

1                   **CITIZENS' CUSTOMER SATISFACTION PROGRAM**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Steve Eliason**

5                                   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill creates the Citizens' Customer Satisfaction Program.

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ defines terms;
- 13       ▶ creates the Citizens' Customer Satisfaction Program within the Office of the Utah  
14 State Auditor to covertly observe and evaluate state entities;
- 15       ▶ establishes state auditor responsibilities;
- 16       ▶ establishes program responsibilities;
- 17       ▶ establishes reporting requirements;
- 18       ▶ directs the state auditor to create a repository where certain information created by  
19 the program will be made publicly available;
- 20       ▶ allows the head of certain governmental entities to offer pecuniary incentives for  
21 employees who meet performance measures;
- 22       ▶ designates certain records as private records; and
- 23       ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25       None

26 **Other Special Clauses:**

27       None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63G-2-302**, as last amended by Laws of Utah 2014, Chapter 373

31 ENACTS:

32 **67-3-201**, Utah Code Annotated 1953

33 **67-3-202**, Utah Code Annotated 1953

34 **67-3-203**, Utah Code Annotated 1953

35 **67-3-204**, Utah Code Annotated 1953

36 **67-3-205**, Utah Code Annotated 1953

37 **67-3-206**, Utah Code Annotated 1953

38 RENUMBERS AND AMENDS:

39 **67-3-101**, (Renumbered from 67-3-1, as last amended by Laws of Utah 2014, Chapter  
40 377)

41 **67-3-102**, (Renumbered from 67-3-1.5, as renumbered and amended by Laws of Utah  
42 2001, Chapter 46)

43 **67-3-103**, (Renumbered from 67-3-2, Utah Code Annotated 1953)

44 **67-3-104**, (Renumbered from 67-3-3, Utah Code Annotated 1953)

45 **67-3-105**, (Renumbered from 67-3-4, Utah Code Annotated 1953)

46 **67-3-106**, (Renumbered from 67-3-5, as last amended by Laws of Utah 2003, Chapter  
47 78)

48 **67-3-107**, (Renumbered from 67-3-6, as last amended by Laws of Utah 1984, Chapter  
49 67)

50 **67-3-108**, (Renumbered from 67-3-8, as last amended by Laws of Utah 2003, Chapter  
51 292)



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

54 Section 1. Section **63G-2-302** is amended to read:

55 **63G-2-302. Private records.**

56 (1) The following records are private:

57 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
58 social services, welfare benefits, or the determination of benefit levels;

- 59 (b) records containing data on individuals describing medical history, diagnosis,  
60 condition, treatment, evaluation, or similar medical data;
- 61 (c) records of publicly funded libraries that when examined alone or with other records  
62 identify a patron;
- 63 (d) records received by or generated by or for:
- 64 (i) the Independent Legislative Ethics Commission, except for:
- 65 (A) the commission's summary data report that is required under legislative rule; and  
66 (B) any other document that is classified as public under legislative rule; or
- 67 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
68 unless the record is classified as public under legislative rule;
- 69 (e) records received by, or generated by or for, the Independent Executive Branch  
70 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review  
71 of Executive Branch Ethics Complaints;
- 72 (f) records received or generated for a Senate confirmation committee concerning  
73 character, professional competence, or physical or mental health of an individual:
- 74 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 75 (A) reasonably could be expected to interfere with the investigation undertaken by the  
76 committee; or
- 77 (B) would create a danger of depriving a person of a right to a fair proceeding or  
78 impartial hearing; and
- 79 (ii) after the meeting, if the meeting was closed to the public;
- 80 (g) (i) employment records concerning a current or former employee of, or applicant  
81 for employment with, a governmental entity that would disclose that individual's home address,  
82 home telephone number, Social Security number, insurance coverage, marital status, or payroll  
83 deductions;
- 84 (ii) except as provided in Subsection (4) or 67-3-206(2)(c), the part of a record that  
85 reveals the name of an employee, or information that could lead to the identification of an  
86 employee, who was covertly observed under the Citizens' Customer Satisfaction Program; or
- 87 (iii) the part of a record that reveals the name of a person, or information that could  
88 lead to the identification of a person, who performed an interaction under the Citizens'  
89 Customer Satisfaction Program;

