

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

7

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 • repeals provisions requiring the Public Employee's Health Benefit Program to
25 provide coverage for in vitro fertilization and genetic testing and requiring
26 certain insurers to study cost savings of in vitro fertilization;
- 27 • deletes provisions relating to the Department of Health's increase in premium



28 subsidies under the Utah Premium Partnership for Health Insurance Program for the fiscal year
29 beginning July 1, 2020, and ending June 30, 2021;

30 • allows certain funds in the Hospital Provider Assessment Expendable Revenue
31 Fund to be transferred to the General Fund during the fiscal year beginning July
32 1, 2020, and ending June 30, 2021;

33 • allows certain funds in the Ambulance Service Provider Assessment
34 Expendable Revenue Fund to be transferred to the General Fund during the
35 fiscal year beginning July 1, 2020, and ending June 30, 2021;

36 • modifies the purposes for which the Liquor Control Fund may be used and the
37 percentage of revenue from the sale of liquor that is credited to the Liquor
38 Control Fund;

39 • modifies the percentage of revenue from the sale of liquor that is credited to the
40 Alcoholic Beverage Control Act Enforcement Fund;

41 • modifies the percentage of revenue from the sale of liquor that is credited to the
42 Underage Drinking Prevention Media and Education Campaign Restricted
43 Account;

44 • increases the total legislative appropriations that may be made annually from the
45 Uninsured Motorist Identification Restricted Account to the Peace Officer
46 Standards and Training Division;

47 • increases the total legislative appropriations that may be made annually to the
48 Department of Health from the Tobacco Settlement Restricted Account for
49 certain child dental and health benefits;

50 • reduces the total legislative appropriations that may be made annually to the
51 Department of Health from the Tobacco Settlement Restricted Account for
52 certain drug prevention programs;

53 • allows the Division of Emergency Management to transfer a certain amount
54 from the State Disaster Recovery Restricted Account to the governor's
55 emergency appropriations during the fiscal year beginning July 1, 2020, and
56 ending June 30, 2021;

57 • requires the Division of Finance to transfer a certain portion of sales and use tax
58 revenue allocated to the Transportation Investment Fund of 2005 to the General

- 59 Fund;
- 60 • increases the total legislative appropriations that may be made annually to the
 - 61 Department of Health from the Electronic Cigarette Substance and Nicotine
 - 62 Product Restricted Account for certain drug prevention programs;
 - 63 • requires law enforcement to provide a final investigatory report regarding child
 - 64 abuse or neglect to the Division of Child and Family Services upon request and
 - 65 modifies provisions relating to the division's coordination with a law
 - 66 enforcement investigation of child abuse or neglect;
 - 67 • modifies the circumstances under which the Division of Child and Family
 - 68 Services is required to conduct a preremoval investigation of alleged child abuse
 - 69 or neglect;
 - 70 • modifies the county reimbursement rate for housing a state probationary or
 - 71 parole inmate;
 - 72 • delays the effective date of the postpartum recovery leave program for certain
 - 73 state employees; and
 - 74 • modifies the circumstances under which a court may vest legal custody of a
 - 75 minor to address the minor's ungovernable or other behavior, mental health, or
 - 76 disability; and
 - 77 ▶ makes technical and conforming changes.

78 **Money Appropriated in this Bill:**

79 None

80 **Other Special Clauses:**

81 This bill provides a special effective date.

82 **Utah Code Sections Affected:**

83 AMENDS:

84 **19-6-807**, as last amended by Laws of Utah 2013, Chapter 400

85 **20A-1-309 (Repealed 08/01/20)**, as enacted by Laws of Utah 2020, Third Special
86 Session, Chapter 5

87 **20A-5-403**, as last amended by Laws of Utah 2020, Chapter 31

88 **20A-7-103**, as last amended by Laws of Utah 2011, Chapter 327

89 **20A-7-202.5**, as last amended by Laws of Utah 2020, Chapter 277

90 **20A-7-203**, as last amended by Laws of Utah 2020, Chapter 277
91 **20A-7-204.1**, as last amended by Laws of Utah 2019, Chapters 255, 275 and last
92 amended by Coordination Clause, Laws of Utah 2019, Chapter 275
93 **20A-7-701**, as last amended by Laws of Utah 2008, Chapter 225
94 **20A-7-702**, as last amended by Laws of Utah 2020, Chapter 31
95 **26-18-3.8**, as last amended by Laws of Utah 2020, Chapter 225
96 **26-36d-207**, as repealed and reenacted by Laws of Utah 2019, Chapter 455
97 **26-37a-107**, as enacted by Laws of Utah 2015, Chapter 440
98 **32B-2-301**, as last amended by Laws of Utah 2018, Chapter 329
99 **32B-2-305**, as last amended by Laws of Utah 2013, Chapter 400
100 **32B-2-306**, as last amended by Laws of Utah 2017, Chapter 163
101 **41-12a-806**, as last amended by Laws of Utah 2019, Chapter 55
102 **51-9-201 (Superseded 07/01/20)**, as last amended by Laws of Utah 2014, Chapter 96
103 **51-9-201 (Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapter 365
104 **53-2a-603**, as last amended by Laws of Utah 2019, Chapter 396
105 **59-12-103**, as last amended by Laws of Utah 2020, Chapters 44 and 379
106 **59-14-807 (Effective 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 347 and last
107 amended by Coordination Clause, Laws of Utah 2020, Chapter 161
108 **62A-4a-403**, as last amended by Laws of Utah 2018, Chapter 91
109 **62A-4a-409**, as last amended by Laws of Utah 2020, Chapter 193
110 **63I-2-249**, as last amended by Laws of Utah 2020, Chapter 187
111 **63J-1-602.2 (Superseded 07/01/20)**, as last amended by Laws of Utah 2020, Chapters
112 152, 157, and 330
113 **63J-1-602.2 (Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapters
114 152, 157, 230, 330, 360, and 365
115 **64-13e-104**, as last amended by Laws of Utah 2020, Chapter 410
116 **67-19-14.7 (Superseded 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402
117 **67-19-14.7 (Effective 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402
118 **78A-6-117 (Superseded 07/01/20)**, as last amended by Laws of Utah 2020, Chapter
119 214 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 214
120 **78A-6-117 (Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapters 214,

121 230 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 214

122 REPEALS:

123 **31A-22-654**, as enacted by Laws of Utah 2020, Chapter 187

124 **49-20-420**, as enacted by Laws of Utah 2020, Chapter 187

125

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

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

128 **19-6-807. Special revenue fund -- Creation -- Deposits.**

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

131 (2) The fund shall consist of:

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

133 (b) penalties collected under this part.

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

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

137 (b) payment of administrative costs of local health departments as provided in Section
138 **19-6-817**.

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

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

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

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

146 **20A-1-309 (Repealed 08/01/20). Regular primary election, 2020 -- COVID-19**
147 **measures.**

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

150 (b) In relation to conducting the 2020 regular primary election, the Legislature takes
151 the action described in this section to protect the public health and safety in relation to the

152 COVID-19 pandemic.

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

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

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

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

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

169 (a) requiring poll workers to use protective gear and to wash hands regularly;

170 (b) prohibiting ill poll workers from working; and

171 (c) promoting, to the extent practicable, social distancing between poll workers.

172 (4) The lieutenant governor's office shall conduct a campaign to educate the public on
173 the provisions of this section, especially provisions relating to changes in the voter registration,
174 voting methods, and voting process.

175 (5) The lieutenant governor's office may make other modifications relating to
176 deadlines, locations, and methods of conducting the 2020 regular primary election to the extent
177 the modifications are necessary to carry out the provisions of this section.

178 (6) For the 2020 regular primary election only:

179 (a) the entire election will be conducted by mail, except that:

180 (i) a mobile voting county may provide drive-up voting, on election day only, in
181 accordance with the requirements of this section;

182 (ii) a covered voter, as defined in Section 20A-16-102, may vote in any manner

183 approved by the election officer;

184 (iii) an election officer shall:

185 (A) provide a method of accessible voting to a voter with a disability who is not able to
186 vote by mail; and

187 (B) include, on the election officer's website and with each ballot mailed, instructions
188 regarding how a voter described in Subsection (6)(a)(iii)(A) may vote;

189 (iv) a caretaker for a voter described in Subsection (6)(a)(iii) may vote at the same time
190 and place as the voter;

191 (b) except as provided in Subsection (6)(c), the notice of election shall include the
192 following statement: "To help prevent the spread of the coronavirus, for the 2020 regular
193 primary election only:

- 194 ▶ the election will be conducted entirely by mail;
- 195 ▶ drop boxes will be available for depositing mail-in ballots until 8 p.m. on
196 election day;
- 197 ▶ there will be no polling places on election day;
- 198 ▶ there will be no in person voting, including no in person early voting;
- 199 ▶ there will be no in person voter registration;
- 200 ▶ there will be no voter registration by provisional ballot; and
- 201 ▶ the voter registration deadline is 11 days before the day of the election.

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

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

- 208 ▶ the election will be conducted primarily by mail;
- 209 ▶ drop boxes will be available for depositing mail-in ballots until 8 p.m. on
210 election day;
- 211 ▶ there will be no regular polling places on election day, but there will be limited
212 drive-up voting on election day, unless the county clerk cancels drive-up voting
213 based on public health concerns;

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

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

218 ▶ there will be no in person voter registration;

219 ▶ there will be no voter registration by provisional ballot; and

220 ▶ the voter registration deadline is 11 days before the day of the election.

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

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

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

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

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

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

235 (f) early voting will not take place;

236 (g) registration by provisional ballot will not take place and Section [20A-2-207](#) is not
237 in effect;

238 (h) provisional ballots may only be cast:

239 (i) by mail;

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

241 or

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

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

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

248 (k) except as it relates to drive-up voting for a mobile voting county, and subject to
 249 Subsection (9)(k), the portion of Subsection 11-14-202(4)(a)(iii) following the words "election
 250 officer's website" is not in effect;

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

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

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

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

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

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

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

263 (i) ballot drop boxes; and

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

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

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

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

274 (ii) for a mobile voting county, the statement described in Subsection 20A-5-101(6)(b)
 275 shall state "A [indicate election type] will be held in [indicate the jurisdiction] on [indicate date

276 of election]. Information relating to the election, including ballot drop box locations, drive-up
277 voting locations, accessible options for voters with a disability, and qualifications of voters
278 may be obtained from the following sources:";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 ~~[(e)]~~ (d) except as it relates to drive-up voting for a mobile voting county, and subject
306 to Subsection (9)(k), Chapter 3a, Part 7, Election Day Voting Center, is not in effect;

- 307 ~~[(f)]~~ (e) Subsections 20A-5-101(4)(b), (c), and (e) are not in effect;
- 308 ~~[(g)]~~ (f) the portion of Subsection 20A-5-101(4)(d) that follows the words "election
309 officer's website" is not in effect; and
- 310 ~~[(h)]~~ (g) except as it relates to drive-up voting for a mobile voting county, and subject
311 to Subsection (9)(k), the portion of Subsection 20A-5-101(6)(b) that states "polling places,
312 polling place hours, and" is not in effect.
- 313 (8) For the 2020 regular primary election only, with respect to the version of the Utah
314 Code otherwise in effect beginning on May 12, 2020:
- 315 (a) Subsections 20A-2-102.5(2)(a)(i), (2)(b), and (2)(c) are not in effect;
- 316 (b) the portion of Subsection 20A-2-202(3)(b) following the words "pending election"
317 is not in effect;
- 318 (c) the portion of Subsection 20A-2-204(6)(c)(iii) following the words "pending
319 election" is not in effect;
- 320 (d) the portion of Subsection 20A-2-205(7)(b) following the words "pending election"
321 is not in effect;
- 322 (e) Subsection 20A-2-206(9)(b) is not in effect;
- 323 (f) Section 20A-3a-105 is not in effect, except:
- 324 (i) as it applies to an individual with a disability; or
- 325 (ii) as it relates to drive-up voting for a mobile voting county, subject to Subsection
326 (9)(k);
- 327 (g) except as it relates to drive-up voting for a mobile voting county, and subject to
328 Subsection (9)(k), Subsections 20A-3a-201(1)(b) and (c) are not in effect;
- 329 (h) (i) except as it relates to drive-up voting for a mobile voting county, and subject to
330 Subsection (9)(k), Subsections 20A-3a-202(2)(a)(iv) and (v), (8)(a), (b), and (c) are not in
331 effect; and
- 332 (ii) Subsection 20A-3a-202(10) is not in effect;
- 333 (i) except as it relates to drive-up voting for a mobile voting county, and subject to
334 Subsection (9)(k), Section 20A-3a-203 is not in effect;
- 335 (j) the deadline for a postmark or other mark described in Subsection
336 20A-3a-204(2)(a)(i) is extended to on or before election day;
- 337 (k) the words "in line at" in Subsection 20A-3a-204(2)(d) are replaced with the words

338 "waiting in the vicinity of";

339 (l) except as it relates to drive-up voting for a mobile voting county, and subject to
340 Subsection (9)(k), Subsections 20A-3a-204(2)(b)(i), (3), (4), (7), (8), and (9) are not in effect;

341 (m) the words "enter a polling place" in Subsection 20A-3a-208(1) are replaced with
342 the word "vote";

343 (n) except as it relates to drive-up voting for a mobile voting county, and subject to
344 Subsection (9)(k), Subsections 20A-3a-209(1) and (2) are not in effect;

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

347 (i) by mail;

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

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

350 (p) except as it relates to drive-up voting for a mobile voting county, and subject to
351 Subsection (9)(k), Section 20A-3a-402 is not in effect;

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

353 (r) except as it relates to drive-up voting for a mobile voting county, and subject to
354 Subsection (9)(k), Chapter 3a, Part 7, Election Day Voting Center, is not in effect;

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

356 (t) except as it relates to drive-up voting for a mobile voting county, and subject to
357 Subsection (9)(k), the portion of Subsection 20A-3a-804(3)(b)(ii) following the words

358 "provisional ballot" is not in effect;

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

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

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

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

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

- 369 (z) except as it relates to drive-up voting for a mobile voting county, and subject to
370 Subsection (9)(k), Section 20A-5-404 is not in effect;
- 371 (aa) (i) Subsections 20A-5-405(1)(h)(i) and (2)(c)(ii) are not in effect; and
372 (ii) except as it relates to drive-up voting for a mobile voting county, and subject to
373 Subsection (9)(k), Subsections 20A-5-405(1)(i) and (3)(b)(ii) are not in effect;
- 374 (bb) except as it relates to drive-up voting for a mobile voting county, and subject to
375 Subsection (9)(k), Sections 20A-5-406 and 20A-5-407 are not in effect; and
376 (cc) the "in person" requirement in Subsection 20A-7-609.5(3)(a)(i) is not in effect.
- 377 (9) (a) A county is a mobile voting county if, before 5 p.m. on May 1, 2020, the county
378 clerk notifies the lieutenant governor's office that the county will be a mobile voting county.
- 379 (b) Except as provided in Subsection (9)(j), a mobile voting county shall operate one or
380 more drive-up voting stations during normal polling hours on election day.
- 381 (c) Only a mobile voting county may operate a drive-up voting station.
- 382 (d) A mobile voting county may not operate a drive-up voting station at any time other
383 than during normal polling hours on election day.
- 384 (e) Vehicles in line at a drive-up voting station at 8 p.m. may vote at the drive-up
385 voting station.
- 386 (f) A mobile voting county shall:
- 387 (i) establish procedures and requirements to protect the health and welfare of voters
388 and poll workers at a drive-up voting station, including the use of protective gear;
- 389 (ii) operate the drive-up voting station in a manner that permits a voter to vote while
390 remaining in a vehicle;
- 391 (iii) take measures to ensure that a voter's vote is secret and secure; and
392 (iv) conduct a campaign to encourage voters to vote by mail rather than at a drive-up
393 voting station.
- 394 (g) Any duty of care owed by a government entity in relation to a drive-up voting
395 station is the sole responsibility of the mobile voting county, not the state.
- 396 (h) This section does not impose a duty of care or other legal liability not already owed
397 under the provisions of law.
- 398 (i) A drive-up voting station is a polling place.
- 399 (j) (i) The county clerk of a mobile voting county may cancel drive-up voting or close a

400 drive-up voting station if the county clerk determines that cancellation is necessary to protect
401 the public health and welfare.

