

1                   **STATUTORY ADJUSTMENTS RELATED TO BUDGET**  
2   **CHANGES**

3   2020 FIFTH SPECIAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Jerry W. Stevenson**

6   House Sponsor: Bradley G. Last

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies provisions necessary to facilitate modifications made during the 2020  
11 Fifth Special Session to the budgets for the fiscal year beginning July 1, 2019, and  
12 ending June 30, 2020, and the fiscal year beginning July 1, 2020, and ending June 30,  
13 2021.

14                   **Highlighted Provisions:**

15                   This bill:

16                   ▶ to facilitate modifications made during the 2020 Fifth Special Session to the  
17 budgets for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and  
18 the fiscal year beginning July 1, 2020, and ending June 30, 2021:

19                   • allows funds in the Waste Tire Recycling Fund to be used for Department of  
20 Environmental Quality operational costs under certain circumstances;

21                   • deletes provisions requiring the lieutenant governor to print and distribute the  
22 Voter Information Pamphlet and requires the lieutenant governor to publish the  
23 Voter Information Pamphlet online;

24                   • deletes provisions relating to the Department of Health's increase in premium  
25 subsidies under the Utah Premium Partnership for Health Insurance Program for  
26 the fiscal year beginning July 1, 2020, and ending June 30, 2021;

27                   • allows certain funds in the Hospital Provider Assessment Expendable Revenue  
28 Fund to be transferred to the General Fund during the fiscal year beginning July

- 29 1, 2019, and ending June 30, 2020;
- 30           • allows certain funds in the Ambulance Service Provider Assessment
- 31 Expendable Revenue Fund to be transferred to the General Fund during the
- 32 fiscal year beginning July 1, 2019, and ending June 30, 2020;
- 33           • modifies the purposes for which the Liquor Control Fund may be used and the
- 34 percentage of revenue from the sale of liquor that is credited to the Liquor
- 35 Control Fund;
- 36           • modifies the percentage of revenue from the sale of liquor that is credited to the
- 37 Alcoholic Beverage Control Act Enforcement Fund;
- 38           • modifies the percentage of revenue from the sale of liquor that is credited to the
- 39 Underage Drinking Prevention Media and Education Campaign Restricted
- 40 Account;
- 41           • increases the total legislative appropriations that may be made annually from the
- 42 Uninsured Motorist Identification Restricted Account to the Peace Officer
- 43 Standards and Training Division;
- 44           • increases the total legislative appropriations that may be made annually to the
- 45 Department of Health from the Tobacco Settlement Restricted Account for
- 46 certain child dental and health benefits;
- 47           • reduces the total legislative appropriations that may be made annually to the
- 48 Department of Health from the Tobacco Settlement Restricted Account for
- 49 certain drug prevention programs;
- 50           • allows the transfer of a certain amount from the State Disaster Recovery
- 51 Restricted Account to the governor's emergency appropriations;
- 52           • requires the Division of Finance to transfer a certain portion of sales and use tax
- 53 revenue allocated to the Transportation Investment Fund of 2005 to the General
- 54 Fund;
- 55           • increases the total legislative appropriations that may be made annually to the

56 Department of Health from the Electronic Cigarette Substance and Nicotine Product Restricted  
57 Account for certain drug prevention programs;

58           • requires law enforcement to provide a final investigatory report regarding child  
59 abuse or neglect to the Division of Child and Family Services upon request and  
60 modifies provisions relating to the division's coordination with a law  
61 enforcement investigation of child abuse or neglect;

62           • modifies the circumstances under which the Division of Child and Family  
63 Services is required to conduct a preremoval investigation of alleged child abuse  
64 or neglect;

65           • modifies the county reimbursement rate for housing a state probationary or  
66 parole inmate;

67           • delays the effective date of the postpartum recovery leave program for certain  
68 state employees;

69           • extends the date before which the Department of Transportation is required to  
70 transfer certain funds relating to the County of the First Class Highway Projects  
71 Fund to the Transportation Fund; and

72           • modifies the circumstances under which a court may vest legal custody of a  
73 minor to address the minor's ungovernable or other behavior, mental health, or  
74 disability; and

75           ▶ makes technical and conforming changes.

76 **Money Appropriated in this Bill:**

77           None

78 **Other Special Clauses:**

79           This bill provides a special effective date.

80 **Utah Code Sections Affected:**

81 AMENDS:

82           19-6-807, as last amended by Laws of Utah 2013, Chapter 400

83           **20A-1-309 (Repealed 08/01/20)**, as enacted by Laws of Utah 2020, Third Special  
84 Session, Chapter 5  
85           **20A-5-403**, as last amended by Laws of Utah 2020, Chapter 31  
86           **20A-7-103**, as last amended by Laws of Utah 2011, Chapter 327  
87           **20A-7-202.5**, as last amended by Laws of Utah 2020, Chapter 277  
88           **20A-7-203**, as last amended by Laws of Utah 2020, Chapter 277  
89           **20A-7-204.1**, as last amended by Laws of Utah 2019, Chapters 255, 275 and last  
90 amended by Coordination Clause, Laws of Utah 2019, Chapter 275  
91           **20A-7-701**, as last amended by Laws of Utah 2008, Chapter 225  
92           **20A-7-702**, as last amended by Laws of Utah 2020, Chapter 31  
93           **26-18-3.8**, as last amended by Laws of Utah 2020, Chapter 225  
94           **26-36d-207**, as repealed and reenacted by Laws of Utah 2019, Chapter 455  
95           **26-37a-107**, as enacted by Laws of Utah 2015, Chapter 440  
96           **32B-2-301**, as last amended by Laws of Utah 2018, Chapter 329  
97           **32B-2-305**, as last amended by Laws of Utah 2013, Chapter 400  
98           **32B-2-306**, as last amended by Laws of Utah 2017, Chapter 163  
99           **41-12a-806**, as last amended by Laws of Utah 2019, Chapter 55  
100           **51-9-201 (Superseded 07/01/20)**, as last amended by Laws of Utah 2014, Chapter 96  
101           **51-9-201 (Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapter 365  
102           **53-2a-603**, as last amended by Laws of Utah 2019, Chapter 396  
103           **59-12-103**, as last amended by Laws of Utah 2020, Chapters 44 and 379  
104           **59-14-807 (Effective 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 347 and last  
105 amended by Coordination Clause, Laws of Utah 2020, Chapter 161  
106           **62A-4a-403**, as last amended by Laws of Utah 2018, Chapter 91  
107           **62A-4a-409**, as last amended by Laws of Utah 2020, Chapter 193  
108           **63J-1-602.2 (Superseded 07/01/20)**, as last amended by Laws of Utah 2020, Chapters  
109 152, 157, and 330

110 **63J-1-602.2 (Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapters  
111 152, 157, 230, 330, 360, and 365

112 **64-13e-104**, as last amended by Laws of Utah 2020, Chapter 410

113 **67-19-14.7 (Superseded 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402

114 **67-19-14.7 (Effective 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402

115 **72-2-121**, as last amended by Laws of Utah 2020, Chapter 366

116 **78A-6-117 (Superseded 07/01/20)**, as last amended by Laws of Utah 2020, Chapter  
117 214 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 214

118 **78A-6-117 (Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapters 214,  
119 230 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 214

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

122 Section 1. Section **19-6-807** is amended to read:

123 **19-6-807. Special revenue fund -- Creation -- Deposits.**

124 (1) There is created an expendable special revenue fund entitled the "Waste Tire  
125 Recycling Fund."

126 (2) The fund shall consist of:

127 (a) the proceeds of the fee imposed under Section **19-6-805**; and

128 (b) penalties collected under this part.

129 (3) Money in the fund shall be used for:

130 (a) partial reimbursement of the costs of transporting, processing, recycling, or  
131 disposing of waste tires as provided in this part; and

132 (b) payment of administrative costs of local health departments as provided in Section  
133 **19-6-817**.

134 (4) The Legislature may appropriate money from the fund to pay for:

135 (a) the costs of the Department of Environmental Quality in administering and  
136 enforcing this part[-]; and

137 (b) other operational costs of the Department of Environmental Quality, if the  
138 Legislature estimates there is a deficit in the Department of Environmental Quality's budget for  
139 the current or next fiscal year.

140 Section 2. Section **20A-1-309 (Repealed 08/01/20)** is amended to read:

141 **20A-1-309 (Repealed 08/01/20). Regular primary election, 2020 -- COVID-19**  
142 **measures.**

143 (1) (a) As used in this section, "mobile voting county" means a county that opts in to  
144 drive-up voting on election day in accordance with Subsection (9).

145 (b) In relation to conducting the 2020 regular primary election, the Legislature takes  
146 the action described in this section to protect the public health and safety in relation to the  
147 COVID-19 pandemic.

148 (c) If any provision of the Utah Code conflicts with a provision of this section, this  
149 section prevails.

150 (2) Notwithstanding any emergency declaration issued under the authority of this state,  
151 or any other restriction imposed by the governor, the Department of Health, a local  
152 government, a local health department, or any other government entity of the state, and  
153 consistent with the requirements of this section, the conduct of the 2020 regular primary  
154 election:

155 (a) subject to the provisions of this section, is an essential service, including voting,  
156 voter registration, the mailing of ballots, the return of completed ballots, the processing of  
157 ballots, the counting and tallying of votes, and the release of election results; and

158 (b) except as expressly provided in this section, is not prohibited or affected by the  
159 emergency declaration or restriction.

160 (3) The lieutenant governor's office shall, in consultation with the county clerks and  
161 consistent with the provisions of this section and other applicable requirements of law, issue  
162 protocols to protect the health and safety of voters and government employees in the conduct of  
163 the 2020 regular primary election, including:

- 164 (a) requiring poll workers to use protective gear and to wash hands regularly;
- 165 (b) prohibiting ill poll workers from working; and
- 166 (c) promoting, to the extent practicable, social distancing between poll workers.
- 167 (4) The lieutenant governor's office shall conduct a campaign to educate the public on
- 168 the provisions of this section, especially provisions relating to changes in the voter registration,
- 169 voting methods, and voting process.
- 170 (5) The lieutenant governor's office may make other modifications relating to
- 171 deadlines, locations, and methods of conducting the 2020 regular primary election to the extent
- 172 the modifications are necessary to carry out the provisions of this section.
- 173 (6) For the 2020 regular primary election only:
- 174 (a) the entire election will be conducted by mail, except that:
- 175 (i) a mobile voting county may provide drive-up voting, on election day only, in
- 176 accordance with the requirements of this section;
- 177 (ii) a covered voter, as defined in Section [20A-16-102](#), may vote in any manner
- 178 approved by the election officer;
- 179 (iii) an election officer shall:
- 180 (A) provide a method of accessible voting to a voter with a disability who is not able to
- 181 vote by mail; and
- 182 (B) include, on the election officer's website and with each ballot mailed, instructions
- 183 regarding how a voter described in Subsection (6)(a)(iii)(A) may vote;
- 184 (iv) a caretaker for a voter described in Subsection (6)(a)(iii) may vote at the same time
- 185 and place as the voter;
- 186 (b) except as provided in Subsection (6)(c), the notice of election shall include the
- 187 following statement: "To help prevent the spread of the coronavirus, for the 2020 regular
- 188 primary election only:
- 189 ▶ the election will be conducted entirely by mail;
- 190 ▶ drop boxes will be available for depositing mail-in ballots until 8 p.m. on

191 election day;

- 192 ▶ there will be no polling places on election day;
- 193 ▶ there will be no in person voting, including no in person early voting;
- 194 ▶ there will be no in person voter registration;
- 195 ▶ there will be no voter registration by provisional ballot; and
- 196 ▶ the voter registration deadline is 11 days before the day of the election.

197 An individual with a disability who is not able to vote a manual ballot by mail may  
198 obtain information on voting in an accessible manner from the county's website, by contacting  
199 the county clerk, or by reviewing the information included with a ballot mailed to the voter.";

200 (c) the notice of election for a mobile voting county shall include the following  
201 statement: "To help prevent the spread of the coronavirus, for the 2020 regular primary election  
202 only:

- 203 ▶ the election will be conducted primarily by mail;
- 204 ▶ drop boxes will be available for depositing mail-in ballots until 8 p.m. on  
205 election day;

206 ▶ there will be no regular polling places on election day, but there will be limited  
207 drive-up voting on election day, unless the county clerk cancels drive-up voting  
208 based on public health concerns;

209 ▶ if drive-up voting is cancelled based on public health concerns, voters will be  
210 required to vote by mail;

211 ▶ except for drive-up voting on election day only, there will be no in person  
212 voting and no in person early voting;

- 213 ▶ there will be no in person voter registration;
- 214 ▶ there will be no voter registration by provisional ballot; and
- 215 ▶ the voter registration deadline is 11 days before the day of the election.

216 An individual with a disability who is not able to vote a manual ballot by mail may  
217 obtain information on voting in an accessible manner from the county's website, by contacting

218 the county clerk, or by reviewing the information included with a ballot mailed to the voter.";

219 (d) except as it relates to drive-up voting for a mobile voting county, and subject to  
220 Subsection (9)(k), Section 20A-5-403 is not in effect;

221 (e) the election officer shall mail to each active voter who is eligible to vote in the  
222 primary, regardless of whether the voter has requested that the election officer not send a ballot  
223 by mail to the voter:

224 (i) a manual ballot, if the voter is affiliated with a political party for which there is a  
225 primary election;

226 (ii) a notice to each unaffiliated active voter stating that the voter may request a  
227 primary election ballot; and

228 (iii) a manual ballot to each unaffiliated active voter who requests a primary election  
229 ballot;

230 (f) early voting will not take place;

231 (g) registration by provisional ballot will not take place and Section 20A-2-207 is not  
232 in effect;

233 (h) provisional ballots may only be cast:

234 (i) by mail;

235 (ii) for an individual with a disability, as otherwise authorized by the election officer;

236 or

237 (iii) for a mobile voting county, at a drive-up voting station;

238 (i) the provisions of Section 20A-3a-205 will only be in effect to the extent they can be  
239 completed in accordance with Subsection (6)(h);

240 (j) except as it relates to drive-up voting for a mobile voting county, and subject to  
241 Subsection (9)(k), Subsections 11-14-202(3), (4)(a)(ii), (4)(a)(iv), (4)(b), and (6) are not in  
242 effect;

243 (k) except as it relates to drive-up voting for a mobile voting county, and subject to  
244 Subsection (9)(k), the portion of Subsection 11-14-202(4)(a)(iii) following the words "election

245 officer's website" is not in effect;

246 (l) except for a registration completed before April 22, 2020, in person voter  
247 registration is not in effect, including registration described in Section 20A-2-201 or  
248 Subsection 20A-2-304(1)(a);

249 (m) Subsection 20A-2-307(2)(a) is not in effect;

250 (n) except as it relates to drive-up voting for a mobile voting county, and subject to  
251 Subsection (9)(k), Sections 20A-4-101, 20A-4-102, and 20A-4-103 are not in effect;

252 (o) Subsection 20A-4-202(2)(a) is not in effect;

253 (p) the deadline for the canvas to be completed is 21 days after the election;

254 (q) except as it relates to drive-up voting for a mobile voting county, and subject to  
255 Subsection (9)(k), Subsections 20A-5-101(4)(b), (4)(c), (4)(e), and (6)(c)(iii) are not in effect;

256 (r) the statement described in Subsections 20A-5-101(4)(d) and 20A-7-702[(2)](1)(m)  
257 and [(2)] (1)(n) shall, instead of referring to polling places, refer to:

258 (i) ballot drop boxes; and

259 (ii) for a mobile voting county, drive-up voting stations;

260 [~~(s) except as it relates to drive-up voting for a mobile voting county, and subject to~~  
261 ~~Subsection (9)(k), the portion of Subsection 20A-7-702(3)(c) following the words "upon~~  
262 ~~request" are not in effect;]~~

263 [(t)] (s) Subsection 20A-7-801(3)(c) is not in effect;

264 [(u)] (t) (i) except as provided in Subsection (6)(u)(ii), the statement described in  
265 Subsection 20A-5-101(6)(b) shall state "A [indicate election type] will be held in [indicate the  
266 jurisdiction] on [indicate date of election]. Information relating to the election, including ballot  
267 drop box locations, accessible options for voters with a disability, and qualifications of voters  
268 may be obtained from the following sources:";

269 (ii) for a mobile voting county, the statement described in Subsection 20A-5-101(6)(b)  
270 shall state "A [indicate election type] will be held in [indicate the jurisdiction] on [indicate date  
271 of election]. Information relating to the election, including ballot drop box locations, drive-up

272 voting locations, accessible options for voters with a disability, and qualifications of voters  
273 may be obtained from the following sources:";

274 ~~[(v)]~~ (u) except as it relates to drive-up voting for a mobile voting county, and subject  
275 to Subsection (9)(k):

276 (i) the portion of Subsection 20A-5-102(1)(c)(xiii) following the words "date of the  
277 election" are not in effect; and

278 (ii) Subsection 20A-5-102(2) is not in effect;

279 ~~[(w)]~~ (v) the election officer may modify the number of poll workers to an amount that  
280 the election officer determines is appropriate and may alter or otherwise designate the duties of  
281 poll workers in general, and of each individual poll worker;

282 ~~[(x)]~~ (w) the election officer may reduce the number of watchers and alter or otherwise  
283 regulate the placement and conduct of watchers as the election officer determines is  
284 appropriate;

285 ~~[(y)]~~ (x) in Section 20A-6-203:

286 (i) the provisions relating to voting booths are not in effect; and

287 (ii) except as it relates to drive-up voting for a mobile voting county, and subject to  
288 Subsection (9)(k), the provisions relating to ballot boxes are not in effect; and

289 ~~[(z)]~~ (y) an election officer may not release any ballot counts or any other election  
290 results or updates to the public before 10 p.m. on election day.

291 (7) For the 2020 regular primary election only, with respect to the version of the Utah  
292 Code otherwise in effect before May 12, 2020:

293 (a) except as it relates to drive-up voting for a mobile voting county, and subject to  
294 Subsection (9)(k), Subsection 20A-3-202.3(3)(b)(ii) is not in effect;

295 (b) except as it relates to drive-up voting for a mobile voting county, and subject to  
296 Subsection (9)(k), Subsections 20A-3-302(2)(a)(ii) and (v) and (6)(a), (b), and (c) are not in  
297 effect;

298 ~~[(c) Subsection 20A-3-306.5(3)(a) is not in effect;]~~

299           ~~[(d)]~~ (c) Chapter 3a, Part 6, Early Voting, is not in effect;

300           ~~[(e)]~~ (d) except as it relates to drive-up voting for a mobile voting county, and subject

301 to Subsection (9)(k), Chapter 3a, Part 7, Election Day Voting Center, is not in effect;

302           ~~[(f)]~~ (e) Subsections 20A-5-101(4)(b), (c), and (e) are not in effect;

303           ~~[(g)]~~ (f) the portion of Subsection 20A-5-101(4)(d) that follows the words "election

304 officer's website" is not in effect; and

305           ~~[(h)]~~ (g) except as it relates to drive-up voting for a mobile voting county, and subject

306 to Subsection (9)(k), the portion of Subsection 20A-5-101(6)(b) that states "polling places,

307 polling place hours, and" is not in effect.

308           (8) For the 2020 regular primary election only, with respect to the version of the Utah

309 Code otherwise in effect beginning on May 12, 2020:

310           (a) Subsections 20A-2-102.5(2)(a)(i), (2)(b), and (2)(c) are not in effect;

311           (b) the portion of Subsection 20A-2-202(3)(b) following the words "pending election"

312 is not in effect;

313           (c) the portion of Subsection 20A-2-204(6)(c)(iii) following the words "pending

314 election" is not in effect;

315           (d) the portion of Subsection 20A-2-205(7)(b) following the words "pending election"

316 is not in effect;

317           (e) Subsection 20A-2-206(9)(b) is not in effect;

318           (f) Section 20A-3a-105 is not in effect, except:

319           (i) as it applies to an individual with a disability; or

320           (ii) as it relates to drive-up voting for a mobile voting county, subject to Subsection

321 (9)(k);

322           (g) except as it relates to drive-up voting for a mobile voting county, and subject to

323 Subsection (9)(k), Subsections 20A-3a-201(1)(b) and (c) are not in effect;

324           (h) (i) except as it relates to drive-up voting for a mobile voting county, and subject to

325 Subsection (9)(k), Subsections 20A-3a-202(2)(a)(iv) and (v), (8)(a), (b), and (c) are not in

326 effect; and

327 (ii) Subsection 20A-3a-202(10) is not in effect;

328 (i) except as it relates to drive-up voting for a mobile voting county, and subject to

329 Subsection (9)(k), Section 20A-3a-203 is not in effect;

330 (j) the deadline for a postmark or other mark described in Subsection

331 20A-3a-204(2)(a)(i) is extended to on or before election day;

332 (k) the words "in line at" in Subsection 20A-3a-204(2)(d) are replaced with the words

333 "waiting in the vicinity of";

334 (l) except as it relates to drive-up voting for a mobile voting county, and subject to

335 Subsection (9)(k), Subsections 20A-3a-204(2)(b)(i), (3), (4), (7), (8), and (9) are not in effect;

336 (m) the words "enter a polling place" in Subsection 20A-3a-208(1) are replaced with

337 the word "vote";

338 (n) except as it relates to drive-up voting for a mobile voting county, and subject to

339 Subsection (9)(k), Subsections 20A-3a-209(1) and (2) are not in effect;

340 (o) Section 20A-3a-301 is in effect only to the extent that the process can be

341 completed:

342 (i) by mail;

343 (ii) for a mobile voting county, via a drive-up voting center; or

344 (iii) if approved by the lieutenant governor's office, electronic means;

345 (p) except as it relates to drive-up voting for a mobile voting county, and subject to

346 Subsection (9)(k), Section 20A-3a-402 is not in effect;

347 (q) Chapter 3a, Part 6, Early Voting, is not in effect;

348 (r) except as it relates to drive-up voting for a mobile voting county, and subject to

349 Subsection (9)(k), Chapter 3a, Part 7, Election Day Voting Center, is not in effect;

350 (s) Subsection 20A-3a-804(1)(b) shall be completed by mail;

351 (t) except as it relates to drive-up voting for a mobile voting county, and subject to

352 Subsection (9)(k), the portion of Subsection 20A-3a-804(3)(b)(ii) following the words

353 "provisional ballot" is not in effect;

354 (u) Subsection 20A-3a-804(4)(a) is not in effect, and the election officer is, instead,  
355 required to determine whether each challenged individual is eligible to vote before the day on  
356 which the canvass is held;

357 (v) except as it relates to drive-up voting for a mobile voting county, and subject to  
358 Subsection (9)(k), Section 20A-3a-805 is not in effect;

359 (w) the requirement in Subsection 20A-4-303(1)(b) regarding a public canvass may be  
360 fulfilled by recording the canvass and making the recording available to the public;

361 (x) Subsection 20A-5-403.5(3)(b) is not in effect;

362 (y) except as it relates to drive-up voting for a mobile voting county, and subject to  
363 Subsection (9)(k), Subsection 20A-5-205(2) is not in effect;

364 (z) except as it relates to drive-up voting for a mobile voting county, and subject to  
365 Subsection (9)(k), Section 20A-5-404 is not in effect;

366 (aa) (i) Subsections 20A-5-405(1)(h)(i) and (2)(c)(ii) are not in effect; and

367 (ii) except as it relates to drive-up voting for a mobile voting county, and subject to  
368 Subsection (9)(k), Subsections 20A-5-405(1)(i) and (3)(b)(ii) are not in effect;

369 (bb) except as it relates to drive-up voting for a mobile voting county, and subject to  
370 Subsection (9)(k), Sections 20A-5-406 and 20A-5-407 are not in effect; and

371 (cc) the "in person" requirement in Subsection 20A-7-609.5(3)(a)(i) is not in effect.