- 90 (h) records or parts of records under Section 63G-2-303 that a current or former
- 91 employee identifies as private according to the requirements of that section;
- 92 (i) that part of a record indicating a person's Social Security number or federal
- 93 employer identification number if provided under Section 31A-23a-104, 31A-25-202,
- 94 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 95 (j) that part of a voter registration record identifying a voter's:
- 96 (i) driver license or identification card number;
- 97 (ii) Social Security number, or last four digits of the Social Security number;
- 98 (iii) email address; or
- 99 (iv) date of birth;
- 100 (k) a voter registration record that is classified as a private record by the lieutenant
- 101 governor or a county clerk under Subsection 20A-2-104(4)(f);
- 102 (l) a record that:
- 103 (i) contains information about an individual;
- 104 (ii) is voluntarily provided by the individual; and
- 105 (iii) goes into an electronic database that:
- 106 (A) is designated by and administered under the authority of the Chief Information
- 107 Officer; and
- 108 (B) acts as a repository of information about the individual that can be electronically
- 109 retrieved and used to facilitate the individual's online interaction with a state agency;
- 110 (m) information provided to the Commissioner of Insurance under:
- 111 (i) Subsection 31A-23a-115(2)(a);
- 112 (ii) Subsection 31A-23a-302(3); or
- 113 (iii) Subsection 31A-26-210(3);
- 114 (n) information obtained through a criminal background check under Title 11, Chapter
- 115 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 116 (o) information provided by an offender that is:
- 117 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 118 Offender Registry; and
- 119 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 120 (p) a statement and any supporting documentation filed with the attorney general in

121 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
122 homeland security;

123 (q) electronic toll collection customer account information received or collected under  
124 Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
125 collected by a public transit district, including contact and payment information and customer  
126 travel data;

127 (r) an email address provided by a military or overseas voter under Section  
128 20A-16-501;

129 (s) a completed military-overseas ballot that is electronically transmitted under Title  
130 20A, Chapter 16, Uniform Military and Overseas Voters Act;

131 (t) records received by or generated by or for the Political Subdivisions Ethics Review  
132 Commission established in Section 11-49-201, except for:

133 (i) the commission's summary data report that is required in Section 11-49-202; and

134 (ii) any other document that is classified as public in accordance with Title 11, Chapter  
135 49, Political Subdivisions Ethics Review Commission; and

136 (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was  
137 notified of an incident or threat.

138 (2) The following records are private if properly classified by a governmental entity:

139 (a) records concerning a current or former employee of, or applicant for employment  
140 with a governmental entity, including performance evaluations and personal status information  
141 such as race, religion, or disabilities, but not including records that are public under Subsection  
142 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

143 (b) records describing an individual's finances, except that the following are public:

144 (i) records described in Subsection 63G-2-301(2);

145 (ii) information provided to the governmental entity for the purpose of complying with  
146 a financial assurance requirement; or

147 (iii) records that must be disclosed in accordance with another statute;

148 (c) records of independent state agencies if the disclosure of those records would  
149 conflict with the fiduciary obligations of the agency;

150 (d) other records containing data on individuals the disclosure of which constitutes a  
151 clearly unwarranted invasion of personal privacy;

152 (e) records provided by the United States or by a government entity outside the state  
153 that are given with the requirement that the records be managed as private records, if the  
154 providing entity states in writing that the record would not be subject to public disclosure if  
155 retained by it; and

156 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
157 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
158 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

159 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
160 records, statements, history, diagnosis, condition, treatment, and evaluation.