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

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

409 (k) A county clerk of a mobile voting county may, consistent with the provisions of
410 this section and the other requirements of law that remain in effect for the 2020 regular primary
411 election, alter requirements relating to a polling place to the extent necessary to address the
412 practical differences between drive-up voting and voting in a building.

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

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

416 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**
417 **Arrangements.**

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

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

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

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

423 (i) an American flag;

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

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

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

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

431 [~~(vi)~~] (v) the instructions required by Section 20A-5-102; and
432 [~~(vii)~~] (vi) a sign, to be prominently displayed in the polling place, indicating that valid
433 voter identification is required for every voter before the voter may vote and listing the forms
434 of identification that constitute valid voter identification.

435 (b) Each election officer shall ensure that:

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

438 (ii) there are a sufficient number of voting booths or voting devices to accommodate
439 the voters at that polling place; and

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

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

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

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

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

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

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

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

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

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

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

461 (ii) The actual costs shall include:

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

464 (B) reasonable and necessary administrative costs.

465 (5) The county clerk shall make detailed entries of all proceedings had under this
466 chapter.

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

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

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

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

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

480 **20A-7-103. Constitutional amendments and other questions submitted by the**
481 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

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

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

488 (3) The legislative general counsel shall:

489 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___"
490 and assign it a letter according to the requirements of Section 20A-6-107;

491 (b) entitle each proposed question "Proposition Number ___" with the number assigned
492 to the proposition under Section 20A-6-107 placed in the blank;

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

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

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

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

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

503 (b) publish them as provided by law.

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

505 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
506 **to estimate.**

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

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

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

517 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a
518 dollar amount representing the total estimated increase or decrease for each type of tax affected
519 under the proposed law, a dollar amount showing the estimated amount of a new tax, and a
520 dollar amount representing the total estimated increase or decrease in taxes under the proposed
521 law;

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

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

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

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

531 (vii) a concise description and analysis titled "Funding Source," not to exceed 100
532 words for each funding source, of the funding source information described in Subsection
533 [20A-7-202\(2\)\(d\)\(ii\)](#).

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

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

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

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

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

545 ~~[(4)]~~ (3) Within 25 calendar days after the day on which the lieutenant governor
546 delivers a copy of the application, the Office of the Legislative Fiscal Analyst shall:

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

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

551 ~~[(5)]~~ (4) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar
552 days after the day on which the Office of the Legislative Fiscal Analyst delivers the initial
553 fiscal impact estimate to the lieutenant governor's office, file a petition with the appropriate
554 court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate

555 of the fiscal impact of the initiative.

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

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

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

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

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

572 (iii) The court may refer an issue related to the initial fiscal impact estimate to a master
573 to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule
574 53.

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

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

578 **20A-7-203. Form of initiative petition and signature sheets.**

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

581 "INITIATIVE PETITION To the Honorable _____, Lieutenant Governor:

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

585 Each signer says:

586 I have personally signed this petition;

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

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

590 NOTICE TO SIGNERS:

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

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

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

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

601 (2) Each signature sheet shall:

602 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

603 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
604 that line blank for the purpose of binding;

605 (c) contain the title of the initiative printed below the horizontal line, in at least
606 14-point, bold type;

607 (d) be vertically divided into columns as follows:

608 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,
609 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";

610 (ii) the second column shall be .25 inch wide;

611 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed
612 Name (must be legible to be counted)";

613 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered
614 Voter";

615 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

616 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip

617 Code"; and

618 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";

619 (e) be horizontally divided into rows as follows:

620 (i) the top of the first row, for the purpose of entering the information described in

621 Subsection (2)(d), shall be .5 inch high;

622 (ii) the second row shall be .15 inch high and contain the following statement printed
623 or typed in not less than 12-point type:

624 "By signing this petition, you are stating that you have read and understand the law
625 proposed by this petition."; and

626 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the
627 bottom of the sheet for the information described in Subsection (2)(f); and

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

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

630 (ii) except as provided in Subsection (4), the initial fiscal impact estimate's summary
631 statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection
632 [20A-7-202.5\(2\)\(a\)](#), including any update in accordance with Subsection [20A-7-204.1\(5\)](#), [~~and
633 the cost estimate for printing and distributing information related to the initiative petition in
634 accordance with Subsection [20A-7-202.5\(3\)](#);~~] in not less than 12-point, bold type;

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

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

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

647 (v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet,

648 horizontally, in not less than 14-point, bold type, the following statement:

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

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

654 "Verification

655 State of Utah, County of ____

656 I, _____, of _____, hereby state, under penalty of perjury, that:

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

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

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

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

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

670 _____
671 (Name) (Residence Address) (Date)"

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

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

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

679 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**
680 **Changes to an initiative and initial fiscal impact estimate.**

681 (1) (a) After issuance of the initial fiscal impact estimate by the Office of the
682 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,
683 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
684 follows:

685 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

686 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
687 County;

688 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

689 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
690 County;

691 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

692 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

693 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
694 County.

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

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

699 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact
700 estimate under Subsection [20A-7-202.5](#)~~[(4)]~~(3)(b); or

701 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal
702 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

703 (2) The sponsors shall:

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

706 (i) the lieutenant governor for posting on the state's website; and

707 (ii) each state senator, state representative, and county commission or county council
708 member who is elected in whole or in part from the region where the public hearing will be
709 held; and

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

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

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

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

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

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

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

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

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

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

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

735 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
736 each speaker and summarizing each speaker's comments.

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

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

740 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal

741 impact statement in a conspicuous location at the entrance to the room where the sponsors hold
742 the public hearing; and

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

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

750 (i) a change to the text is:

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

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

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

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

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

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

764 **20A-7-701. Voter information pamphlet to be prepared.**

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

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

771 [~~(3) The lieutenant governor shall cause to be printed as many voter information~~

772 ~~pamphlets as needed to comply with the provisions of this chapter.]~~

773 ~~[(4)] (3)~~ Voter information pamphlets prepared in association with a local initiative or
774 a local referendum shall be prepared in accordance with the procedures and requirements of
775 Section ~~20A-7-402~~.

776 Section 9. Section ~~20A-7-702~~ is amended to read:

777 **~~20A-7-702. Voter information pamphlet -- Form -- Contents.~~**

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

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

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

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

784 ~~[(2)] (1)~~ The voter information pamphlet shall contain the following items in this
785 order:

786 (a) a cover title page;

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

788 (c) a table of contents;

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

790 (e) a list of candidates for each legislative district;

791 (f) a 100-word statement of qualifications for each candidate for the office of governor,
792 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
793 candidate to the lieutenant governor's office before 5 p.m. on the first business day in August
794 before the date of the election;

795 (g) information pertaining to all measures to be submitted to the voters, beginning a
796 new page for each measure and containing, in the following order for each measure:

797 (i) a copy of the number and ballot title of the measure;

798 (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by
799 the Legislature or by referendum;

800 (iii) the impartial analysis of the measure prepared by the Office of Legislative
801 Research and General Counsel;

802 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the

803 measure, the arguments against the measure, and the rebuttal to the arguments against the
804 measure, with the name and title of the authors at the end of each argument or rebuttal;

805 (v) for each constitutional amendment, a complete copy of the text of the constitutional
806 amendment, with all new language underlined, and all deleted language placed within brackets;

807 (vi) for each initiative qualified for the ballot:

808 (A) a copy of the measure as certified by the lieutenant governor and a copy of the
809 fiscal impact estimate prepared according to Section [20A-7-202.5](#); and

810 (B) if the initiative proposes a tax increase, the following statement in bold type:
811 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
812 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
813 increase in the current tax rate."; and

814 (vii) for each referendum qualified for the ballot, a complete copy of the text of the law
815 being submitted to the voters for their approval or rejection, with all new language underlined
816 and all deleted language placed within brackets, as applicable;

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

819 (i) a description of the judicial selection process;

820 (ii) a description of the judicial performance evaluation process;

821 (iii) a description of the judicial retention election process;

822 (iv) a list of the criteria of the judicial performance evaluation and the minimum
823 performance standards;

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

825 (vi) for each judge:

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

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

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

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

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

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

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

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

841 (i) for each judge, a statement provided by the Utah Supreme Court identifying the
842 cumulative number of informal reprimands, when consented to by the judge in accordance with
843 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of
844 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article
845 VIII, Section 13, during the judge's current term and the immediately preceding term, and a
846 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct
847 that the judge has received;

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

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

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

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

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

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

860 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
861 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
862 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
863 correct according to law.

864 SEAL

865 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day
866 of ____ (month), ____ (year)

867 (signed) _____
868 Lieutenant Governor"

869 ~~[(3)]~~ (2) No earlier than 75 days, and no later than 15 days, before the day on which
870 voting commences, the lieutenant governor shall[:] make all information provided in the voter
871 information pamphlet available on the Statewide Electronic Voter Information Website
872 Program described in Section 20A-7-801.

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

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

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

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

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

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

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

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

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

890 ~~[(4)]~~ (3) The lieutenant governor may distribute a voter information pamphlet at a
891 location frequented by a person who cannot easily access the Statewide Electronic Voter
892 Information Website authorized by Section 20A-7-801.

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

894 **26-18-3.8. Maximizing use of premium assistance programs -- Utah's Premium**
895 **Partnership for Health Insurance.**

896 (1) (a) The department shall seek to maximize the use of Medicaid and Children's
897 Health Insurance Program funds for assistance in the purchase of private health insurance
898 coverage for Medicaid-eligible and non-Medicaid-eligible individuals.

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

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

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

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

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

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

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

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

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

924 Section 11. Section ~~26-36d-207~~ is amended to read:

925 **26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.**

926 (1) There is created an expendable special revenue fund known as the "Hospital

927 Provider Assessment Expendable Revenue Fund."

928 (2) The fund shall consist of:

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

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

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

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

934 (a) to support capitated rates consistent with Subsection 26-36d-203(1)(d) for
935 accountable care organizations; and

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

938 (4) (a) Subject to Subsection (4)(b), for the fiscal year beginning July 1, 2020, and
939 ending July 1, 2021, any fund balance in excess of the amount necessary to pay for the costs
940 described in Subsection (3) shall be deposited into the General Fund.

941 (b) Subsection (4)(a) applies only to funds that were appropriated by the Legislature
942 from the General Fund to the fund.

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

944 **26-37a-107. Ambulance Service Provider Assessment Expendable Revenue Fund.**

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

947 (2) The fund shall consist of:

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

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

950 (c) donations to the fund; and

951 (d) appropriations by the Legislature.

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

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

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

956 (4) (a) Subject to Subsection (4)(b), for the fiscal year beginning July 1, 2020, and
957 ending July 1, 2021, any fund balance in excess of the amount necessary to pay for the costs

958 described in Subsection (3) shall be deposited into the General Fund.

959 (b) Subsection (4)(a) applies only to funds that were appropriated by the Legislature
960 from the General Fund to the fund.

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

962 **32B-2-301. State property -- Liquor Control Fund -- Money to be retained by**
963 **department -- Department building process.**

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

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

966 and

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

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

969 (b) Except as provided in Section **32B-2-304**, the department shall deposit the

970 following into the Liquor Control Fund:

971 (i) money received in the administration of this title; ~~and~~

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

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

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

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

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

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

983 ~~[(3)]~~ (4) (a) Notwithstanding Subsection (2)(c), the department may draw by warrant
984 from the Liquor Control Fund without an appropriation for an expenditure that is directly
985 incurred by the department:

986 (i) to purchase an alcoholic product;

987 (ii) to transport an alcoholic product from the supplier to a warehouse of the

988 department; or

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

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

993 ~~[(4)]~~ (5) (a) As used in this Subsection ~~[(4)]~~ (5), "base budget" means the same as that
994 term is defined in legislative rule.

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

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

998 (ii) package agency compensation; and

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

1000 ~~[(5)]~~ (6) (a) The Division of Finance shall transfer annually from the Liquor Control
1001 Fund to the General Fund a sum equal to the amount of net profit earned from the sale of liquor
1002 since the preceding transfer of money under this Subsection ~~[(5)]~~ (6).

1003 (b) After each fiscal year, the Division of Finance shall calculate the amount for the
1004 transfer on or before September 1 and the Division of Finance shall make the transfer on or
1005 before September 30.

1006 (c) The Division of Finance may make year-end closing entries in the Liquor Control
1007 Fund to comply with Subsection 51-5-6(2).

1008 ~~[(6)]~~ (7) (a) By the end of each day, the department shall:

1009 (i) make a deposit to a qualified depository, as defined in Section 51-7-3; and

1010 (ii) report the deposit to the state treasurer.

1011 (b) A commissioner or department employee is not personally liable for a loss caused
1012 by the default or failure of a qualified depository.

1013 (c) Money deposited in a qualified depository is entitled to the same priority of
1014 payment as other public funds of the state.

1015 ~~[(7)]~~ (8) Before the Division of Finance makes the transfer described in Subsection
1016 ~~[(5)]~~ (6), the department may retain each fiscal year from the Liquor Control Fund \$1,000,000
1017 that the department may use for:

1018 (a) capital equipment purchases;

1019 (b) salary increases for department employees;

- 1020 (c) performance awards for department employees; or
- 1021 (d) information technology enhancements because of changes or trends in technology.

1022 Section 14. Section **32B-2-305** is amended to read:

1023 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

1024 (1) As used in this section:

1025 (a) "Alcohol-related law enforcement officer" is as defined in Section [32B-1-201](#).

1026 (b) "Enforcement ratio" is as defined in Section [32B-1-201](#).

1027 (c) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in
1028 this section.

1029 (2) There is created an expendable special revenue fund known as the "Alcoholic
1030 Beverage Control Act Enforcement Fund."

1031 (3) (a) The fund consists of:

1032 (i) deposits made under Subsection (4); and

1033 (ii) interest earned on the fund.

1034 (b) The fund shall earn interest. Interest on the fund shall be deposited into the fund.

1035 (4) After the deposit made under Section [32B-2-304](#) for the school lunch program, the
1036 department shall deposit [~~1%~~] 0.875% of the total gross revenue from the sale of liquor with
1037 the state treasurer to be credited to the fund to be used by the Department of Public Safety as
1038 provided in Subsection (5).