372 (9) (a) A county is a mobile voting county if, before 5 p.m. on May 1, 2020, the county  
373 clerk notifies the lieutenant governor's office that the county will be a mobile voting county.

374 (b) Except as provided in Subsection (9)(j), a mobile voting county shall operate one or  
375 more drive-up voting stations during normal polling hours on election day.

376 (c) Only a mobile voting county may operate a drive-up voting station.

377 (d) A mobile voting county may not operate a drive-up voting station at any time other  
378 than during normal polling hours on election day.

379 (e) Vehicles in line at a drive-up voting station at 8 p.m. may vote at the drive-up

380 voting station.

381 (f) A mobile voting county shall:

382 (i) establish procedures and requirements to protect the health and welfare of voters  
383 and poll workers at a drive-up voting station, including the use of protective gear;

384 (ii) operate the drive-up voting station in a manner that permits a voter to vote while  
385 remaining in a vehicle;

386 (iii) take measures to ensure that a voter's vote is secret and secure; and

387 (iv) conduct a campaign to encourage voters to vote by mail rather than at a drive-up  
388 voting station.

389 (g) Any duty of care owed by a government entity in relation to a drive-up voting  
390 station is the sole responsibility of the mobile voting county, not the state.

391 (h) This section does not impose a duty of care or other legal liability not already owed  
392 under the provisions of law.

393 (i) A drive-up voting station is a polling place.

394 (j) (i) The county clerk of a mobile voting county may cancel drive-up voting or close a  
395 drive-up voting station if the county clerk determines that cancellation is necessary to protect  
396 the public health and welfare.

397 (ii) If cancellation or closure occurs under Subsection (9)(j)(i), the county clerk shall  
398 give notice of the cancellation or closure as soon as reasonably possible, in the manner that the  
399 county clerk determines is best under the circumstances, and a voter must then vote by placing  
400 the ballot that the voter received by mail in a ballot box.

401 (iii) A voter who waits to vote until election day assumes the risk that a drive-up voting  
402 station may close at any time to protect the public health and welfare and that the voter may be  
403 required to vote by placing the ballot that the voter received by mail in a ballot box.

404 (k) A county clerk of a mobile voting county may, consistent with the provisions of  
405 this section and the other requirements of law that remain in effect for the 2020 regular primary  
406 election, alter requirements relating to a polling place to the extent necessary to address the

407 practical differences between drive-up voting and voting in a building.

408 (10) This section does not supercede a federal court order entered in relation to  
409 elections in San Juan County.

410 Section 3. Section **20A-5-403** is amended to read:

411 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**  
412 **Arrangements.**

413 (1) Except as provided in Section [20A-7-609.5](#), each election officer shall:

414 (a) designate polling places for each voting precinct in the jurisdiction; and

415 (b) obtain the approval of the county or municipal legislative body or local district  
416 governing board for those polling places.

417 (2) (a) For each polling place, the election officer shall provide:

418 (i) an American flag;

419 (ii) a sufficient number of voting booths or compartments;

420 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and  
421 supplies necessary to enable a voter to vote;

422 (iv) the constitutional amendment cards required by Part 1, Election Notices and  
423 Instructions;

424 [~~(v) voter information pamphlets required by Chapter 7, Part 7, Voter Information~~  
425 ~~Pamphlet;~~]

426 [~~(vi)~~] (v) the instructions required by Section [20A-5-102](#); and

427 [~~(vii)~~] (vi) a sign, to be prominently displayed in the polling place, indicating that valid  
428 voter identification is required for every voter before the voter may vote and listing the forms  
429 of identification that constitute valid voter identification.

430 (b) Each election officer shall ensure that:

431 (i) each voting booth is at a convenient height for writing, and is arranged so that the  
432 voter can prepare the voter's ballot screened from observation;

433 (ii) there are a sufficient number of voting booths or voting devices to accommodate

434 the voters at that polling place; and

435 (iii) there is at least one voting booth or voting device that is configured to  
436 accommodate persons with disabilities.

437 (c) Each county clerk shall provide a ballot box for each polling place that is large  
438 enough to properly receive and hold the ballots to be cast.

439 (3) (a) All polling places shall be physically inspected by each county clerk to ensure  
440 access by a person with a disability.

441 (b) Any issues concerning inaccessibility to polling places by a person with a disability  
442 discovered during the inspections referred to in Subsection (3)(a) or reported to the county  
443 clerk shall be:

444 (i) forwarded to the Office of the Lieutenant Governor; and

445 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be  
446 either:

447 (A) remedied at the particular location by the county clerk;

448 (B) the county clerk shall designate an alternative accessible location for the particular  
449 precinct; or

450 (C) if no practical solution can be identified, file with the Office of the Lieutenant  
451 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

452 (4) (a) The municipality in which the election is held shall pay the cost of conducting  
453 each municipal election, including the cost of printing and supplies.

454 (b) (i) Costs assessed by a county clerk to a municipality under this section may not  
455 exceed the actual costs incurred by the county clerk.

456 (ii) The actual costs shall include:

457 (A) costs of or rental fees associated with the use of election equipment and supplies;

458 and

459 (B) reasonable and necessary administrative costs.

460 (5) The county clerk shall make detailed entries of all proceedings had under this

461 chapter.

462 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time  
463 that an individual waits in line before the individual can vote at a polling location in the county  
464 does not exceed 30 minutes.

465 (b) The lieutenant governor may require a county clerk to submit a line management  
466 plan before the next election if an individual waits in line at a polling location in the county  
467 longer than 30 minutes before the individual can vote.

468 (c) The lieutenant governor may consider extenuating circumstances in deciding  
469 whether to require the county clerk to submit a plan described in Subsection (6)(b).

470 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)  
471 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the  
472 amount of time an individual waits in line before the individual can vote at a polling location in  
473 the county does not exceed 30 minutes.

474 Section 4. Section **20A-7-103** is amended to read:

475 **20A-7-103. Constitutional amendments and other questions submitted by the**  
476 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

477 (1) The procedures contained in this section govern when the Legislature submits a  
478 proposed constitutional amendment or other question to the voters.

479 (2) [~~In addition to the publication in the voter information pamphlet required by~~  
480 ~~Section 20A-7-702, the~~] The lieutenant governor shall, not more than 60 days or less than 14  
481 days before the date of the election, publish the full text of the amendment, question, or statute  
482 in at least one newspaper in every county of the state where a newspaper is published.

483 (3) The legislative general counsel shall:

484 (a) entitle each proposed constitutional amendment "Constitutional Amendment \_\_\_"  
485 and assign it a letter according to the requirements of Section **20A-6-107**;

486 (b) entitle each proposed question "Proposition Number \_\_\_" with the number assigned  
487 to the proposition under Section **20A-6-107** placed in the blank;

488 (c) draft and designate a ballot title for each proposed amendment or question  
489 submitted by the Legislature that summarizes the subject matter of the amendment or question;  
490 and

491 (d) deliver each number and title to the lieutenant governor.

492 (4) The lieutenant governor shall certify the number and ballot title of each amendment  
493 or question to the county clerk of each county no later than 65 days before the date of the  
494 election.

495 (5) The county clerk of each county shall:

496 (a) ensure that both the number and title of each amendment and question is printed on  
497 the sample ballots and official ballots; and

498 (b) publish them as provided by law.

499 Section 5. Section **20A-7-202.5** is amended to read:

500 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**  
501 **to estimate.**

502 (1) Within three working days after the day on which the lieutenant governor receives  
503 an application for an initiative petition, the lieutenant governor shall submit a copy of the  
504 application to the Office of the Legislative Fiscal Analyst.

505 (2) (a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good  
506 faith initial fiscal impact estimate of the law proposed by the initiative, not exceeding 100  
507 words plus 100 words per revenue source created or impacted by the proposed law, that  
508 contains:

509 (i) a description of the total estimated fiscal impact of the proposed law over the time  
510 period or time periods determined by the Office of the Legislative Fiscal Analyst to be most  
511 useful in understanding the estimated fiscal impact of the proposed law;

512 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a  
513 dollar amount representing the total estimated increase or decrease for each type of tax affected  
514 under the proposed law, a dollar amount showing the estimated amount of a new tax, and a

515 dollar amount representing the total estimated increase or decrease in taxes under the proposed  
516 law;

517 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage  
518 difference and the tax percentage increase for each tax or tax rate increased;

519 (iv) if the proposed law would result in the issuance or a change in the status of bonds,  
520 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
521 decrease in public debt under the proposed law;

522 (v) a dollar amount representing the estimated cost or savings, if any, to state or local  
523 government entities under the proposed law;

524 (vi) if the proposed law would increase costs to state government, a listing of all  
525 sources of funding for the estimated costs; and

526 (vii) a concise description and analysis titled "Funding Source," not to exceed 100  
527 words for each funding source, of the funding source information described in Subsection  
528 [20A-7-202\(2\)\(d\)\(ii\)](#).

529 (b) If the proposed law is estimated to have no fiscal impact, the Office of the  
530 Legislative Fiscal Analyst shall include a summary statement in the initial fiscal impact  
531 statement in substantially the following form:

532 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this  
533 initiative would have no significant fiscal impact and would not result in either an increase or  
534 decrease in taxes or debt."

535 ~~[(3) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith  
536 estimate of the cost of printing and distributing information related to the initiative petition in:]~~

537 ~~[(a) the voter information pamphlet as required by Chapter 7, Part 7, Voter Information  
538 Pamphlet, or]~~

539 ~~[(b) the newspaper, as required by Section [20A-7-702](#).]~~

540 ~~[(4)]~~ (3) Within 25 calendar days after the day on which the lieutenant governor  
541 delivers a copy of the application, the Office of the Legislative Fiscal Analyst shall:

542 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's  
543 office; and

544 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in  
545 the initiative application.

546 ~~[(5)]~~ (4) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar  
547 days after the day on which the Office of the Legislative Fiscal Analyst delivers the initial  
548 fiscal impact estimate to the lieutenant governor's office, file a petition with the appropriate  
549 court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate  
550 of the fiscal impact of the initiative.

551 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send  
552 notice of the petition to:

553 (A) any person or group that has filed an argument with the lieutenant governor's office  
554 for or against the measure that is the subject of the challenge; and

555 (B) any political issues committee established under Section 20A-11-801 that has filed  
556 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
557 email address, and telephone number of the person designated to receive notice about any  
558 issues relating to the initiative.

559 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the  
560 Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable  
561 data, and applies accepted analytical methods to present the estimated fiscal impact of the  
562 initiative.

563 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal  
564 impact estimate unless the plaintiffs rebut the presumption by clear and convincing evidence  
565 that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate statement of  
566 the estimated fiscal impact of the initiative.

567 (iii) The court may refer an issue related to the initial fiscal impact estimate to a master  
568 to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule

569 53.

570 (c) The court shall certify to the lieutenant governor a fiscal impact estimate for the  
571 measure that meets the requirements of this section.

572 Section 6. Section **20A-7-203** is amended to read:

573 **20A-7-203. Form of initiative petition and signature sheets.**

574 (1) (a) Each proposed initiative petition shall be printed in substantially the following  
575 form:

576 "INITIATIVE PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

577 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
578 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the  
579 regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

580 Each signer says:

581 I have personally signed this petition;

582 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
583 certification of the petition names by the county clerk; and

584 My residence and post office address are written correctly after my name.

585 NOTICE TO SIGNERS:

586 Public hearings to discuss this petition were held at: (list dates and locations of public  
587 hearings.)"

588 (b) If the initiative petition proposes a tax increase, the following statement shall  
589 appear, in at least 14-point, bold type, immediately following the information described in  
590 Subsection (1)(a):

591 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
592 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
593 percent increase in the current tax rate."

594 (c) The sponsors of an initiative shall attach a copy of the proposed law to each  
595 initiative petition.

- 596           (2) Each signature sheet shall:
- 597           (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 598           (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
- 599 that line blank for the purpose of binding;
- 600           (c) contain the title of the initiative printed below the horizontal line, in at least
- 601 14-point, bold type;
- 602           (d) be vertically divided into columns as follows:
- 603           (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
- 604 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";
- 605           (ii) the second column shall be .25 inch wide;
- 606           (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
- 607 Name (must be legible to be counted)";
- 608           (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered
- 609 Voter";
- 610           (v) the fifth column shall be .75 inch wide, headed "Date Signed";
- 611           (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip
- 612 Code"; and
- 613           (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";
- 614           (e) be horizontally divided into rows as follows:
- 615           (i) the top of the first row, for the purpose of entering the information described in
- 616 Subsection (2)(d), shall be .5 inch high;
- 617           (ii) the second row shall be .15 inch high and contain the following statement printed
- 618 or typed in not less than 12-point type:
- 619           "By signing this petition, you are stating that you have read and understand the law
- 620 proposed by this petition."; and
- 621           (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the
- 622 bottom of the sheet for the information described in Subsection (2)(f); and

623 (f) at the bottom of the sheet, contain in the following order:

624 (i) the title of the initiative, in at least 14-point, bold type;

625 (ii) except as provided in Subsection (4), the initial fiscal impact estimate's summary  
626 statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection  
627 ~~20A-7-202.5(2)(a)~~, including any update in accordance with Subsection ~~20A-7-204.1(5)~~, [~~and~~  
628 ~~the cost estimate for printing and distributing information related to the initiative petition in~~  
629 ~~accordance with Subsection 20A-7-202.5(3);~~] in not less than 12-point, bold type;

630 (iii) the word "Warning," followed by the following statement in not less than  
631 eight-point type:

632 "It is a class A misdemeanor for an individual to sign an initiative petition with a name  
633 other than the individual's own name, or to knowingly sign the individual's name more than  
634 once for the same measure, or to sign an initiative petition when the individual knows that the  
635 individual is not a registered voter and knows that the individual does not intend to become  
636 registered to vote before the certification of the petition names by the county clerk.";

637 (iv) the following statement: "Birth date or age information is not required, but it may  
638 be used to verify your identity with voter registration records. If you choose not to provide it,  
639 your signature may not be verified as a valid signature if you change your address before  
640 petition signatures are verified or if the information you provide does not match your voter  
641 registration records."; and

642 (v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet,  
643 horizontally, in not less than 14-point, bold type, the following statement:

644 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
645 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
646 percent increase in the current tax rate."

647 (3) The final page of each initiative packet shall contain the following printed or typed  
648 statement:

649 "Verification

650 State of Utah, County of \_\_\_\_\_

651 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

652 I am a resident of Utah and am at least 18 years old;

653 All the names that appear in this packet were signed by individuals who professed to be  
654 the individuals whose names appear in it, and each of the individuals signed the individual's  
655 name on it in my presence;

656 I believe that each individual has printed and signed the individual's name and written  
657 the individual's post office address and residence correctly, that each signer has read and  
658 understands the law proposed by the initiative, and that each signer is registered to vote in Utah  
659 or intends to become registered to vote before the certification of the petition names by the  
660 county clerk.

661 Each individual who signed the packet wrote the correct date of signature next to the  
662 individual's name.

663 I have not paid or given anything of value to any individual who signed this petition to  
664 encourage that individual to sign it.

665 \_\_\_\_\_  
666 (Name) (Residence Address) (Date)"

667 (4) If the initial fiscal impact estimate described in Subsection (2)(f), as updated in  
668 accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative  
669 Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a  
670 signature sheet, that does not exceed 200 words.

671 (5) If the forms described in this section are substantially followed, the initiative  
672 petitions are sufficient, notwithstanding clerical and merely technical errors.

673 Section 7. Section 20A-7-204.1 is amended to read:

674 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
675 **Changes to an initiative and initial fiscal impact estimate.**

676 (1) (a) After issuance of the initial fiscal impact estimate by the Office of the

677 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,  
678 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as  
679 follows:

- 680 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
- 681 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
682 County;
- 683 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
- 684 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
685 County;
- 686 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
- 687 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
- 688 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
689 County.

690 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of  
691 the public hearings in a first or second class county, but not in the same county.

692 (c) The sponsors may not hold a public hearing described in this section until the later  
693 of:

- 694 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact  
695 estimate under Subsection [20A-7-202.5](#)~~[(4)]~~(3)(b); or
- 696 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal  
697 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

698 (2) The sponsors shall:

699 (a) before 5 p.m. at least three calendar days before the date of the public hearing,  
700 provide written notice of the public hearing to:

- 701 (i) the lieutenant governor for posting on the state's website; and
- 702 (ii) each state senator, state representative, and county commission or county council  
703 member who is elected in whole or in part from the region where the public hearing will be

704 held; and

705 (b) publish written notice of the public hearing, including the time, date, and location  
706 of the public hearing, in each county in the region where the public hearing will be held:

707 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper  
708 of general circulation in the county;

709 (B) if there is no newspaper of general circulation in the county, at least three calendar  
710 days before the day of the public hearing, by posting one copy of the notice, and at least one  
711 additional copy of the notice per 2,000 population of the county, in places within the county  
712 that are most likely to give notice to the residents of the county; or

713 (C) at least seven days before the day of the public hearing, by mailing notice to each  
714 residence in the county;

715 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for at least three  
716 calendar days before the day of the public hearing;

717 (iii) in accordance with Section 45-1-101, for at least three calendar days before the  
718 day of the public hearing; and

719 (iv) on the county's website for at least three calendar days before the day of the public  
720 hearing.

721 (3) If the initiative petition proposes a tax increase, the written notice described in  
722 Subsection (2) shall include the following statement, in bold, in the same font and point size as  
723 the largest font and point size appearing in the notice:

724 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
725 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
726 percent increase in the current tax rate."

727 (4) (a) During the public hearing, the sponsors shall either:

728 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
729 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

730 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of

731 each speaker and summarizing each speaker's comments.

732 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
733 public.

734 (c) For each public hearing, the sponsors shall:

735 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal  
736 impact statement in a conspicuous location at the entrance to the room where the sponsors hold  
737 the public hearing; and

738 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to  
739 public hearing attendees, in a conspicuous location at the entrance to the room where the  
740 sponsors hold the public hearing.

741 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the  
742 seventh public hearing described in Subsection (1)(a), and before circulating an initiative  
743 petition for signatures, the sponsors of the initiative petition may change the text of the  
744 proposed law if:

745 (i) a change to the text is:

746 (A) germane to the text of the proposed law filed with the lieutenant governor under  
747 Section [20A-7-202](#); and

748 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

749 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
750 change the text of the proposed law.

751 (b) (i) Within three working days after the day on which the lieutenant governor  
752 receives an application addendum to change the text of the proposed law in an initiative  
753 petition, the lieutenant governor shall submit a copy of the application addendum to the Office  
754 of the Legislative Fiscal Analyst.

755 (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact  
756 estimate by following the procedures and requirements of Section [20A-7-202.5](#) to reflect a  
757 change to the text of the proposed law.

758 Section 8. Section **20A-7-701** is amended to read:

759 **20A-7-701. Voter information pamphlet to be prepared.**

760 (1) The lieutenant governor shall cause to be ~~[printed]~~ prepared a voter information  
761 pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal  
762 impact, and the supporting and opposing arguments of any measure submitted to the voters by  
763 the Legislature or by a statewide initiative or referendum petition.

764 (2) The pamphlet shall also include a separate section prepared, analyzed, and  
765 submitted by the Judicial Council describing the judicial selection and retention process.

766 ~~[(3) The lieutenant governor shall cause to be printed as many voter information~~  
767 ~~pamphlets as needed to comply with the provisions of this chapter.]~~

768 ~~[(4)]~~ (3) Voter information pamphlets prepared in association with a local initiative or  
769 a local referendum shall be prepared in accordance with the procedures and requirements of  
770 Section [20A-7-402](#).

771 Section 9. Section **20A-7-702** is amended to read:

772 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

773 ~~[(1) The lieutenant governor shall ensure that all information submitted for publication~~  
774 ~~in the voter information pamphlet is:]~~

775 ~~[(a) printed and bound in a single pamphlet;]~~

776 ~~[(b) printed in clear readable type, no less than 10 point, except that the text of any~~  
777 ~~measure may be set forth in eight-point type; and]~~

778 ~~[(c) printed on a quality and weight of paper that best serves the voters.]~~

779 ~~[(2)]~~ (1) The voter information pamphlet shall contain the following items in this  
780 order:

781 (a) a cover title page;

782 (b) an introduction to the pamphlet by the lieutenant governor;

783 (c) a table of contents;

784 (d) a list of all candidates for constitutional offices;

- 785 (e) a list of candidates for each legislative district;
- 786 (f) a 100-word statement of qualifications for each candidate for the office of governor,  
787 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the  
788 candidate to the lieutenant governor's office before 5 p.m. on the first business day in August  
789 before the date of the election;
- 790 (g) information pertaining to all measures to be submitted to the voters, beginning a  
791 new page for each measure and containing, in the following order for each measure:
- 792 (i) a copy of the number and ballot title of the measure;
- 793 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by  
794 the Legislature or by referendum;
- 795 (iii) the impartial analysis of the measure prepared by the Office of Legislative  
796 Research and General Counsel;
- 797 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the  
798 measure, the arguments against the measure, and the rebuttal to the arguments against the  
799 measure, with the name and title of the authors at the end of each argument or rebuttal;
- 800 (v) for each constitutional amendment, a complete copy of the text of the constitutional  
801 amendment, with all new language underlined, and all deleted language placed within brackets;
- 802 (vi) for each initiative qualified for the ballot:
- 803 (A) a copy of the measure as certified by the lieutenant governor and a copy of the  
804 fiscal impact estimate prepared according to Section [20A-7-202.5](#); and
- 805 (B) if the initiative proposes a tax increase, the following statement in bold type:  
806 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
807 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
808 increase in the current tax rate."; and
- 809 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law  
810 being submitted to the voters for their approval or rejection, with all new language underlined  
811 and all deleted language placed within brackets, as applicable;

812 (h) a description provided by the Judicial Performance Evaluation Commission of the  
813 selection and retention process for judges, including, in the following order:

- 814 (i) a description of the judicial selection process;
- 815 (ii) a description of the judicial performance evaluation process;
- 816 (iii) a description of the judicial retention election process;
- 817 (iv) a list of the criteria of the judicial performance evaluation and the minimum  
818 performance standards;

819 (v) the names of the judges standing for retention election; and

820 (vi) for each judge:

821 (A) a list of the counties in which the judge is subject to retention election;

822 (B) a short biography of professional qualifications and a recent photograph;

823 (C) a narrative concerning the judge's performance;

824 (D) for each standard of performance, a statement identifying whether or not the judge  
825 met the standard and, if not, the manner in which the judge failed to meet the standard;

826 (E) a statement identifying whether or not the Judicial Performance Evaluation  
827 Commission recommends the judge be retained or declines to make a recommendation and the  
828 number of votes for and against the commission's recommendation;

829 (F) any statement provided by a judge who is not recommended for retention by the  
830 Judicial Performance Evaluation Commission under Section [78A-12-203](#);

831 (G) in a bar graph, the average of responses to each survey category, displayed with an  
832 identification of the minimum acceptable score as set by Section [78A-12-205](#) and the average  
833 score of all judges of the same court level; and

834 (H) a website address that contains the Judicial Performance Evaluation Commission's  
835 report on the judge's performance evaluation;

836 (i) for each judge, a statement provided by the Utah Supreme Court identifying the  
837 cumulative number of informal reprimands, when consented to by the judge in accordance with  
838 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of

839 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article  
840 VIII, Section 13, during the judge's current term and the immediately preceding term, and a  
841 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct  
842 that the judge has received;

843 (j) an explanation of ballot marking procedures prepared by the lieutenant governor,  
844 indicating the ballot marking procedure used by each county and explaining how to mark the  
845 ballot for each procedure;

846 (k) voter registration information, including information on how to obtain a ballot;

847 (l) a list of all county clerks' offices and phone numbers;

848 (m) the address of the Statewide Electronic Voter Information Website, with a  
849 statement indicating that the election officer will post on the website any changes to the  
850 location of a polling place and the location of any additional polling place;

851 (n) a phone number that a voter may call to obtain information regarding the location  
852 of a polling place; and

853 (o) on the back cover page, a printed copy of the following statement signed by the  
854 lieutenant governor:

855 "I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the  
856 measures contained in this pamphlet will be submitted to the voters of Utah at the election to  
857 be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and  
858 correct according to law.