161 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
162 doctors, or affiliated entities are not private records or controlled records under Section  
163 63G-2-304 when the records are sought:

164 (i) in connection with any legal or administrative proceeding in which the patient's  
165 physical, mental, or emotional condition is an element of any claim or defense; or

166 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
167 relies upon the condition as an element of the claim or defense.

168 (c) Medical records are subject to production in a legal or administrative proceeding  
169 according to state or federal statutes or rules of procedure and evidence as if the medical  
170 records were in the possession of a nongovernmental medical care provider.

171 (4) Notwithstanding this Title 63G, Chapter 2, Government Records Access and  
172 Management Act, the state auditor may send, in accordance with Subsection 67-3-205(2), the  
173 information described in Subsection (1)(g)(ii) to the head of the public service entity that is the  
174 subject of the record upon which the name of the individual appears.

175 Section 2. Section 67-3-101, which is renumbered from Section 67-3-1 is renumbered  
176 and amended to read:

177 ~~[67-3-1].~~ **67-3-101. Functions and duties.**

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

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

182 (2) The state auditor shall examine and certify annually in respect to each fiscal year,

183 financial statements showing:

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

185 (b) the revenues received or accrued;

186 (c) expenditures paid or accrued;

187 (d) the amount of unexpended or unencumbered balances of the appropriations to the  
188 agencies, departments, divisions, commissions, and institutions; and

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

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

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

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

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

198 (A) honesty and integrity in fiscal affairs;

199 (B) accuracy and reliability of financial statements;

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

201 (D) compliance with the law.

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

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

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

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

213 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to

214 financial audits, and as the auditor determines is necessary, conduct performance and special  
215 purpose audits, examinations, and reviews of any entity that receives public funds, including a  
216 determination of any or all of the following:

- 217 (i) the honesty and integrity of all its fiscal affairs;
- 218 (ii) whether [~~or not~~] its administrators have faithfully complied with legislative intent;
- 219 (iii) whether [~~or not~~] its operations have been conducted in an efficient, effective, and  
220 cost-efficient manner;
- 221 (iv) whether [~~or not~~] its programs have been effective in accomplishing the intended  
222 objectives; and
- 223 (v) whether [~~or not~~] its management, control, and information systems are adequate,  
224 effective, and secure.

225 (b) The auditor may not conduct performance and special purpose audits,  
226 examinations, and reviews of any entity that receives public funds if the entity:

- 227 (i) has an elected auditor; and
- 228 (ii) has, within the entity's last budget year, had its financial statements or performance  
229 formally reviewed by another outside auditor.

230 (5) The state auditor shall administer any oath or affirmation necessary to the  
231 performance of the duties of the auditor's office, and may subpoena witnesses and documents,  
232 whether electronic or otherwise, and examine into any matter that the auditor considers  
233 necessary.

234 (6) The state auditor may require all persons who have had the disposition or  
235 management of any property of this state or its political subdivisions to submit statements  
236 regarding it at the time and in the form that the auditor requires.

237 (7) The state auditor shall:

238 (a) except where otherwise provided by law, institute suits in Salt Lake County in  
239 relation to the assessment, collection, and payment of its revenues against:

240 (i) persons who by any means have become entrusted with public money or property  
241 and have failed to pay over or deliver the money or property; and

242 (ii) all debtors of the state;

243 (b) collect and pay into the state treasury all fees received by the state auditor;

244 (c) perform the duties of a member of all boards of which the state auditor is a member



245 by the constitution or laws of the state, and any other duties that are prescribed by the  
246 constitution and by law;

247 (d) stop the payment of the salary of any state official or state employee who:

248 (i) refuses to settle accounts or provide required statements about the custody and  
249 disposition of public funds or other state property;

250 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling  
251 board or department head with respect to the manner of keeping prescribed accounts or funds;  
252 or

253 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the  
254 official's or employee's attention;

255 (e) establish accounting systems, methods, and forms for public accounts in all taxing  
256 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

257 (f) superintend the contractual auditing of all state accounts;

258 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of  
259 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that  
260 officials and employees in those taxing units comply with state laws and procedures in the  
261 budgeting, expenditures, and financial reporting of public funds; and

262 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,  
263 if necessary, to ensure that officials and employees in the county comply with Section  
264 [59-2-303.1](#).