1039 (5) (a) The Department of Public Safety shall expend money from the fund to
1040 supplement appropriations by the Legislature so that the Department of Public Safety maintains
1041 a sufficient number of alcohol-related law enforcement officers such that beginning on July 1,
1042 2012, each year the enforcement ratio as of July 1 is equal to or less than the number specified
1043 in Section [32B-1-201](#).

1044 (b) Beginning July 1, 2012, four alcohol-related law enforcement officers shall have as
1045 a primary focus the enforcement of this title in relationship to restaurants.

1046 Section 15. Section **32B-2-306** is amended to read:

1047 **32B-2-306. Underage drinking prevention media and education campaign.**

1048 (1) As used in this section:

1049 (a) "Advisory council" means the Utah Substance Use and Mental Health Advisory
1050 Council created in Section [63M-7-301](#).

- 1051 (b) "Restricted account" means the Underage Drinking Prevention Media and
1052 Education Campaign Restricted Account created in this section.
- 1053 (2) (a) There is created a restricted account within the General Fund known as the
1054 "Underage Drinking Prevention Media and Education Campaign Restricted Account."
- 1055 (b) The restricted account consists of:
- 1056 (i) deposits made under Subsection (3); and
1057 (ii) interest earned on the restricted account.
- 1058 (3) The department shall deposit [~~0.6%~~] 0.468% of the total gross revenue from sales
1059 of liquor with the state treasurer, as determined by the total gross revenue collected for the
1060 fiscal year two years preceding the fiscal year for which the deposit is made, to be credited to
1061 the restricted account and to be used by the department as provided in Subsection (5).
- 1062 (4) The advisory council shall:
- 1063 (a) provide ongoing oversight of a media and education campaign funded under this
1064 section;
- 1065 (b) create an underage drinking prevention workgroup consistent with guidelines
1066 proposed by the advisory council related to the membership and duties of the underage
1067 drinking prevention workgroup;
- 1068 (c) create guidelines for how money appropriated for a media and education campaign
1069 can be used;
- 1070 (d) include in the guidelines established pursuant to this Subsection (4) that a media
1071 and education campaign funded under this section is carefully researched and developed, and
1072 appropriate for target groups; and
- 1073 (e) approve plans submitted by the department in accordance with Subsection (5).
- 1074 (5) (a) Subject to appropriation from the Legislature, the department shall expend
1075 money from the restricted account to direct and fund one or more media and education
1076 campaigns designed to reduce underage drinking in cooperation with the advisory council.
- 1077 (b) The department shall:
- 1078 (i) in cooperation with the underage drinking prevention workgroup created under
1079 Subsection (4), prepare and submit a plan to the advisory council detailing the intended use of
1080 the money appropriated under this section;
- 1081 (ii) upon approval of the plan by the advisory council, conduct the media and education

1082 campaign in accordance with the guidelines made by the advisory council; and
1083 (iii) submit to the advisory council annually by no later than October 1, a written report
1084 detailing the use of the money for the media and education campaigns conducted under this
1085 Subsection (5) and the impact and results of the use of the money during the prior fiscal year
1086 ending June 30.

1087 Section 16. Section **41-12a-806** is amended to read:

1088 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

1089 (1) There is created within the Transportation Fund a restricted account known as the
1090 "Uninsured Motorist Identification Restricted Account."

1091 (2) The account consists of money generated from the following revenue sources:

1092 (a) money received by the state under Section [41-1a-1218](#), the uninsured motorist
1093 identification fee;

1094 (b) money received by the state under Section [41-1a-1220](#), the registration
1095 reinstatement fee; and

1096 (c) appropriations made to the account by the Legislature.

1097 (3) (a) The account shall earn interest.

1098 (b) All interest earned on account money shall be deposited into the account.

1099 (4) The Legislature shall appropriate money from the account to:

1100 (a) the department to fund the contract with the designated agent;

1101 (b) the department to offset the costs to state and local law enforcement agencies of
1102 using the information for the purposes authorized under this part;

1103 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
1104 and reinstating vehicle registrations under Subsection [41-1a-110\(2\)\(a\)\(ii\)](#); and

1105 (d) the department to reimburse a person for the costs of towing and storing the
1106 person's vehicle if:

1107 (i) the person's vehicle was impounded in accordance with Subsection [41-1a-1101\(2\)](#);

1108 (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at
1109 the time of the impoundment;

1110 (iii) the database indicated that owner's or operator's security was not in effect for the
1111 impounded vehicle; and

1112 (iv) the department determines that the person's vehicle was wrongfully impounded.

1113 (5) The Legislature may appropriate not more than [~~\$1,000,000~~] \$1,500,000 annually
1114 from the account to the Peace Officer Standards and Training Division, created under Section
1115 [53-6-103](#), for use in law enforcement training, including training on the use of the Uninsured
1116 Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8,
1117 Uninsured Motorist Identification Database Program.

1118 (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
1119 Act, the department shall hold a hearing to determine whether a person's vehicle was
1120 wrongfully impounded under Subsection [41-1a-1101\(2\)](#).

1121 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1122 division shall make rules establishing procedures for a person to apply for a reimbursement
1123 under Subsection (4)(d).

1124 (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the
1125 person applies for the reimbursement within six months from the date that the motor vehicle
1126 was impounded.

1127 Section 17. Section **51-9-201 (Superseded 07/01/20)** is amended to read:

1128 **51-9-201 (Superseded 07/01/20). Creation of Tobacco Settlement Restricted**
1129 **Account.**

1130 (1) There is created within the General Fund a restricted account known as the
1131 "Tobacco Settlement Restricted Account."

1132 (2) The account shall earn interest.

1133 (3) The account shall consist of:

1134 (a) on and after July 1, 2007, 60% of all funds of every kind that are received by the
1135 state that are related to the settlement agreement that the state entered into with leading tobacco
1136 manufacturers on November 23, 1998; and

1137 (b) interest earned on the account.

1138 (4) To the extent that funds will be available for appropriation in a given fiscal year,
1139 those funds shall be appropriated from the account in the following order:

1140 (a) \$66,600 to the Office of the Attorney General for ongoing enforcement and defense
1141 of the Tobacco Settlement Agreement;

1142 (b) \$18,500 to the State Tax Commission for ongoing enforcement of business
1143 compliance with the Tobacco Tax Settlement Agreement;

- 1144 (c) [~~\$10,452,900~~] \$11,022,900 to the Department of Health for:
- 1145 (i) children in the Medicaid program created in Title 26, Chapter 18, Medical
- 1146 Assistance Act, and the Children's Health Insurance Program created in Section 26-40-103; and
- 1147 (ii) for restoration of dental benefits in the Children's Health Insurance Program;
- 1148 (d) [~~\$3,847,100~~] \$3,277,100 to the Department of Health for alcohol, tobacco, and
- 1149 other drug prevention, reduction, cessation, and control programs that promote unified
- 1150 messages and make use of media outlets, including radio, newspaper, billboards, and
- 1151 television, and with a preference in funding given to tobacco-related programs;
- 1152 (e) \$193,700 to the Administrative Office of the Courts and \$2,325,400 to the
- 1153 Department of Human Services for the statewide expansion of the drug court program;
- 1154 (f) \$4,000,000 to the State Board of Regents for the University of Utah Health Sciences
- 1155 Center to benefit the health and well-being of Utah citizens through in-state research,
- 1156 treatment, and educational activities; and
- 1157 (g) any remaining funds as directed by the Legislature through appropriation.

1158 Section 18. Section **51-9-201 (Effective 07/01/20)** is amended to read:

1159 **51-9-201 (Effective 07/01/20). Creation of Tobacco Settlement Restricted**
1160 **Account.**

- 1161 (1) There is created within the General Fund a restricted account known as the
- 1162 "Tobacco Settlement Restricted Account."
- 1163 (2) The account shall earn interest.
- 1164 (3) The account shall consist of:
- 1165 (a) on and after July 1, 2007, 60% of all funds of every kind that are received by the
- 1166 state that are related to the settlement agreement that the state entered into with leading tobacco
- 1167 manufacturers on November 23, 1998; and
- 1168 (b) interest earned on the account.
- 1169 (4) To the extent that funds will be available for appropriation in a given fiscal year,
- 1170 those funds shall be appropriated from the account in the following order:
- 1171 (a) \$66,600 to the Office of the Attorney General for ongoing enforcement and defense
- 1172 of the Tobacco Settlement Agreement;
- 1173 (b) \$18,500 to the State Tax Commission for ongoing enforcement of business
- 1174 compliance with the Tobacco Tax Settlement Agreement;

- 1175 (c) [~~\$10,452,900~~] \$11,022,900 to the Department of Health for:
- 1176 (i) children in the Medicaid program created in Title 26, Chapter 18, Medical
- 1177 Assistance Act, and the Children's Health Insurance Program created in Section 26-40-103; and
- 1178 (ii) for restoration of dental benefits in the Children's Health Insurance Program;
- 1179 (d) [~~\$3,847,100~~] \$3,277,100 to the Department of Health for alcohol, tobacco, and
- 1180 other drug prevention, reduction, cessation, and control programs that promote unified
- 1181 messages and make use of media outlets, including radio, newspaper, billboards, and
- 1182 television, and with a preference in funding given to tobacco-related programs;
- 1183 (e) \$193,700 to the Administrative Office of the Courts and \$2,325,400 to the
- 1184 Department of Human Services for the statewide expansion of the drug court program;
- 1185 (f) \$4,000,000 to the Utah Board of Higher Education for the University of Utah
- 1186 Health Sciences Center to benefit the health and well-being of Utah citizens through in-state
- 1187 research, treatment, and educational activities; and
- 1188 (g) any remaining funds as directed by the Legislature through appropriation.
- 1189 Section 19. Section **53-2a-603** is amended to read:
- 1190 **53-2a-603. State Disaster Recovery Restricted Account.**
- 1191 (1) (a) There is created a restricted account in the General Fund known as the "State
- 1192 Disaster Recovery Restricted Account."
- 1193 (b) The disaster recovery account consists of:
- 1194 (i) money deposited into the disaster recovery account in accordance with Section
- 1195 63J-1-314;
- 1196 (ii) money appropriated to the disaster recovery account by the Legislature; and
- 1197 (iii) any other public or private money received by the division that is:
- 1198 (A) given to the division for purposes consistent with this section; and
- 1199 (B) deposited into the disaster recovery account at the request of:
- 1200 (I) the division; or
- 1201 (II) the person or entity giving the money.
- 1202 (c) The Division of Finance shall deposit interest or other earnings derived from
- 1203 investment of account money into the General Fund.
- 1204 (2) Subject to being appropriated by the Legislature, money in the disaster recovery
- 1205 account may only be expended or committed to be expended as follows:

1206 (a) (i) subject to Section 53-2a-606, in any fiscal year the division may expend or
1207 commit to expend an amount that does not exceed \$500,000, in accordance with Section
1208 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared
1209 disaster;

1210 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
1211 to expend an amount that exceeds \$500,000, but does not exceed \$3,000,000, in accordance
1212 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
1213 a declared disaster if the division:

1214 (A) before making the expenditure or commitment to expend, obtains approval for the
1215 expenditure or commitment to expend from the governor;

1216 (B) subject to Subsection (5), provides written notice of the expenditure or
1217 commitment to expend to the speaker of the House of Representatives, the president of the
1218 Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations
1219 Subcommittee, the Legislative Management Committee, and the Office of the Legislative
1220 Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend;
1221 and

1222 (C) makes the report required by Subsection 53-2a-606(2);

1223 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
1224 to expend an amount that exceeds \$3,000,000, but does not exceed \$5,000,000, in accordance
1225 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
1226 a declared disaster if, before making the expenditure or commitment to expend, the division:

1227 (A) obtains approval for the expenditure or commitment to expend from the governor;
1228 and

1229 (B) submits the expenditure or commitment to expend to the Executive Appropriations
1230 Committee in accordance with Subsection 53-2a-606(3); and

1231 (iv) in any fiscal year the division may expend or commit to expend an amount that
1232 does not exceed \$150,000 to fund expenses incurred by the National Guard if:

1233 (A) in accordance with Section 39-1-5, the governor orders into active service the
1234 National Guard in response to a declared disaster; and

1235 (B) the money is not used for expenses that qualify for payment as emergency disaster
1236 services;

1237 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or
1238 committed to be expended to fund costs to the state directly related to a declared disaster that
1239 are not costs related to:

1240 (i) emergency disaster services;

1241 (ii) emergency preparedness; or

1242 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression
1243 Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be
1244 paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland
1245 Fire Suppression Fund;

1246 (c) to fund the Local Government Emergency Response Loan Fund created in Section
1247 53-2a-607;

1248 (d) the division may provide advanced funding from the disaster recovery account to
1249 recognized agents of the state when:

1250 (i) Utah has agreed, through the division, to enact the Emergency Management
1251 Assistance Compact with another member state that has requested assistance during a declared
1252 disaster;

1253 (ii) Utah agrees to provide resources to the requesting member state;

1254 (iii) the agent of the state who represents the requested resource has no other funding
1255 source available at the time of the Emergency Management Assistance Compact request; and

1256 (iv) the disaster recovery account has a balance of funds available to be utilized while
1257 maintaining a minimum balance of \$10,000,000; ~~and~~

1258 (e) the division may expend up to \$3,200,000 during fiscal year 2019 to fund
1259 operational costs incurred by the division during fiscal year 2019[-]; and

1260 (f) in the fiscal year beginning July 1, 2020, and ending June 30, 2021, the division
1261 may expend or commit to expend up to \$100,000 to fund the governor's emergency
1262 appropriations described in Subsection 63J-1-217(4).

1263 (3) All funding provided in advance to an agent of the state and subsequently
1264 reimbursed shall be credited to the account.

1265 (4) The state treasurer shall invest money in the disaster recovery account according to
1266 Title 51, Chapter 7, State Money Management Act.

1267 (5) (a) Except as provided in Subsections (1) and (2), the money in the disaster

1268 recovery account may not be diverted, appropriated, expended, or committed to be expended
1269 for a purpose that is not listed in this section.

1270 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money
1271 from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the
1272 money appropriated from the disaster recovery account is expended or committed to be
1273 expended for a purpose other than one listed in this section.

1274 (c) The Legislature may not amend the purposes for which money in the disaster
1275 recovery account may be expended or committed to be expended except by the affirmative vote
1276 of two-thirds of all the members elected to each house.