859 SEAL

860 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day  
861 of \_\_\_\_ (month), \_\_\_\_ (year)

862 (signed) \_\_\_\_\_  
863 Lieutenant Governor"

864 ~~[(3)]~~ (2) No earlier than 75 days, and no later than 15 days, before the day on which  
865 voting commences, the lieutenant governor shall[:] make all information provided in the voter

866 information pamphlet available on the Statewide Electronic Voter Information Website  
867 Program described in Section 20A-7-801.

868 ~~[(a) (i) distribute one copy of the voter information pamphlet to each household within~~  
869 ~~the state;]~~

870 ~~[(ii) distribute to each household within the state a notice:]~~

871 ~~[(A) printed on a postage prepaid, preaddressed return form that a person may use to~~  
872 ~~request delivery of a voter information pamphlet by mail;]~~

873 ~~[(B) that states the address of the Statewide Electronic Voter Information Website~~  
874 ~~authorized by Section 20A-7-801; and]~~

875 ~~[(C) that states the phone number a voter may call to request delivery of a voter~~  
876 ~~information pamphlet by mail; or]~~

877 ~~[(iii) ensure that one copy of the voter information pamphlet is placed in one issue of~~  
878 ~~every newspaper of general circulation in the state;]~~

879 ~~[(b) ensure that a sufficient number of printed voter information pamphlets are~~  
880 ~~available for distribution as required by this section;]~~

881 ~~[(c) provide voter information pamphlets to each county clerk for free distribution upon~~  
882 ~~request and for placement at polling places; and]~~

883 ~~[(d) ensure that the distribution of the voter information pamphlets is completed 15~~  
884 ~~days before the election.]~~

885 ~~[(4)] (3) The lieutenant governor may distribute a voter information pamphlet at a~~  
886 ~~location frequented by a person who cannot easily access the Statewide Electronic Voter~~  
887 ~~Information Website authorized by Section 20A-7-801.~~

888 Section 10. Section **26-18-3.8** is amended to read:

889 **26-18-3.8. Maximizing use of premium assistance programs -- Utah's Premium**  
890 **Partnership for Health Insurance.**

891 (1) (a) The department shall seek to maximize the use of Medicaid and Children's  
892 Health Insurance Program funds for assistance in the purchase of private health insurance

893 coverage for Medicaid-eligible and non-Medicaid-eligible individuals.

894 (b) The department's efforts to expand the use of premium assistance shall:

895 (i) include, as necessary, seeking federal approval under all Medicaid and Children's  
896 Health Insurance Program premium assistance provisions of federal law, including provisions  
897 of the Patient Protection and Affordable Care Act, Public Law 111-148;

898 (ii) give priority to, but not be limited to, expanding the state's Utah Premium  
899 Partnership for Health Insurance Program, including as required under Subsection (2); and

900 (iii) encourage the enrollment of all individuals within a household in the same plan,  
901 where possible, including enrollment in a plan that allows individuals within the household  
902 transitioning out of Medicaid to retain the same network and benefits they had while enrolled  
903 in Medicaid.

904 (2) The department shall seek federal approval of an amendment to the state's Utah  
905 Premium Partnership for Health Insurance program to adjust the eligibility determination for  
906 single adults and parents who have an offer of employer sponsored insurance. The amendment  
907 shall:

908 (a) be within existing appropriations for the Utah Premium Partnership for Health  
909 Insurance program; and

910 (b) provide that adults who are up to 200% of the federal poverty level are eligible for  
911 premium subsidies in the Utah Premium Partnership for Health Insurance program.

912 ~~[(3) For fiscal year 2021-22, the department shall seek authority to increase the  
913 maximum premium subsidy per month for adults under the Utah Premium Partnership for  
914 Health Insurance program to \$300.]~~

915 ~~[(4) Beginning with fiscal year 2021-22, and in each subsequent year, the department  
916 may increase premium subsidies for single adults and parents who have an offer of  
917 employer-sponsored insurance to keep pace with the increase in insurance premium costs  
918 subject to appropriation of additional funding.]~~

919 Section 11. Section **26-36d-207** is amended to read:

920           **26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.**

921           (1) There is created an expendable special revenue fund known as the "Hospital  
922 Provider Assessment Expendable Revenue Fund."

923           (2) The fund shall consist of:

924           (a) the assessments collected by the department under this chapter;

925           (b) any interest and penalties levied with the administration of this chapter; and

926           (c) any other funds received as donations for the fund and appropriations from other  
927 sources.

928           (3) Money in the fund shall be used:

929           (a) to support capitated rates consistent with Subsection [26-36d-203\(1\)\(d\)](#) for  
930 accountable care organizations; and

931           (b) to reimburse money collected by the division from a hospital through a mistake  
932 made under this chapter.

933           (4) (a) Subject to Subsection (4)(b), for the fiscal year beginning July 1, 2019, and  
934 ending July 1, 2020, any fund balance in excess of the amount necessary to pay for the costs  
935 described in Subsection (3) shall be deposited into the General Fund.

936           (b) Subsection (4)(a) applies only to funds that were appropriated by the Legislature  
937 from the General Fund to the fund and the interest and penalties deposited into the fund under  
938 Subsection (2)(b).

939           Section 12. Section **26-37a-107** is amended to read:

940           **26-37a-107. Ambulance Service Provider Assessment Expendable Revenue Fund.**

941           (1) There is created an expendable special revenue fund known as the "Ambulance  
942 Service Provider Assessment Expendable Revenue Fund."

943           (2) The fund shall consist of:

944           (a) the assessments collected by the division under this chapter;

945           (b) the penalties collected by the division under this chapter;

946           (c) donations to the fund; and

947 (d) appropriations by the Legislature.

948 (3) Money in the fund shall be used:

949 (a) to support fee-for-service rates; and

950 (b) to reimburse money to an ambulance service provider that is collected by the  
951 division from the ambulance service provider through a mistake made under this chapter.

952 (4) (a) Subject to Subsection (4)(b), for the fiscal year beginning July 1, 2019, and  
953 ending July 1, 2020, any fund balance in excess of the amount necessary to pay for the costs  
954 described in Subsection (3) shall be deposited into the General Fund.

955 (b) Subsection (4)(a) applies only to funds that were appropriated by the Legislature  
956 from the General Fund to the fund and the penalties deposited into the fund under Subsection  
957 (2)(b).

958 Section 13. Section **32B-2-301** is amended to read:

959 **32B-2-301. State property -- Liquor Control Fund -- Money to be retained by**  
960 **department -- Department building process.**

961 (1) The following are property of the state:

962 (a) the money received in the administration of this title, except as otherwise provided;

963 and

964 (b) property acquired, administered, possessed, or received by the department.

965 (2) (a) There is created an enterprise fund known as the "Liquor Control Fund."

966 (b) Except as provided in Section **32B-2-304**, the department shall deposit the  
967 following into the Liquor Control Fund:

968 (i) money received in the administration of this title; [~~and~~]

969 (ii) money received from the markup described in Section **32B-2-304**[~~;~~]; and

970 (iii) money credited under Subsection (3).

971 (c) The department may draw from the Liquor Control Fund only to the extent  
972 appropriated by the Legislature or provided by statute.

973 (d) The net position of the Liquor Control Fund may not fall below zero.

974 (3) (a) The department shall deposit 0.125% of the total gross revenue from the sale of  
975 liquor with the state treasurer to be credited to the Liquor Control Fund.

976 (b) The department shall deposit 0.27% of the total gross revenue from the sale of  
977 liquor with the state treasurer, as determined by the total gross revenue collected for the fiscal  
978 year two years preceding the fiscal year for which the deposit is made, to be credited to the  
979 Liquor Control Fund.

980 [~~3~~] (4) (a) Notwithstanding Subsection (2)(c), the department may draw by warrant  
981 from the Liquor Control Fund without an appropriation for an expenditure that is directly  
982 incurred by the department:

983 (i) to purchase an alcoholic product;

984 (ii) to transport an alcoholic product from the supplier to a warehouse of the  
985 department; or

986 (iii) for variances related to an alcoholic product, including breakage or theft.

987 (b) If the balance of the Liquor Control Fund is not adequate to cover a warrant that the  
988 department draws against the Liquor Control Fund, to the extent necessary to cover the  
989 warrant, the cash resources of the General Fund may be used.

990 [~~4~~] (5) (a) As used in this Subsection [~~4~~] (5), "base budget" means the same as that  
991 term is defined in legislative rule.

992 (b) The department's base budget shall include as an appropriation from the Liquor  
993 Control Fund:

994 (i) credit card related fees paid by the department;

995 (ii) package agency compensation; and

996 (iii) the department's costs of shipping and warehousing alcoholic products.

997 [~~5~~] (6) (a) The Division of Finance shall transfer annually from the Liquor Control  
998 Fund to the General Fund a sum equal to the amount of net profit earned from the sale of liquor  
999 since the preceding transfer of money under this Subsection [~~5~~] (6).

1000 (b) After each fiscal year, the Division of Finance shall calculate the amount for the

1001 transfer on or before September 1 and the Division of Finance shall make the transfer on or  
1002 before September 30.

1003 (c) The Division of Finance may make year-end closing entries in the Liquor Control  
1004 Fund to comply with Subsection 51-5-6(2).

1005 [~~6~~] (7) (a) By the end of each day, the department shall:

1006 (i) make a deposit to a qualified depository, as defined in Section 51-7-3; and

1007 (ii) report the deposit to the state treasurer.

1008 (b) A commissioner or department employee is not personally liable for a loss caused  
1009 by the default or failure of a qualified depository.

1010 (c) Money deposited in a qualified depository is entitled to the same priority of  
1011 payment as other public funds of the state.

1012 [~~7~~] (8) Before the Division of Finance makes the transfer described in Subsection  
1013 [~~5~~] (6), the department may retain each fiscal year from the Liquor Control Fund \$1,000,000  
1014 that the department may use for:

1015 (a) capital equipment purchases;

1016 (b) salary increases for department employees;

1017 (c) performance awards for department employees; or

1018 (d) information technology enhancements because of changes or trends in technology.

1019 Section 14. Section 32B-2-305 is amended to read:

1020 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

1021 (1) As used in this section:

1022 (a) "Alcohol-related law enforcement officer" is as defined in Section 32B-1-201.

1023 (b) "Enforcement ratio" is as defined in Section 32B-1-201.

1024 (c) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in  
1025 this section.

1026 (2) There is created an expendable special revenue fund known as the "Alcoholic  
1027 Beverage Control Act Enforcement Fund."

- 1028 (3) (a) The fund consists of:
- 1029 (i) deposits made under Subsection (4); and
- 1030 (ii) interest earned on the fund.
- 1031 (b) The fund shall earn interest. Interest on the fund shall be deposited into the fund.
- 1032 (4) After the deposit made under Section 32B-2-304 for the school lunch program, the
- 1033 department shall deposit [~~1%~~] 0.875% of the total gross revenue from the sale of liquor with
- 1034 the state treasurer to be credited to the fund to be used by the Department of Public Safety as
- 1035 provided in Subsection (5).
- 1036 (5) (a) The Department of Public Safety shall expend money from the fund to
- 1037 supplement appropriations by the Legislature so that the Department of Public Safety maintains
- 1038 a sufficient number of alcohol-related law enforcement officers such that beginning on July 1,
- 1039 2012, each year the enforcement ratio as of July 1 is equal to or less than the number specified
- 1040 in Section 32B-1-201.
- 1041 (b) Beginning July 1, 2012, four alcohol-related law enforcement officers shall have as
- 1042 a primary focus the enforcement of this title in relationship to restaurants.
- 1043 Section 15. Section 32B-2-306 is amended to read:
- 1044 **32B-2-306. Underage drinking prevention media and education campaign.**
- 1045 (1) As used in this section:
- 1046 (a) "Advisory council" means the Utah Substance Use and Mental Health Advisory
- 1047 Council created in Section 63M-7-301.
- 1048 (b) "Restricted account" means the Underage Drinking Prevention Media and
- 1049 Education Campaign Restricted Account created in this section.
- 1050 (2) (a) There is created a restricted account within the General Fund known as the
- 1051 "Underage Drinking Prevention Media and Education Campaign Restricted Account."
- 1052 (b) The restricted account consists of:
- 1053 (i) deposits made under Subsection (3); and
- 1054 (ii) interest earned on the restricted account.

1055 (3) The department shall deposit [~~0.6%~~ 0.468%] of the total gross revenue from sales  
1056 of liquor with the state treasurer, as determined by the total gross revenue collected for the  
1057 fiscal year two years preceding the fiscal year for which the deposit is made, to be credited to  
1058 the restricted account and to be used by the department as provided in Subsection (5).

1059 (4) The advisory council shall:

1060 (a) provide ongoing oversight of a media and education campaign funded under this  
1061 section;

1062 (b) create an underage drinking prevention workgroup consistent with guidelines  
1063 proposed by the advisory council related to the membership and duties of the underage  
1064 drinking prevention workgroup;

1065 (c) create guidelines for how money appropriated for a media and education campaign  
1066 can be used;

1067 (d) include in the guidelines established pursuant to this Subsection (4) that a media  
1068 and education campaign funded under this section is carefully researched and developed, and  
1069 appropriate for target groups; and

1070 (e) approve plans submitted by the department in accordance with Subsection (5).

1071 (5) (a) Subject to appropriation from the Legislature, the department shall expend  
1072 money from the restricted account to direct and fund one or more media and education  
1073 campaigns designed to reduce underage drinking in cooperation with the advisory council.

1074 (b) The department shall:

1075 (i) in cooperation with the underage drinking prevention workgroup created under  
1076 Subsection (4), prepare and submit a plan to the advisory council detailing the intended use of  
1077 the money appropriated under this section;

1078 (ii) upon approval of the plan by the advisory council, conduct the media and education  
1079 campaign in accordance with the guidelines made by the advisory council; and

1080 (iii) submit to the advisory council annually by no later than October 1, a written report  
1081 detailing the use of the money for the media and education campaigns conducted under this

1082 Subsection (5) and the impact and results of the use of the money during the prior fiscal year  
1083 ending June 30.

1084 Section 16. Section **41-12a-806** is amended to read:

1085 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

1086 (1) There is created within the Transportation Fund a restricted account known as the  
1087 "Uninsured Motorist Identification Restricted Account."

1088 (2) The account consists of money generated from the following revenue sources:

1089 (a) money received by the state under Section [41-1a-1218](#), the uninsured motorist  
1090 identification fee;

1091 (b) money received by the state under Section [41-1a-1220](#), the registration  
1092 reinstatement fee; and

1093 (c) appropriations made to the account by the Legislature.

1094 (3) (a) The account shall earn interest.

1095 (b) All interest earned on account money shall be deposited into the account.

1096 (4) The Legislature shall appropriate money from the account to:

1097 (a) the department to fund the contract with the designated agent;

1098 (b) the department to offset the costs to state and local law enforcement agencies of  
1099 using the information for the purposes authorized under this part;

1100 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking  
1101 and reinstating vehicle registrations under Subsection [41-1a-110\(2\)\(a\)\(ii\)](#); and

1102 (d) the department to reimburse a person for the costs of towing and storing the  
1103 person's vehicle if:

1104 (i) the person's vehicle was impounded in accordance with Subsection [41-1a-1101\(2\)](#);

1105 (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at  
1106 the time of the impoundment;

1107 (iii) the database indicated that owner's or operator's security was not in effect for the  
1108 impounded vehicle; and

1109 (iv) the department determines that the person's vehicle was wrongfully impounded.

1110 (5) The Legislature may appropriate not more than [~~\$1,000,000~~] \$1,500,000 annually  
1111 from the account to the Peace Officer Standards and Training Division, created under Section  
1112 [53-6-103](#), for use in law enforcement training, including training on the use of the Uninsured  
1113 Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8,  
1114 Uninsured Motorist Identification Database Program.

1115 (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
1116 Act, the department shall hold a hearing to determine whether a person's vehicle was  
1117 wrongfully impounded under Subsection [41-1a-1101](#)(2).

1118 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1119 division shall make rules establishing procedures for a person to apply for a reimbursement  
1120 under Subsection (4)(d).

1121 (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the  
1122 person applies for the reimbursement within six months from the date that the motor vehicle  
1123 was impounded.

1124 Section 17. Section **51-9-201 (Superseded 07/01/20)** is amended to read:

1125 **51-9-201 (Superseded 07/01/20). Creation of Tobacco Settlement Restricted**  
1126 **Account.**

1127 (1) There is created within the General Fund a restricted account known as the  
1128 "Tobacco Settlement Restricted Account."

1129 (2) The account shall earn interest.

1130 (3) The account shall consist of:

1131 (a) on and after July 1, 2007, 60% of all funds of every kind that are received by the  
1132 state that are related to the settlement agreement that the state entered into with leading tobacco  
1133 manufacturers on November 23, 1998; and

1134 (b) interest earned on the account.

1135 (4) To the extent that funds will be available for appropriation in a given fiscal year,

1136 those funds shall be appropriated from the account in the following order:

1137 (a) \$66,600 to the Office of the Attorney General for ongoing enforcement and defense  
1138 of the Tobacco Settlement Agreement;

1139 (b) \$18,500 to the State Tax Commission for ongoing enforcement of business  
1140 compliance with the Tobacco Tax Settlement Agreement;

1141 (c) [~~\$10,452,900~~] \$11,022,900 to the Department of Health for:

1142 (i) children in the Medicaid program created in Title 26, Chapter 18, Medical  
1143 Assistance Act, and the Children's Health Insurance Program created in Section ~~26-40-103~~; and

1144 (ii) for restoration of dental benefits in the Children's Health Insurance Program;

1145 (d) [~~\$3,847,100~~] \$3,277,100 to the Department of Health for alcohol, tobacco, and  
1146 other drug prevention, reduction, cessation, and control programs that promote unified  
1147 messages and make use of media outlets, including radio, newspaper, billboards, and  
1148 television, and with a preference in funding given to tobacco-related programs;

1149 (e) \$193,700 to the Administrative Office of the Courts and \$2,325,400 to the  
1150 Department of Human Services for the statewide expansion of the drug court program;

1151 (f) \$4,000,000 to the State Board of Regents for the University of Utah Health Sciences  
1152 Center to benefit the health and well-being of Utah citizens through in-state research,  
1153 treatment, and educational activities; and

1154 (g) any remaining funds as directed by the Legislature through appropriation.

1155 Section 18. Section **51-9-201 (Effective 07/01/20)** is amended to read:

1156 **51-9-201 (Effective 07/01/20). Creation of Tobacco Settlement Restricted**  
1157 **Account.**

1158 (1) There is created within the General Fund a restricted account known as the  
1159 "Tobacco Settlement Restricted Account."

1160 (2) The account shall earn interest.

1161 (3) The account shall consist of:

1162 (a) on and after July 1, 2007, 60% of all funds of every kind that are received by the

1163 state that are related to the settlement agreement that the state entered into with leading tobacco  
1164 manufacturers on November 23, 1998; and

1165 (b) interest earned on the account.

1166 (4) To the extent that funds will be available for appropriation in a given fiscal year,  
1167 those funds shall be appropriated from the account in the following order:

1168 (a) \$66,600 to the Office of the Attorney General for ongoing enforcement and defense  
1169 of the Tobacco Settlement Agreement;

1170 (b) \$18,500 to the State Tax Commission for ongoing enforcement of business  
1171 compliance with the Tobacco Tax Settlement Agreement;

1172 (c) [~~\$10,452,900~~] \$11,022,900 to the Department of Health for:

1173 (i) children in the Medicaid program created in Title 26, Chapter 18, Medical  
1174 Assistance Act, and the Children's Health Insurance Program created in Section [26-40-103](#); and

1175 (ii) for restoration of dental benefits in the Children's Health Insurance Program;

1176 (d) [~~\$3,847,100~~] \$3,277,100 to the Department of Health for alcohol, tobacco, and  
1177 other drug prevention, reduction, cessation, and control programs that promote unified  
1178 messages and make use of media outlets, including radio, newspaper, billboards, and  
1179 television, and with a preference in funding given to tobacco-related programs;

1180 (e) \$193,700 to the Administrative Office of the Courts and \$2,325,400 to the  
1181 Department of Human Services for the statewide expansion of the drug court program;

1182 (f) \$4,000,000 to the Utah Board of Higher Education for the University of Utah  
1183 Health Sciences Center to benefit the health and well-being of Utah citizens through in-state  
1184 research, treatment, and educational activities; and

1185 (g) any remaining funds as directed by the Legislature through appropriation.

1186 Section 19. Section **53-2a-603** is amended to read:

1187 **53-2a-603. State Disaster Recovery Restricted Account.**

1188 (1) (a) There is created a restricted account in the General Fund known as the "State  
1189 Disaster Recovery Restricted Account."