265 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds  
266 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal  
267 written notice of noncompliance from the auditor and has been given 60 days to make the  
268 specified corrections.

269 (b) If, after receiving notice under Subsection (8)(a), a state or independent local  
270 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state  
271 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the  
272 state auditor:

273 (i) shall provide a recommended timeline for corrective actions; and

274 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the  
275 state; and

276 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an  
277 account of a financial institution by filing an action in district court requesting an order of the  
278 court to prohibit a financial institution from providing the fee-assessing unit access to an  
279 account.

280 (c) The state auditor shall remove a limitation on accessing funds under Subsection  
281 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and  
282 financial reporting of public funds.

283 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with  
284 state law, the state auditor:

285 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to  
286 comply;

287 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the  
288 state; and

289 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an  
290 account of a financial institution by:

291 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that  
292 the institution prohibit access to the account; or

293 (B) filing an action in district court requesting an order of the court to prohibit a  
294 financial institution from providing the taxing or fee-assessing unit access to an account.

295 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state  
296 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection  
297 (8)(d).

298 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has  
299 received formal written notice of noncompliance from the auditor and has been given 60 days  
300 to make the specified corrections.

301 (10) Notwithstanding Subsection (7)(g), (7)(h), (8)(b), or (8)(d) the state auditor:

302 (a) shall authorize a disbursement by a state or local taxing or fee-assessing unit if the  
303 disbursement is necessary to:

304 (i) avoid a major disruption in the operations of the state or local taxing or  
305 fee-assessing unit; or

306 (ii) meet debt service obligations; and

307 (b) may authorize a disbursement by a state or local taxing or fee-assessing unit as the  
308 state auditor determines is appropriate.

309 (11) The state auditor shall:

310 (a) establish audit guidelines and procedures for audits of local mental health and  
311 substance abuse authorities and their contract providers, conducted pursuant to Title 17,  
312 Chapter 43, Parts 2, Local Substance Abuse Authorities, and 3, Local Mental Health  
313 Authorities, Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal  
314 Organizations, and Other Local Entities Act, and Title 62A, Chapter 15, Substance Abuse and  
315 Mental Health Act; and

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

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

319 (ii) a private provider under an annual or otherwise ongoing contract to provide  
320 comprehensive mental health programs or services for a local mental health authority is in  
321 compliance with state and local contract requirements, and state and federal law;

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

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

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

333 (13) (a) The state auditor may not audit work that the state auditor performed before  
334 becoming state auditor.

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

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

338 (ii) provide additional funding for those audits, if necessary.  
339 (14) The state auditor shall:  
340 (a) with the assistance, advice, and recommendations of an advisory committee  
341 appointed by the state auditor from among local district boards of trustees, officers, and  
342 employees and special service district boards, officers, and employees:  
343 (i) prepare a Uniform Accounting Manual for Local Districts that:  
344 (A) prescribes a uniform system of accounting and uniform budgeting and reporting  
345 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -  
346 Local Districts, and special service districts under Title 17D, Chapter 1, Special Service  
347 District Act;  
348 (B) conforms with generally accepted accounting principles; and  
349 (C) prescribes reasonable exceptions and modifications for smaller districts to the  
350 uniform system of accounting, budgeting, and reporting;  
351 (ii) maintain the manual under Subsection (14)(a) so that it continues to reflect  
352 generally accepted accounting principles;  
353 (iii) conduct a continuing review and modification of procedures in order to improve  
354 them;  
355 (iv) prepare and supply each district with suitable budget and reporting forms; and  
356 (v) prepare instructional materials, conduct training programs, and render other  
357 services considered necessary to assist local districts and special service districts in  
358 implementing the uniform accounting, budgeting, and reporting procedures; and  
359 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices  
360 and experiences of specific local districts and special service districts selected by the state  
361 auditor and make the information available to all districts.  
362 (15) (a) The following records in the custody or control of the state auditor are  
363 protected records under Title 63G, Chapter 2, Government Records Access and Management  
364 Act:  
365 (i) records that would disclose information relating to allegations of personal  
366 misconduct, gross mismanagement, or illegal activity of a past or present governmental  
367 employee if the information or allegation cannot be corroborated by the state auditor through  
368 other documents or evidence, and the records relating to the allegation are not relied upon by