1277 (6) The division:

1278 (a) shall provide the notice required by Subsection (2)(a)(ii) using the best available
1279 method under the circumstances as determined by the division; and

1280 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

1281 Section 20. Section 59-12-103 is amended to read:

1282 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
1283 **tax revenues.**

1284 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
1285 sales price for amounts paid or charged for the following transactions:

1286 (a) retail sales of tangible personal property made within the state;

1287 (b) amounts paid for:

1288 (i) telecommunications service, other than mobile telecommunications service, that
1289 originates and terminates within the boundaries of this state;

1290 (ii) mobile telecommunications service that originates and terminates within the
1291 boundaries of one state only to the extent permitted by the Mobile Telecommunications

1292 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1293 (iii) an ancillary service associated with a:

1294 (A) telecommunications service described in Subsection (1)(b)(i); or

1295 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1296 (c) sales of the following for commercial use:

1297 (i) gas;

1298 (ii) electricity;

- 1299 (iii) heat;
- 1300 (iv) coal;
- 1301 (v) fuel oil; or
- 1302 (vi) other fuels;
- 1303 (d) sales of the following for residential use:
- 1304 (i) gas;
- 1305 (ii) electricity;
- 1306 (iii) heat;
- 1307 (iv) coal;
- 1308 (v) fuel oil; or
- 1309 (vi) other fuels;
- 1310 (e) sales of prepared food;
- 1311 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1312 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1313 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1314 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1315 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1316 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1317 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1318 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1319 exhibition, cultural, or athletic activity;
- 1320 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1321 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
- 1322 (i) the tangible personal property; and
- 1323 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1324 in Subsection (1)(g)(i), regardless of whether:
- 1325 (A) any parts are actually used in the repairs or renovations of that tangible personal
- 1326 property; or
- 1327 (B) the particular parts used in the repairs or renovations of that tangible personal
- 1328 property are exempt from a tax under this chapter;
- 1329 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for

1330 assisted cleaning or washing of tangible personal property;

1331 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court

1332 accommodations and services that are regularly rented for less than 30 consecutive days;

1333 (j) amounts paid or charged for laundry or dry cleaning services;

1334 (k) amounts paid or charged for leases or rentals of tangible personal property if within

1335 this state the tangible personal property is:

1336 (i) stored;

1337 (ii) used; or

1338 (iii) otherwise consumed;

1339 (l) amounts paid or charged for tangible personal property if within this state the

1340 tangible personal property is:

1341 (i) stored;

1342 (ii) used; or

1343 (iii) consumed; and

1344 (m) amounts paid or charged for a sale:

1345 (i) (A) of a product transferred electronically; or

1346 (B) of a repair or renovation of a product transferred electronically; and

1347 (ii) regardless of whether the sale provides:

1348 (A) a right of permanent use of the product; or

1349 (B) a right to use the product that is less than a permanent use, including a right:

1350 (I) for a definite or specified length of time; and

1351 (II) that terminates upon the occurrence of a condition.

1352 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax

1353 are imposed on a transaction described in Subsection (1) equal to the sum of:

1354 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

1355 (A) (I) through March 31, 2019, 4.70%; and

1356 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (13)(a);

1357 and

1358 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional 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 county in which the state imposes the tax under Part 18, Additional

1361 State Sales and Use Tax Act; and
1362 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
1363 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
1364 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
1365 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
1366 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1367 transaction under this chapter other than this part.
1368 (b) Except as provided in Subsection (2)(d) or (e) and subject to Subsection (2)(j), a
1369 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
1370 the sum of:
1371 (i) a state tax imposed on the transaction at a tax rate of 2%; and
1372 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1373 transaction under this chapter other than this part.
1374 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax are
1375 imposed on amounts paid or charged for food and food ingredients equal to the sum of:
1376 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at
1377 a tax rate of 1.75%; and
1378 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1379 amounts paid or charged for food and food ingredients under this chapter other than this part.
1380 (d) (i) For a bundled transaction that is attributable to food and food ingredients and
1381 tangible personal property other than food and food ingredients, a state tax and a local tax is
1382 imposed on the entire bundled transaction equal to the sum of:
1383 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
1384 (I) the tax rate described in Subsection (2)(a)(i)(A); and
1385 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional 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 county in which the state imposes the tax under Part 18,
1388 Additional State Sales and Use Tax Act; and
1389 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
1390 Sales and Use Tax Act, if the location of the transaction as determined under Sections
1391 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which

1392 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1393 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
1394 described in Subsection (2)(a)(ii).

1395 (ii) If an optional computer software maintenance contract is a bundled transaction that
1396 consists of taxable and nontaxable products that are not separately itemized on an invoice or
1397 similar billing document, the purchase of the optional computer software maintenance contract
1398 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1399 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled
1400 transaction described in Subsection (2)(d)(i) or (ii):

1401 (A) if the sales price of the bundled transaction is attributable to tangible personal
1402 property, a product, or a service that is subject to taxation under this chapter and tangible
1403 personal property, a product, or service that is not subject to taxation under this chapter, the
1404 entire bundled transaction is subject to taxation under this chapter unless:

1405 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1406 personal property, product, or service that is not subject to taxation under this chapter from the
1407 books and records the seller keeps in the seller's regular course of business; or

1408 (II) state or federal law provides otherwise; or

1409 (B) if the sales price of a bundled transaction is attributable to two or more items of
1410 tangible personal property, products, or services that are subject to taxation under this chapter
1411 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
1412 higher tax rate unless:

1413 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1414 personal property, product, or service that is subject to taxation under this chapter at the lower
1415 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1416 (II) state or federal law provides otherwise.

1417 (iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the
1418 seller's regular course of business includes books and records the seller keeps in the regular
1419 course of business for nontax purposes.

1420 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)
1421 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
1422 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental

1423 of tangible personal property, other property, a product, or a service that is not subject to
1424 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
1425 the seller, at the time of the transaction:

1426 (A) separately states the portion of the transaction that is not subject to taxation under
1427 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1428 (B) is able to identify by reasonable and verifiable standards, from the books and
1429 records the seller keeps in the seller's regular course of business, the portion of the transaction
1430 that is not subject to taxation under this chapter.

1431 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1432 (A) after the transaction occurs, the purchaser and the seller discover that the portion of
1433 the transaction that is not subject to taxation under this chapter was not separately stated on an
1434 invoice, bill of sale, or similar document provided to the purchaser because of an error or
1435 ignorance of the law; and

1436 (B) the seller is able to identify by reasonable and verifiable standards, from the books
1437 and records the seller keeps in the seller's regular course of business, the portion of the
1438 transaction that is not subject to taxation under this chapter.

1439 (iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps
1440 in the seller's regular course of business includes books and records the seller keeps in the
1441 regular course of business for nontax purposes.

1442 (f) (i) If the sales price of a transaction is attributable to two or more items of tangible
1443 personal property, products, or services that are subject to taxation under this chapter at
1444 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
1445 unless the seller, at the time of the transaction:

1446 (A) separately states the items subject to taxation under this chapter at each of the
1447 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1448 (B) is able to identify by reasonable and verifiable standards the tangible personal
1449 property, product, or service that is subject to taxation under this chapter at the lower tax rate
1450 from the books and records the seller keeps in the seller's regular course of business.

1451 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the
1452 seller's regular course of business includes books and records the seller keeps in the regular
1453 course of business for nontax purposes.

1454 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax
1455 rate imposed under the following shall take effect on the first day of a calendar quarter:

- 1456 (i) Subsection (2)(a)(i)(A);
- 1457 (ii) Subsection (2)(b)(i);
- 1458 (iii) Subsection (2)(c)(i); or
- 1459 (iv) Subsection (2)(d)(i)(A)(I).

1460 (h) (i) A tax rate increase takes effect on the first day of the first billing period that
1461 begins on or after the effective date of the tax rate increase if the billing period for the
1462 transaction begins before the effective date of a tax rate increase imposed under:

- 1463 (A) Subsection (2)(a)(i)(A);
- 1464 (B) Subsection (2)(b)(i);
- 1465 (C) Subsection (2)(c)(i); or
- 1466 (D) Subsection (2)(d)(i)(A)(I).

1467 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1468 statement for the billing period is rendered on or after the effective date of the repeal of the tax
1469 or the tax rate decrease imposed under:

- 1470 (A) Subsection (2)(a)(i)(A);
- 1471 (B) Subsection (2)(b)(i);
- 1472 (C) Subsection (2)(c)(i); or
- 1473 (D) Subsection (2)(d)(i)(A)(I).

1474 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
1475 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
1476 change in a tax rate takes effect:

- 1477 (A) on the first day of a calendar quarter; and
- 1478 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

1479 (ii) Subsection (2)(i)(i) applies to the tax rates described in the following:

- 1480 (A) Subsection (2)(a)(i)(A);
- 1481 (B) Subsection (2)(b)(i);
- 1482 (C) Subsection (2)(c)(i); or
- 1483 (D) Subsection (2)(d)(i)(A)(I).

1484 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

1485 the commission may by rule define the term "catalogue sale."

1486 (j) (i) For a location described in Subsection (2)(j)(ii), the commission shall determine
1487 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
1488 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

1489 (ii) Subsection (2)(j)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
1490 or other fuel is furnished through a single meter for two or more of the following uses:

1491 (A) a commercial use;

1492 (B) an industrial use; or

1493 (C) a residential use.

1494 (3) (a) The following state taxes shall be deposited into the General Fund:

1495 (i) the tax imposed by Subsection (2)(a)(i)(A);

1496 (ii) the tax imposed by Subsection (2)(b)(i);

1497 (iii) the tax imposed by Subsection (2)(c)(i); or

1498 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

1499 (b) The following local taxes shall be distributed to a county, city, or town as provided
1500 in this chapter:

1501 (i) the tax imposed by Subsection (2)(a)(ii);

1502 (ii) the tax imposed by Subsection (2)(b)(ii);

1503 (iii) the tax imposed by Subsection (2)(c)(ii); and

1504 (iv) the tax imposed by Subsection (2)(d)(i)(B).

1505 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1506 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
1507 through (g):

1508 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

1509 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1510 (B) for the fiscal year; or

1511 (ii) \$17,500,000.

1512 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
1513 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
1514 Department of Natural Resources to:

1515 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to

1516 protect sensitive plant and animal species; or

1517 (B) award grants, up to the amount authorized by the Legislature in an appropriations
1518 act, to political subdivisions of the state to implement the measures described in Subsections
1519 [79-2-303\(3\)\(a\)](#) through (d) to protect sensitive plant and animal species.

1520 (ii) Money transferred to the Department of Natural Resources under Subsection
1521 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
1522 person to list or attempt to have listed a species as threatened or endangered under the
1523 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1524 (iii) At the end of each fiscal year:

1525 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1526 Conservation and Development Fund created in Section [73-10-24](#);

1527 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
1528 Program Subaccount created in Section [73-10c-5](#); and

1529 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
1530 Program Subaccount created in Section [73-10c-5](#).

1531 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1532 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
1533 created in Section [4-18-106](#).

1534 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
1535 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water
1536 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
1537 water rights.

1538 (ii) At the end of each fiscal year:

1539 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1540 Conservation and Development Fund created in Section [73-10-24](#);

1541 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
1542 Program Subaccount created in Section [73-10c-5](#); and

1543 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
1544 Program Subaccount created in Section [73-10c-5](#).

1545 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
1546 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and

1547 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1548 (ii) In addition to the uses allowed of the Water Resources Conservation and

1549 Development Fund under Section 73-10-24, the Water Resources Conservation and

1550 Development Fund may also be used to:

1551 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1552 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
1553 quantifying surface and ground water resources and describing the hydrologic systems of an
1554 area in sufficient detail so as to enable local and state resource managers to plan for and
1555 accommodate growth in water use without jeopardizing the resource;

1556 (B) fund state required dam safety improvements; and

1557 (C) protect the state's interest in interstate water compact allocations, including the
1558 hiring of technical and legal staff.

1559 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1560 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1561 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1562 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1563 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1564 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1565 (i) provide for the installation and repair of collection, treatment, storage, and
1566 distribution facilities for any public water system, as defined in Section 19-4-102;

1567 (ii) develop underground sources of water, including springs and wells; and

1568 (iii) develop surface water sources.

1569 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1570 2006, the difference between the following amounts shall be expended as provided in this
1571 Subsection (5), if that difference is greater than \$1:

1572 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1573 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1574 (ii) \$17,500,000.

1575 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1576 (A) transferred each fiscal year to the Department of Natural Resources as dedicated
1577 credits; and

1578 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1579 restoration.

1580 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
1581 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund
1582 created in Section 73-10-24.

1583 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1584 remaining difference described in Subsection (5)(a) shall be:

1585 (A) transferred each fiscal year to the Division of Water Resources as dedicated
1586 credits; and

1587 (B) expended by the Division of Water Resources for cloud-seeding projects
1588 authorized by Title 73, Chapter 15, Modification of Weather.

1589 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
1590 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund
1591 created in Section 73-10-24.

1592 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1593 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1594 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1595 Division of Water Resources for:

1596 (i) preconstruction costs:

1597 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1598 26, Bear River Development Act; and

1599 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1600 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1601 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1602 Chapter 26, Bear River Development Act;

1603 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1604 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1605 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1606 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1607 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to
1608 Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be

1609 transferred each year as dedicated credits to the Division of Water Rights to cover the costs
1610 incurred for employing additional technical staff for the administration of water rights.

1611 (f) At the end of each fiscal year, any unexpended dedicated credits described in
1612 Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development
1613 Fund created in Section 73-10-24.

1614 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), the
1615 amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection
1616 (1) for the fiscal year shall be deposited as follows:

1617 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)
1618 shall be deposited into the Transportation Investment Fund of 2005 created by Section
1619 72-2-124;

1620 (b) for fiscal year 2017-18 only:

1621 (i) 80% of the revenue described in this Subsection (6) shall be deposited into the
1622 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1623 (ii) 20% of the revenue described in this Subsection (6) shall be deposited into the
1624 Water Infrastructure Restricted Account created by Section 73-10g-103;

1625 (c) for fiscal year 2018-19 only:

1626 (i) 60% of the revenue described in this Subsection (6) shall be deposited into the
1627 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1628 (ii) 40% of the revenue described in this Subsection (6) shall be deposited into the
1629 Water Infrastructure Restricted Account created by Section 73-10g-103;

1630 (d) for fiscal year 2019-20 only:

1631 (i) 40% of the revenue described in this Subsection (6) shall be deposited into the
1632 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1633 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the
1634 Water Infrastructure Restricted Account created by Section 73-10g-103;

1635 (e) for fiscal year 2020-21 only:

1636 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the
1637 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1638 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the
1639 Water Infrastructure Restricted Account created by Section 73-10g-103; and

1640 (f) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described
1641 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account
1642 created by Section 73-10g-103.

1643 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
1644 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
1645 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
1646 created by Section 72-2-124:

1647 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of
1648 the revenues collected from the following taxes, which represents a portion of the
1649 approximately 17% of sales and use tax revenues generated annually by the sales and use tax
1650 on vehicles and vehicle-related products:

1651 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1652 (B) the tax imposed by Subsection (2)(b)(i);

1653 (C) the tax imposed by Subsection (2)(c)(i); and

1654 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

1655 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the
1656 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through
1657 (D) that exceeds the amount collected from the sales and use taxes described in Subsections
1658 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

1659 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of
1660 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total
1661 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)
1662 generated in the current fiscal year than the total percentage of sales and use taxes deposited in
1663 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection
1664 (7)(a) equal to the product of:

1665 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the
1666 previous fiscal year; and

1667 (B) the total sales and use tax revenue generated by the taxes described in Subsections
1668 (7)(a)(i)(A) through (D) in the current fiscal year.

1669 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under
1670 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes

1671 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of
1672 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in
1673 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

1674 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected
1675 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited
1676 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues
1677 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the
1678 current fiscal year under Subsection (7)(a).

1679 (8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited
1680 under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall
1681 deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into
1682 the Transportation Investment Fund of 2005 created by Section [72-2-124](#).

1683 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under
1684 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit
1685 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
1686 Transportation Investment Fund of 2005 created by Section [72-2-124](#).