- 1190 (b) The disaster recovery account consists of:
- 1191 (i) money deposited into the disaster recovery account in accordance with Section
- 1192 63J-1-314;
- 1193 (ii) money appropriated to the disaster recovery account by the Legislature; and
- 1194 (iii) any other public or private money received by the division that is:
- 1195 (A) given to the division for purposes consistent with this section; and
- 1196 (B) deposited into the disaster recovery account at the request of:
- 1197 (I) the division; or
- 1198 (II) the person or entity giving the money.
- 1199 (c) The Division of Finance shall deposit interest or other earnings derived from
- 1200 investment of account money into the General Fund.
- 1201 (2) Subject to being appropriated by the Legislature, money in the disaster recovery
- 1202 account may only be expended or committed to be expended as follows:
- 1203 (a) (i) subject to Section 53-2a-606, in any fiscal year the division may expend or
- 1204 commit to expend an amount that does not exceed \$500,000, in accordance with Section
- 1205 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared
- 1206 disaster;
- 1207 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
- 1208 to expend an amount that exceeds \$500,000, but does not exceed \$3,000,000, in accordance
- 1209 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
- 1210 a declared disaster if the division:
- 1211 (A) before making the expenditure or commitment to expend, obtains approval for the
- 1212 expenditure or commitment to expend from the governor;
- 1213 (B) subject to Subsection (5), provides written notice of the expenditure or
- 1214 commitment to expend to the speaker of the House of Representatives, the president of the
- 1215 Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations
- 1216 Subcommittee, the Legislative Management Committee, and the Office of the Legislative

1217 Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend;  
1218 and

1219 (C) makes the report required by Subsection 53-2a-606(2);

1220 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit  
1221 to expend an amount that exceeds \$3,000,000, but does not exceed \$5,000,000, in accordance  
1222 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to  
1223 a declared disaster if, before making the expenditure or commitment to expend, the division:

1224 (A) obtains approval for the expenditure or commitment to expend from the governor;  
1225 and

1226 (B) submits the expenditure or commitment to expend to the Executive Appropriations  
1227 Committee in accordance with Subsection 53-2a-606(3); and

1228 (iv) in any fiscal year the division may expend or commit to expend an amount that  
1229 does not exceed \$150,000 to fund expenses incurred by the National Guard if:

1230 (A) in accordance with Section 39-1-5, the governor orders into active service the  
1231 National Guard in response to a declared disaster; and

1232 (B) the money is not used for expenses that qualify for payment as emergency disaster  
1233 services;

1234 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or  
1235 committed to be expended to fund costs to the state directly related to a declared disaster that  
1236 are not costs related to:

1237 (i) emergency disaster services;

1238 (ii) emergency preparedness; or

1239 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression  
1240 Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be  
1241 paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland  
1242 Fire Suppression Fund;

1243 (c) to fund the Local Government Emergency Response Loan Fund created in Section

1244 [53-2a-607](#);

1245 (d) the division may provide advanced funding from the disaster recovery account to  
1246 recognized agents of the state when:

1247 (i) Utah has agreed, through the division, to enact the Emergency Management  
1248 Assistance Compact with another member state that has requested assistance during a declared  
1249 disaster;

1250 (ii) Utah agrees to provide resources to the requesting member state;

1251 (iii) the agent of the state who represents the requested resource has no other funding  
1252 source available at the time of the Emergency Management Assistance Compact request; and

1253 (iv) the disaster recovery account has a balance of funds available to be utilized while  
1254 maintaining a minimum balance of \$10,000,000; ~~and~~

1255 (e) the division may expend up to \$3,200,000 during fiscal year 2019 to fund  
1256 operational costs incurred by the division during fiscal year 2019[-]; and

1257 (f) to fund up to \$500,000 for the governor's emergency appropriations described in  
1258 Subsection [63J-1-217](#)(4).

1259 (3) All funding provided in advance to an agent of the state and subsequently  
1260 reimbursed shall be credited to the account.

1261 (4) The state treasurer shall invest money in the disaster recovery account according to  
1262 Title 51, Chapter 7, State Money Management Act.

1263 (5) (a) Except as provided in Subsections (1) and (2), the money in the disaster  
1264 recovery account may not be diverted, appropriated, expended, or committed to be expended  
1265 for a purpose that is not listed in this section.

1266 (b) Notwithstanding Section [63J-1-410](#), the Legislature may not appropriate money  
1267 from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the  
1268 money appropriated from the disaster recovery account is expended or committed to be  
1269 expended for a purpose other than one listed in this section.

1270 (c) The Legislature may not amend the purposes for which money in the disaster

1271 recovery account may be expended or committed to be expended except by the affirmative vote  
1272 of two-thirds of all the members elected to each house.

1273 (6) The division:

1274 (a) shall provide the notice required by Subsection (2)(a)(ii) using the best available  
1275 method under the circumstances as determined by the division; and

1276 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

1277 Section 20. Section **59-12-103** is amended to read:

1278 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**  
1279 **tax revenues.**

1280 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or  
1281 sales price for amounts paid or charged for the following transactions:

1282 (a) retail sales of tangible personal property made within the state;

1283 (b) amounts paid for:

1284 (i) telecommunications service, other than mobile telecommunications service, that  
1285 originates and terminates within the boundaries of this state;

1286 (ii) mobile telecommunications service that originates and terminates within the  
1287 boundaries of one state only to the extent permitted by the Mobile Telecommunications  
1288 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1289 (iii) an ancillary service associated with a:

1290 (A) telecommunications service described in Subsection (1)(b)(i); or

1291 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1292 (c) sales of the following for commercial use:

1293 (i) gas;

1294 (ii) electricity;

1295 (iii) heat;

1296 (iv) coal;

1297 (v) fuel oil; or

- 1298 (vi) other fuels;
- 1299 (d) sales of the following for residential use:
  - 1300 (i) gas;
  - 1301 (ii) electricity;
  - 1302 (iii) heat;
  - 1303 (iv) coal;
  - 1304 (v) fuel oil; or
  - 1305 (vi) other fuels;
- 1306 (e) sales of prepared food;
- 1307 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1308 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1309 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1310 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1311 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1312 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1313 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1314 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1315 exhibition, cultural, or athletic activity;
- 1316 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1317 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
  - 1318 (i) the tangible personal property; and
  - 1319 (ii) parts used in the repairs or renovations of the tangible personal property described
  - 1320 in Subsection (1)(g)(i), regardless of whether:
    - 1321 (A) any parts are actually used in the repairs or renovations of that tangible personal
    - 1322 property; or
    - 1323 (B) the particular parts used in the repairs or renovations of that tangible personal
    - 1324 property are exempt from a tax under this chapter;

- 1325 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for  
1326 assisted cleaning or washing of tangible personal property;
- 1327 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court  
1328 accommodations and services that are regularly rented for less than 30 consecutive days;
- 1329 (j) amounts paid or charged for laundry or dry cleaning services;
- 1330 (k) amounts paid or charged for leases or rentals of tangible personal property if within  
1331 this state the tangible personal property is:
- 1332 (i) stored;
- 1333 (ii) used; or
- 1334 (iii) otherwise consumed;
- 1335 (l) amounts paid or charged for tangible personal property if within this state the  
1336 tangible personal property is:
- 1337 (i) stored;
- 1338 (ii) used; or
- 1339 (iii) consumed; and
- 1340 (m) amounts paid or charged for a sale:
- 1341 (i) (A) of a product transferred electronically; or
- 1342 (B) of a repair or renovation of a product transferred electronically; and
- 1343 (ii) regardless of whether the sale provides:
- 1344 (A) a right of permanent use of the product; or
- 1345 (B) a right to use the product that is less than a permanent use, including a right:
- 1346 (I) for a definite or specified length of time; and
- 1347 (II) that terminates upon the occurrence of a condition.
- 1348 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax  
1349 are imposed on a transaction described in Subsection (1) equal to the sum of:
- 1350 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1351 (A) (I) through March 31, 2019, 4.70%; and

1352 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (13)(a);  
1353 and

1354 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
1355 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1356 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
1357 State Sales and Use Tax Act; and

1358 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
1359 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1360 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
1361 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1362 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1363 transaction under this chapter other than this part.

1364 (b) Except as provided in Subsection (2)(d) or (e) and subject to Subsection (2)(j), a  
1365 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to  
1366 the sum of:

1367 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1368 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1369 transaction under this chapter other than this part.

1370 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax are  
1371 imposed on amounts paid or charged for food and food ingredients equal to the sum of:

1372 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
1373 a tax rate of 1.75%; and

1374 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1375 amounts paid or charged for food and food ingredients under this chapter other than this part.

1376 (d) (i) For a bundled transaction that is attributable to food and food ingredients and  
1377 tangible personal property other than food and food ingredients, a state tax and a local tax is  
1378 imposed on the entire bundled transaction equal to the sum of:

- 1379 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- 1380 (I) the tax rate described in Subsection (2)(a)(i)(A); and
- 1381 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
- 1382 Sales and Use Tax Act, if the location of the transaction as determined under Sections
- 1383 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
- 1384 Additional State Sales and Use Tax Act; and
- 1385 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
- 1386 Sales and Use Tax Act, if the location of the transaction as determined under Sections
- 1387 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
- 1388 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- 1389 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
- 1390 described in Subsection (2)(a)(ii).
- 1391 (ii) If an optional computer software maintenance contract is a bundled transaction that
- 1392 consists of taxable and nontaxable products that are not separately itemized on an invoice or
- 1393 similar billing document, the purchase of the optional computer software maintenance contract
- 1394 is 40% taxable under this chapter and 60% nontaxable under this chapter.
- 1395 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled
- 1396 transaction described in Subsection (2)(d)(i) or (ii):
- 1397 (A) if the sales price of the bundled transaction is attributable to tangible personal
- 1398 property, a product, or a service that is subject to taxation under this chapter and tangible
- 1399 personal property, a product, or service that is not subject to taxation under this chapter, the
- 1400 entire bundled transaction is subject to taxation under this chapter unless:
- 1401 (I) the seller is able to identify by reasonable and verifiable standards the tangible
- 1402 personal property, product, or service that is not subject to taxation under this chapter from the
- 1403 books and records the seller keeps in the seller's regular course of business; or
- 1404 (II) state or federal law provides otherwise; or
- 1405 (B) if the sales price of a bundled transaction is attributable to two or more items of

1406 tangible personal property, products, or services that are subject to taxation under this chapter  
1407 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
1408 higher tax rate unless:

1409 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1410 personal property, product, or service that is subject to taxation under this chapter at the lower  
1411 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1412 (II) state or federal law provides otherwise.

1413 (iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the  
1414 seller's regular course of business includes books and records the seller keeps in the regular  
1415 course of business for nontax purposes.

1416 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)  
1417 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
1418 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
1419 of tangible personal property, other property, a product, or a service that is not subject to  
1420 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless  
1421 the seller, at the time of the transaction:

1422 (A) separately states the portion of the transaction that is not subject to taxation under  
1423 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1424 (B) is able to identify by reasonable and verifiable standards, from the books and  
1425 records the seller keeps in the seller's regular course of business, the portion of the transaction  
1426 that is not subject to taxation under this chapter.

1427 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1428 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
1429 the transaction that is not subject to taxation under this chapter was not separately stated on an  
1430 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
1431 ignorance of the law; and

1432 (B) the seller is able to identify by reasonable and verifiable standards, from the books

1433 and records the seller keeps in the seller's regular course of business, the portion of the  
1434 transaction that is not subject to taxation under this chapter.

1435 (iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps  
1436 in the seller's regular course of business includes books and records the seller keeps in the  
1437 regular course of business for nontax purposes.

1438 (f) (i) If the sales price of a transaction is attributable to two or more items of tangible  
1439 personal property, products, or services that are subject to taxation under this chapter at  
1440 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate  
1441 unless the seller, at the time of the transaction:

1442 (A) separately states the items subject to taxation under this chapter at each of the  
1443 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1444 (B) is able to identify by reasonable and verifiable standards the tangible personal  
1445 property, product, or service that is subject to taxation under this chapter at the lower tax rate  
1446 from the books and records the seller keeps in the seller's regular course of business.

1447 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the  
1448 seller's regular course of business includes books and records the seller keeps in the regular  
1449 course of business for nontax purposes.

1450 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax  
1451 rate imposed under the following shall take effect on the first day of a calendar quarter:

1452 (i) Subsection (2)(a)(i)(A);

1453 (ii) Subsection (2)(b)(i);

1454 (iii) Subsection (2)(c)(i); or

1455 (iv) Subsection (2)(d)(i)(A)(I).

1456 (h) (i) A tax rate increase takes effect on the first day of the first billing period that  
1457 begins on or after the effective date of the tax rate increase if the billing period for the  
1458 transaction begins before the effective date of a tax rate increase imposed under:

1459 (A) Subsection (2)(a)(i)(A);

- 1460 (B) Subsection (2)(b)(i);
- 1461 (C) Subsection (2)(c)(i); or
- 1462 (D) Subsection (2)(d)(i)(A)(I).
- 1463 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
- 1464 statement for the billing period is rendered on or after the effective date of the repeal of the tax
- 1465 or the tax rate decrease imposed under:
  - 1466 (A) Subsection (2)(a)(i)(A);
  - 1467 (B) Subsection (2)(b)(i);
  - 1468 (C) Subsection (2)(c)(i); or
  - 1469 (D) Subsection (2)(d)(i)(A)(I).
- 1470 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
- 1471 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
- 1472 change in a tax rate takes effect:
  - 1473 (A) on the first day of a calendar quarter; and
  - 1474 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1475 (ii) Subsection (2)(i)(i) applies to the tax rates described in the following:
  - 1476 (A) Subsection (2)(a)(i)(A);
  - 1477 (B) Subsection (2)(b)(i);
  - 1478 (C) Subsection (2)(c)(i); or
  - 1479 (D) Subsection (2)(d)(i)(A)(I).
- 1480 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1481 the commission may by rule define the term "catalogue sale."
- 1482 (j) (i) For a location described in Subsection (2)(j)(ii), the commission shall determine
- 1483 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
- 1484 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
- 1485 (ii) Subsection (2)(j)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
- 1486 or other fuel is furnished through a single meter for two or more of the following uses:

- 1487 (A) a commercial use;
- 1488 (B) an industrial use; or
- 1489 (C) a residential use.
- 1490 (3) (a) The following state taxes shall be deposited into the General Fund:
- 1491 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1492 (ii) the tax imposed by Subsection (2)(b)(i);
- 1493 (iii) the tax imposed by Subsection (2)(c)(i); or
- 1494 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).
- 1495 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1496 in this chapter:
- 1497 (i) the tax imposed by Subsection (2)(a)(ii);
- 1498 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1499 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 1500 (iv) the tax imposed by Subsection (2)(d)(i)(B).
- 1501 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1502 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
- 1503 through (g):
- 1504 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1505 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1506 (B) for the fiscal year; or
- 1507 (ii) \$17,500,000.
- 1508 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
- 1509 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
- 1510 Department of Natural Resources to:
- 1511 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
- 1512 protect sensitive plant and animal species; or
- 1513 (B) award grants, up to the amount authorized by the Legislature in an appropriations

1514 act, to political subdivisions of the state to implement the measures described in Subsections  
1515 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

1516 (ii) Money transferred to the Department of Natural Resources under Subsection  
1517 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
1518 person to list or attempt to have listed a species as threatened or endangered under the  
1519 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1520 (iii) At the end of each fiscal year:

1521 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
1522 Conservation and Development Fund created in Section 73-10-24;

1523 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
1524 Program Subaccount created in Section 73-10c-5; and

1525 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
1526 Program Subaccount created in Section 73-10c-5.

1527 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
1528 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund  
1529 created in Section 4-18-106.

1530 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
1531 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water  
1532 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of  
1533 water rights.

1534 (ii) At the end of each fiscal year:

1535 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
1536 Conservation and Development Fund created in Section 73-10-24;

1537 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
1538 Program Subaccount created in Section 73-10c-5; and

1539 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
1540 Program Subaccount created in Section 73-10c-5.

1541 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described  
1542 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and  
1543 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1544 (ii) In addition to the uses allowed of the Water Resources Conservation and  
1545 Development Fund under Section 73-10-24, the Water Resources Conservation and  
1546 Development Fund may also be used to:

1547 (A) conduct hydrologic and geotechnical investigations by the Division of Water  
1548 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of  
1549 quantifying surface and ground water resources and describing the hydrologic systems of an  
1550 area in sufficient detail so as to enable local and state resource managers to plan for and  
1551 accommodate growth in water use without jeopardizing the resource;

1552 (B) fund state required dam safety improvements; and

1553 (C) protect the state's interest in interstate water compact allocations, including the  
1554 hiring of technical and legal staff.

1555 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1556 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount  
1557 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1558 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1559 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount  
1560 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1561 (i) provide for the installation and repair of collection, treatment, storage, and  
1562 distribution facilities for any public water system, as defined in Section 19-4-102;

1563 (ii) develop underground sources of water, including springs and wells; and

1564 (iii) develop surface water sources.

1565 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1566 2006, the difference between the following amounts shall be expended as provided in this  
1567 Subsection (5), if that difference is greater than \$1:

1568 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
1569 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1570 (ii) \$17,500,000.

1571 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1572 (A) transferred each fiscal year to the Department of Natural Resources as dedicated  
1573 credits; and

1574 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
1575 restoration.

1576 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1577 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund  
1578 created in Section 73-10-24.

1579 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
1580 remaining difference described in Subsection (5)(a) shall be:

1581 (A) transferred each fiscal year to the Division of Water Resources as dedicated  
1582 credits; and

1583 (B) expended by the Division of Water Resources for cloud-seeding projects  
1584 authorized by Title 73, Chapter 15, Modification of Weather.

1585 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1586 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund  
1587 created in Section 73-10-24.

1588 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the  
1589 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
1590 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
1591 Division of Water Resources for:

1592 (i) preconstruction costs:

1593 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
1594 26, Bear River Development Act; and

1595 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
1596 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1597 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,  
1598 Chapter 26, Bear River Development Act;

1599 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
1600 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1601 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and  
1602 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1603 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to  
1604 Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be  
1605 transferred each year as dedicated credits to the Division of Water Rights to cover the costs  
1606 incurred for employing additional technical staff for the administration of water rights.

1607 (f) At the end of each fiscal year, any unexpended dedicated credits described in  
1608 Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development  
1609 Fund created in Section 73-10-24.

1610 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), the  
1611 amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection  
1612 (1) for the fiscal year shall be deposited as follows:

1613 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)  
1614 shall be deposited into the Transportation Investment Fund of 2005 created by Section  
1615 72-2-124;

1616 (b) for fiscal year 2017-18 only:

1617 (i) 80% of the revenue described in this Subsection (6) shall be deposited into the  
1618 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1619 (ii) 20% of the revenue described in this Subsection (6) shall be deposited into the  
1620 Water Infrastructure Restricted Account created by Section 73-10g-103;

1621 (c) for fiscal year 2018-19 only:

1622 (i) 60% of the revenue described in this Subsection (6) shall be deposited into the  
1623 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1624 (ii) 40% of the revenue described in this Subsection (6) shall be deposited into the  
1625 Water Infrastructure Restricted Account created by Section 73-10g-103;

1626 (d) for fiscal year 2019-20 only:

1627 (i) 40% of the revenue described in this Subsection (6) shall be deposited into the  
1628 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1629 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the  
1630 Water Infrastructure Restricted Account created by Section 73-10g-103;

1631 (e) for fiscal year 2020-21 only:

1632 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the  
1633 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1634 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the  
1635 Water Infrastructure Restricted Account created by Section 73-10g-103; and

1636 (f) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described  
1637 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account  
1638 created by Section 73-10g-103.

1639 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in  
1640 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,  
1641 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005  
1642 created by Section 72-2-124:

1643 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of  
1644 the revenues collected from the following taxes, which represents a portion of the  
1645 approximately 17% of sales and use tax revenues generated annually by the sales and use tax  
1646 on vehicles and vehicle-related products:

1647 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1648 (B) the tax imposed by Subsection (2)(b)(i);

1649 (C) the tax imposed by Subsection (2)(c)(i); and  
1650 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus  
1651 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the  
1652 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through  
1653 (D) that exceeds the amount collected from the sales and use taxes described in Subsections  
1654 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

1655 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of  
1656 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total  
1657 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)  
1658 generated in the current fiscal year than the total percentage of sales and use taxes deposited in  
1659 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection  
1660 (7)(a) equal to the product of:

1661 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the  
1662 previous fiscal year; and  
1663 (B) the total sales and use tax revenue generated by the taxes described in Subsections  
1664 (7)(a)(i)(A) through (D) in the current fiscal year.

1665 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under  
1666 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes  
1667 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of  
1668 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in  
1669 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

1670 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected  
1671 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited  
1672 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues  
1673 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the  
1674 current fiscal year under Subsection (7)(a).

1675 (8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited

1676 under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall  
1677 deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into  
1678 the Transportation Investment Fund of 2005 created by Section 72-2-124.

1679 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under  
1680 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit  
1681 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the  
1682 Transportation Investment Fund of 2005 created by Section 72-2-124.

1683 (c) (i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
1684 Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or  
1685 after July 1, 2018, the commission shall annually deposit into the Transportation Investment  
1686 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)  
1687 in an amount equal to 3.68% of the revenues collected from the following taxes:

1688 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1689 (B) the tax imposed by Subsection (2)(b)(i);

1690 (C) the tax imposed by Subsection (2)(c)(i); and

1691 (D) the tax imposed by Subsection (2)(d)(i)(A)(I).

1692 (ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
1693 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i)  
1694 by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year  
1695 by the portion of the tax imposed on motor and special fuel that is sold, used, or received for  
1696 sale or use in this state that exceeds 29.4 cents per gallon.

1697 (iii) The commission shall annually deposit the amount described in Subsection  
1698 (8)(c)(ii) into the Transit and Transportation Investment Fund created in Section 72-2-124.

1699 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1700 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1701 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1702 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),

1703 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17  
1704 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund  
1705 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on  
1706 the transactions described in Subsection (1).

1707 (b) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c), and in  
1708 addition to any amounts deposited under Subsections (6), (7), and (8), the Division of Finance  
1709 shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the  
1710 amount of revenue described as follows:

1711 (i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%  
1712 tax rate on the transactions described in Subsection (1);

1713 (ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a .05%  
1714 tax rate on the transactions described in Subsection (1);

1715 (iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%  
1716 tax rate on the transactions described in Subsection (1);

1717 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a  
1718 .05% tax rate on the transactions described in Subsection (1); and

1719 (v) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%  
1720 tax rate on the transactions described in Subsection (1).

1721 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not  
1722 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts  
1723 paid or charged for food and food ingredients, except for tax revenue generated by a bundled  
1724 transaction attributable to food and food ingredients and tangible personal property other than  
1725 food and food ingredients described in Subsection (2)(d).

1726 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1727 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that  
1728 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of  
1729 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue

1730 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,  
1731 created in Section [63N-2-512](#).

1732 (12) (a) Notwithstanding Subsection (3)(a), for the 2016-17 fiscal year only, the  
1733 Division of Finance shall deposit \$26,000,000 of the revenues generated by the taxes listed  
1734 under Subsection (3)(a) into the Throughput Infrastructure Fund created by Section [35A-8-308](#).

1735 (b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division of  
1736 Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under  
1737 Subsection (3)(a) into the Throughput Infrastructure Fund created by Section [35A-8-308](#).

1738 (13) (a) The rate specified in this subsection is 0.15%.