369 the state auditor in preparing a final audit report;

370 (ii) records and audit workpapers to the extent they would disclose the identity of a  
371 person who during the course of an audit, communicated the existence of any waste of public  
372 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation  
373 adopted under the laws of this state, a political subdivision of the state, or any recognized entity  
374 of the United States, if the information was disclosed on the condition that the identity of the  
375 person be protected;

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

379 (iv) records that would disclose an outline or part of any audit survey plans or audit  
380 program; and

381 (v) requests for audits, if disclosure would risk circumvention of an audit.

382 (b) The provisions of Subsections (15)(a)(i), (ii), and (iii) do not prohibit the disclosure  
383 of records or information that relate to a violation of the law by a governmental entity or  
384 employee to a government prosecutor or peace officer.

385 (c) The provisions of this Subsection (15) do not limit the authority otherwise given to  
386 the state auditor to classify a document as public, private, controlled, or protected under Title  
387 63G, Chapter 2, Government Records Access and Management Act.

388 (16) If the state auditor conducts an audit of an entity that the state auditor has  
389 previously audited and finds that the entity has not implemented a recommendation made by  
390 the state auditor in a previous audit, the state auditor shall notify the Legislative Management  
391 Committee through its audit subcommittee that the entity has not implemented that  
392 recommendation.

393 Section 3. Section **67-3-102**, which is renumbered from Section 67-3-1.5 is  
394 renumbered and amended to read:

395 ~~[67-3-1.5].~~ **67-3-102. Fees of state auditor.**

396 The state auditor shall receive the following fees:

397 (1) for a copy of any paper filed or recorded in his office, 20 cents per folio[-];

398 (2) for affixing certificate, with or without seal, \$1[-]; and

399 (3) for filing any paper not otherwise provided for, \$1.

400 Section 4. Section **67-3-103**, which is renumbered from Section 67-3-2 is renumbered  
401 and amended to read:

402 ~~[67-3-2]~~. **67-3-103. Right to compel accounting by, and state accounts with,**  
403 **all collectors of state money -- Escheats.**

404 Whenever any person has received money, or has money or other personal property  
405 which belongs to the state by escheat or otherwise, or has been entrusted with the collection,  
406 management or disbursement of any money, bonds, or interest accruing thereon, belonging to  
407 or held in trust by the state, and fails to render an account thereof to and make settlement with  
408 the state auditor within the time prescribed by law, or, when no particular time is specified,  
409 fails to render such account and make settlement, or who fails to pay into the state treasury any  
410 money belonging to the state, upon being required so to do by the state auditor, within 20 days  
411 after such requisition, the state auditor must state an account with such person, charging 25%  
412 damages, and interest at the rate of 10% per annum from the time of failure; a copy of such  
413 account in any suit thereon shall be prima facie evidence of the things therein stated. In case  
414 the state auditor cannot, for want of information, state such an account, he may in any action  
415 brought by him aver the fact, and allege generally the amount of money or other property which  
416 is due to or which belongs to the state.