1687 (c) (i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1688 Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or
1689 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
1690 Fund of 2005 created by Section [72-2-124](#) a portion of the taxes listed under Subsection (3)(a)
1691 in an amount equal to 3.68% of the revenues collected from the following taxes:

1692 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1693 (B) the tax imposed by Subsection (2)(b)(i);

1694 (C) the tax imposed by Subsection (2)(c)(i); and

1695 (D) the tax imposed by Subsection (2)(d)(i)(A)(I).

1696 (ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1697 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i)
1698 by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year
1699 by the portion of the tax imposed on motor and special fuel that is sold, used, or received for
1700 sale or use in this state that exceeds 29.4 cents per gallon.

1701 (iii) The commission shall annually deposit the amount described in Subsection

1702 (8)(c)(ii) into the Transit and Transportation Investment Fund created in Section 72-2-124.

1703 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1704 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1705 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1706 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),
1707 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17
1708 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund
1709 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on
1710 the transactions described in Subsection (1).

1711 (b) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c), and in
1712 addition to any amounts deposited under Subsections (6), (7), and (8), the Division of Finance
1713 shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the
1714 amount of revenue described as follows:

1715 (i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%
1716 tax rate on the transactions described in Subsection (1);

1717 (ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a .05%
1718 tax rate on the transactions described in Subsection (1);

1719 (iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%
1720 tax rate on the transactions described in Subsection (1);

1721 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a
1722 .05% tax rate on the transactions described in Subsection (1); and

1723 (v) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%
1724 tax rate on the transactions described in Subsection (1).

1725 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not
1726 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts
1727 paid or charged for food and food ingredients, except for tax revenue generated by a bundled
1728 transaction attributable to food and food ingredients and tangible personal property other than
1729 food and food ingredients described in Subsection (2)(d).

1730 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1731 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that
1732 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of

1733 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue
1734 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,
1735 created in Section [63N-2-512](#).

1736 (12) (a) Notwithstanding Subsection (3)(a), for the 2016-17 fiscal year only, the
1737 Division of Finance shall deposit \$26,000,000 of the revenues generated by the taxes listed
1738 under Subsection (3)(a) into the Throughput Infrastructure Fund created by Section [35A-8-308](#).

1739 (b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division of
1740 Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under
1741 Subsection (3)(a) into the Throughput Infrastructure Fund created by Section [35A-8-308](#).

1742 (13) (a) The rate specified in this subsection is 0.15%.

1743 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

1744 (i) on or before September 30, 2019, transfer the amount of revenue collected from the
1745 rate described in Subsection (13)(a) beginning on April 1, 2019, and ending on June 30, 2019,
1746 on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into
1747 the Medicaid Expansion Fund created in Section [26-36b-208](#); and

1748 (ii) for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of
1749 revenue collected from the rate described in Subsection (13)(a) on the transactions that are
1750 subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion
1751 Fund created in Section [26-36b-208](#).

1752 (14) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1753 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated
1754 credit solely for use of the Search and Rescue Financial Assistance Program created in, and
1755 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1756 (15) (a) For each fiscal year beginning with fiscal year 2020-21, the Division of
1757 Finance shall annually transfer \$1,813,400 of the revenue deposited into the Transportation
1758 Investment Fund of 2005 under Subsections (6) through (8) to the General Fund.

1759 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
1760 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of
1761 Finance shall transfer the total revenue deposited into the Transportation Investment Fund of
1762 2005 during the fiscal year to the General Fund.

1763 Section 21. Section [59-14-807](#) (Effective 07/01/20) is amended to read:

1764 **59-14-807 (Effective 07/01/20). Electronic Cigarette Substance and Nicotine**
1765 **Product Tax Restricted Account.**

1766 (1) There is created within the General Fund a restricted account known as the
1767 "Electronic Cigarette Substance and Nicotine Product Tax Restricted Account."

1768 (2) The Electronic Cigarette Substance and Nicotine Product Tax Restricted Account
1769 consists of:

1770 (a) revenues collected from the tax imposed by Section 59-14-804; and

1771 (b) amounts appropriated by the Legislature.

1772 (3) For each fiscal year, beginning with fiscal year 2021, and subject to appropriation
1773 by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette
1774 Substance and Nicotine Product Tax Restricted Account:

1775 (a) \$2,000,000 which shall be allocated to the local health departments by the
1776 Department of Health using the formula created in accordance with Section 26A-1-116;

1777 (b) \$2,000,000 to the Department of Health for statewide cessation programs and
1778 prevention education;

1779 (c) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed
1780 at disrupting organizations and networks that provide tobacco products, electronic cigarette
1781 products, nicotine products, and other illegal controlled substances to minors;

1782 (d) \$3,000,000 which shall be allocated to the local health departments by the
1783 Department of Health using the formula created in accordance with Section 26A-1-116; ~~and~~

1784 (e) \$5,084,200 to the State Board of Education for school-based prevention
1785 programs[-]; and

1786 (f) \$2,000,000 to the Department of Health for alcohol, tobacco, and other drug
1787 prevention, reduction, cessation, and control programs that promote unified messages and
1788 make use of media outlets, including radio, newspaper, billboards, and television.

1789 (4) (a) The local health departments shall use the money received in accordance with
1790 Subsection (3)(a) for enforcing:

1791 (i) the regulation provisions described in Section 26-57-103;

1792 (ii) the labeling requirement described in Section 26-57-104; and

1793 (iii) the penalty provisions described in Section 26-62-305.

1794 (b) The Department of Health shall use the money received in accordance with

1795 Subsection (3)(b) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
1796 Program created in Section 26-7-10.

1797 (c) The local health departments shall use the money received in accordance with
1798 Subsection (3)(d) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug
1799 Prevention Grant Program created in Section 26A-1-129.

1800 (d) The State Board of Education shall use the money received in accordance with
1801 Subsection (3)(e) to distribute to local education agencies to pay for:

1802 (i) stipends for positive behaviors specialists as described in Subsection

1803 53G-10-407(4)(a)(i);

1804 (ii) the cost of administering the positive behaviors plan as described in Subsection

1805 53G-10-407(4)(a)(ii); and

1806 (iii) the cost of implementing an Underage Drinking and Substance Abuse Prevention
1807 Program in grade 4 or 5, as described in Subsection 53G-10-406(3)(b).

1808 (5) (a) The fund shall earn interest.

1809 (b) All interest earned on fund money shall be deposited into the fund.

1810 (6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette
1811 Substance and Nicotine Product Tax Restricted Account after the distribution described in
1812 Subsection (3) may only be used for programs and activities related to the prevention and
1813 cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

1814 Section 22. Section 62A-4a-403 is amended to read:

1815 **62A-4a-403. Reporting requirements.**

1816 (1) (a) Except as provided in Subsection (2), when any individual, including an
1817 individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67,
1818 Utah Medical Practice Act, has reason to believe that a child has been subjected to abuse or
1819 neglect, or observes a child being subjected to conditions or circumstances that would
1820 reasonably result in abuse or neglect, that individual shall immediately report the alleged abuse
1821 or neglect to the nearest peace officer, law enforcement agency, or office of the division.

1822 (b) (i) Upon receipt of a report described in Subsection (1)(a), the peace officer or law
1823 enforcement agency shall immediately notify the nearest office of the division.

1824 (ii) If an initial report of abuse or neglect is made to the division, the division shall
1825 immediately notify the appropriate local law enforcement agency.

1826 (c) (i) The division shall, in addition to ~~[its]~~ the division's own investigation~~[-, comply~~
1827 ~~with and lend support to]~~ in accordance with Section 62A-4a-409, coordinate with law
1828 enforcement on investigations by law enforcement undertaken to investigate a report described
1829 in Subsection (1)(a).

1830 (ii) If law enforcement undertakes an investigation of a report described in Subsection
1831 (1)(a), the law enforcement agency undertaking the investigation shall provide a final
1832 investigatory report to the division upon request.

1833 (2) Subject to Subsection (3), the notification requirement described in Subsection
1834 (1)(a) does not apply to a member of the clergy, with regard to any confession made to the
1835 member of the clergy while functioning in the ministerial capacity of the member of the clergy
1836 and without the consent of the individual making the confession, if:

1837 (a) the perpetrator made the confession directly to the member of the clergy; and

1838 (b) the member of the clergy is, under canon law or church doctrine or practice, bound
1839 to maintain the confidentiality of that confession.

1840 (3) (a) When a member of the clergy receives information about abuse or neglect from
1841 any source other than confession of the perpetrator, the member of the clergy is required to
1842 report that information even though the member of the clergy may have also received
1843 information about abuse or neglect from the confession of the perpetrator.

1844 (b) Exemption of the reporting requirement for a member of the clergy does not
1845 exempt the member of the clergy from any other efforts required by law to prevent further
1846 abuse or neglect by the perpetrator.

1847 Section 23. Section **62A-4a-409** is amended to read:

1848 **62A-4a-409. Investigation by division -- Temporary protective custody --**
1849 **Preremoval interviews of children.**

1850 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(c), the division shall [make] conduct
1851 a thorough preremoval investigation upon receiving either an oral or written report of alleged
1852 abuse or neglect, or an oral or written report under Subsection 62A-4a-404(2), when there is
1853 reasonable cause to suspect that a situation of abuse, neglect, or the circumstances described
1854 under Subsection 62A-4a-404(2) exist.

1855 (b) The primary purpose of the investigation described in Subsection (1)(a) shall be
1856 protection of the child.

1857 (c) The division is not required to conduct an investigation under Subsection (1)(a) if
1858 the division determines the person responsible for the child's care:

1859 (i) is not the alleged perpetrator; and

1860 (ii) is willing and able to ensure the alleged perpetrator does not have access to the
1861 child.

1862 (2) The preremoval investigation described in Subsection (1)(a) shall include the same
1863 investigative requirements described in Section [62A-4a-202.3](#).

1864 (3) The division shall make a written report of its investigation that shall include a
1865 determination regarding whether the alleged abuse or neglect is supported, unsupported, or
1866 without merit.

1867 (4) (a) The division shall use an interdisciplinary approach when appropriate in dealing
1868 with reports made under this part.

1869 (b) The division shall convene a child protection team to assist the division in the
1870 division's protective, diagnostic, assessment, treatment, and coordination services.

1871 (c) The division may include members of a child protection unit in the division's
1872 protective, diagnostic, assessment, treatment, and coordination services.

1873 (d) A representative of the division shall serve as the team's coordinator and chair.
1874 Members of the team shall serve at the coordinator's invitation. Whenever possible, the team
1875 shall include representatives of:

1876 (i) health, mental health, education, and law enforcement agencies;

1877 (ii) the child;

1878 (iii) parent and family support groups unless the parent is alleged to be the perpetrator;

1879 and

1880 (iv) other appropriate agencies or individuals.

1881 (5) If a report of neglect is based upon or includes an allegation of educational neglect,
1882 the division shall immediately consult with school authorities to verify the child's status in
1883 accordance with Sections [53G-6-201](#) through [53G-6-206](#).

1884 (6) When the division completes the division's initial investigation under this part, the
1885 division shall give notice of that completion to the person who made the initial report.

1886 (7) Division workers or other child protection team members have authority to enter
1887 upon public or private premises, using appropriate legal processes, to investigate reports of

1888 alleged abuse or neglect, upon notice to parents of their rights under the Child Abuse
1889 Prevention and Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof.

1890 (8) With regard to any interview of a child prior to removal of that child from the
1891 child's home:

1892 (a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of
1893 the child prior to the interview of:

1894 (i) the specific allegations concerning the child; and

1895 (ii) the time and place of the interview;

1896 (b) if a child's parent or stepparent, or a parent's paramour has been identified as the
1897 alleged perpetrator, the division is not required to comply with Subsection (8)(a);

1898 (c) if the perpetrator is unknown, or if the perpetrator's relationship to the child's family
1899 is unknown, the division may conduct a minimal interview or conversation, not to exceed 15
1900 minutes, with the child prior to complying with Subsection (8)(a);

1901 (d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be
1902 notified as soon as practicable after the child has been interviewed, but in no case later than 24
1903 hours after the interview has taken place;

1904 (e) a child's parents shall be notified of the time and place of all subsequent interviews
1905 with the child; and

1906 (f) the child shall be allowed to have a support person of the child's choice present,
1907 who:

1908 (i) may include:

1909 (A) a school teacher;

1910 (B) an administrator;

1911 (C) a guidance counselor;

1912 (D) a child care provider;

1913 (E) a family member;

1914 (F) a family advocate; or

1915 (G) a member of the clergy; and

1916 (ii) may not be an individual who is alleged to be, or potentially may be, the
1917 perpetrator.

1918 (9) In accordance with the procedures and requirements of Sections [62A-4a-202.1](#)

1919 through [62A-4a-202.3](#), a division worker or child protection team member may take a child
 1920 into protective custody and deliver the child to a law enforcement officer, or place the child in
 1921 an emergency shelter facility approved by the juvenile court, at the earliest opportunity
 1922 subsequent to the child's removal from the child's original environment. Control and
 1923 jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile
 1924 Court Act, and as otherwise provided by law.

1925 (10) With regard to cases in which law enforcement has or is conducting an
 1926 investigation of alleged abuse or neglect of a child:

1927 (a) the division shall coordinate with law enforcement to ensure that there is an
 1928 adequate safety plan to protect the child from further abuse or neglect; and

1929 (b) the division is not required to duplicate an aspect of the investigation that, in the
 1930 division's determination, has been satisfactorily completed by law enforcement.

1931 (11) With regard to a mutual case in which a child protection unit was involved in the
 1932 investigation of alleged abuse or neglect of a child, the division shall consult with the child
 1933 protection unit before closing the case.

1934 Section 24. Section **63I-2-249** is amended to read:

1935 **63I-2-249. Repeal dates -- Title 49.**

1936 (1) Section [49-20-106](#) is repealed January 1, 2021.

1937 (2) Subsection [49-20-417\(5\)\(b\)](#) is repealed January 1, 2020.

1938 [~~(3) Subsection [49-20-420\(3\)](#), regarding a requirement to report to the Legislature, is
 1939 repealed January 1, 2030.~~]

1940 Section 25. Section **63J-1-602.2 (Superseded 07/01/20)** is amended to read:

1941 **63J-1-602.2 (Superseded 07/01/20). List of nonlapsing appropriations to
 1942 programs.**

1943 Appropriations made to the following programs are nonlapsing:

1944 (1) The Legislature and its committees.

1945 (2) The Percent-for-Art Program created in Section [9-6-404](#).

1946 (3) The LeRay McAllister Critical Land Conservation Program created in Section
 1947 [11-38-301](#).

