection (15)(a)(i).

302 ~~[(15)]~~ (16)(a) If the chief officer of an entity has actual knowledge or reasonable cause to
303 believe that there is misappropriation of the entity's public funds or assets, or another
304 entity officer has actual knowledge or reasonable cause to believe that the chief
305 officer is misappropriating the entity's public funds or assets, the chief officer or,
306 alternatively, the other entity officer, shall immediately notify, in writing:

307 (i) the office;

308 (ii) the attorney general, county attorney, or district attorney; and

309 (iii)(A) for a state government organization, the chief executive officer;

310 (B) for a political subdivision government organization, the legislative body or
311 governing board; or

312 (C) for a receiving organization, the governing board or chief executive officer
313 unless the chief executive officer is believed to be misappropriating the funds
314 or assets, in which case the next highest officer of the receiving organization.

315 (b) As described in Subsection ~~[(15)(a)]~~ (16)(a), the entity chief officer or, if applicable,
316 another entity officer, is subject to the protections of Title 67, Chapter 21, Utah
317 Protection of Public Employees Act.

318 (c) If the Office of the Legislative Auditor General receives a notification under
319 Subsection ~~[(15)(a)]~~ (16)(a) or other information of misappropriation of public funds
320 or assets of an entity, the office shall inform the Audit Subcommittee.

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

324 ~~[(16)]~~ (17)(a) An actor commits interference with a legislative audit if the actor uses
325 force, violence, intimidation, or engages in any other unlawful act with a purpose to
326 interfere with:

327 (i) a legislative audit action; or

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

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

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

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

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

333 ~~[(17)]~~ (18)(a) The office may require any current employee, or any applicant for
334 employment, to submit to a fingerprint-based local, regional, and criminal history

background check as an ongoing condition of employment.

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

(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).

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

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

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

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

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

36-12-15.3 (Effective 05/07/25). 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

- 369 law.
- 370 (g) "Legislative committee" means the committee to which the Audit Subcommittee
371 refers an audit report under Subsection 36-12-8(2)(d)(ii)(C).
- 372 (h) "Office" means the Office of the Legislative Auditor General.
- 373 (i) "Recommendation" means a process, practice, or procedure described in an audit
374 report that the office proposes an entity implement.
- 375 (j) "Reply" means a written document that the office issues that contains the office's
376 response to an entity's audit response plan.
- 377 (2)(a) In addition to any other information that the office is required to include or attach
378 to an audit report, the office shall, for each audit report the office issues:
- 379 ~~[(a)]~~ (i) subject to Subsection (2)(b), include in the audit report:
- 380 ~~[(i)]~~ (A) the identity of the chief officer; and
- 381 ~~[(ii)]~~ (B) a notice to the chief officer that the chief officer must comply with the
382 reporting requirements described in this section; and
- 383 ~~[(b)]~~ (ii) attach to the audit report:
- 384 ~~[(i)]~~ (A) the audit response plan of the entity that is the subject of the audit report;
385 and
- 386 ~~[(ii)]~~ (B) at the discretion of the legislative auditor general, a reply to the entity's
387 audit response plan.
- 388 (b) To comply with the reporting requirements of this section, the legislative auditor
389 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
392 or the lieutenant governor, identify with the governor or lieutenant governor or
393 their designee, an individual other than the chief officer to comply with the
394 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
402 who is responsible for implementing the recommendation;

- 403 (C) establishes a timetable that identifies benchmarks for the entity to implement
404 the recommendation; and
- 405 (D) specifies an anticipated deadline by which the entity will fully implement the
406 recommendation; and
- 407 (b) sign and submit the audit response plan to the office before the office submits the
408 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
410 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
415 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,
418 as it relates to the alternative action, include in the audit response plan the information
419 described in Subsection (3)(a)(iii).
- 420 (6) Subject to Subsection [(8)] (9), if the chief officer of an entity that is the subject of an
421 audit report implements a recommendation under Subsection (3)(a)(iii), or an alternative
422 action under Subsections (4)(a)(ii)(A) and (5), the chief officer shall, no later than 180
423 days after the day on which the Audit Subcommittee refers the audit report to a
424 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
429 Subsection (3)(a)(iii); or
- 430 (B) each alternative action addressed in the entity's audit response plan under
431 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)
434 complies with the submission requirements described in Subsection (6)(b), the chief
435 officer shall:
- 436 (a) continue to update the audit response plan in accordance with Subsection (6)(a); and

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

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

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

(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

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

[(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:

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

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

Section 3. Section **36-12-15.4** is enacted to read:

36-12-15.4 (Effective 05/07/25). 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 (Effective 05/07/25). 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.
- (d) "High poverty school" means the same as the term is defined in Section 53F-2-513.
- (e) "LEA" means:
 - (i) a school district;
 - (ii) charter school; and
 - (iii) a regional education service agency.
- (f) "Program" means the Excellence in Education and Leadership Supplement created in Subsection (2).
- (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):
 - (i) the top 5% of teachers;
 - (ii) the next 6%-10% of teachers; and

(iii) the next 11%-25% of teachers.