1739 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

1740 (i) on or before September 30, 2019, transfer the amount of revenue collected from the  
1741 rate described in Subsection (13)(a) beginning on April 1, 2019, and ending on June 30, 2019,  
1742 on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into  
1743 the Medicaid Expansion Fund created in Section [26-36b-208](#); and

1744 (ii) for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of  
1745 revenue collected from the rate described in Subsection (13)(a) on the transactions that are  
1746 subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion  
1747 Fund created in Section [26-36b-208](#).

1748 (14) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1749 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated  
1750 credit solely for use of the Search and Rescue Financial Assistance Program created in, and  
1751 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1752 (15) (a) For each fiscal year beginning with fiscal year 2020-21, the Division of  
1753 Finance shall annually transfer \$1,813,400 of the revenue deposited into the Transportation  
1754 Investment Fund of 2005 under Subsections (6) through (8) to the General Fund.

1755 (b) If the total revenue deposited into the Transportation Investment Fund of 2005  
1756 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of

1757 Finance shall transfer the total revenue deposited into the Transportation Investment Fund of  
1758 2005 under Subsections (6) through (8) during the fiscal year to the General Fund.

1759 Section 21. Section **59-14-807 (Effective 07/01/20)** is amended to read:

1760 **59-14-807 (Effective 07/01/20). Electronic Cigarette Substance and Nicotine**  
1761 **Product Tax Restricted Account.**

1762 (1) There is created within the General Fund a restricted account known as the  
1763 "Electronic Cigarette Substance and Nicotine Product Tax Restricted Account."

1764 (2) The Electronic Cigarette Substance and Nicotine Product Tax Restricted Account  
1765 consists of:

1766 (a) revenues collected from the tax imposed by Section **59-14-804**; and

1767 (b) amounts appropriated by the Legislature.

1768 (3) For each fiscal year, beginning with fiscal year 2021, and subject to appropriation  
1769 by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette  
1770 Substance and Nicotine Product Tax Restricted Account:

1771 (a) \$2,000,000 which shall be allocated to the local health departments by the  
1772 Department of Health using the formula created in accordance with Section **26A-1-116**;

1773 (b) \$2,000,000 to the Department of Health for statewide cessation programs and  
1774 prevention education;

1775 (c) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed  
1776 at disrupting organizations and networks that provide tobacco products, electronic cigarette  
1777 products, nicotine products, and other illegal controlled substances to minors;

1778 (d) \$3,000,000 which shall be allocated to the local health departments by the  
1779 Department of Health using the formula created in accordance with Section **26A-1-116**; ~~and~~

1780 (e) \$5,084,200 to the State Board of Education for school-based prevention  
1781 programs[-]; and

1782 (f) \$2,000,000 to the Department of Health for alcohol, tobacco, and other drug  
1783 prevention, reduction, cessation, and control programs that promote unified messages and

1784 make use of media outlets, including radio, newspaper, billboards, and television.

1785 (4) (a) The local health departments shall use the money received in accordance with  
1786 Subsection (3)(a) for enforcing:

1787 (i) the regulation provisions described in Section 26-57-103;

1788 (ii) the labeling requirement described in Section 26-57-104; and

1789 (iii) the penalty provisions described in Section 26-62-305.

1790 (b) The Department of Health shall use the money received in accordance with  
1791 Subsection (3)(b) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention  
1792 Program created in Section 26-7-10.

1793 (c) The local health departments shall use the money received in accordance with  
1794 Subsection (3)(d) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug  
1795 Prevention Grant Program created in Section 26A-1-129.

1796 (d) The State Board of Education shall use the money received in accordance with  
1797 Subsection (3)(e) to distribute to local education agencies to pay for:

1798 (i) stipends for positive behaviors specialists as described in Subsection  
1799 53G-10-407(4)(a)(i);

1800 (ii) the cost of administering the positive behaviors plan as described in Subsection  
1801 53G-10-407(4)(a)(ii); and

1802 (iii) the cost of implementing an Underage Drinking and Substance Abuse Prevention  
1803 Program in grade 4 or 5, as described in Subsection 53G-10-406(3)(b).

1804 (5) (a) The fund shall earn interest.

1805 (b) All interest earned on fund money shall be deposited into the fund.

1806 (6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette  
1807 Substance and Nicotine Product Tax Restricted Account after the distribution described in  
1808 Subsection (3) may only be used for programs and activities related to the prevention and  
1809 cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

1810 Section 22. Section 62A-4a-403 is amended to read:

1811 **62A-4a-403. Reporting requirements.**

1812 (1) (a) Except as provided in Subsection (2), when any individual, including an  
1813 individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67,  
1814 Utah Medical Practice Act, has reason to believe that a child has been subjected to abuse or  
1815 neglect, or observes a child being subjected to conditions or circumstances that would  
1816 reasonably result in abuse or neglect, that individual shall immediately report the alleged abuse  
1817 or neglect to the nearest peace officer, law enforcement agency, or office of the division.

1818 (b) (i) Upon receipt of a report described in Subsection (1)(a), the peace officer or law  
1819 enforcement agency shall immediately notify the nearest office of the division.

1820 (ii) If an initial report of abuse or neglect is made to the division, the division shall  
1821 immediately notify the appropriate local law enforcement agency.

1822 (c) (i) The division shall, in addition to ~~[its]~~ the division's own investigation~~[-, comply~~  
1823 ~~with and lend support to]~~ in accordance with Section 62A-4a-409, coordinate with law  
1824 enforcement on investigations by law enforcement undertaken to investigate a report described  
1825 in Subsection (1)(a).

1826 (ii) If law enforcement undertakes an investigation of a report described in Subsection  
1827 (1)(a), the law enforcement agency undertaking the investigation shall provide a final  
1828 investigatory report to the division upon request.

1829 (2) Subject to Subsection (3), the notification requirement described in Subsection  
1830 (1)(a) does not apply to a member of the clergy, with regard to any confession made to the  
1831 member of the clergy while functioning in the ministerial capacity of the member of the clergy  
1832 and without the consent of the individual making the confession, if:

1833 (a) the perpetrator made the confession directly to the member of the clergy; and

1834 (b) the member of the clergy is, under canon law or church doctrine or practice, bound  
1835 to maintain the confidentiality of that confession.

1836 (3) (a) When a member of the clergy receives information about abuse or neglect from  
1837 any source other than confession of the perpetrator, the member of the clergy is required to

1838 report that information even though the member of the clergy may have also received  
1839 information about abuse or neglect from the confession of the perpetrator.

1840 (b) Exemption of the reporting requirement for a member of the clergy does not  
1841 exempt the member of the clergy from any other efforts required by law to prevent further  
1842 abuse or neglect by the perpetrator.

1843 Section 23. Section **62A-4a-409** is amended to read:

1844 **62A-4a-409. Investigation by division -- Temporary protective custody --**  
1845 **Preremoval interviews of children.**

1846 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(c), the division shall [make] conduct  
1847 a thorough preremoval investigation upon receiving either an oral or written report of alleged  
1848 abuse or neglect, or an oral or written report under Subsection **62A-4a-404(2)**, when there is  
1849 reasonable cause to suspect that a situation of abuse, neglect, or the circumstances described  
1850 under Subsection **62A-4a-404(2)** exist.

1851 (b) The primary purpose of the investigation described in Subsection (1)(a) shall be  
1852 protection of the child.

1853 (c) The division is not required to conduct an investigation under Subsection (1)(a) if  
1854 the division determines the person responsible for the child's care:

1855 (i) is not the alleged perpetrator; and

1856 (ii) is willing and able to ensure the alleged perpetrator does not have access to the  
1857 child.

1858 (2) The preremoval investigation described in Subsection (1)(a) shall include the same  
1859 investigative requirements described in Section **62A-4a-202.3**.

1860 (3) The division shall make a written report of its investigation that shall include a  
1861 determination regarding whether the alleged abuse or neglect is supported, unsupported, or  
1862 without merit.

1863 (4) (a) The division shall use an interdisciplinary approach when appropriate in dealing  
1864 with reports made under this part.

1865 (b) The division shall convene a child protection team to assist the division in the  
1866 division's protective, diagnostic, assessment, treatment, and coordination services.

1867 (c) The division may include members of a child protection unit in the division's  
1868 protective, diagnostic, assessment, treatment, and coordination services.

1869 (d) A representative of the division shall serve as the team's coordinator and chair.  
1870 Members of the team shall serve at the coordinator's invitation. Whenever possible, the team  
1871 shall include representatives of:

1872 (i) health, mental health, education, and law enforcement agencies;

1873 (ii) the child;

1874 (iii) parent and family support groups unless the parent is alleged to be the perpetrator;

1875 and

1876 (iv) other appropriate agencies or individuals.

1877 (5) If a report of neglect is based upon or includes an allegation of educational neglect,  
1878 the division shall immediately consult with school authorities to verify the child's status in  
1879 accordance with Sections [53G-6-201](#) through [53G-6-206](#).

1880 (6) When the division completes the division's initial investigation under this part, the  
1881 division shall give notice of that completion to the person who made the initial report.

1882 (7) Division workers or other child protection team members have authority to enter  
1883 upon public or private premises, using appropriate legal processes, to investigate reports of  
1884 alleged abuse or neglect, upon notice to parents of their rights under the Child Abuse  
1885 Prevention and Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof.

1886 (8) With regard to any interview of a child prior to removal of that child from the  
1887 child's home:

1888 (a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of  
1889 the child prior to the interview of:

1890 (i) the specific allegations concerning the child; and

1891 (ii) the time and place of the interview;

1892 (b) if a child's parent or stepparent, or a parent's paramour has been identified as the  
1893 alleged perpetrator, the division is not required to comply with Subsection (8)(a);

1894 (c) if the perpetrator is unknown, or if the perpetrator's relationship to the child's family  
1895 is unknown, the division may conduct a minimal interview or conversation, not to exceed 15  
1896 minutes, with the child prior to complying with Subsection (8)(a);

1897 (d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be  
1898 notified as soon as practicable after the child has been interviewed, but in no case later than 24  
1899 hours after the interview has taken place;

1900 (e) a child's parents shall be notified of the time and place of all subsequent interviews  
1901 with the child; and

1902 (f) the child shall be allowed to have a support person of the child's choice present,  
1903 who:

1904 (i) may include:

1905 (A) a school teacher;

1906 (B) an administrator;

1907 (C) a guidance counselor;

1908 (D) a child care provider;

1909 (E) a family member;

1910 (F) a family advocate; or

1911 (G) a member of the clergy; and

1912 (ii) may not be an individual who is alleged to be, or potentially may be, the  
1913 perpetrator.

1914 (9) In accordance with the procedures and requirements of Sections [62A-4a-202.1](#)  
1915 through [62A-4a-202.3](#), a division worker or child protection team member may take a child  
1916 into protective custody and deliver the child to a law enforcement officer, or place the child in  
1917 an emergency shelter facility approved by the juvenile court, at the earliest opportunity  
1918 subsequent to the child's removal from the child's original environment. Control and

1919 jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile  
1920 Court Act, and as otherwise provided by law.

1921 (10) With regard to cases in which law enforcement has or is conducting an  
1922 investigation of alleged abuse or neglect of a child:

1923 (a) the division shall coordinate with law enforcement to ensure that there is an  
1924 adequate safety plan to protect the child from further abuse or neglect; and

1925 (b) the division is not required to duplicate an aspect of the investigation that, in the  
1926 division's determination, has been satisfactorily completed by law enforcement.

1927 (11) With regard to a mutual case in which a child protection unit was involved in the  
1928 investigation of alleged abuse or neglect of a child, the division shall consult with the child  
1929 protection unit before closing the case.

1930 Section 24. Section **63J-1-602.2 (Superseded 07/01/20)** is amended to read:

1931 **63J-1-602.2 (Superseded 07/01/20). List of nonlapsing appropriations to**  
1932 **programs.**

1933 Appropriations made to the following programs are nonlapsing:

1934 (1) The Legislature and its committees.

1935 (2) The Percent-for-Art Program created in Section [9-6-404](#).

1936 (3) The LeRay McAllister Critical Land Conservation Program created in Section  
1937 [11-38-301](#).

1938 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under  
1939 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

1940 (5) The Trip Reduction Program created in Section [19-2a-104](#).

1941 (6) The Division of Wildlife Resources for the appraisal and purchase of lands under  
1942 the Pelican Management Act, as provided in Section [23-21a-6](#).

1943 (7) The primary care grant program created in Section [26-10b-102](#).

1944 (8) Sanctions collected as dedicated credits from Medicaid provider under Subsection  
1945 [26-18-3\(7\)](#).

- 1946 (9) The Utah Health Care Workforce Financial Assistance Program created in Section  
1947 [26-46-102](#).
- 1948 (10) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 1949 (11) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 1950 (12) Funds that the Department of Alcoholic Beverage Control retains in accordance  
1951 with Subsection [32B-2-301](#)~~(7)~~[\(8\)](#)(a) or (b).
- 1952 (13) The General Assistance program administered by the Department of Workforce  
1953 Services, as provided in Section [35A-3-401](#).
- 1954 (14) A new program or agency that is designated as nonlapsing under Section  
1955 [36-24-101](#).
- 1956 (15) The Utah National Guard, created in Title 39, Militia and Armories.
- 1957 (16) The State Tax Commission under Section [41-1a-1201](#) for the:
- 1958 (a) purchase and distribution of license plates and decals; and
- 1959 (b) administration and enforcement of motor vehicle registration requirements.
- 1960 (17) The Search and Rescue Financial Assistance Program, as provided in Section  
1961 [53-2a-1102](#).
- 1962 (18) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 1963 (19) The State Board of Regents for teacher preparation programs, as provided in  
1964 Section [53B-6-104](#).
- 1965 (20) The Medical Education Program administered by the Medical Education Council,  
1966 as provided in Section [53B-24-202](#).
- 1967 (21) The State Board of Education, as provided in Section [53F-2-205](#).
- 1968 (22) The Division of Services for People with Disabilities, as provided in Section  
1969 [62A-5-102](#).
- 1970 (23) The Division of Fleet Operations for the purpose of upgrading underground  
1971 storage tanks under Section [63A-9-401](#).
- 1972 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).

- 1973 (25) Appropriations to the Department of Technology Services for technology  
1974 innovation as provided under Section [63F-4-202](#).
- 1975 (26) The Office of Administrative Rules for publishing, as provided in Section  
1976 [63G-3-402](#).
- 1977 (27) The Utah Science Technology and Research Initiative created in Section  
1978 [63M-2-301](#).
- 1979 (28) The Governor's Office of Economic Development to fund the Enterprise Zone  
1980 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1981 (29) Appropriations to fund the Governor's Office of Economic Development's Rural  
1982 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
1983 Employment Expansion Program.
- 1984 (30) Appropriations to fund programs for the Jordan River Recreation Area as  
1985 described in Section [65A-2-8](#).
- 1986 (31) The Department of Human Resource Management user training program, as  
1987 provided in Section [67-19-6](#).
- 1988 (32) A public safety answering point's emergency telecommunications service fund, as  
1989 provided in Section [69-2-301](#).
- 1990 (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 1991 (34) The Judicial Council for compensation for special prosecutors, as provided in  
1992 Section [77-10a-19](#).
- 1993 (35) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 1994 (36) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 1995 (37) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 1996 (38) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and  
1997 [78B-6-144.5](#).
- 1998 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
1999 Defense Commission.

2000 (40) The program established by the Division of Facilities Construction and  
2001 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation  
2002 and pay lease payments for the use and occupancy of buildings owned by the Division of  
2003 Facilities Construction and Management.

2004 Section 25. Section **63J-1-602.2 (Effective 07/01/20)** is amended to read:

2005 **63J-1-602.2 (Effective 07/01/20). List of nonlapsing appropriations to programs.**

2006 Appropriations made to the following programs are nonlapsing:

2007 (1) The Legislature and the Legislature's committees.

2008 (2) The State Board of Education, including all appropriations to agencies, line items,  
2009 and programs under the jurisdiction of the State Board of Education, in accordance with  
2010 Section [53F-9-103](#).

2011 (3) The Percent-for-Art Program created in Section [9-6-404](#).

2012 (4) The LeRay McAllister Critical Land Conservation Program created in Section  
2013 [11-38-301](#).

2014 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under  
2015 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

2016 (6) The Trip Reduction Program created in Section [19-2a-104](#).

2017 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under  
2018 the Pelican Management Act, as provided in Section [23-21a-6](#).

2019 (8) The emergency medical services grant program in Section [26-8a-207](#).

2020 (9) The primary care grant program created in Section [26-10b-102](#).

2021 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection  
2022 [26-18-3\(7\)](#).

2023 (11) The Utah Health Care Workforce Financial Assistance Program created in Section  
2024 [26-46-102](#).

2025 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).

2026 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

2027 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance  
2028 with Subsection [32B-2-301](#)~~(7)~~(8)(a) or (b).

2029 (15) The General Assistance program administered by the Department of Workforce  
2030 Services, as provided in Section [35A-3-401](#).

2031 (16) A new program or agency that is designated as nonlapsing under Section  
2032 [36-24-101](#).

2033 (17) The Utah National Guard, created in Title 39, Militia and Armories.

2034 (18) The State Tax Commission under Section [41-1a-1201](#) for the:

2035 (a) purchase and distribution of license plates and decals; and

2036 (b) administration and enforcement of motor vehicle registration requirements.

2037 (19) The Search and Rescue Financial Assistance Program, as provided in Section  
2038 [53-2a-1102](#).

2039 (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).

2040 (21) The Utah Board of Higher Education for teacher preparation programs, as  
2041 provided in Section [53B-6-104](#).

2042 (22) The Medical Education Program administered by the Medical Education Council,  
2043 as provided in Section [53B-24-202](#).

2044 (23) The Division of Services for People with Disabilities, as provided in Section  
2045 [62A-5-102](#).

2046 (24) The Division of Fleet Operations for the purpose of upgrading underground  
2047 storage tanks under Section [63A-9-401](#).

2048 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).

2049 (26) Appropriations to the Department of Technology Services for technology  
2050 innovation as provided under Section [63F-4-202](#).

2051 (27) The Office of Administrative Rules for publishing, as provided in Section  
2052 [63G-3-402](#).

2053 (28) The Governor's Office of Economic Development to fund the Enterprise Zone

2054 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2055 (29) Appropriations to fund the Governor's Office of Economic Development's Rural  
2056 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
2057 Employment Expansion Program.

2058 (30) Appropriations to fund programs for the Jordan River Recreation Area as  
2059 described in Section 65A-2-8.

2060 (31) The Department of Human Resource Management user training program, as  
2061 provided in Section 67-19-6.

2062 (32) A public safety answering point's emergency telecommunications service fund, as  
2063 provided in Section 69-2-301.

2064 (33) The Traffic Noise Abatement Program created in Section 72-6-112.

2065 (34) The Judicial Council for compensation for special prosecutors, as provided in  
2066 Section 77-10a-19.

2067 (35) A state rehabilitative employment program, as provided in Section 78A-6-210.

2068 (36) The Utah Geological Survey, as provided in Section 79-3-401.

2069 (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2070 (38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and  
2071 78B-6-144.5.

2072 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
2073 Defense Commission.

2074 (40) The program established by the Division of Facilities Construction and  
2075 Management under Section 63A-5b-703 under which state agencies receive an appropriation  
2076 and pay lease payments for the use and occupancy of buildings owned by the Division of  
2077 Facilities Construction and Management.

2078 Section 26. Section 64-13e-104 is amended to read:

2079 **64-13e-104. Housing of state probationary inmates or state parole inmates --**  
2080 **Payments.**

2081 (1) (a) A county shall accept and house a state probationary inmate or a state parole  
2082 inmate in a county correctional facility, subject to available resources.

2083 (b) A county may release a number of inmates from a county correctional facility, but  
2084 not to exceed the number of state probationary inmates in excess of the number of inmates  
2085 funded by the appropriation authorized in Subsection (2) if:

2086 (i) the state does not fully comply with the provisions of Subsection (9) for the most  
2087 current fiscal year; or

2088 (ii) funds appropriated by the Legislature for this purpose are less than 50% of the  
2089 actual county daily incarceration rate.

2090 (2) Within funds appropriated by the Legislature for this purpose, the Division of  
2091 Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a  
2092 rate of [~~56.88%~~ 47.89%] of the actual county daily incarceration rate.

2093 (3) Funds appropriated by the Legislature under Subsection (2):

2094 (a) are nonlapsing;

2095 (b) may only be used for the purposes described in Subsection (2) and Subsection (10);  
2096 and

2097 (c) may not be used for:

2098 (i) the costs of administering the payment described in this section; or

2099 (ii) payment of contract costs under Section [64-13e-103](#).

2100 (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative  
2101 appropriation.

2102 (5) (a) The Division of Finance shall administer the payment described in Subsection  
2103 (2) and Subsection (10).

2104 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,  
2105 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for collecting data from  
2106 counties for the purpose of completing the calculations described in this section.

2107 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount

2108 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total  
2109 amount of the payments made does not exceed the amount appropriated by the Legislature for  
2110 the payments.

2111 (6) Each county that receives the payment described in Subsection (2) and Subsection  
2112 (10) shall:

2113 (a) on at least a monthly basis, submit a report to CCJJ that includes:

2114 (i) the number of state probationary inmates and state parole inmates the county housed  
2115 under this section;

2116 (ii) the total number of state probationary inmate days of incarceration and state parole  
2117 inmate days of incarceration that were provided by the county;

2118 (iii) the total number of offenders housed pursuant to Subsection 64-13-21(2)(b); and

2119 (iv) the total number of days of incarceration of offenders housed pursuant to  
2120 Subsection 64-13-21(2)(b); and

2121 (b) before September 15 of every third year beginning in 2022, calculate and inform  
2122 CCJJ of the county's jail daily incarceration costs for the preceding fiscal year.

2123 (7) (a) On or before September 30 of each year, CCJJ shall:

2124 (i) compile the information from the reports described in Subsection (6)(a) that relate  
2125 to the preceding state fiscal year and provide a copy of the compilation to each county that  
2126 submitted a report; and

2127 (ii) calculate:

2128 (A) the actual county incarceration rate, based on the most recent year that data was  
2129 reported in accordance with Subsection (6)(b); and

2130 (B) the final county incarceration rate.

2131 (b) On or before October 15 of each year, CCJJ shall inform the Division of Finance  
2132 and each county of:

2133 (i) the actual county incarceration rate;

2134 (ii) the final county incarceration rate; and

2135 (iii) the exact amount of the payment described in this section that shall be made to  
2136 each county.

2137 (8) On or before December 15 of each year, the Division of Finance shall distribute the  
2138 payment described in Subsection (7)(b) in a single payment to each county.

2139 (9) (a) The amount paid to each county under Subsection (8) shall be calculated on a  
2140 pro rata basis, based on the average number of state probationary inmate days of incarceration  
2141 and the average state parole inmate days of incarceration that were provided by each county for  
2142 the preceding five state fiscal years; and

2143 (b) if funds are available, the total number of days of incarceration of offenders housed  
2144 pursuant to Subsection 64-13-21(2)(b).