1948 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under
 1949 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

- 1950 (5) The Trip Reduction Program created in Section [19-2a-104](#).
- 1951 (6) The Division of Wildlife Resources for the appraisal and purchase of lands under
1952 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 1953 (7) The primary care grant program created in Section [26-10b-102](#).
- 1954 (8) Sanctions collected as dedicated credits from Medicaid provider under Subsection
1955 [26-18-3](#)(7).
- 1956 (9) The Utah Health Care Workforce Financial Assistance Program created in Section
1957 [26-46-102](#).
- 1958 (10) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 1959 (11) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 1960 (12) Funds that the Department of Alcoholic Beverage Control retains in accordance
1961 with Subsection [32B-2-301](#)~~(7)~~[\(8\)](#)(a) or (b).
- 1962 (13) The General Assistance program administered by the Department of Workforce
1963 Services, as provided in Section [35A-3-401](#).
- 1964 (14) A new program or agency that is designated as nonlapsing under Section
1965 [36-24-101](#).
- 1966 (15) The Utah National Guard, created in Title 39, Militia and Armories.
- 1967 (16) The State Tax Commission under Section [41-1a-1201](#) for the:
- 1968 (a) purchase and distribution of license plates and decals; and
- 1969 (b) administration and enforcement of motor vehicle registration requirements.
- 1970 (17) The Search and Rescue Financial Assistance Program, as provided in Section
1971 [53-2a-1102](#).
- 1972 (18) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 1973 (19) The State Board of Regents for teacher preparation programs, as provided in
1974 Section [53B-6-104](#).
- 1975 (20) The Medical Education Program administered by the Medical Education Council,
1976 as provided in Section [53B-24-202](#).
- 1977 (21) The State Board of Education, as provided in Section [53F-2-205](#).
- 1978 (22) The Division of Services for People with Disabilities, as provided in Section
1979 [62A-5-102](#).
- 1980 (23) The Division of Fleet Operations for the purpose of upgrading underground

- 1981 storage tanks under Section [63A-9-401](#).
- 1982 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 1983 (25) Appropriations to the Department of Technology Services for technology
1984 innovation as provided under Section [63F-4-202](#).
- 1985 (26) The Office of Administrative Rules for publishing, as provided in Section
1986 [63G-3-402](#).
- 1987 (27) The Utah Science Technology and Research Initiative created in Section
1988 [63M-2-301](#).
- 1989 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
1990 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1991 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
1992 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
1993 Employment Expansion Program.
- 1994 (30) Appropriations to fund programs for the Jordan River Recreation Area as
1995 described in Section [65A-2-8](#).
- 1996 (31) The Department of Human Resource Management user training program, as
1997 provided in Section [67-19-6](#).
- 1998 (32) A public safety answering point's emergency telecommunications service fund, as
1999 provided in Section [69-2-301](#).
- 2000 (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 2001 (34) The Judicial Council for compensation for special prosecutors, as provided in
2002 Section [77-10a-19](#).
- 2003 (35) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 2004 (36) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 2005 (37) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 2006 (38) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
2007 [78B-6-144.5](#).
- 2008 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2009 Defense Commission.
- 2010 (40) The program established by the Division of Facilities Construction and
2011 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation

2012 and pay lease payments for the use and occupancy of buildings owned by the Division of
2013 Facilities Construction and Management.

2014 Section 26. Section **63J-1-602.2 (Effective 07/01/20)** is amended to read:

2015 **63J-1-602.2 (Effective 07/01/20). List of nonlapsing appropriations to programs.**

2016 Appropriations made to the following programs are nonlapsing:

2017 (1) The Legislature and the Legislature's committees.

2018 (2) The State Board of Education, including all appropriations to agencies, line items,

2019 and programs under the jurisdiction of the State Board of Education, in accordance with

2020 Section [53F-9-103](#).

2021 (3) The Percent-for-Art Program created in Section [9-6-404](#).

2022 (4) The LeRay McAllister Critical Land Conservation Program created in Section

2023 [11-38-301](#).

2024 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under

2025 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

2026 (6) The Trip Reduction Program created in Section [19-2a-104](#).

2027 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under

2028 the Pelican Management Act, as provided in Section [23-21a-6](#).

2029 (8) The emergency medical services grant program in Section [26-8a-207](#).

2030 (9) The primary care grant program created in Section [26-10b-102](#).

2031 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection

2032 [26-18-3\(7\)](#).

2033 (11) The Utah Health Care Workforce Financial Assistance Program created in Section

2034 [26-46-102](#).

2035 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).

2036 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

2037 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance

2038 with Subsection [32B-2-301\[~~\(7\)~~\(8\)\]\(a\)](#) or (b).

2039 (15) The General Assistance program administered by the Department of Workforce

2040 Services, as provided in Section [35A-3-401](#).

2041 (16) A new program or agency that is designated as nonlapsing under Section

2042 [36-24-101](#).

- 2043 (17) The Utah National Guard, created in Title 39, Militia and Armories.
- 2044 (18) The State Tax Commission under Section [41-1a-1201](#) for the:
- 2045 (a) purchase and distribution of license plates and decals; and
- 2046 (b) administration and enforcement of motor vehicle registration requirements.
- 2047 (19) The Search and Rescue Financial Assistance Program, as provided in Section
- 2048 [53-2a-1102](#).
- 2049 (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2050 (21) The Utah Board of Higher Education for teacher preparation programs, as
- 2051 provided in Section [53B-6-104](#).
- 2052 (22) The Medical Education Program administered by the Medical Education Council,
- 2053 as provided in Section [53B-24-202](#).
- 2054 (23) The Division of Services for People with Disabilities, as provided in Section
- 2055 [62A-5-102](#).
- 2056 (24) The Division of Fleet Operations for the purpose of upgrading underground
- 2057 storage tanks under Section [63A-9-401](#).
- 2058 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2059 (26) Appropriations to the Department of Technology Services for technology
- 2060 innovation as provided under Section [63F-4-202](#).
- 2061 (27) The Office of Administrative Rules for publishing, as provided in Section
- 2062 [63G-3-402](#).
- 2063 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
- 2064 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2065 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
- 2066 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
- 2067 Employment Expansion Program.
- 2068 (30) Appropriations to fund programs for the Jordan River Recreation Area as
- 2069 described in Section [65A-2-8](#).
- 2070 (31) The Department of Human Resource Management user training program, as
- 2071 provided in Section [67-19-6](#).
- 2072 (32) A public safety answering point's emergency telecommunications service fund, as
- 2073 provided in Section [69-2-301](#).

- 2074 (33) The Traffic Noise Abatement Program created in Section 72-6-112.
- 2075 (34) The Judicial Council for compensation for special prosecutors, as provided in
- 2076 Section 77-10a-19.
- 2077 (35) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 2078 (36) The Utah Geological Survey, as provided in Section 79-3-401.
- 2079 (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 2080 (38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
- 2081 78B-6-144.5.

2082 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2083 Defense Commission.

2084 (40) The program established by the Division of Facilities Construction and
2085 Management under Section 63A-5b-703 under which state agencies receive an appropriation
2086 and pay lease payments for the use and occupancy of buildings owned by the Division of
2087 Facilities Construction and Management.

2088 Section 27. Section 64-13e-104 is amended to read:

2089 **64-13e-104. Housing of state probationary inmates or state parole inmates --**
2090 **Payments.**

2091 (1) (a) A county shall accept and house a state probationary inmate or a state parole
2092 inmate in a county correctional facility, subject to available resources.

2093 (b) A county may release a number of inmates from a county correctional facility, but
2094 not to exceed the number of state probationary inmates in excess of the number of inmates
2095 funded by the appropriation authorized in Subsection (2) if:

2096 (i) the state does not fully comply with the provisions of Subsection (9) for the most
2097 current fiscal year; or

2098 (ii) funds appropriated by the Legislature for this purpose are less than 50% of the
2099 actual county daily incarceration rate.

2100 (2) Within funds appropriated by the Legislature for this purpose, the Division of
2101 Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a
2102 rate of [~~56.88%~~] 47.89% of the actual county daily incarceration rate.

2103 (3) Funds appropriated by the Legislature under Subsection (2):

2104 (a) are nonlapsing;

2105 (b) may only be used for the purposes described in Subsection (2) and Subsection (10);
2106 and

2107 (c) may not be used for:

2108 (i) the costs of administering the payment described in this section; or

2109 (ii) payment of contract costs under Section [64-13e-103](#).

2110 (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative
2111 appropriation.

2112 (5) (a) The Division of Finance shall administer the payment described in Subsection
2113 (2) and Subsection (10).

2114 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,
2115 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for collecting data from
2116 counties for the purpose of completing the calculations described in this section.

2117 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount
2118 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total
2119 amount of the payments made does not exceed the amount appropriated by the Legislature for
2120 the payments.

2121 (6) Each county that receives the payment described in Subsection (2) and Subsection
2122 (10) shall:

2123 (a) on at least a monthly basis, submit a report to CCJJ that includes:

2124 (i) the number of state probationary inmates and state parole inmates the county housed
2125 under this section;

2126 (ii) the total number of state probationary inmate days of incarceration and state parole
2127 inmate days of incarceration that were provided by the county;

2128 (iii) the total number of offenders housed pursuant to Subsection [64-13-21\(2\)\(b\)](#); and

2129 (iv) the total number of days of incarceration of offenders housed pursuant to
2130 Subsection [64-13-21\(2\)\(b\)](#); and

2131 (b) before September 15 of every third year beginning in 2022, calculate and inform
2132 CCJJ of the county's jail daily incarceration costs for the preceding fiscal year.

2133 (7) (a) On or before September 30 of each year, CCJJ shall:

2134 (i) compile the information from the reports described in Subsection (6)(a) that relate
2135 to the preceding state fiscal year and provide a copy of the compilation to each county that

2136 submitted a report; and
2137 (ii) calculate:
2138 (A) the actual county incarceration rate, based on the most recent year that data was
2139 reported in accordance with Subsection (6)(b); and
2140 (B) the final county incarceration rate.
2141 (b) On or before October 15 of each year, CCJJ shall inform the Division of Finance
2142 and each county of:
2143 (i) the actual county incarceration rate;
2144 (ii) the final county incarceration rate; and
2145 (iii) the exact amount of the payment described in this section that shall be made to
2146 each county.
2147 (8) On or before December 15 of each year, the Division of Finance shall distribute the
2148 payment described in Subsection (7)(b) in a single payment to each county.
2149 (9) (a) The amount paid to each county under Subsection (8) shall be calculated on a
2150 pro rata basis, based on the average number of state probationary inmate days of incarceration
2151 and the average state parole inmate days of incarceration that were provided by each county for
2152 the preceding five state fiscal years; and
2153 (b) if funds are available, the total number of days of incarceration of offenders housed
2154 pursuant to Subsection 64-13-21(2)(b).
2155 (10) If funds appropriated under Subsection (2) remain after payments are made
2156 pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a
2157 person convicted of a felony who is on probation or parole and who is incarcerated pursuant to
2158 Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the actual county daily
2159 incarceration rate.
2160 Section 28. Section **67-19-14.7 (Superseded 07/01/20)** is amended to read:
2161 **67-19-14.7 (Superseded 07/01/20). Postpartum recovery leave.**
2162 (1) As used in this section:
2163 (a) "Eligible employee" means an employee who:
2164 (i) is in a position that receives retirement benefits under Title 49, Utah State
2165 Retirement and Insurance Benefit Act;
2166 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

- 2167 (iii) is not reemployed as defined in Section 49-11-1202; and
- 2168 (iv) gives birth to a child.
- 2169 (b) "Postpartum recovery leave" means leave hours a state employer provides to an
- 2170 eligible employee to recover from childbirth.
- 2171 (c) "Retaliatory action" means to do any of the following to an employee:
- 2172 (i) dismiss the employee;
- 2173 (ii) reduce the employee's compensation;
- 2174 (iii) fail to increase the employee's compensation by an amount that the employee is
- 2175 otherwise entitled to or was promised;
- 2176 (iv) fail to promote the employee if the employee would have otherwise been
- 2177 promoted; or
- 2178 (v) threaten to take an action described in Subsections ~~[(+)(f)(+)]~~ (1)(c)(i) through (iv).
- 2179 (d) (i) "State employer" means:
- 2180 (A) a state executive branch agency, including the State Tax Commission, the National
- 2181 Guard, and the Board of Pardons and Parole;
- 2182 (B) the legislative branch of the state; or
- 2183 (C) the judicial branch of the state.
- 2184 (ii) "State employer" does not include:
- 2185 (A) an institute of higher education;
- 2186 (B) the ~~[Board of Regents]~~ Utah Board of Higher Education;
- 2187 (C) the State Board of Education;
- 2188 (D) an independent entity as defined in Section 63E-1-102;
- 2189 (E) the Attorney General's Office;
- 2190 (F) the State Auditor's Office; or
- 2191 (G) the State Treasurer's Office.
- 2192 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible
- 2193 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work
- 2194 week for recovery from childbirth.
- 2195 (b) A state employer shall allow an eligible employee who is part-time or who works in
- 2196 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery
- 2197 leave available to the eligible employee under this section on a pro rata basis as adopted by rule

2198 by the department under Subsection (11).

2199 (3) (a) Postpartum recovery leave described in Subsection (2):

2200 (i) shall be used starting on the day on which the eligible employee gives birth, unless a
2201 health care provider certifies that an earlier start date is medically necessary;

2202 (ii) shall be used in a single continuous period; and

2203 (iii) runs concurrently with any leave authorized under the Family and Medical Leave
2204 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

2205 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not
2206 increase if an eligible employee has more than one child born from the same pregnancy.

2207 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the
2208 state employer notice at least 30 days before the day on which the eligible employee plans to:

2209 (i) begin using postpartum recovery leave under this section; and

2210 (ii) stop using postpartum recovery leave under this section.

2211 (b) If circumstances beyond the eligible employee's control prevent the eligible
2212 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall
2213 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

2214 (5) A state employer may not charge postpartum recovery leave under this section
2215 against sick, annual, or other leave.

2216 (6) A state employer may not compensate an eligible employee for any unused
2217 postpartum recovery leave upon termination of employment.

2218 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave
2219 under this section, the state employer shall ensure that the eligible employee may return to:

2220 (i) the position that the eligible employee held before using postpartum recovery leave;
2221 or

2222 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
2223 and pay to the position that the eligible employee held before using postpartum recovery leave.

2224 (b) If during the time an eligible employee uses postpartum recovery leave under this
2225 section the state employer experiences a reduction in force and, as part of the reduction in
2226 force, the eligible employee would have been separated had the eligible employee not been
2227 using the postpartum recovery leave, the state employer may separate the eligible employee in
2228 accordance with any applicable process or procedure as if the eligible employee were not using

2229 the postpartum recovery leave.

2230 (8) During the time an eligible employee uses postpartum recovery leave under this
2231 section, the eligible employee shall continue to receive all employment related benefits and
2232 payments at the same level that the eligible employee received immediately before beginning
2233 the postpartum leave, provided that the eligible employee pays any required employee
2234 contributions.

2235 (9) A state employer may not:

2236 (a) interfere with or otherwise restrain an eligible employee from using postpartum
2237 recovery leave in accordance with this section; or

2238 (b) take retaliatory action against an eligible employee for using postpartum recovery
2239 leave in accordance with this section.

2240 (10) A state employer shall provide each employee written information regarding an
2241 eligible employee's right to use postpartum recovery leave under this section.

2242 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2243 the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of
2244 postpartum recovery leave under this section, including a schedule that provides paid or
2245 postpartum recovery leave for an eligible employee who is part-time or who works in excess of
2246 a 40-hour work week on a pro rata basis.

2247 Section 29. Section **67-19-14.7 (Effective 07/01/20)** is amended to read:

2248 **67-19-14.7 (Effective 07/01/20). Postpartum recovery leave.**

2249 (1) As used in this section:

2250 (a) "Eligible employee" means an employee who:

2251 (i) is in a position that receives retirement benefits under Title 49, Utah State
2252 Retirement and Insurance Benefit Act;

2253 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

2254 (iii) is not reemployed as defined in Section [49-11-1202](#); and

2255 (iv) gives birth to a child.