417 Section 5. Section **67-3-104**, which is renumbered from Section 67-3-3 is renumbered  
418 and amended to read:

419 ~~[67-3-3]~~. **67-3-104. Disbursements of public funds -- Suspension of**  
420 **disbursements -- Procedure upon suspension.**

421 The state auditor shall have the power to suspend any disbursement of public funds  
422 whenever in his opinion such disbursement is contrary to law, and if the validity of any such  
423 disbursement be not established within six months from the date of original suspension then  
424 the matter shall be referred to the attorney general for appropriate action and if in his opinion  
425 the suspension was justified he shall immediately notify the auditor, who shall forthwith make  
426 demand upon the surety of the disbursing or certifying officer, and it shall be mandatory upon  
427 the surety immediately to meet the demand and to pay into the state treasury by certified check  
428 or legal tender any amount or amounts disbursed and involved in the suspension.

429 All suspensions shall be in writing and the state auditor shall prepare a form to be  
430 known as the notice of suspension. The form shall contain complete information as to the

431 payment suspended, the reason for the suspension and the amount of money involved and any  
432 other information that will clearly establish identification of the payment. The original of the  
433 suspension notice shall be retained by the state auditor and one copy shall be served upon the  
434 disbursing or certifying officer, one copy upon any member of the finance commission, one  
435 copy upon the surety of the disbursing or certifying officer, and one copy shall be attached to  
436 the document under suspension. Receipts entered upon the original suspension notice held by  
437 the state auditor shall be taken from the disbursing or certifying officer, the finance  
438 commission and the surety, except that the copy to the surety company may be mailed in which  
439 case so doing will constitute legal service.

440         Immediately upon any suspension becoming final the finance commission shall cause  
441 an entry to be made debiting the disbursing or certifying officer with the amount of money  
442 involved in any suspension notice and shall credit the account originally charged by the  
443 payment. Upon release of final suspension by the state auditor a reversing entry shall be made  
444 crediting the disbursing or certifying officer, and like credit shall be given in all recoveries  
445 from the surety.

446         Section 6. Section **67-3-105**, which is renumbered from Section 67-3-4 is renumbered  
447 and amended to read:

448         ~~[67-3-4]~~.         **67-3-105. Appropriations not to be diverted from purposes.**

449         No appropriation and no surplus of any appropriation shall be diverted from any  
450 account to any other account, except as provided by law, and the money appropriated, or so  
451 much as may be necessary, shall be applied to the payment of the item for which the  
452 appropriation is made and nothing else.

453         Section 7. Section **67-3-106**, which is renumbered from Section 67-3-5 is renumbered  
454 and amended to read:

455         ~~[67-3-5]~~.         **67-3-106. Right of visitation and examination.**

456         For the purpose of carrying out the duties of the state auditor, the state auditor shall  
457 have access to all offices of public entities during business hours for the inspection of their  
458 records, regardless of any general limitation on access to records provided in an entity's  
459 individual statute.

460         Section 8. Section **67-3-107**, which is renumbered from Section 67-3-6 is renumbered  
461 and amended to read:

462 ~~[67-3-6].~~ 67-3-107. Seal.

463 The state auditor shall adopt a seal and shall file a description and an impression thereof  
464 with the Division of Archives and Records Service.

465 Section 9. Section **67-3-108**, which is renumbered from Section 67-3-8 is renumbered  
466 and amended to read:

467 ~~[67-3-8].~~ 67-3-108. Preparation and distribution of budget forms.

468 The state auditor shall formulate and print budget forms for all cities, all counties, and  
469 all school districts. These budget forms shall be distributed at cost to each city, county, and  
470 school district.

471 Section 10. Section **67-3-201** is enacted to read:

472 **Part 2. Citizens' Customer Satisfaction Program**

473 67-3-201. Title.

474 This part is known as the "Citizens' Customer Satisfaction Program."

475 Section 11. Section **67-3-202** is enacted to read:

476 67-3-202. Definitions.

477 As used in this part:

478 (1) "Covertly observe" means an act taken by the program to directly observe and  
479 evaluate the customer service offered by a public service entity without the knowledge of the  
480 public service entity.

481 (2) (a) "Government entity" means a department, agency, division, office, authority,  
482 library, unit, bureau, program, or other unit of the state.

483 (b) "Government entity" includes the judicial branch of the state.