2145 (10) If funds appropriated under Subsection (2) remain after payments are made  
2146 pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a  
2147 person convicted of a felony who is on probation or parole and who is incarcerated pursuant to  
2148 Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the actual county daily  
2149 incarceration rate.

2150 Section 27. Section **67-19-14.7 (Superseded 07/01/20)** is amended to read:

2151 **67-19-14.7 (Superseded 07/01/20). Postpartum recovery leave.**

2152 (1) As used in this section:

2153 (a) "Eligible employee" means an employee who:

2154 (i) is in a position that receives retirement benefits under Title 49, Utah State  
2155 Retirement and Insurance Benefit Act;

2156 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

2157 (iii) is not reemployed as defined in Section 49-11-1202; and

2158 (iv) gives birth to a child.

2159 (b) "Postpartum recovery leave" means leave hours a state employer provides to an  
2160 eligible employee to recover from childbirth.

2161 (c) "Retaliatory action" means to do any of the following to an employee:

- 2162 (i) dismiss the employee;
- 2163 (ii) reduce the employee's compensation;
- 2164 (iii) fail to increase the employee's compensation by an amount that the employee is  
2165 otherwise entitled to or was promised;
- 2166 (iv) fail to promote the employee if the employee would have otherwise been  
2167 promoted; or
- 2168 (v) threaten to take an action described in Subsections ~~[(1)(f)(i)]~~ (1)(c)(i) through (iv).
- 2169 (d) (i) "State employer" means:
  - 2170 (A) a state executive branch agency, including the State Tax Commission, the National  
2171 Guard, and the Board of Pardons and Parole;
  - 2172 (B) the legislative branch of the state; or
  - 2173 (C) the judicial branch of the state.
- 2174 (ii) "State employer" does not include:
  - 2175 (A) an institute of higher education;
  - 2176 (B) the ~~[Board of Regents]~~ Utah Board of Higher Education;
  - 2177 (C) the State Board of Education;
  - 2178 (D) an independent entity as defined in Section [63E-1-102](#);
  - 2179 (E) the Attorney General's Office;
  - 2180 (F) the State Auditor's Office; or
  - 2181 (G) the State Treasurer's Office.
- 2182 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible  
2183 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work  
2184 week for recovery from childbirth.
- 2185 (b) A state employer shall allow an eligible employee who is part-time or who works in  
2186 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery  
2187 leave available to the eligible employee under this section on a pro rata basis as adopted by rule  
2188 by the department under Subsection (11).

2189 (3) (a) Postpartum recovery leave described in Subsection (2):  
2190 (i) shall be used starting on the day on which the eligible employee gives birth, unless a  
2191 health care provider certifies that an earlier start date is medically necessary;  
2192 (ii) shall be used in a single continuous period; and  
2193 (iii) runs concurrently with any leave authorized under the Family and Medical Leave  
2194 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

2195 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not  
2196 increase if an eligible employee has more than one child born from the same pregnancy.

2197 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the  
2198 state employer notice at least 30 days before the day on which the eligible employee plans to:  
2199 (i) begin using postpartum recovery leave under this section; and  
2200 (ii) stop using postpartum recovery leave under this section.

2201 (b) If circumstances beyond the eligible employee's control prevent the eligible  
2202 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall  
2203 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

2204 (5) A state employer may not charge postpartum recovery leave under this section  
2205 against sick, annual, or other leave.

2206 (6) A state employer may not compensate an eligible employee for any unused  
2207 postpartum recovery leave upon termination of employment.

2208 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave  
2209 under this section, the state employer shall ensure that the eligible employee may return to:  
2210 (i) the position that the eligible employee held before using postpartum recovery leave;  
2211 or  
2212 (ii) a position within the state employer that is equivalent in seniority, status, benefits,  
2213 and pay to the position that the eligible employee held before using postpartum recovery leave.

2214 (b) If during the time an eligible employee uses postpartum recovery leave under this  
2215 section the state employer experiences a reduction in force and, as part of the reduction in

2216 force, the eligible employee would have been separated had the eligible employee not been  
2217 using the postpartum recovery leave, the state employer may separate the eligible employee in  
2218 accordance with any applicable process or procedure as if the eligible employee were not using  
2219 the postpartum recovery leave.

2220 (8) During the time an eligible employee uses postpartum recovery leave under this  
2221 section, the eligible employee shall continue to receive all employment related benefits and  
2222 payments at the same level that the eligible employee received immediately before beginning  
2223 the postpartum leave, provided that the eligible employee pays any required employee  
2224 contributions.

2225 (9) A state employer may not:

2226 (a) interfere with or otherwise restrain an eligible employee from using postpartum  
2227 recovery leave in accordance with this section; or

2228 (b) take retaliatory action against an eligible employee for using postpartum recovery  
2229 leave in accordance with this section.

2230 (10) A state employer shall provide each employee written information regarding an  
2231 eligible employee's right to use postpartum recovery leave under this section.

2232 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2233 the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of  
2234 postpartum recovery leave under this section, including a schedule that provides paid or  
2235 postpartum recovery leave for an eligible employee who is part-time or who works in excess of  
2236 a 40-hour work week on a pro rata basis.

2237 Section 28. Section **67-19-14.7 (Effective 07/01/20)** is amended to read:

2238 **67-19-14.7 (Effective 07/01/20). Postpartum recovery leave.**

2239 (1) As used in this section:

2240 (a) "Eligible employee" means an employee who:

2241 (i) is in a position that receives retirement benefits under Title 49, Utah State  
2242 Retirement and Insurance Benefit Act;

- 2243 (ii) accrues paid leave benefits that can be used in the current and future calendar years;
- 2244 (iii) is not reemployed as defined in Section [49-11-1202](#); and
- 2245 (iv) gives birth to a child.
- 2246 (b) "Postpartum recovery leave" means leave hours a state employer provides to an
- 2247 eligible employee to recover from childbirth.
- 2248 (c) "Retaliatory action" means to do any of the following to an employee:
- 2249 (i) dismiss the employee;
- 2250 (ii) reduce the employee's compensation;
- 2251 (iii) fail to increase the employee's compensation by an amount that the employee is
- 2252 otherwise entitled to or was promised;
- 2253 (iv) fail to promote the employee if the employee would have otherwise been
- 2254 promoted; or
- 2255 (v) threaten to take an action described in Subsections ~~[(1)(f)(i)]~~ (1)(c)(i) through (iv).
- 2256 (d) (i) "State employer" means:
- 2257 (A) a state executive branch agency, including the State Tax Commission, the National
- 2258 Guard, and the Board of Pardons and Parole;
- 2259 (B) the legislative branch of the state; or
- 2260 (C) the judicial branch of the state.
- 2261 (ii) "State employer" does not include:
- 2262 (A) an institute of higher education;
- 2263 (B) the Utah Board of Higher Education;
- 2264 (C) the State Board of Education;
- 2265 (D) an independent entity as defined in Section [63E-1-102](#);
- 2266 (E) the Attorney General's Office;
- 2267 (F) the State Auditor's Office; or
- 2268 (G) the State Treasurer's Office.
- 2269 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible

2270 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work  
2271 week for recovery from childbirth.

2272 (b) A state employer shall allow an eligible employee who is part-time or who works in  
2273 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery  
2274 leave available to the eligible employee under this section on a pro rata basis as adopted by rule  
2275 by the department under Subsection (11).

2276 (3) (a) Postpartum recovery leave described in Subsection (2):

2277 (i) shall be used starting on the day on which the eligible employee gives birth, unless a  
2278 health care provider certifies that an earlier start date is medically necessary;

2279 (ii) shall be used in a single continuous period; and

2280 (iii) runs concurrently with any leave authorized under the Family and Medical Leave  
2281 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

2282 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not  
2283 increase if an eligible employee has more than one child born from the same pregnancy.

2284 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the  
2285 state employer notice at least 30 days before the day on which the eligible employee plans to:

2286 (i) begin using postpartum recovery leave under this section; and

2287 (ii) stop using postpartum recovery leave under this section.

2288 (b) If circumstances beyond the eligible employee's control prevent the eligible  
2289 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall  
2290 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

2291 (5) A state employer may not charge postpartum recovery leave under this section  
2292 against sick, annual, or other leave.

2293 (6) A state employer may not compensate an eligible employee for any unused  
2294 postpartum recovery leave upon termination of employment.

2295 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave  
2296 under this section, the state employer shall ensure that the eligible employee may return to:

2297 (i) the position that the eligible employee held before using postpartum recovery leave;  
2298 or

2299 (ii) a position within the state employer that is equivalent in seniority, status, benefits,  
2300 and pay to the position that the eligible employee held before using postpartum recovery leave.

2301 (b) If during the time an eligible employee uses postpartum recovery leave under this  
2302 section the state employer experiences a reduction in force and, as part of the reduction in  
2303 force, the eligible employee would have been separated had the eligible employee not been  
2304 using the postpartum recovery leave, the state employer may separate the eligible employee in  
2305 accordance with any applicable process or procedure as if the eligible employee were not using  
2306 the postpartum recovery leave.

2307 (8) During the time an eligible employee uses postpartum recovery leave under this  
2308 section, the eligible employee shall continue to receive all employment related benefits and  
2309 payments at the same level that the eligible employee received immediately before beginning  
2310 the postpartum leave, provided that the eligible employee pays any required employee  
2311 contributions.

2312 (9) A state employer may not:

2313 (a) interfere with or otherwise restrain an eligible employee from using postpartum  
2314 recovery leave in accordance with this section; or

2315 (b) take retaliatory action against an eligible employee for using postpartum recovery  
2316 leave in accordance with this section.

2317 (10) A state employer shall provide each employee written information regarding an  
2318 eligible employee's right to use postpartum recovery leave under this section.

2319 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2320 the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of  
2321 postpartum recovery leave under this section, including a schedule that provides paid or  
2322 postpartum recovery leave for an eligible employee who is part-time or who works in excess of  
2323 a 40-hour work week on a pro rata basis.

2324 Section 29. Section **72-2-121** is amended to read:

2325 **72-2-121. County of the First Class Highway Projects Fund.**

2326 (1) There is created a special revenue fund within the Transportation Fund known as  
2327 the "County of the First Class Highway Projects Fund."

2328 (2) The fund consists of money generated from the following revenue sources:

2329 (a) any voluntary contributions received for new construction, major renovations, and  
2330 improvements to highways within a county of the first class;

2331 (b) the portion of the sales and use tax described in Subsection [59-12-2214\(3\)\(b\)](#)  
2332 deposited in or transferred to the fund;

2333 (c) the portion of the sales and use tax described in Section [59-12-2217](#) deposited in or  
2334 transferred to the fund; and

2335 (d) a portion of the local option highway construction and transportation corridor  
2336 preservation fee imposed in a county of the first class under Section [41-1a-1222](#) deposited in or  
2337 transferred to the fund.

2338 (3) (a) The fund shall earn interest.

2339 (b) All interest earned on fund money shall be deposited into the fund.

2340 (4) The executive director shall use the fund money only:

2341 (a) to pay debt service and bond issuance costs for bonds issued under Sections  
2342 [63B-16-102](#), [63B-18-402](#), and [63B-27-102](#);

2343 (b) for right-of-way acquisition, new construction, major renovations, and  
2344 improvements to highways within a county of the first class and to pay any debt service and  
2345 bond issuance costs related to those projects, including improvements to a highway located  
2346 within a municipality in a county of the first class where the municipality is located within the  
2347 boundaries of more than a single county;

2348 (c) for the construction, acquisition, use, maintenance, or operation of:

2349 (i) an active transportation facility for nonmotorized vehicles;

2350 (ii) multimodal transportation that connects an origin with a destination; or

2351 (iii) a facility that may include a:

2352 (A) pedestrian or nonmotorized vehicle trail;

2353 (B) nonmotorized vehicle storage facility;

2354 (C) pedestrian or vehicle bridge; or

2355 (D) vehicle parking lot or parking structure;

2356 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by

2357 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts

2358 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

2359 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond

2360 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects

2361 described in Subsection 63B-18-401(4)(a);

2362 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has

2363 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to

2364 transfer an amount equal to 50% of the revenue generated by the local option highway

2365 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in

2366 a county of the first class:

2367 (i) to the legislative body of a county of the first class; and

2368 (ii) to be used by a county of the first class for:

2369 (A) highway construction, reconstruction, or maintenance projects; or

2370 (B) the enforcement of state motor vehicle and traffic laws;

2371 (g) for fiscal year 2015-16 only, and after the department has verified that the amount

2372 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under

2373 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:

2374 (i) to the legislative body of a county of the first class; and

2375 (ii) to be used by the county for the purposes described in this section;

2376 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified

2377 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the

2378 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to  
2379 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into  
2380 the fund in accordance with Subsection 59-12-2214(3)(b) to:

2381 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under  
2382 Section 63B-27-102; and

2383 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been  
2384 deposited into the Transportation Fund;

2385 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified  
2386 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after  
2387 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers  
2388 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount  
2389 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the  
2390 first class to fund a system for public transit;

2391 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified  
2392 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after  
2393 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers  
2394 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount  
2395 deposited into the fund under Subsection (2)(b):

2396 (i) to the legislative body of a county of the first class; and

2397 (ii) to fund parking facilities in a county of the first class that facilitate significant  
2398 economic development and recreation and tourism within the state;

2399 (k) for the 2018-19 fiscal year only, after the department has verified that the amount  
2400 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under  
2401 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections  
2402 (4)(h), (i), and (j) have been made, to transfer \$12,000,000 to the department to distribute for  
2403 the following projects:

2404 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

- 2405           (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from  
2406 6800 West to 7300 West;
- 2407           (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;
- 2408           (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400  
2409 South to 13200 South;
- 2410           (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State  
2411 Street to Van Winkle;
- 2412           (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from  
2413 11400 South to 12300 South;
- 2414           (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;
- 2415           (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to  
2416 10200 South from 2700 West to 3200 West;
- 2417           (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near  
2418 Mountain View Corridor;
- 2419           (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and
- 2420           (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from  
2421 7200 West to 8000 West; and
- 2422           (l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been  
2423 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in  
2424 Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required  
2425 under Subsection [72-2-121.3\(4\)\(c\)](#) is available in the fund and the transfer under Subsection  
2426 (4)(e) has been made, and after the bonds under Section [63B-27-102](#) have been repaid, to  
2427 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a  
2428 county of the first class and deposited into the fund in accordance with Subsection  
2429 [59-12-2214\(3\)\(b\)](#):
- 2430           (i) to the legislative body of a county of the first class; and
- 2431           (ii) to be used by the county for the purposes described in this section.

2432 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the  
2433 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and  
2434 63B-27-102 are considered a local matching contribution for the purposes described under  
2435 Section 72-2-123.

2436 (6) The additional administrative costs of the department to administer this fund shall  
2437 be paid from money in the fund.

2438 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the  
2439 revenue sources deposited into this fund, the Department of Transportation may use the money  
2440 in this fund for any of the purposes detailed in Subsection (4).

2441 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal  
2442 year, after all programmed payments and transfers authorized or required under this section  
2443 have been made, on ~~July~~ November 30 the department shall transfer the remainder of the  
2444 money in the fund to the Transportation Fund to reduce the amount owed to the Transportation  
2445 Fund under Subsection (4)(j)(ii).

2446 (b) The department shall provide notice to a county of the first class of the amount  
2447 transferred in accordance with this Subsection (8).

2448 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under  
2449 Subsections (4) through (8) is subject to the review process described in this Subsection (9).

2450 (b) A county of the first class shall create a county transportation advisory committee  
2451 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public  
2452 transit projects and rank projects for allocation of funds.

2453 (c) The county transportation advisory committee described in Subsection (9)(b) shall  
2454 be composed of the following 13 members:

2455 (i) six members who are residents of the county, nominated by the county executive  
2456 and confirmed by the county legislative body who are:

2457 (A) members of a local advisory council of a large public transit district as defined in  
2458 Section 17B-2a-802;

- 2459 (B) county council members; or
- 2460 (C) other residents with expertise in transportation planning and funding; and
- 2461 (ii) seven members nominated by the county executive, and confirmed by the county
- 2462 legislative body, chosen from mayors or managers of cities or towns within the county.
- 2463 (d) (i) A majority of the members of the county transportation advisory committee
- 2464 constitutes a quorum.
- 2465 (ii) The action by a quorum of the county transportation advisory committee constitutes
- 2466 an action by the county transportation advisory committee.
- 2467 (e) The county body shall determine:
- 2468 (i) the length of a term of a member of the county transportation advisory committee;
- 2469 (ii) procedures and requirements for removing a member of the county transportation
- 2470 advisory committee;
- 2471 (iii) voting requirements of the county transportation advisory committee;
- 2472 (iv) chairs or other officers of the county transportation advisory committee;
- 2473 (v) how meetings are to be called and the frequency of meetings, but not less than once
- 2474 annually; and
- 2475 (vi) the compensation, if any, of members of the county transportation advisory
- 2476 committee.
- 2477 (f) The county shall establish by ordinance criteria for prioritization and ranking of
- 2478 projects, which may include consideration of regional and countywide economic development
- 2479 impacts, including improved local access to:
- 2480 (i) employment;
- 2481 (ii) recreation;
- 2482 (iii) commerce; and
- 2483 (iv) residential areas.
- 2484 (g) The county transportation advisory committee shall evaluate and rank each
- 2485 proposed public transit project and regionally significant transportation facility according to

2486 criteria developed pursuant to Subsection (9)(f).

2487 (h) (i) After the review and ranking of each project as described in this section, the  
 2488 county transportation advisory committee shall provide a report and recommend the ranked list  
 2489 of projects to the county legislative body and county executive.

2490 (ii) After review of the recommended list of projects, as part of the county budgetary  
 2491 process, the county executive shall review the list of projects and may include in the proposed  
 2492 budget the proposed projects for allocation, as funds are available.

2493 (i) The county executive of the county of the first class, with information provided by  
 2494 the county and relevant state entities, shall provide a report annually to the county  
 2495 transportation advisory committee, and to the mayor or manager of each city, town, or metro  
 2496 township in the county, including the following:

- 2497 (i) the amount of revenue received into the fund during the past year;
- 2498 (ii) any funds available for allocation;
- 2499 (iii) funds obligated for debt service; and
- 2500 (iv) the outstanding balance of transportation-related debt.

2501 (10) As resources allow, the department shall study in 2020 transportation connectivity  
 2502 in the southwest valley of Salt Lake County, including the feasibility of connecting major  
 2503 east-west corridors to U-111.

2504 Section 30. Section **78A-6-117 (Superseded 07/01/20)** is amended to read:

2505 **78A-6-117 (Superseded 07/01/20). Adjudication of jurisdiction of juvenile court --**  
 2506 **Disposition of cases -- Enumeration of possible court orders -- Considerations of court.**

2507 (1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within  
 2508 Section **78A-6-103**, the court shall adjudicate the case and make findings of fact upon which  
 2509 the court bases the court's jurisdiction over the case.

2510 (b) For a case described in Subsection **78A-6-103(1)**, findings of fact are not necessary.

2511 (c) If the court adjudicates a minor for an offense of violence or an offense in violation  
 2512 of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be

2513 provided to the school superintendent of the district in which the minor resides or attends  
2514 school. Notice shall be made to the district superintendent within three days of the  
2515 adjudication and shall include:

2516 (i) the specific offenses for which the minor was adjudicated; and

2517 (ii) if available, whether the victim:

2518 (A) resides in the same school district as the minor; or

2519 (B) attends the same school as the minor.

2520 (d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated  
2521 risk and needs assessment.

2522 (ii) Results of the screening or assessment shall be used to inform disposition decisions  
2523 and case planning. Assessment results, if available, may not be shared with the court before  
2524 adjudication.

2525 (2) Upon adjudication the court may make the following dispositions by court order:

2526 (a) (i) the court may place the minor on probation or under protective supervision in  
2527 the minor's own home and upon conditions determined by the court, including community or  
2528 compensatory service;

2529 (ii) a condition ordered by the court under Subsection (2)(a)(i):

2530 (A) shall be individualized and address a specific risk or need;

2531 (B) shall be based on information provided to the court, including the results of a  
2532 validated risk and needs assessment conducted under Subsection (1)(d);

2533 (C) if the court orders substance abuse treatment or an educational series, shall be  
2534 based on a validated risk and needs assessment conducted under Subsection (1)(d); and

2535 (D) if the court orders protective supervision, may not designate the division as the  
2536 provider of protective supervision unless there is a petition regarding abuse, neglect, or  
2537 dependency before the court requesting that the division provide protective supervision;

2538 (iii) a court may not issue a standard order that contains control-oriented conditions;

2539 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the

2540 minor and not the minor's family;

2541 (v) if the court orders probation, the court may direct that notice of the court's order be  
2542 provided to designated individuals in the local law enforcement agency and the school or  
2543 transferee school, if applicable, that the minor attends. The designated individuals may receive  
2544 the information for purposes of the minor's supervision and student safety; and

2545 (vi) an employee of the local law enforcement agency and the school that the minor  
2546 attends who discloses the court's order of probation is not:

2547 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as  
2548 provided in Section 63G-7-202; and

2549 (B) civilly or criminally liable except when the disclosure constitutes a knowing  
2550 violation of Section 63G-2-801.

2551 (b) The court may place the minor in the legal custody of a relative or other suitable  
2552 individual, with or without probation or other court-specified child welfare services, but the  
2553 juvenile court may not assume the function of developing foster home services.

2554 (c) The court shall only vest legal custody of the minor in the Division of Juvenile  
2555 Justice Services and order the Division of Juvenile Justice Services to provide dispositional  
2556 recommendations and services if:

2557 (i) nonresidential treatment options have been exhausted or nonresidential treatment  
2558 options are not appropriate; and

2559 (ii) the minor is adjudicated under this section for a felony offense, a misdemeanor  
2560 when the minor has five prior misdemeanors or felony adjudications arising from separate  
2561 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in  
2562 Section 76-1-601.

2563 (d) (i) The court may not vest legal custody of a minor in the Division of Juvenile  
2564 Justice Services for:

2565 (A) contempt of court except to the extent permitted under Section 78A-6-1101;

2566 (B) a violation of probation;

2567 (C) failure to pay a fine, fee, restitution, or other financial obligation;

2568 (D) unfinished compensatory or community service hours;

2569 (E) an infraction; or

2570 (F) a status offense.

2571 (ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may  
2572 petition the court to express the minor's desire to be removed from the jurisdiction of the  
2573 juvenile court and from the custody of the division if the minor is in the division's custody on  
2574 grounds of abuse, neglect, or dependency.

2575 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,  
2576 Termination of Parental Rights Act, the minor's petition shall contain a statement from the  
2577 minor's parent or guardian agreeing that the minor should be removed from the custody of the  
2578 division.

2579 (C) The minor and the minor's parent or guardian shall sign the petition.

2580 (D) The court shall review the petition within 14 days.

2581 (E) The court shall remove the minor from the custody of the division if the minor and  
2582 the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B)  
2583 and (C) and if the court finds, based on input from the division, the minor's guardian ad litem,  
2584 and the Office of the Attorney General, that the minor does not pose an imminent threat to self  
2585 or others.