2256 (b) "Postpartum recovery leave" means leave hours a state employer provides to an
2257 eligible employee to recover from childbirth.

2258 (c) "Retaliatory action" means to do any of the following to an employee:

2259 (i) dismiss the employee;

- 2260 (ii) reduce the employee's compensation;
- 2261 (iii) fail to increase the employee's compensation by an amount that the employee is
- 2262 otherwise entitled to or was promised;
- 2263 (iv) fail to promote the employee if the employee would have otherwise been
- 2264 promoted; or
- 2265 (v) threaten to take an action described in Subsections [~~(+)(f)(+)~~] (1)(c)(i) through (iv).
- 2266 (d) (i) "State employer" means:
- 2267 (A) a state executive branch agency, including the State Tax Commission, the National
- 2268 Guard, and the Board of Pardons and Parole;
- 2269 (B) the legislative branch of the state; or
- 2270 (C) the judicial branch of the state.
- 2271 (ii) "State employer" does not include:
- 2272 (A) an institute of higher education;
- 2273 (B) the Utah Board of Higher Education;
- 2274 (C) the State Board of Education;
- 2275 (D) an independent entity as defined in Section [63E-1-102](#);
- 2276 (E) the Attorney General's Office;
- 2277 (F) the State Auditor's Office; or
- 2278 (G) the State Treasurer's Office.
- 2279 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible
- 2280 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work
- 2281 week for recovery from childbirth.
- 2282 (b) A state employer shall allow an eligible employee who is part-time or who works in
- 2283 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery
- 2284 leave available to the eligible employee under this section on a pro rata basis as adopted by rule
- 2285 by the department under Subsection (11).
- 2286 (3) (a) Postpartum recovery leave described in Subsection (2):
- 2287 (i) shall be used starting on the day on which the eligible employee gives birth, unless a
- 2288 health care provider certifies that an earlier start date is medically necessary;
- 2289 (ii) shall be used in a single continuous period; and
- 2290 (iii) runs concurrently with any leave authorized under the Family and Medical Leave

2291 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

2292 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not
2293 increase if an eligible employee has more than one child born from the same pregnancy.

2294 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the
2295 state employer notice at least 30 days before the day on which the eligible employee plans to:

2296 (i) begin using postpartum recovery leave under this section; and

2297 (ii) stop using postpartum recovery leave under this section.

2298 (b) If circumstances beyond the eligible employee's control prevent the eligible
2299 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall
2300 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

2301 (5) A state employer may not charge postpartum recovery leave under this section
2302 against sick, annual, or other leave.

2303 (6) A state employer may not compensate an eligible employee for any unused
2304 postpartum recovery leave upon termination of employment.

2305 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave
2306 under this section, the state employer shall ensure that the eligible employee may return to:

2307 (i) the position that the eligible employee held before using postpartum recovery leave;

2308 or

2309 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
2310 and pay to the position that the eligible employee held before using postpartum recovery leave.

2311 (b) If during the time an eligible employee uses postpartum recovery leave under this
2312 section the state employer experiences a reduction in force and, as part of the reduction in
2313 force, the eligible employee would have been separated had the eligible employee not been
2314 using the postpartum recovery leave, the state employer may separate the eligible employee in
2315 accordance with any applicable process or procedure as if the eligible employee were not using
2316 the postpartum recovery leave.

2317 (8) During the time an eligible employee uses postpartum recovery leave under this
2318 section, the eligible employee shall continue to receive all employment related benefits and
2319 payments at the same level that the eligible employee received immediately before beginning
2320 the postpartum leave, provided that the eligible employee pays any required employee
2321 contributions.

2322 (9) A state employer may not:

2323 (a) interfere with or otherwise restrain an eligible employee from using postpartum
2324 recovery leave in accordance with this section; or

2325 (b) take retaliatory action against an eligible employee for using postpartum recovery
2326 leave in accordance with this section.

2327 (10) A state employer shall provide each employee written information regarding an
2328 eligible employee's right to use postpartum recovery leave under this section.

2329 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2330 the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of
2331 postpartum recovery leave under this section, including a schedule that provides paid or
2332 postpartum recovery leave for an eligible employee who is part-time or who works in excess of
2333 a 40-hour work week on a pro rata basis.

2334 Section 30. Section **78A-6-117 (Superseded 07/01/20)** is amended to read:

2335 **78A-6-117 (Superseded 07/01/20). Adjudication of jurisdiction of juvenile court --**
2336 **Disposition of cases -- Enumeration of possible court orders -- Considerations of court.**

2337 (1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within
2338 Section **78A-6-103**, the court shall adjudicate the case and make findings of fact upon which
2339 the court bases the court's jurisdiction over the case.

2340 (b) For a case described in Subsection **78A-6-103(1)**, findings of fact are not necessary.

2341 (c) If the court adjudicates a minor for an offense of violence or an offense in violation
2342 of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be
2343 provided to the school superintendent of the district in which the minor resides or attends
2344 school. Notice shall be made to the district superintendent within three days of the
2345 adjudication and shall include:

2346 (i) the specific offenses for which the minor was adjudicated; and

2347 (ii) if available, whether the victim:

2348 (A) resides in the same school district as the minor; or

2349 (B) attends the same school as the minor.

2350 (d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated
2351 risk and needs assessment.

2352 (ii) Results of the screening or assessment shall be used to inform disposition decisions

2353 and case planning. Assessment results, if available, may not be shared with the court before
2354 adjudication.

2355 (2) Upon adjudication the court may make the following dispositions by court order:

2356 (a) (i) the court may place the minor on probation or under protective supervision in
2357 the minor's own home and upon conditions determined by the court, including community or
2358 compensatory service;

2359 (ii) a condition ordered by the court under Subsection (2)(a)(i):

2360 (A) shall be individualized and address a specific risk or need;

2361 (B) shall be based on information provided to the court, including the results of a
2362 validated risk and needs assessment conducted under Subsection (1)(d);

2363 (C) if the court orders substance abuse treatment or an educational series, shall be
2364 based on a validated risk and needs assessment conducted under Subsection (1)(d); and

2365 (D) if the court orders protective supervision, may not designate the division as the
2366 provider of protective supervision unless there is a petition regarding abuse, neglect, or
2367 dependency before the court requesting that the division provide protective supervision;

2368 (iii) a court may not issue a standard order that contains control-oriented conditions;

2369 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the
2370 minor and not the minor's family;

2371 (v) if the court orders probation, the court may direct that notice of the court's order be
2372 provided to designated individuals in the local law enforcement agency and the school or
2373 transferee school, if applicable, that the minor attends. The designated individuals may receive
2374 the information for purposes of the minor's supervision and student safety; and

2375 (vi) an employee of the local law enforcement agency and the school that the minor
2376 attends who discloses the court's order of probation is not:

2377 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
2378 provided in Section [63G-7-202](#); and

2379 (B) civilly or criminally liable except when the disclosure constitutes a knowing
2380 violation of Section [63G-2-801](#).

2381 (b) The court may place the minor in the legal custody of a relative or other suitable
2382 individual, with or without probation or other court-specified child welfare services, but the
2383 juvenile court may not assume the function of developing foster home services.

2384 (c) The court shall only vest legal custody of the minor in the Division of Juvenile
2385 Justice Services and order the Division of Juvenile Justice Services to provide dispositional
2386 recommendations and services if:

2387 (i) nonresidential treatment options have been exhausted or nonresidential treatment
2388 options are not appropriate; and

2389 (ii) the minor is adjudicated under this section for a felony offense, a misdemeanor
2390 when the minor has five prior misdemeanors or felony adjudications arising from separate
2391 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in
2392 Section [76-1-601](#).

2393 (d) (i) The court may not vest legal custody of a minor in the Division of Juvenile
2394 Justice Services for:

2395 (A) contempt of court except to the extent permitted under Section [78A-6-1101](#);

2396 (B) a violation of probation;

2397 (C) failure to pay a fine, fee, restitution, or other financial obligation;

2398 (D) unfinished compensatory or community service hours;

2399 (E) an infraction; or

2400 (F) a status offense.

2401 (ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may
2402 petition the court to express the minor's desire to be removed from the jurisdiction of the
2403 juvenile court and from the custody of the division if the minor is in the division's custody on
2404 grounds of abuse, neglect, or dependency.

2405 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,
2406 Termination of Parental Rights Act, the minor's petition shall contain a statement from the
2407 minor's parent or guardian agreeing that the minor should be removed from the custody of the
2408 division.

2409 (C) The minor and the minor's parent or guardian shall sign the petition.

2410 (D) The court shall review the petition within 14 days.

2411 (E) The court shall remove the minor from the custody of the division if the minor and
2412 the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B)
2413 and (C) and if the court finds, based on input from the division, the minor's guardian ad litem,
2414 and the Office of the Attorney General, that the minor does not pose an imminent threat to self

2415 or others.

2416 (F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days
2417 of the date of removal, petition the court to re-enter custody of the division.

2418 (G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the
2419 division to take custody of the minor based on the findings the court entered when the court
2420 originally vested custody in the division.

2421 (e) The court shall only commit a minor to the Division of Juvenile Justice Services for
2422 secure confinement if the court finds that:

2423 (i) (A) the minor poses a risk of harm to others; or

2424 (B) the minor's conduct resulted in the victim's death; and

2425 (ii) the minor is adjudicated under this section for:

2426 (A) a felony offense;

2427 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications
2428 arising from separate criminal episodes; or

2429 (C) a misdemeanor involving use of a dangerous weapon as defined in Section
2430 76-1-601.

2431 (f) (i) A minor under the jurisdiction of the court solely on the ground of abuse,
2432 neglect, or dependency under Subsection 78A-6-103(1)(b) may not be committed to the
2433 Division of Juvenile Justice Services.

2434 (ii) The court may not commit a minor to the Division of Juvenile Justice Services for
2435 secure confinement for:

2436 (A) contempt of court;

2437 (B) a violation of probation;

2438 (C) failure to pay a fine, fee, restitution, or other financial obligation;

2439 (D) unfinished compensatory or community service hours;

2440 (E) an infraction; or

2441 (F) a status offense.

2442 (g) The court may order nonresidential, diagnostic assessment, including substance use
2443 disorder, mental health, psychological, or sexual behavior risk assessment.

2444 (h) (i) The court may commit a minor to a place of detention or an alternative to
2445 detention for a period not to exceed 30 cumulative days per adjudication subject to the court

2446 retaining continuing jurisdiction over the minor's case. This commitment may not be
2447 suspended upon conditions ordered by the court.

2448 (ii) This Subsection (2)(h) applies only to a minor adjudicated for:

2449 (A) an act which if committed by an adult would be a criminal offense; or

2450 (B) contempt of court under Section 78A-6-1101.

2451 (iii) The court may not commit a minor to a place of detention for:

2452 (A) contempt of court except to the extent allowed under Section 78A-6-1101;

2453 (B) a violation of probation;

2454 (C) failure to pay a fine, fee, restitution, or other financial obligation;

2455 (D) unfinished compensatory or community service hours;

2456 (E) an infraction; or

2457 (F) a status offense.

2458 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30
2459 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more
2460 than 30 days in a place of detention before disposition, the court may not commit a minor to
2461 detention under this section.

2462 (B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a
2463 maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the
2464 seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.

2465 (v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be
2466 ordered in combination with an order under Subsection (2)(c).

2467 (i) ~~[The]~~ (a) Except as provided in Subsection (2)(i)(b), the court may vest legal
2468 custody of an abused, neglected, or dependent minor in the division or any other appropriate
2469 person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3,
2470 Abuse, Neglect, and Dependency Proceedings.

2471 (b) The court may not vest legal custody of an abused, neglected, or dependent minor
2472 in the division to primarily address the minor's ungovernable or other behavior, mental health,
2473 or disability unless the division:

2474 (i) engages other relevant divisions within the department in conducting an assessment
2475 of the minor's and the minor's family's needs;

2476 (ii) based on the assessment described in Subsection (2)(i)(b)(i), determines that

2477 vesting custody of the minor in the division is the least restrictive intervention for the minor
2478 that meets the minor's needs; and

2479 (iii) consents to legal custody of the minor being vested in the division.

2480 (j) (i) The court may order a minor to repair, replace, or otherwise make restitution for
2481 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to
2482 make restitution.

2483 (ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a
2484 pattern of criminal activity, includes any person directly harmed by the minor's delinquency
2485 conduct in the course of the scheme, conspiracy, or pattern.

2486 (iii) If the victim and the minor agree to participate, the court may refer the case to a
2487 restorative justice program such as victim offender mediation to address how loss resulting
2488 from the adjudicated act may be addressed.

2489 (iv) For the purpose of determining whether and how much restitution is appropriate,
2490 the court shall consider the following:

2491 (A) restitution shall only be ordered for the victim's material loss;

2492 (B) restitution may not be ordered if the court finds that the minor is unable to pay or
2493 acquire the means to pay;

2494 (C) any amount paid by the minor to the victim in civil penalty shall be credited against
2495 restitution owed; and

2496 (D) the length of the presumptive term of supervision shall be taken into account in
2497 determining the minor's ability to satisfy the restitution order within the presumptive term.

2498 (v) Any amount paid to the victim in restitution shall be credited against liability in a
2499 civil suit.

2500 (vi) The court may also require a minor to reimburse an individual, entity, or
2501 governmental agency who offered and paid a reward to a person or persons for providing
2502 information resulting in a court adjudication that the minor is within the jurisdiction of the
2503 juvenile court due to the commission of a criminal offense.

2504 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
2505 court may order the minor to make restitution for costs expended by any governmental entity
2506 for the return.

2507 (viii) Within seven days after the day on which a petition is filed under Section

2508 78A-6-602.5, the prosecuting attorney or the court's probation department shall provide
2509 notification of the restitution process to all reasonably identifiable and locatable victims of an
2510 offense listed in the petition.

2511 (ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for
2512 providing the prosecutor with:

2513 (A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
2514 loss;

2515 (B) all documentation of any compensation or reimbursement from an insurance
2516 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

2517 (C) if applicable, the victim's proof of identification, including the victim's date of
2518 birth, social security number, or driver license number; and

2519 (D) the victim's contact information, including the victim's current home and work
2520 address and telephone number.

2521 (x) A prosecutor or victim shall submit a request for restitution to the court at the time
2522 of disposition, if feasible, otherwise within 90 days after disposition.

2523 (xi) The court shall order a financial disposition that prioritizes the payment of
2524 restitution.

2525 (k) The court may issue orders necessary for the collection of restitution and fines
2526 ordered by the court, including garnishments, wage withholdings, and executions, except for an
2527 order that changes the custody of the minor, including detention or other secure or nonsecure
2528 residential placements.

2529 (l) (i) The court may through the court's probation department encourage the
2530 development of nonresidential employment or work programs to enable a minor to fulfill the
2531 minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the
2532 court.

2533 (ii) Consistent with the order of the court, the probation officer may permit a minor to
2534 participate in a program of work restitution or compensatory service in lieu of paying part or all
2535 of the fine imposed by the court.

2536 (iii) The court may order the minor to:

2537 (A) pay a fine, fee, restitution, or other cost; or

2538 (B) complete service hours.