484 (c) "Government entity" does not include a political subdivision or an entity of a  
485 political subdivision of the state, a state institution of higher education, a school district, a  
486 public school, or an independent corporation as defined in Section [63E-1-102](#).

487 (3) "Office," except as used in Subsection (2)(a), means the Office of the Utah State  
488 Auditor.

489 (4) "Program," except as used in Subsection (2)(a), means the Citizens' Customer  
490 Satisfaction Program created in Section [67-3-203](#).

491 (5) "Public service entity" means a government entity:

492 (a) that receives public funds;



493 (b) that expends funds described in Subsection (5)(a); and

494 (c) with which an individual citizen may initiate contact to receive, for the individual  
495 or the individual's immediate family, a statutorily authorized benefit or service.

496 (6) "Interaction" means an individual act under the program to covertly observe a  
497 public service entity in a manner authorized by this part.

498 Section 12. Section **67-3-203** is enacted to read:

499 **67-3-203. Creation -- Structure -- Authority.**

500 (1) There is created the "Citizens' Customer Satisfaction Program" within the Office of  
501 the Utah State Auditor.

502 (2) The state auditor may procure the services of a nonpublic entity in accordance with  
503 Title 63G, Chapter 6a, Utah Procurement Code, to administer the program.

504 Section 13. Section **67-3-204** is enacted to read:

505 **67-3-204. Program duties and responsibilities -- Data collection.**

506 (1) In implementing the program, the state auditor shall administer a covert interaction  
507 program to:

508 (a) assess the quality of a public service entity's customer service through covert  
509 observation; and

510 (b) identify any public service entity practices that are not in compliance with state law,  
511 rule, or policy, or generally accepted customer service practices.

512 (2) Before July 1 of each year, the state auditor shall:

513 (a) create a list of all public service entities in the state; and

514 (b) from the list created under Subsection (2)(a), choose the public service entities that  
515 the auditor believes would benefit most from the program's assessment.

516 (3) (a) Before January 1 of each year, the state auditor shall consult with the head of  
517 each public service entity chosen under Subsection (2)(b) to:

518 (i) identify the services provided by the public service entity that are subject to the  
519 program's assessment;

520 (ii) obtain performance measures for the services described in Subsection (3)(a)(i) that  
521 the program will measure, including a scoring system by which the state auditor will rate the  
522 public service entity's customer service; and

523 (iii) obtain, from the head of the public service entity, goals for the public service

524 entity's customer service, using the performance measures obtained under Subsection (3)(a)(ii).

525 (b) If the state auditor cannot obtain performance measures or goals from the head of a  
526 public service entity under Subsection (3)(a), the state auditor shall notify the legislative  
527 committee that has oversight over the public service entity.

528 (c) In addition to the performance measures obtained under Subsection (3)(a)(ii) for  
529 each public service entity, the state auditor shall establish a scoring system by which the state  
530 auditor shall rate the customer service of all public service entities chosen under Subsection  
531 (2)(b).

532 (4) For each calendar year, the state auditor shall, for each public service entity chosen  
533 under Subsection (2)(b) in the previous year:

534 (a) create a plan, based upon the performance measures obtained in Subsection (3), to  
535 covertly observe and evaluate the public service entity's performance;

536 (b) collect detailed data on each interaction conducted under the program, including the  
537 name of each of the public service entity's employees who were contacted during the  
538 interaction; and

539 (c) score the public service entity according to the scoring system for each performance  
540 measure established under Subsection (3).

541 (5) (a) To complete the duties described in this section, an individual engaging in an  
542 interaction may covertly observe the customer service offered by a public service entity:

543 (i) in person;

544 (ii) by telephone; or

545 (iii) through electronic communication.

546 (b) The state auditor may covertly record an interaction.

547 (c) The state auditor may not covertly observe or record a direct interaction between a  
548 public service entity and another person unless that person is associated with the program or  
549 the Office of the Utah State Auditor.