2586 (F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days  
2587 of the date of removal, petition the court to re-enter custody of the division.

2588 (G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the  
2589 division to take custody of the minor based on the findings the court entered when the court  
2590 originally vested custody in the division.

2591 (e) The court shall only commit a minor to the Division of Juvenile Justice Services for  
2592 secure confinement if the court finds that:

2593 (i) (A) the minor poses a risk of harm to others; or

- 2594 (B) the minor's conduct resulted in the victim's death; and
- 2595 (ii) the minor is adjudicated under this section for:
- 2596 (A) a felony offense;
- 2597 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications
- 2598 arising from separate criminal episodes; or
- 2599 (C) a misdemeanor involving use of a dangerous weapon as defined in Section
- 2600 [76-1-601](#).
- 2601 (f) (i) A minor under the jurisdiction of the court solely on the ground of abuse,
- 2602 neglect, or dependency under Subsection [78A-6-103\(1\)\(b\)](#) may not be committed to the
- 2603 Division of Juvenile Justice Services.
- 2604 (ii) The court may not commit a minor to the Division of Juvenile Justice Services for
- 2605 secure confinement for:
- 2606 (A) contempt of court;
- 2607 (B) a violation of probation;
- 2608 (C) failure to pay a fine, fee, restitution, or other financial obligation;
- 2609 (D) unfinished compensatory or community service hours;
- 2610 (E) an infraction; or
- 2611 (F) a status offense.
- 2612 (g) The court may order nonresidential, diagnostic assessment, including substance use
- 2613 disorder, mental health, psychological, or sexual behavior risk assessment.
- 2614 (h) (i) The court may commit a minor to a place of detention or an alternative to
- 2615 detention for a period not to exceed 30 cumulative days per adjudication subject to the court
- 2616 retaining continuing jurisdiction over the minor's case. This commitment may not be
- 2617 suspended upon conditions ordered by the court.
- 2618 (ii) This Subsection (2)(h) applies only to a minor adjudicated for:
- 2619 (A) an act which if committed by an adult would be a criminal offense; or
- 2620 (B) contempt of court under Section [78A-6-1101](#).

- 2621 (iii) The court may not commit a minor to a place of detention for:
- 2622 (A) contempt of court except to the extent allowed under Section 78A-6-1101;
- 2623 (B) a violation of probation;
- 2624 (C) failure to pay a fine, fee, restitution, or other financial obligation;
- 2625 (D) unfinished compensatory or community service hours;
- 2626 (E) an infraction; or
- 2627 (F) a status offense.
- 2628 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30
- 2629 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more
- 2630 than 30 days in a place of detention before disposition, the court may not commit a minor to
- 2631 detention under this section.
- 2632 (B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a
- 2633 maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the
- 2634 seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.
- 2635 (v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be
- 2636 ordered in combination with an order under Subsection (2)(c).
- 2637 (i) ~~[The]~~ (i) Except as provided in Subsection (2)(i)(ii), the court may vest legal
- 2638 custody of an abused, neglected, or dependent minor in the division or any other appropriate
- 2639 person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3,
- 2640 Abuse, Neglect, and Dependency Proceedings.
- 2641 (ii) The court may not vest legal custody of an abused, neglected, or dependent minor
- 2642 in the division to primarily address the minor's ungovernable or other behavior, mental health,
- 2643 or disability unless the division:
- 2644 (A) engages other relevant divisions within the department in conducting an
- 2645 assessment of the minor's and the minor's family's needs;
- 2646 (B) based on the assessment described in Subsection (2)(i)(ii)(A), determines that
- 2647 vesting custody of the minor in the division is the least restrictive intervention for the minor

2648 that meets the minor's needs; and

2649 (C) consents to legal custody of the minor being vested in the division.

2650 (j) (i) The court may order a minor to repair, replace, or otherwise make restitution for  
2651 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to  
2652 make restitution.

2653 (ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a  
2654 pattern of criminal activity, includes any person directly harmed by the minor's delinquency  
2655 conduct in the course of the scheme, conspiracy, or pattern.

2656 (iii) If the victim and the minor agree to participate, the court may refer the case to a  
2657 restorative justice program such as victim offender mediation to address how loss resulting  
2658 from the adjudicated act may be addressed.

2659 (iv) For the purpose of determining whether and how much restitution is appropriate,  
2660 the court shall consider the following:

2661 (A) restitution shall only be ordered for the victim's material loss;

2662 (B) restitution may not be ordered if the court finds that the minor is unable to pay or  
2663 acquire the means to pay;

2664 (C) any amount paid by the minor to the victim in civil penalty shall be credited against  
2665 restitution owed; and

2666 (D) the length of the presumptive term of supervision shall be taken into account in  
2667 determining the minor's ability to satisfy the restitution order within the presumptive term.

2668 (v) Any amount paid to the victim in restitution shall be credited against liability in a  
2669 civil suit.

2670 (vi) The court may also require a minor to reimburse an individual, entity, or  
2671 governmental agency who offered and paid a reward to a person or persons for providing  
2672 information resulting in a court adjudication that the minor is within the jurisdiction of the  
2673 juvenile court due to the commission of a criminal offense.

2674 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the

2675 court may order the minor to make restitution for costs expended by any governmental entity  
2676 for the return.

2677 (viii) Within seven days after the day on which a petition is filed under Section  
2678 78A-6-602.5, the prosecuting attorney or the court's probation department shall provide  
2679 notification of the restitution process to all reasonably identifiable and locatable victims of an  
2680 offense listed in the petition.

2681 (ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for  
2682 providing the prosecutor with:

2683 (A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket  
2684 loss;

2685 (B) all documentation of any compensation or reimbursement from an insurance  
2686 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

2687 (C) if applicable, the victim's proof of identification, including the victim's date of  
2688 birth, social security number, or driver license number; and

2689 (D) the victim's contact information, including the victim's current home and work  
2690 address and telephone number.

2691 (x) A prosecutor or victim shall submit a request for restitution to the court at the time  
2692 of disposition, if feasible, otherwise within 90 days after disposition.

2693 (xi) The court shall order a financial disposition that prioritizes the payment of  
2694 restitution.

2695 (k) The court may issue orders necessary for the collection of restitution and fines  
2696 ordered by the court, including garnishments, wage withholdings, and executions, except for an  
2697 order that changes the custody of the minor, including detention or other secure or nonsecure  
2698 residential placements.

2699 (l) (i) The court may through the court's probation department encourage the  
2700 development of nonresidential employment or work programs to enable a minor to fulfill the  
2701 minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the

2702 court.

2703 (ii) Consistent with the order of the court, the probation officer may permit a minor to  
2704 participate in a program of work restitution or compensatory service in lieu of paying part or all  
2705 of the fine imposed by the court.

2706 (iii) The court may order the minor to:

2707 (A) pay a fine, fee, restitution, or other cost; or

2708 (B) complete service hours.

2709 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to  
2710 complete service hours, those dispositions shall be considered collectively to ensure that the  
2711 order:

2712 (A) is reasonable;

2713 (B) prioritizes restitution; and

2714 (C) takes into account the minor's ability to satisfy the order within the presumptive  
2715 term of supervision.

2716 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service  
2717 hours, the cumulative order shall be limited per criminal episode as follows:

2718 (A) for a minor younger than 16 years old at adjudication, the court may impose up to  
2719 \$180 or up to 24 hours of service; and

2720 (B) for a minor 16 years old or older at adjudication, the court may impose up to \$270  
2721 or up to 36 hours of service.

2722 (vi) The cumulative order under Subsection (2)(1)(v) does not include restitution.

2723 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of  
2724 conversion shall be no less than the minimum wage.

2725 (m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds  
2726 that as part of the commission of the violation the minor was in actual physical control of a  
2727 motor vehicle, the court may, in addition to any other disposition authorized by this section:

2728 (A) restrain the minor from driving for periods of time the court considers necessary;

2729 and

2730 (B) take possession of the minor's driver license.

2731 (ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i)  
2732 except for a disposition under Subsection (2)(c), (d), (e), or (f).

2733 (B) The suspension of driving privileges for an offense under Section 78A-6-606 is  
2734 governed only by Section 78A-6-606.

2735 (n) (i) The court may order a minor to complete community or compensatory service  
2736 hours in accordance with Subsections (2)(l)(iv) and (v).

2737 (ii) When community service is ordered, the presumptive service order shall include  
2738 between five and 10 hours of service.

2739 (iii) Satisfactory completion of an approved substance use disorder prevention or  
2740 treatment program or other court-ordered condition may be credited by the court as  
2741 compensatory service hours.

2742 (iv) When a minor commits an offense involving the use of graffiti under Section  
2743 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor  
2744 or any other individual at a time and place within the jurisdiction of the court. Compensatory  
2745 service ordered under this section may be performed in the presence and under the direct  
2746 supervision of the minor's parent or legal guardian. The parent or legal guardian shall report  
2747 completion of the order to the court. The court may also require the minor to perform other  
2748 alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

2749 (o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

2750 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

2751 (B) receive other special care.

2752 (ii) For purposes of receiving the examination, treatment, or care described in  
2753 Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is  
2754 not a secure facility or secure detention.

2755 (iii) In determining whether to order the examination, treatment, or care described in

2756 Subsection (2)(o)(i), the court shall consider:

2757 (A) the desires of the minor;

2758 (B) if the minor is younger than 18 years old, the desires of the parents or guardian of  
2759 the minor; and

2760 (C) whether the potential benefits of the examination, treatment, or care outweigh the  
2761 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain  
2762 function impairment, or emotional or physical harm resulting from the compulsory nature of  
2763 the examination, treatment, or care.

2764 (iv) The division shall:

2765 (A) take reasonable measures to notify a parent or guardian of any non-emergency  
2766 health treatment or care scheduled for a child;

2767 (B) include the parent or guardian as fully as possible in making health care decisions  
2768 for the child; and

2769 (C) defer to the parent's or guardian's reasonable and informed decisions regarding the  
2770 child's health care to the extent that the child's health and well being are not unreasonably  
2771 compromised by the parent's or guardian's decision.

2772 (v) The division shall notify the parent or guardian of a child within five business days  
2773 after a child in the custody of the division receives emergency health care or treatment.

2774 (vi) The division shall use the least restrictive means to accomplish a compelling  
2775 interest in the care and treatment of a child described in this Subsection (2)(o).

2776 (p) (i) The court may appoint a guardian for the minor if it appears necessary in the  
2777 interest of the minor, and may appoint as guardian a public or private institution or agency, but  
2778 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

2779 (ii) In placing a minor under the guardianship or legal custody of an individual or of a  
2780 private agency or institution, the court shall give primary consideration to the welfare of the  
2781 minor. When practicable, the court may take into consideration the religious preferences of the  
2782 minor and of a child's parents.

2783 (q) (i) In support of a decree under Section 78A-6-103, the court may order reasonable  
2784 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any  
2785 other person who has been made a party to the proceedings. Conditions may include:

2786 (A) parent-time by the parents or one parent;

2787 (B) restrictions on the minor's associates;

2788 (C) restrictions on the minor's occupation and other activities; and

2789 (D) requirements to be observed by the parents or custodian.

2790 (ii) A minor whose parents or guardians successfully complete a family or other  
2791 counseling program may be credited by the court for detention, confinement, or probation time.

2792 (r) The court may order the child to be committed to the physical custody of a local  
2793 mental health authority, in accordance with the procedures and requirements of Title 62A,  
2794 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and  
2795 Mental Health.

2796 (s) (i) The court may make an order committing a minor within the court's jurisdiction  
2797 to the Utah State Developmental Center if the minor has an intellectual disability in accordance  
2798 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with  
2799 an Intellectual Disability.

2800 (ii) The court shall follow the procedure applicable in the district courts with respect to  
2801 judicial commitments to the Utah State Developmental Center when ordering a commitment  
2802 under Subsection (2)(s)(i).

2803 (t) The court may terminate all parental rights upon a finding of compliance with Title  
2804 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

2805 (u) The court may make other reasonable orders for the best interest of the minor and  
2806 as required for the protection of the public, except that a child may not be committed to jail,  
2807 prison, secure detention, or the custody of the Division of Juvenile Justice Services under  
2808 Subsections (2)(c), (d), (e), and (f).

2809 (v) The court may combine the dispositions listed in this section if it is permissible and

2810 they are compatible.

2811 (w) Before depriving any parent of custody, the court shall give due consideration to  
2812 the rights of parents concerning their child. [~~The~~] Except as provided in Subsection (2)(i)(ii),  
2813 the court may transfer custody of a minor to another individual, agency, or institution in  
2814 accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse,  
2815 Neglect, and Dependency Proceedings.

2816 (x) Except as provided in Subsection (2)(z)(i), an order under this section for probation  
2817 or placement of a minor with an individual or an agency shall include a date certain for a  
2818 review and presumptive termination of the case by the court in accordance with Subsection (6)  
2819 and Section [62A-7-404.5](#). A new date shall be set upon each review.

2820 (y) In reviewing foster home placements, special attention shall be given to making  
2821 adoptable children available for adoption without delay.

2822 (z) (i) The juvenile court may enter an order of permanent custody and guardianship  
2823 with an individual or relative of a child where the court has previously acquired jurisdiction as  
2824 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an  
2825 order for child support on behalf of the child against the natural or adoptive parents of the  
2826 child.

2827 (ii) Orders under Subsection (2)(z)(i):

2828 (A) shall remain in effect until the child reaches majority;

2829 (B) are not subject to review under Section [78A-6-118](#); and

2830 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

2831 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and  
2832 permanent orders of custody and guardianship do not expire with a termination of jurisdiction  
2833 of the juvenile court.

2834 (3) If a court adjudicates a minor for an offense, the minor may be given a choice by  
2835 the court to serve in the National Guard in lieu of other sanctions described in Subsection (2)  
2836 if:

- 2837 (a) the minor meets the current entrance qualifications for service in the National  
2838 Guard as determined by a recruiter, whose determination is final;
- 2839 (b) the offense:
- 2840 (i) would be a felony if committed by an adult;
- 2841 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
- 2842 (iii) was committed with a weapon; and
- 2843 (c) the court retains jurisdiction over the minor's case under conditions set by the court  
2844 and agreed upon by the recruiter or the unit commander to which the minor is eventually  
2845 assigned.
- 2846 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction  
2847 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by  
2848 designated employees of the court or, if the minor is in the legal custody of the Division of  
2849 Juvenile Justice Services, then by designated employees of the division under Subsection  
2850 53-10-404(5)(b).
- 2851 (b) The responsible agency shall ensure that an employee designated to collect the  
2852 saliva DNA specimens receives appropriate training and that the specimens are obtained in  
2853 accordance with accepted protocol.
- 2854 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA  
2855 Specimen Restricted Account created in Section 53-10-407.
- 2856 (d) Payment of the reimbursement is second in priority to payments the minor is  
2857 ordered to make for restitution under this section and treatment under Section 78A-6-321.
- 2858 (5) (a) A disposition made by the court in accordance with this section may not be  
2859 suspended, except for the following:
- 2860 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services  
2861 under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection  
2862 (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new  
2863 misdemeanor or felony offense during the three months following the day of disposition.

2864 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not  
2865 exceed three months post-disposition and may not be extended under any circumstance.

2866 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

2867 (A) following adjudication of a new misdemeanor or felony offense committed by the  
2868 minor during the period of suspension set out under Subsection (5)(a)(ii);

2869 (B) if a new assessment or evaluation has been completed and recommends that a  
2870 higher level of care is needed and nonresidential treatment options have been exhausted or  
2871 nonresidential treatment options are not appropriate; or

2872 (C) if, after a notice and a hearing, the court finds a new or previous evaluation  
2873 recommends a higher level of treatment, and the minor willfully failed to comply with a lower  
2874 level of treatment and has been unsuccessfully discharged from treatment.

2875 (iv) A suspended custody order may not be imposed without notice to the minor, notice  
2876 to counsel, and a hearing.

2877 (b) The court in accordance with Subsection (5)(a) shall terminate continuing  
2878 jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the  
2879 following circumstances exists:

2880 (i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion  
2881 of a program determined to be necessary by the results of a validated risk and needs assessment  
2882 with completion found by the court after considering the recommendation of a licensed service  
2883 provider on the basis of the minor completing the goals of the necessary treatment program;

2884 (ii) the minor commits a new misdemeanor or felony offense;

2885 (iii) service hours have not been completed; or

2886 (iv) there is an outstanding fine.

2887 (6) When the court places a minor on probation under Subsection (2)(a) or vests legal  
2888 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the  
2889 court shall do so for a defined period of time in accordance with this section.

2890 (a) In placing a minor on probation under Subsection (2)(a), the court shall establish a

2891 presumptive term of probation as specified in this Subsection (6):

2892 (i) the presumptive length of intake probation may not exceed three months; and

2893 (ii) the presumptive length of formal probation may not exceed four to six months.

2894 (b) In vesting legal custody of the minor in the Division of Juvenile Justice Services  
2895 under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a  
2896 maximum term of aftercare as specified in this Subsection (6):

2897 (i) the presumptive length of out-of-home placement may not exceed three to six  
2898 months; and

2899 (ii) the presumptive length of aftercare supervision, for those previously placed  
2900 out-of-home, may not exceed three to four months, and minors may serve the term of aftercare  
2901 in the home of a qualifying relative or guardian or at an independent living program contracted  
2902 or operated by the Division of Juvenile Justice Services.

2903 (c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole  
2904 Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a  
2905 minor's case at the end of the presumptive time frame unless at least one of the following  
2906 circumstances exists:

2907 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a  
2908 court ordered program determined to be necessary by the results of a validated assessment, with  
2909 completion found by the court after considering the recommendations of a licensed service  
2910 provider or facilitator of court ordered treatment or intervention program on the basis of the  
2911 minor completing the goals of the necessary treatment program;

2912 (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the  
2913 completion of a program determined to be necessary by the results of a validated assessment,  
2914 with completion determined on the basis of whether the minor has regularly and consistently  
2915 attended the treatment program and completed the goals of the necessary treatment program as  
2916 determined by the court or Youth Parole Authority after considering the recommendation of a  
2917 licensed service provider or facilitator of court ordered treatment or intervention program;

- 2918 (iii) the minor commits a new misdemeanor or felony offense;
- 2919 (iv) service hours have not been completed;
- 2920 (v) there is an outstanding fine; or
- 2921 (vi) there is a failure to pay restitution in full.
- 2922 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
- 2923 exists, the court may extend jurisdiction for the time needed to address the specific
- 2924 circumstance.
- 2925 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
- 2926 exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend
- 2927 jurisdiction for the time needed to address the specific circumstance.
- 2928 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth
- 2929 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one
- 2930 time for up to three months.
- 2931 (f) Grounds for extension of the presumptive length of supervision or placement and
- 2932 the length of any extension shall be recorded in the court record or records of the Youth Parole
- 2933 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by
- 2934 the Administrative Office of the Courts and the Division of Juvenile Justice Services.
- 2935 (g) (i) For a minor who is under the supervision of the juvenile court and whose
- 2936 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
- 2937 continued under the supervision of intake probation.
- 2938 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose
- 2939 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
- 2940 continued on parole and not in secure confinement.
- 2941 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision
- 2942 period shall toll until the minor returns.
- 2943 (7) Subsection (6) does not apply to any minor adjudicated under this section for:
- 2944 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

- 2945 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 2946 (c) Section 76-5-203, murder or attempted murder;
- 2947 (d) Section 76-5-205, manslaughter;
- 2948 (e) Section 76-5-206, negligent homicide;
- 2949 (f) Section 76-5-207, automobile homicide;
- 2950 (g) Section 76-5-207.5, automobile homicide involving handheld wireless
- 2951 communication device;
- 2952 (h) Section 76-5-208, child abuse homicide;
- 2953 (i) Section 76-5-209, homicide by assault;
- 2954 (j) Section 76-5-302, aggravated kidnapping;
- 2955 (k) Section 76-5-405, aggravated sexual assault;
- 2956 (l) a felony violation of Section 76-6-103, aggravated arson;
- 2957 (m) Section 76-6-203, aggravated burglary;
- 2958 (n) Section 76-6-302, aggravated robbery;
- 2959 (o) Section 76-10-508.1, felony discharge of a firearm;
- 2960 (p) (i) an offense other than an offense listed in Subsections (7)(a) through (o)
- 2961 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
- 2962 (ii) the minor has been previously adjudicated or convicted of an offense involving the
- 2963 use of a dangerous weapon; or
- 2964 (q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and
- 2965 the minor has been previously committed to the custody of the Division of Juvenile Justice
- 2966 Services for secure confinement.

2967 Section 31. Section **78A-6-117 (Effective 07/01/20)** is amended to read:

2968 **78A-6-117 (Effective 07/01/20). Adjudication of jurisdiction of juvenile court --**  
2969 **Disposition of cases -- Enumeration of possible court orders -- Considerations of court.**

2970 (1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within  
2971 Section 78A-6-103, the court shall adjudicate the case and make findings of fact upon which

2972 the court bases the court's jurisdiction over the case.

2973 (b) For a case described in Subsection 78A-6-103(1), findings of fact are not necessary.

2974 (c) If the court adjudicates a minor for an offense of violence or an offense in violation  
2975 of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be  
2976 provided to the school superintendent of the district in which the minor resides or attends  
2977 school. Notice shall be made to the district superintendent within three days of the  
2978 adjudication and shall include:

2979 (i) the specific offenses for which the minor was adjudicated; and

2980 (ii) if available, whether the victim:

2981 (A) resides in the same school district as the minor; or

2982 (B) attends the same school as the minor.

2983 (d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated  
2984 risk and needs assessment.

2985 (ii) Results of the screening or assessment shall be used to inform disposition decisions  
2986 and case planning. Assessment results, if available, may not be shared with the court before  
2987 adjudication.

2988 (2) Upon adjudication the court may make the following dispositions by court order:

2989 (a) (i) the court may place the minor on probation or under protective supervision in  
2990 the minor's own home and upon conditions determined by the court, including community or  
2991 compensatory service;

2992 (ii) a condition ordered by the court under Subsection (2)(a)(i):

2993 (A) shall be individualized and address a specific risk or need;

2994 (B) shall be based on information provided to the court, including the results of a  
2995 validated risk and needs assessment conducted under Subsection (1)(d);

2996 (C) if the court orders substance abuse treatment or an educational series, shall be  
2997 based on a validated risk and needs assessment conducted under Subsection (1)(d); and

2998 (D) if the court orders protective supervision, may not designate the division as the

2999 provider of protective supervision unless there is a petition regarding abuse, neglect, or  
3000 dependency before the court requesting that the division provide protective supervision;

3001 (iii) a court may not issue a standard order that contains control-oriented conditions;

3002 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the  
3003 minor and not the minor's family;

3004 (v) if the court orders probation, the court may direct that notice of the court's order be  
3005 provided to designated individuals in the local law enforcement agency and the school or  
3006 transferee school, if applicable, that the minor attends. The designated individuals may receive  
3007 the information for purposes of the minor's supervision and student safety; and

3008 (vi) an employee of the local law enforcement agency and the school that the minor  
3009 attends who discloses the court's order of probation is not:

3010 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as  
3011 provided in Section [63G-7-202](#); and

3012 (B) civilly or criminally liable except when the disclosure constitutes a knowing  
3013 violation of Section [63G-2-801](#).