(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).

(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.

(3)(a) No later than December 31, 2024, an LEA shall declare the LEA's intent to participate in the program to the center.

(b) If an LEA declares an intent to participate in the program, the LEA shall:

(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

(ii) create an appeals process for an employee who is not nominated to be an eligible teacher.

(4) No later than April 1, 2025, an LEA shall:

(a) attend a training that the center creates regarding the guidelines for developing a process described in Subsection (3); and

(b) develop and submit for approval the LEA's process described in Subsection (3) to the center.

(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.

(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.

(c) No later than June 30, 2025, the center shall provide final approval or denial of an LEA's process.

(6) Before the start of the 2025-2026 school year, an LEA with an approved process as described in Subsection (5) shall:

(a) ensure each school principal or the principal's designee attends a training that the center creates regarding:

(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

(ii) how to protect student and educator data privacy when submitting nominations and applications, as described in Subsection (9)(b)(ii)[-] ;

(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;

(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

(d) as provided in Subsection (9), submit to the center a list of the nominated eligible teachers for the center to consider.

(7) In assessing if a nominated teacher is an eligible teacher, the center shall create an assessment process that:

(a) uses the methods described in Subsection (1)(b);

(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;

(c) may use additional criteria as determined by the center in consultation with participating LEAs; and

(d) establishes a scoring rubric including the scores required for a designation in each tier performance level.

(8)(a) The center shall collaborate with LEAs to create:

(i) selection and submission guidelines for:

(A) the approval of the LEA's process as described in Subsection (5); and

(B) the list of nominated eligible teachers described in Subsection (6);

(ii) methods to determine student growth and achievement measures for subject areas that do not have standardized assessment data;

(iii) the weightings for each element of the assessment process described in Subsection (7); and

(iv) the trainings described in this section.

(b) The center may provide program related technical assistance to an LEA.

(9)(a) An LEA shall:

(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

(ii) ensure a school principal or the principal's designee reevaluates an eligible teacher's designation under this section every three years.

(b) The center shall:

- 573 (i) create an application process for an LEA to submit the list of nominated eligible
574 teachers described in Subsection (9)(a);
- 575 (ii) coordinate with the state board in the creation of the application process described
576 in Subsection (9)(b)(i) to ensure that any sharing of student and educator data
577 during the application process:
- 578 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part
579 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
582 de-identifying data;
- 583 (iii) no later than October 1, 2026, determine if a nominated teacher is an eligible
584 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
587 described in Subsections (4) and (5); and
- 588 (B) the nominations described in Subsection (7) with the LEA and school
589 administrators;
- 590 (v) certify a list of eligible teachers, including the total amount of funding the LEA
591 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:
- 594 (i) disburse funding to an LEA in the amount the center verifies that an LEA qualifies
595 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
597 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
599 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
605 receive an additional salary supplement that is equal in amount to the eligible
606 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
- 609 specified in Subsection (10) for each eligible teacher in each tier performance
- 610 level; and
- 611 (ii) provide the salary supplement in an eligible teacher's regularly occurring
- 612 compensation in equal amounts through the contracted school years related to the
- 613 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
- 616 cover administrative costs associated with implementing the program;
- 617 (ii) may use money appropriated to the LEA for the salary supplement for
- 618 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
- 623 the eligible teacher's designation as an eligible teacher.
- 624 (12) Notwithstanding the provisions of this section, if the appropriation for the program is
- 625 insufficient to cover the costs associated with salary supplements, an LEA may
- 626 distribute the funds to each eligible teacher of the same tier of performance level on a
- 627 pro rata basis.
- 628 (13) The center and the state board shall collaborate regarding data sharing and other
- 629 relevant interactions to facilitate the successful administration of the program.
- 630 (14)(a) An eligible teacher that receives a salary supplement under the program has no
- 631 vested property right in the salary supplement or the designation as an eligible
- 632 teacher.
- 633 (b) An eligible teacher's salary supplement and designation under this section are void if
- 634 the school principal or principal's designee, LEA, or the center made or certified the
- 635 designation improperly.
- 636 (15)(a) Subject to prioritization of the Audit Subcommittee, unless the state board
- 637 contracts a private auditor in accordance with Subsection (15)(b), the Office of the
- 638 Legislative Auditor General established under Section 36-12-15 shall, in any fiscal
- 639 year:
- 640 (i) conduct an audit of the program including:

- 641 (A) an evaluation of the implementation of the program; and
642 (B) the efficacy of the program, including program outcomes; and
643 (ii) prepare and submit a written report for an audit described in this section in
644 accordance with Subsection 36-12-15[(4)(b)(ii)] (6)(b).
- 645 (b) Subject to legislative appropriations, the state board may contract with an external
646 auditor to perform the audit described in this Subsection (15).
- 647 (16)(a) The center shall report to the Education Interim Committee no later than the
648 2024 October meeting the following:
- 649 (i) the methodology and process the center develops to achieve the requirements of
650 Subsection (7);
651 (ii) relevant data and updates resulting from the collaborations described in
652 Subsection (8);
653 (iii) any recommendations for future legislation; and
654 (iv) data regarding salary supplement programs, including:
655 (A) different approaches used to reward teacher performance, including different
656 evaluation methods;
657 (B) research outlining the effectiveness and impact of different salary supplement
658 amounts on teacher retention; and
659 (C) other considerations for impactful salary supplement programs in relation to
660 teacher retention.
- 661 (b) Beginning November 1, 2026, the center shall provide an annual report to the
662 Education Interim Committee regarding:
- 663 (i) the statewide metrics used in accordance with Subsection (7);
664 (ii) de-identified and aggregated data showing the number of:
665 (A) salary supplements per school, including total number of eligible teachers in
666 each school;
667 (B) eligible teachers in high poverty schools;
668 (C) eligible teachers in each tier performance level;
669 (D) eligible teachers in subject areas that do not have standardized assessments;
670 and
671 (E) salary supplement denials per school, including the reasons for a denial;
672 (iii) proportion of eligible teachers in:
673 (A) school districts; and
674 (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 (Effective 05/07/25). 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.

(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:

(i) a tax commissioner;

(ii) an agent, clerk, or other officer or employee of the commission; or

(iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.

(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:

(i) in accordance with judicial order;

(ii) on behalf of the commission in any action or proceeding under:

(A) this title; or

(B) other law under which persons are required to file returns with the

- 709 commission;
- 710 (iii) on behalf of the commission in any action or proceeding to which the
- 711 commission is a party; or
- 712 (iv) on behalf of any party to any action or proceeding under this title if the report or
- 713 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
- 715 admit in evidence, any portion of a return or of the facts shown by the return, as are
- 716 specifically pertinent to the action or proceeding.
- 717 (d) Notwithstanding any other provision of state law, a person described in Subsection
- 718 (2)(a) may not divulge or make known in any manner any information gained by that
- 719 person from any return filed with the commission to the extent that the disclosure is
- 720 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
- 723 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
- 725 identification of particular reports or returns; and
- 726 (c) the inspection by the attorney general or other legal representative of the state of the
- 727 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
- 730 under this title; or
- 731 (iii) against whom the state has an unsatisfied money judgment.
- 732 (4)(a) Notwithstanding Subsection (2) and for purposes of administration, the
- 733 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah
- 734 Administrative Rulemaking Act, provide for a reciprocal exchange of information
- 735 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
- 739 corporate franchise tax, the commission may by rule, made in accordance with Title
- 740 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered
- 741 from returns and other written statements with the federal government, any other
- 742 state, any of the political subdivisions of another state, or any political subdivision of

743 this state, except as limited by Sections 59-12-209 and 59-12-210, if the political
744 subdivision, other state, or the federal government grant substantially similar
745 privileges to this state.

746 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
747 corporate franchise tax, the commission may by rule, in accordance with Title 63G,
748 Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of
749 information concerning the identity and other information of taxpayers who have
750 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
752 Division of Environmental Response and Remediation, as defined in Section
753 19-6-402, as requested by the director of the Division of Environmental Response
754 and Remediation, any records, returns, or other information filed with the
755 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section
756 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
758 provide that person sales and purchase volume data reported to the commission on a
759 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,
763 as defined in Section 59-22-202, the commission shall report to the manufacturer:

764 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
765 manufacturer and reported to the commission for the previous calendar year under
766 Section 59-14-407; and

767 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
768 manufacturer for which a tax refund was granted during the previous calendar
769 year under Section 59-14-401 and reported to the commission under Subsection
770 59-14-401(1)(a)(v).