550 (6) The state auditor may pay a stipend to a person that:

551 (a) performs an interaction for the program; and

552 (b) is not otherwise associated with the program.

553 Section 14. Section **67-3-205** is enacted to read:

554 **67-3-205. Reporting and tracking results -- Online database.**

555           (1) The state auditor shall, for each public service entity the program interacts with  
556 under Subsection 67-3-103(4), prepare a detailed report each month that contains:  
557           (a) the name of the public service entity;  
558           (b) the performance measures and goals obtained under Subsection 67-3-204(3) for the  
559 public service entity;  
560           (c) a summary of the plan created under Subsection 67-3-204(4)(a) for the entity;  
561           (d) a description of the program's efforts to execute the plan described in Subsection  
562 67-3-204(4)(a);  
563           (e) a compilation, analysis, and interpretation of the data collected under Subsection  
564 67-3-204(4)(c) and the scores recorded under Subsection 67-3-204(4)(d);  
565           (f) an assessment of how the public service entity's performance relates to the  
566 performance measures and goals obtained under Subsection 67-3-204(3) for the entity;  
567           (g) a description of each interaction, including:  
568           (i) the name of each of the entity's employees who were contacted during the  
569 interaction; and  
570           (ii) the scores recorded under Subsection 67-3-204(4)(d) for the interaction;  
571           (h) an explanation of any observed patterns of the entity's practices that do not appear  
572 to be in compliance with state law, rule, or policy or with generally accepted customer service  
573 practices; and  
574           (i) any recommended changes needed to bring the entity into compliance with state  
575 law, rule, or policy or with generally accepted customer service practices.  
576           (2) The state auditor shall, within 30 days after the day on which the state auditor  
577 prepares a report described in Subsection (1), send the report to the head of the public service  
578 entity that is the subject of the report.  
579           (3) (a) The state auditor shall create a repository to store and track the information  
580 collected under the program.  
581           (b) The repository described in Subsection (3)(a) shall:  
582           (i) be accessible to the public through the state auditor's website;  
583           (ii) for each public service entity with which the program has had an interaction,  
584 display a running total of the average monthly, average annual, and average all-time  
585 performance measure scores for the public service entity; and

586 (iii) contain each report prepared by the state auditor under Subsection (1) with private,  
587 protected, or controlled information, as defined in Title 63G, Chapter 2, Government Records  
588 Access and Management Act, redacted from the report.

589 Section 15. Section **67-3-206** is enacted to read:

590 **67-3-206. Public service entity responsibilities -- Incentives.**

591 (1) Upon receipt of a report under Subsection 67-3-205(2), the head of the public  
592 service entity shall:

593 (a) identify each employee described in Subsection 67-3-206(1)(g)(i); and

594 (b) place a copy of the portions of the report that pertain to the employee in the  
595 employee's personnel file.

596 (2) (a) The head of a public service entity chosen under Subsection 67-3-204(2)(b) may  
597 establish a pecuniary incentive to award to an employee of the entity:

598 (i) who has an interaction under the program; and

599 (ii) whose performance, as measured under the program, meets or exceeds the goals  
600 obtained under Subsection 67-3-204(3)(a)(iii) for the entity.

601 (b) The head of a public service entity that establishes a pecuniary incentive under  
602 Subsection (2)(a) shall distribute, in writing, to each employee eligible to receive the incentive:

603 (i) a description of the incentive; and

604 (ii) a description of requirements that an employee shall meet to receive the incentive.

605 (c) When the head of a public service entity awards a pecuniary incentive to an  
606 employee, the head of the entity shall distribute, in writing, to each of the entity's employees  
607 who is eligible for the incentive:

608 (i) the name of each employee who was awarded the incentive;

609 (ii) a description of how the employee described in Subsection (2)(c)(i) met the  
610 requirements established under Subsection (2)(b)(ii); and

611 (iii) a description of the incentive the individual was awarded.

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**Legislative Review Note**

**as of 2-20-15 9:09 AM**

**Office of Legislative Research and General Counsel**