3014 (b) The court may place the minor in the legal custody of a relative or other suitable  
3015 individual, with or without probation or other court-specified child welfare services, but the  
3016 juvenile court may not assume the function of developing foster home services.

3017 (c) The court shall only vest legal custody of the minor in the Division of Juvenile  
3018 Justice Services and order the Division of Juvenile Justice Services to provide dispositional  
3019 recommendations and services if:

3020 (i) nonresidential treatment options have been exhausted or nonresidential treatment  
3021 options are not appropriate; and

3022 (ii) the minor is adjudicated under this section for a felony offense, a misdemeanor  
3023 when the minor has five prior misdemeanors or felony adjudications arising from separate  
3024 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in  
3025 Section [76-1-601](#).

3026 (d) (i) The court may not vest legal custody of a minor in the Division of Juvenile  
3027 Justice Services for:

3028 (A) contempt of court except to the extent permitted under Section [78A-6-1101](#);

3029 (B) a violation of probation;

3030 (C) failure to pay a fine, fee, restitution, or other financial obligation;

3031 (D) unfinished compensatory or community service hours;

3032 (E) an infraction; or

3033 (F) a status offense.

3034 (ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may  
3035 petition the court to express the minor's desire to be removed from the jurisdiction of the  
3036 juvenile court and from the custody of the division if the minor is in the division's custody on  
3037 grounds of abuse, neglect, or dependency.

3038 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,  
3039 Termination of Parental Rights Act, the minor's petition shall contain a statement from the  
3040 minor's parent or guardian agreeing that the minor should be removed from the custody of the  
3041 division.

3042 (C) The minor and the minor's parent or guardian shall sign the petition.

3043 (D) The court shall review the petition within 14 days.

3044 (E) The court shall remove the minor from the custody of the division if the minor and  
3045 the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B)  
3046 and (C) and if the court finds, based on input from the division, the minor's guardian ad litem,  
3047 and the Office of the Attorney General, that the minor does not pose an imminent threat to self  
3048 or others.

3049 (F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days  
3050 of the date of removal, petition the court to re-enter custody of the division.

3051 (G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the  
3052 division to take custody of the minor based on the findings the court entered when the court

3053 originally vested custody in the division.

3054 (e) The court shall only commit a minor to the Division of Juvenile Justice Services for  
3055 secure confinement if the court finds that:

3056 (i) (A) the minor poses a risk of harm to others; or

3057 (B) the minor's conduct resulted in the victim's death; and

3058 (ii) the minor is adjudicated under this section for:

3059 (A) a felony offense;

3060 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications  
3061 arising from separate criminal episodes; or

3062 (C) a misdemeanor involving use of a dangerous weapon as defined in Section  
3063 [76-1-601](#).

3064 (f) (i) A minor under the jurisdiction of the court solely on the ground of abuse,  
3065 neglect, or dependency under Subsection [78A-6-103\(1\)\(b\)](#) may not be committed to the  
3066 Division of Juvenile Justice Services.

3067 (ii) The court may not commit a minor to the Division of Juvenile Justice Services for  
3068 secure confinement for:

3069 (A) contempt of court;

3070 (B) a violation of probation;

3071 (C) failure to pay a fine, fee, restitution, or other financial obligation;

3072 (D) unfinished compensatory or community service hours;

3073 (E) an infraction; or

3074 (F) a status offense.

3075 (g) The court may order nonresidential, diagnostic assessment, including substance use  
3076 disorder, mental health, psychological, or sexual behavior risk assessment.

3077 (h) (i) The court may commit a minor to a place of detention or an alternative to  
3078 detention for a period not to exceed 30 cumulative days per adjudication subject to the court  
3079 retaining continuing jurisdiction over the minor's case. This commitment may not be

3080 suspended upon conditions ordered by the court.

3081 (ii) This Subsection (2)(h) applies only to a minor adjudicated for:

3082 (A) an act which if committed by an adult would be a criminal offense; or

3083 (B) contempt of court under Section 78A-6-1101.

3084 (iii) The court may not commit a minor to a place of detention for:

3085 (A) contempt of court except to the extent allowed under Section 78A-6-1101;

3086 (B) a violation of probation;

3087 (C) failure to pay a fine, fee, restitution, or other financial obligation;

3088 (D) unfinished compensatory or community service hours;

3089 (E) an infraction; or

3090 (F) a status offense.

3091 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30

3092 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more

3093 than 30 days in a place of detention before disposition, the court may not commit a minor to

3094 detention under this section.

3095 (B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a

3096 maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the

3097 seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.

3098 (v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be

3099 ordered in combination with an order under Subsection (2)(c).

3100 (i) ~~[The]~~ (i) Except as provided in Subsection (2)(i)(ii), the court may vest legal

3101 custody of an abused, neglected, or dependent minor in the division or any other appropriate

3102 person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3,

3103 Abuse, Neglect, and Dependency Proceedings.

3104 (ii) The court may not vest legal custody of an abused, neglected, or dependent minor

3105 in the division to primarily address the minor's ungovernable or other behavior, mental health,

3106 or disability unless the division:

3107           (A) engages other relevant divisions within the department in conducting an  
3108 assessment of the minor's and the minor's family's needs;

3109           (B) based on the assessment described in Subsection (2)(i)(ii)(A), determines that  
3110 vesting custody of the minor in the division is the least restrictive intervention for the minor  
3111 that meets the minor's needs; and

3112           (C) consents to legal custody of the minor being vested in the division.

3113           (j) (i) The court may order a minor to repair, replace, or otherwise make restitution for  
3114 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to  
3115 make restitution.

3116           (ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a  
3117 pattern of criminal activity, includes any person directly harmed by the minor's delinquency  
3118 conduct in the course of the scheme, conspiracy, or pattern.

3119           (iii) If the victim and the minor agree to participate, the court may refer the case to a  
3120 restorative justice program such as victim offender mediation to address how loss resulting  
3121 from the adjudicated act may be addressed.

3122           (iv) For the purpose of determining whether and how much restitution is appropriate,  
3123 the court shall consider the following:

3124           (A) restitution shall only be ordered for the victim's material loss;

3125           (B) restitution may not be ordered if the court finds that the minor is unable to pay or  
3126 acquire the means to pay;

3127           (C) any amount paid by the minor to the victim in civil penalty shall be credited against  
3128 restitution owed; and

3129           (D) the length of the presumptive term of supervision shall be taken into account in  
3130 determining the minor's ability to satisfy the restitution order within the presumptive term.

3131           (v) Any amount paid to the victim in restitution shall be credited against liability in a  
3132 civil suit.

3133           (vi) The court may also require a minor to reimburse an individual, entity, or

3134 governmental agency who offered and paid a reward to a person or persons for providing  
3135 information resulting in a court adjudication that the minor is within the jurisdiction of the  
3136 juvenile court due to the commission of a criminal offense.

3137 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the  
3138 court may order the minor to make restitution for costs expended by any governmental entity  
3139 for the return.

3140 (viii) Within seven days after the day on which a petition is filed under Section  
3141 [78A-6-602.5](#), the prosecuting attorney or the court's probation department shall provide  
3142 notification of the restitution process to all reasonably identifiable and locatable victims of an  
3143 offense listed in the petition.

3144 (ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for  
3145 providing the prosecutor with:

3146 (A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket  
3147 loss;

3148 (B) all documentation of any compensation or reimbursement from an insurance  
3149 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

3150 (C) if applicable, the victim's proof of identification, including the victim's date of  
3151 birth, social security number, or driver license number; and

3152 (D) the victim's contact information, including the victim's current home and work  
3153 address and telephone number.

3154 (x) A prosecutor or victim shall submit a request for restitution to the court at the time  
3155 of disposition, if feasible, otherwise within 90 days after disposition.

3156 (xi) The court shall order a financial disposition that prioritizes the payment of  
3157 restitution.

3158 (k) The court may issue orders necessary for the collection of restitution and fines  
3159 ordered by the court, including garnishments, wage withholdings, and executions, except for an  
3160 order that changes the custody of the minor, including detention or other secure or nonsecure

3161 residential placements.

3162 (l) (i) The court may through the court's probation department encourage the  
3163 development of nonresidential employment or work programs to enable a minor to fulfill the  
3164 minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the  
3165 court.

3166 (ii) Consistent with the order of the court, the probation officer may permit a minor to  
3167 participate in a program of work restitution or compensatory service in lieu of paying part or all  
3168 of the fine imposed by the court.

3169 (iii) The court may order the minor to:

3170 (A) pay a fine, fee, restitution, or other cost; or

3171 (B) complete service hours.

3172 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to  
3173 complete service hours, those dispositions shall be considered collectively to ensure that the  
3174 order:

3175 (A) is reasonable;

3176 (B) prioritizes restitution; and

3177 (C) takes into account the minor's ability to satisfy the order within the presumptive  
3178 term of supervision.

3179 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service  
3180 hours, the cumulative order shall be limited per criminal episode as follows:

3181 (A) for a minor younger than 16 years old at adjudication, the court may impose up to  
3182 \$190 or up to 24 hours of service; and

3183 (B) for a minor 16 years old or older at adjudication, the court may impose up to \$280  
3184 or up to 36 hours of service.

3185 (vi) The cumulative order under Subsection (2)(l)(v) does not include restitution.

3186 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of  
3187 conversion shall be no less than the minimum wage.

3188 (m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds  
3189 that as part of the commission of the violation the minor was in actual physical control of a  
3190 motor vehicle, the court may, in addition to any other disposition authorized by this section:

3191 (A) restrain the minor from driving for periods of time the court considers necessary;  
3192 and

3193 (B) take possession of the minor's driver license.

3194 (ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i)  
3195 except for a disposition under Subsection (2)(c), (d), (e), or (f).

3196 (B) The suspension of driving privileges for an offense under Section 78A-6-606 is  
3197 governed only by Section 78A-6-606.

3198 (n) (i) The court may order a minor to complete community or compensatory service  
3199 hours in accordance with Subsections (2)(l)(iv) and (v).

3200 (ii) When community service is ordered, the presumptive service order shall include  
3201 between five and 10 hours of service.

3202 (iii) Satisfactory completion of an approved substance use disorder prevention or  
3203 treatment program or other court-ordered condition may be credited by the court as  
3204 compensatory service hours.

3205 (iv) When a minor commits an offense involving the use of graffiti under Section  
3206 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor  
3207 or any other individual at a time and place within the jurisdiction of the court. Compensatory  
3208 service ordered under this section may be performed in the presence and under the direct  
3209 supervision of the minor's parent or legal guardian. The parent or legal guardian shall report  
3210 completion of the order to the court. The court may also require the minor to perform other  
3211 alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

3212 (o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

3213 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

3214 (B) receive other special care.

3215 (ii) For purposes of receiving the examination, treatment, or care described in  
3216 Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is  
3217 not a secure facility or secure detention.

3218 (iii) In determining whether to order the examination, treatment, or care described in  
3219 Subsection (2)(o)(i), the court shall consider:

3220 (A) the desires of the minor;

3221 (B) if the minor is younger than 18 years old, the desires of the parents or guardian of  
3222 the minor; and

3223 (C) whether the potential benefits of the examination, treatment, or care outweigh the  
3224 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain  
3225 function impairment, or emotional or physical harm resulting from the compulsory nature of  
3226 the examination, treatment, or care.

3227 (iv) The division shall:

3228 (A) take reasonable measures to notify a parent or guardian of any non-emergency  
3229 health treatment or care scheduled for a child;

3230 (B) include the parent or guardian as fully as possible in making health care decisions  
3231 for the child; and

3232 (C) defer to the parent's or guardian's reasonable and informed decisions regarding the  
3233 child's health care to the extent that the child's health and well being are not unreasonably  
3234 compromised by the parent's or guardian's decision.

3235 (v) The division shall notify the parent or guardian of a child within five business days  
3236 after a child in the custody of the division receives emergency health care or treatment.

3237 (vi) The division shall use the least restrictive means to accomplish a compelling  
3238 interest in the care and treatment of a child described in this Subsection (2)(o).

3239 (p) (i) The court may appoint a guardian for the minor if it appears necessary in the  
3240 interest of the minor, and may appoint as guardian a public or private institution or agency, but  
3241 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

3242 (ii) In placing a minor under the guardianship or legal custody of an individual or of a  
3243 private agency or institution, the court shall give primary consideration to the welfare of the  
3244 minor. When practicable, the court may take into consideration the religious preferences of the  
3245 minor and of a child's parents.

3246 (q) (i) In support of a decree under Section 78A-6-103, the court may order reasonable  
3247 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any  
3248 other person who has been made a party to the proceedings. Conditions may include:

- 3249 (A) parent-time by the parents or one parent;
- 3250 (B) restrictions on the minor's associates;
- 3251 (C) restrictions on the minor's occupation and other activities; and
- 3252 (D) requirements to be observed by the parents or custodian.

3253 (ii) A minor whose parents or guardians successfully complete a family or other  
3254 counseling program may be credited by the court for detention, confinement, or probation time.

3255 (r) The court may order the child to be committed to the physical custody of a local  
3256 mental health authority, in accordance with the procedures and requirements of Title 62A,  
3257 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and  
3258 Mental Health.

3259 (s) (i) The court may make an order committing a minor within the court's jurisdiction  
3260 to the Utah State Developmental Center if the minor has an intellectual disability in accordance  
3261 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with  
3262 an Intellectual Disability.

3263 (ii) The court shall follow the procedure applicable in the district courts with respect to  
3264 judicial commitments to the Utah State Developmental Center when ordering a commitment  
3265 under Subsection (2)(s)(i).

3266 (t) The court may terminate all parental rights upon a finding of compliance with Title  
3267 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

3268 (u) The court may make other reasonable orders for the best interest of the minor and

3269 as required for the protection of the public, except that a child may not be committed to jail,  
3270 prison, secure detention, or the custody of the Division of Juvenile Justice Services under  
3271 Subsections (2)(c), (d), (e), and (f).

3272 (v) The court may combine the dispositions listed in this section if it is permissible and  
3273 they are compatible.

3274 (w) Before depriving any parent of custody, the court shall give due consideration to  
3275 the rights of parents concerning their child. ~~[The]~~ Except as provided in Subsection (2)(i)(ii),  
3276 the court may transfer custody of a minor to another individual, agency, or institution in  
3277 accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse,  
3278 Neglect, and Dependency Proceedings.

3279 (x) Except as provided in Subsection (2)(z)(i), an order under this section for probation  
3280 or placement of a minor with an individual or an agency shall include a date certain for a  
3281 review and presumptive termination of the case by the court in accordance with Subsection (6)  
3282 and Section [62A-7-404.5](#). A new date shall be set upon each review.

3283 (y) In reviewing foster home placements, special attention shall be given to making  
3284 adoptable children available for adoption without delay.

3285 (z) (i) The juvenile court may enter an order of permanent custody and guardianship  
3286 with an individual or relative of a child where the court has previously acquired jurisdiction as  
3287 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an  
3288 order for child support on behalf of the child against the natural or adoptive parents of the  
3289 child.

3290 (ii) Orders under Subsection (2)(z)(i):

3291 (A) shall remain in effect until the child reaches majority;

3292 (B) are not subject to review under Section [78A-6-118](#); and

3293 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

3294 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and  
3295 permanent orders of custody and guardianship do not expire with a termination of jurisdiction

3296 of the juvenile court.

3297 (3) If a court adjudicates a minor for an offense, the minor may be given a choice by  
3298 the court to serve in the National Guard in lieu of other sanctions described in Subsection (2)  
3299 if:

3300 (a) the minor meets the current entrance qualifications for service in the National  
3301 Guard as determined by a recruiter, whose determination is final;

3302 (b) the offense:

3303 (i) would be a felony if committed by an adult;

3304 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

3305 (iii) was committed with a weapon; and

3306 (c) the court retains jurisdiction over the minor's case under conditions set by the court  
3307 and agreed upon by the recruiter or the unit commander to which the minor is eventually  
3308 assigned.

3309 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction  
3310 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by  
3311 designated employees of the court or, if the minor is in the legal custody of the Division of  
3312 Juvenile Justice Services, then by designated employees of the division under Subsection  
3313 53-10-404(5)(b).

3314 (b) The responsible agency shall ensure that an employee designated to collect the  
3315 saliva DNA specimens receives appropriate training and that the specimens are obtained in  
3316 accordance with accepted protocol.

3317 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA  
3318 Specimen Restricted Account created in Section 53-10-407.

3319 (d) Payment of the reimbursement is second in priority to payments the minor is  
3320 ordered to make for restitution under this section and treatment under Section 78A-6-321.

3321 (5) (a) A disposition made by the court in accordance with this section may not be  
3322 suspended, except for the following:

3323 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services  
3324 under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection  
3325 (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new  
3326 misdemeanor or felony offense during the three months following the day of disposition.

3327 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not  
3328 exceed three months post-disposition and may not be extended under any circumstance.

3329 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

3330 (A) following adjudication of a new misdemeanor or felony offense committed by the  
3331 minor during the period of suspension set out under Subsection (5)(a)(ii);

3332 (B) if a new assessment or evaluation has been completed and recommends that a  
3333 higher level of care is needed and nonresidential treatment options have been exhausted or  
3334 nonresidential treatment options are not appropriate; or

3335 (C) if, after a notice and a hearing, the court finds a new or previous evaluation  
3336 recommends a higher level of treatment, and the minor willfully failed to comply with a lower  
3337 level of treatment and has been unsuccessfully discharged from treatment.

3338 (iv) A suspended custody order may not be imposed without notice to the minor, notice  
3339 to counsel, and a hearing.

3340 (b) The court in accordance with Subsection (5)(a) shall terminate continuing  
3341 jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the  
3342 following circumstances exists:

3343 (i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion  
3344 of a program determined to be necessary by the results of a validated risk and needs assessment  
3345 with completion found by the court after considering the recommendation of a licensed service  
3346 provider on the basis of the minor completing the goals of the necessary treatment program;

3347 (ii) the minor commits a new misdemeanor or felony offense;

3348 (iii) service hours have not been completed; or

3349 (iv) there is an outstanding fine.

3350           (6) When the court places a minor on probation under Subsection (2)(a) or vests legal  
3351 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the  
3352 court shall do so for a defined period of time in accordance with this section.

3353           (a) In placing a minor on probation under Subsection (2)(a), the court shall establish a  
3354 presumptive term of probation as specified in this Subsection (6):

3355           (i) the presumptive length of intake probation may not exceed three months; and

3356           (ii) the presumptive length of formal probation may not exceed four to six months.

3357           (b) In vesting legal custody of the minor in the Division of Juvenile Justice Services  
3358 under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a  
3359 maximum term of aftercare as specified in this Subsection (6):

3360           (i) the presumptive length of out-of-home placement may not exceed three to six  
3361 months; and

3362           (ii) the presumptive length of aftercare supervision, for those previously placed  
3363 out-of-home, may not exceed three to four months, and minors may serve the term of aftercare  
3364 in the home of a qualifying relative or guardian or at an independent living program contracted  
3365 or operated by the Division of Juvenile Justice Services.

3366           (c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole  
3367 Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a  
3368 minor's case at the end of the presumptive time frame unless at least one of the following  
3369 circumstances exists:

3370           (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a  
3371 court ordered program determined to be necessary by the results of a validated assessment, with  
3372 completion found by the court after considering the recommendations of a licensed service  
3373 provider or facilitator of court ordered treatment or intervention program on the basis of the  
3374 minor completing the goals of the necessary treatment program;

3375           (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the  
3376 completion of a program determined to be necessary by the results of a validated assessment,

3377 with completion determined on the basis of whether the minor has regularly and consistently  
3378 attended the treatment program and completed the goals of the necessary treatment program as  
3379 determined by the court or Youth Parole Authority after considering the recommendation of a  
3380 licensed service provider or facilitator of court ordered treatment or intervention program;

3381 (iii) the minor commits a new misdemeanor or felony offense;

3382 (iv) service hours have not been completed;

3383 (v) there is an outstanding fine; or

3384 (vi) there is a failure to pay restitution in full.

3385 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)  
3386 exists, the court may extend jurisdiction for the time needed to address the specific  
3387 circumstance.

3388 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)  
3389 exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend  
3390 jurisdiction for the time needed to address the specific circumstance.

3391 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth  
3392 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one  
3393 time for up to three months.

3394 (f) Grounds for extension of the presumptive length of supervision or placement and  
3395 the length of any extension shall be recorded in the court record or records of the Youth Parole  
3396 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by  
3397 the Administrative Office of the Courts and the Division of Juvenile Justice Services.

3398 (g) (i) For a minor who is under the supervision of the juvenile court and whose  
3399 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be  
3400 continued under the supervision of intake probation.

3401 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose  
3402 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be  
3403 continued on parole and not in secure confinement.

3404 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision  
3405 period shall toll until the minor returns.

3406 (7) Subsection (6) does not apply to any minor adjudicated under this section for:

3407 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

3408 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

3409 (c) Section 76-5-203, murder or attempted murder;

3410 (d) Section 76-5-205, manslaughter;

3411 (e) Section 76-5-206, negligent homicide;

3412 (f) Section 76-5-207, automobile homicide;

3413 (g) Section 76-5-207.5, automobile homicide involving handheld wireless  
3414 communication device;

3415 (h) Section 76-5-208, child abuse homicide;

3416 (i) Section 76-5-209, homicide by assault;

3417 (j) Section 76-5-302, aggravated kidnapping;

3418 (k) Section 76-5-405, aggravated sexual assault;

3419 (l) a felony violation of Section 76-6-103, aggravated arson;

3420 (m) Section 76-6-203, aggravated burglary;

3421 (n) Section 76-6-302, aggravated robbery;

3422 (o) Section 76-10-508.1, felony discharge of a firearm;

3423 (p) (i) an offense other than an offense listed in Subsections (7)(a) through (o)

3424 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

3425 (ii) the minor has been previously adjudicated or convicted of an offense involving the  
3426 use of a dangerous weapon; or

3427 (q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and  
3428 the minor has been previously committed to the custody of the Division of Juvenile Justice  
3429 Services for secure confinement.

3430 Section 32. **Effective date.**

3431           (1) Except as provided in Subsections (2) and (3), if approved by two-thirds of all the  
3432 members elected to each house, this bill takes effect upon approval by the governor, or the day  
3433 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the  
3434 governor's signature, or in the case of a veto, the date of veto override.

3435           (2) If approved by two-thirds of all members elected to each house, the changes to the  
3436 following sections take effect on July 1, 2020:

3437           (a) Section [51-9-201](#) (Effective 07/01/20);

3438           (b) Section [59-14-807](#) (Effective 07/01/20);

3439           (c) Section [63J-1-602.2](#) (Effective 07/01/20);

3440           (d) Section [67-19-14.7](#) (Superseded 07/01/20); and

3441           (e) Section [78A-6-117](#) (Effective 07/01/20).

3442           (3) Section [67-19-14.7](#) (Effective 07/01/20), takes effect on July 1, 2021.