771 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
772 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is
773 prohibited from selling cigarettes to consumers within the state under Subsection
774 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

- 777 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
- 781 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
- 783 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's
- 784 Office of Planning and Budget, provide to the committee or office the total amount of
- 785 revenues collected by the commission under Chapter 24, Radioactive Waste Facility
- 786 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
- 788 Section 59-14-603 available for public inspection.
- 789 (k) Notwithstanding Subsection (2), the commission may share information with federal,
- 790 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
- 792 Recovery Services within the Department of Health and Human Services any
- 793 relevant information obtained from a return filed under Chapter 10, Individual
- 794 Income Tax Act, regarding a taxpayer who has become obligated to the Office of
- 795 Recovery Services.
- 796 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office
- 797 of Recovery Services to any other state's child support collection agency involved
- 798 in enforcing that support obligation.
- 799 (m)(i) Notwithstanding Subsection (2), upon request from the state court
- 800 administrator, the commission shall provide to the state court administrator, the
- 801 name, address, telephone number, county of residence, and social security number
- 802 on resident returns filed under Chapter 10, Individual Income Tax Act.
- 803 (ii) The state court administrator may use the information described in Subsection
- 804 (4)(m)(i) only as a source list for the master jury list described in Section
- 805 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
- 808 Section 63N-1a-301.
- 809 (B) "Income tax information" means information gained by the commission that is
- 810 required to be attached to or included in a return filed with the commission

811 under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10,
812 Individual Income Tax Act.

813 (C) "Other tax information" means information gained by the commission that is
814 required to be attached to or included in a return filed with the commission
815 except for a return filed under Chapter 7, Corporate Franchise and Income
816 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
819 (4)(n)(ii)(B) or (C), the commission shall at the request of GOEO provide to
820 GOEO all income tax information.

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

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

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

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

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

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

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

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

842 (B) GOEO may not provide to a person that requests tax information in
843 accordance with Subsection (4)(n)(v)(A) any tax information other than the tax
844 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.
- (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.
- (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.
- (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:
- (i) an eligibility worker with the Department of Health and Human Services or its designee requests the information from the commission; and
 - (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.
- (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.

(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.

(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.

(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.

(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 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.

(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.

(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.

(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.

(B) The information described in Subsection (4)(y)(ii) is available only in official

- 913 matters of the qualifying jurisdiction.
- 914 (iv) Information that a qualifying jurisdiction receives in response to a request under
915 this subsection is:
- 916 (A) classified as a private record under Title 63G, Chapter 2, Government Records
917 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
920 Beverage Services Commission, upon request, with taxpayer status information
921 related to state tax obligations necessary to comply with the requirements described
922 in Section 32B-1-203.
- 923 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of
924 Workforce Services, as soon as practicable, whether an individual claimed and is
925 entitled to claim a federal earned income tax credit for the year requested by the
926 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
929 35A-9-604.
- 930 (bb)(i) As used in this Subsection (4)(bb), "unclaimed property administrator" means
931 the administrator or the administrator's agent, as those terms are defined in Section
932 67-4a-102.
- 933 (ii)(A) Notwithstanding Subsection (2), upon request from the unclaimed property
934 administrator and to the extent allowed under federal law, the commission shall
935 provide the unclaimed property administrator the name, address, telephone
936 number, county of residence, and social security number or federal employer
937 identification number on any return filed under Chapter 7, Corporate Franchise
938 and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 939 (B) The unclaimed property administrator may use the information described in
940 Subsection (4)(bb)(ii)(A) only for the purpose of returning unclaimed property
941 to the property's owner in accordance with Title 67, Chapter 4a, Revised
942 Uniform Unclaimed Property Act.
- 943 (iii) The unclaimed property administrator is subject to the confidentiality provisions
944 of this section with respect to any information the unclaimed property
945 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:

- (i) the taxpayer consents in writing to the disclosure;
- (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
- (iii) the program manager provides the taxpayer's written consent to the commission.

(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:

- (i) the name of the taxpayer entitled to the payment or any other person legally authorized to receive the payment;
- (ii) the taxpayer identification number of the taxpayer entitled to the payment;
- (iii) the payment identification number and amount of the payment;
- (iv) the tax year to which the payment applies and date on which the payment is due;
- (v) a mailing address to which the payment may be directed; and
- (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.

(ee) Notwithstanding Subsection (2), the commission shall provide the total amount of revenues collected by the commission under Subsection 59-5-202(5):

- (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
- (ii) to the Division of Finance for purposes of the Division of Finance administering Subsection 59-5-202(5).

(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.

(5)(a) Each report and return shall be preserved for at least three years.

(b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or return.

(6)(a) Any individual who violates this section is guilty of a class A misdemeanor.

(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.

(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):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(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):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

Section 6. **Effective Date.**

This bill takes effect on May 7, 2025.

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.