2539 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to
2540 complete service hours, those dispositions shall be considered collectively to ensure that the
2541 order:

2542 (A) is reasonable;

2543 (B) prioritizes restitution; and

2544 (C) takes into account the minor's ability to satisfy the order within the presumptive
2545 term of supervision.

2546 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service
2547 hours, the cumulative order shall be limited per criminal episode as follows:

2548 (A) for a minor younger than 16 years old at adjudication, the court may impose up to
2549 \$180 or up to 24 hours of service; and

2550 (B) for a minor 16 years old or older at adjudication, the court may impose up to \$270
2551 or up to 36 hours of service.

2552 (vi) The cumulative order under Subsection (2)(l)(v) does not include restitution.

2553 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of
2554 conversion shall be no less than the minimum wage.

2555 (m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds
2556 that as part of the commission of the violation the minor was in actual physical control of a
2557 motor vehicle, the court may, in addition to any other disposition authorized by this section:

2558 (A) restrain the minor from driving for periods of time the court considers necessary;
2559 and

2560 (B) take possession of the minor's driver license.

2561 (ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i)
2562 except for a disposition under Subsection (2)(c), (d), (e), or (f).

2563 (B) The suspension of driving privileges for an offense under Section 78A-6-606 is
2564 governed only by Section 78A-6-606.

2565 (n) (i) The court may order a minor to complete community or compensatory service
2566 hours in accordance with Subsections (2)(l)(iv) and (v).

2567 (ii) When community service is ordered, the presumptive service order shall include
2568 between five and 10 hours of service.

2569 (iii) Satisfactory completion of an approved substance use disorder prevention or

2570 treatment program or other court-ordered condition may be credited by the court as
2571 compensatory service hours.

2572 (iv) When a minor commits an offense involving the use of graffiti under Section
2573 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor
2574 or any other individual at a time and place within the jurisdiction of the court. Compensatory
2575 service ordered under this section may be performed in the presence and under the direct
2576 supervision of the minor's parent or legal guardian. The parent or legal guardian shall report
2577 completion of the order to the court. The court may also require the minor to perform other
2578 alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

2579 (o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

- 2580 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or
- 2581 (B) receive other special care.

2582 (ii) For purposes of receiving the examination, treatment, or care described in
2583 Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is
2584 not a secure facility or secure detention.

2585 (iii) In determining whether to order the examination, treatment, or care described in
2586 Subsection (2)(o)(i), the court shall consider:

- 2587 (A) the desires of the minor;
- 2588 (B) if the minor is younger than 18 years old, the desires of the parents or guardian of
2589 the minor; and
- 2590 (C) whether the potential benefits of the examination, treatment, or care outweigh the
2591 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
2592 function impairment, or emotional or physical harm resulting from the compulsory nature of
2593 the examination, treatment, or care.

2594 (iv) The division shall:

- 2595 (A) take reasonable measures to notify a parent or guardian of any non-emergency
2596 health treatment or care scheduled for a child;
- 2597 (B) include the parent or guardian as fully as possible in making health care decisions
2598 for the child; and
- 2599 (C) defer to the parent's or guardian's reasonable and informed decisions regarding the
2600 child's health care to the extent that the child's health and well being are not unreasonably

2601 compromised by the parent's or guardian's decision.

2602 (v) The division shall notify the parent or guardian of a child within five business days
2603 after a child in the custody of the division receives emergency health care or treatment.

2604 (vi) The division shall use the least restrictive means to accomplish a compelling
2605 interest in the care and treatment of a child described in this Subsection (2)(o).

2606 (p) (i) The court may appoint a guardian for the minor if it appears necessary in the
2607 interest of the minor, and may appoint as guardian a public or private institution or agency, but
2608 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

2609 (ii) In placing a minor under the guardianship or legal custody of an individual or of a
2610 private agency or institution, the court shall give primary consideration to the welfare of the
2611 minor. When practicable, the court may take into consideration the religious preferences of the
2612 minor and of a child's parents.

2613 (q) (i) In support of a decree under Section 78A-6-103, the court may order reasonable
2614 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any
2615 other person who has been made a party to the proceedings. Conditions may include:

2616 (A) parent-time by the parents or one parent;

2617 (B) restrictions on the minor's associates;

2618 (C) restrictions on the minor's occupation and other activities; and

2619 (D) requirements to be observed by the parents or custodian.

2620 (ii) A minor whose parents or guardians successfully complete a family or other
2621 counseling program may be credited by the court for detention, confinement, or probation time.

2622 (r) The court may order the child to be committed to the physical custody of a local
2623 mental health authority, in accordance with the procedures and requirements of Title 62A,
2624 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
2625 Mental Health.

2626 (s) (i) The court may make an order committing a minor within the court's jurisdiction
2627 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
2628 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with
2629 an Intellectual Disability.

2630 (ii) The court shall follow the procedure applicable in the district courts with respect to
2631 judicial commitments to the Utah State Developmental Center when ordering a commitment

2632 under Subsection (2)(s)(i).

2633 (t) The court may terminate all parental rights upon a finding of compliance with Title
2634 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

2635 (u) The court may make other reasonable orders for the best interest of the minor and
2636 as required for the protection of the public, except that a child may not be committed to jail,
2637 prison, secure detention, or the custody of the Division of Juvenile Justice Services under
2638 Subsections (2)(c), (d), (e), and (f).

2639 (v) The court may combine the dispositions listed in this section if it is permissible and
2640 they are compatible.

2641 (w) Before depriving any parent of custody, the court shall give due consideration to
2642 the rights of parents concerning their child. ~~[The]~~ Except as provided in Subsection (2)(i)(b),
2643 the court may transfer custody of a minor to another individual, agency, or institution in
2644 accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse,
2645 Neglect, and Dependency Proceedings.

2646 (x) Except as provided in Subsection (2)(z)(i), an order under this section for probation
2647 or placement of a minor with an individual or an agency shall include a date certain for a
2648 review and presumptive termination of the case by the court in accordance with Subsection (6)
2649 and Section [62A-7-404.5](#). A new date shall be set upon each review.

2650 (y) In reviewing foster home placements, special attention shall be given to making
2651 adoptable children available for adoption without delay.

2652 (z) (i) The juvenile court may enter an order of permanent custody and guardianship
2653 with an individual or relative of a child where the court has previously acquired jurisdiction as
2654 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
2655 order for child support on behalf of the child against the natural or adoptive parents of the
2656 child.

2657 (ii) Orders under Subsection (2)(z)(i):

2658 (A) shall remain in effect until the child reaches majority;

2659 (B) are not subject to review under Section [78A-6-118](#); and

2660 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

2661 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
2662 permanent orders of custody and guardianship do not expire with a termination of jurisdiction

2663 of the juvenile court.

2664 (3) If a court adjudicates a minor for an offense, the minor may be given a choice by
2665 the court to serve in the National Guard in lieu of other sanctions described in Subsection (2)
2666 if:

2667 (a) the minor meets the current entrance qualifications for service in the National
2668 Guard as determined by a recruiter, whose determination is final;

2669 (b) the offense:

2670 (i) would be a felony if committed by an adult;

2671 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

2672 (iii) was committed with a weapon; and

2673 (c) the court retains jurisdiction over the minor's case under conditions set by the court
2674 and agreed upon by the recruiter or the unit commander to which the minor is eventually
2675 assigned.

2676 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
2677 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
2678 designated employees of the court or, if the minor is in the legal custody of the Division of
2679 Juvenile Justice Services, then by designated employees of the division under Subsection
2680 53-10-404(5)(b).

2681 (b) The responsible agency shall ensure that an employee designated to collect the
2682 saliva DNA specimens receives appropriate training and that the specimens are obtained in
2683 accordance with accepted protocol.

2684 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
2685 Specimen Restricted Account created in Section 53-10-407.

2686 (d) Payment of the reimbursement is second in priority to payments the minor is
2687 ordered to make for restitution under this section and treatment under Section 78A-6-321.

2688 (5) (a) A disposition made by the court in accordance with this section may not be
2689 suspended, except for the following:

2690 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services
2691 under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection
2692 (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new
2693 misdemeanor or felony offense during the three months following the day of disposition.

2694 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not
2695 exceed three months post-disposition and may not be extended under any circumstance.

2696 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

2697 (A) following adjudication of a new misdemeanor or felony offense committed by the
2698 minor during the period of suspension set out under Subsection (5)(a)(ii);

2699 (B) if a new assessment or evaluation has been completed and recommends that a
2700 higher level of care is needed and nonresidential treatment options have been exhausted or
2701 nonresidential treatment options are not appropriate; or

2702 (C) if, after a notice and a hearing, the court finds a new or previous evaluation
2703 recommends a higher level of treatment, and the minor willfully failed to comply with a lower
2704 level of treatment and has been unsuccessfully discharged from treatment.

2705 (iv) A suspended custody order may not be imposed without notice to the minor, notice
2706 to counsel, and a hearing.

2707 (b) The court in accordance with Subsection (5)(a) shall terminate continuing
2708 jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the
2709 following circumstances exists:

2710 (i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion
2711 of a program determined to be necessary by the results of a validated risk and needs assessment
2712 with completion found by the court after considering the recommendation of a licensed service
2713 provider on the basis of the minor completing the goals of the necessary treatment program;

2714 (ii) the minor commits a new misdemeanor or felony offense;

2715 (iii) service hours have not been completed; or

2716 (iv) there is an outstanding fine.

2717 (6) When the court places a minor on probation under Subsection (2)(a) or vests legal
2718 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the
2719 court shall do so for a defined period of time in accordance with this section.

2720 (a) In placing a minor on probation under Subsection (2)(a), the court shall establish a
2721 presumptive term of probation as specified in this Subsection (6):

2722 (i) the presumptive length of intake probation may not exceed three months; and

2723 (ii) the presumptive length of formal probation may not exceed four to six months.

2724 (b) In vesting legal custody of the minor in the Division of Juvenile Justice Services

2725 under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a
2726 maximum term of aftercare as specified in this Subsection (6):

2727 (i) the presumptive length of out-of-home placement may not exceed three to six
2728 months; and

2729 (ii) the presumptive length of aftercare supervision, for those previously placed
2730 out-of-home, may not exceed three to four months, and minors may serve the term of aftercare
2731 in the home of a qualifying relative or guardian or at an independent living program contracted
2732 or operated by the Division of Juvenile Justice Services.

2733 (c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole
2734 Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a
2735 minor's case at the end of the presumptive time frame unless at least one of the following
2736 circumstances exists:

2737 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a
2738 court ordered program determined to be necessary by the results of a validated assessment, with
2739 completion found by the court after considering the recommendations of a licensed service
2740 provider or facilitator of court ordered treatment or intervention program on the basis of the
2741 minor completing the goals of the necessary treatment program;

2742 (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the
2743 completion of a program determined to be necessary by the results of a validated assessment,
2744 with completion determined on the basis of whether the minor has regularly and consistently
2745 attended the treatment program and completed the goals of the necessary treatment program as
2746 determined by the court or Youth Parole Authority after considering the recommendation of a
2747 licensed service provider or facilitator of court ordered treatment or intervention program;

2748 (iii) the minor commits a new misdemeanor or felony offense;

2749 (iv) service hours have not been completed;

2750 (v) there is an outstanding fine; or

2751 (vi) there is a failure to pay restitution in full.

2752 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
2753 exists, the court may extend jurisdiction for the time needed to address the specific
2754 circumstance.

2755 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)

2756 exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend
2757 jurisdiction for the time needed to address the specific circumstance.

2758 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth
2759 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one
2760 time for up to three months.

2761 (f) Grounds for extension of the presumptive length of supervision or placement and
2762 the length of any extension shall be recorded in the court record or records of the Youth Parole
2763 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by
2764 the Administrative Office of the Courts and the Division of Juvenile Justice Services.

2765 (g) (i) For a minor who is under the supervision of the juvenile court and whose
2766 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
2767 continued under the supervision of intake probation.

2768 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose
2769 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
2770 continued on parole and not in secure confinement.

2771 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision
2772 period shall toll until the minor returns.

2773 (7) Subsection (6) does not apply to any minor adjudicated under this section for:

2774 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

2775 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

2776 (c) Section 76-5-203, murder or attempted murder;

2777 (d) Section 76-5-205, manslaughter;

2778 (e) Section 76-5-206, negligent homicide;

2779 (f) Section 76-5-207, automobile homicide;

2780 (g) Section 76-5-207.5, automobile homicide involving handheld wireless
2781 communication device;

2782 (h) Section 76-5-208, child abuse homicide;

2783 (i) Section 76-5-209, homicide by assault;

2784 (j) Section 76-5-302, aggravated kidnapping;

2785 (k) Section 76-5-405, aggravated sexual assault;

2786 (l) a felony violation of Section 76-6-103, aggravated arson;

- 2787 (m) Section 76-6-203, aggravated burglary;
- 2788 (n) Section 76-6-302, aggravated robbery;
- 2789 (o) Section 76-10-508.1, felony discharge of a firearm;
- 2790 (p) (i) an offense other than an offense listed in Subsections (7)(a) through (o)
- 2791 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
- 2792 (ii) the minor has been previously adjudicated or convicted of an offense involving the
- 2793 use of a dangerous weapon; or
- 2794 (q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and
- 2795 the minor has been previously committed to the custody of the Division of Juvenile Justice
- 2796 Services for secure confinement.

2797 Section 31. Section 78A-6-117 (Effective 07/01/20) is amended to read:

2798 **78A-6-117 (Effective 07/01/20). Adjudication of jurisdiction of juvenile court --**
2799 **Disposition of cases -- Enumeration of possible court orders -- Considerations of court.**

2800 (1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within
2801 Section 78A-6-103, the court shall adjudicate the case and make findings of fact upon which
2802 the court bases the court's jurisdiction over the case.

2803 (b) For a case described in Subsection 78A-6-103(1), findings of fact are not necessary.

2804 (c) If the court adjudicates a minor for an offense of violence or an offense in violation
2805 of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be
2806 provided to the school superintendent of the district in which the minor resides or attends
2807 school. Notice shall be made to the district superintendent within three days of the
2808 adjudication and shall include:

2809 (i) the specific offenses for which the minor was adjudicated; and

2810 (ii) if available, whether the victim:

2811 (A) resides in the same school district as the minor; or

2812 (B) attends the same school as the minor.

2813 (d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated
2814 risk and needs assessment.

2815 (ii) Results of the screening or assessment shall be used to inform disposition decisions
2816 and case planning. Assessment results, if available, may not be shared with the court before
2817 adjudication.

2818 (2) Upon adjudication the court may make the following dispositions by court order:

2819 (a) (i) the court may place the minor on probation or under protective supervision in
2820 the minor's own home and upon conditions determined by the court, including community or
2821 compensatory service;

2822 (ii) a condition ordered by the court under Subsection (2)(a)(i):

2823 (A) shall be individualized and address a specific risk or need;

2824 (B) shall be based on information provided to the court, including the results of a
2825 validated risk and needs assessment conducted under Subsection (1)(d);

2826 (C) if the court orders substance abuse treatment or an educational series, shall be
2827 based on a validated risk and needs assessment conducted under Subsection (1)(d); and

2828 (D) if the court orders protective supervision, may not designate the division as the
2829 provider of protective supervision unless there is a petition regarding abuse, neglect, or
2830 dependency before the court requesting that the division provide protective supervision;

2831 (iii) a court may not issue a standard order that contains control-oriented conditions;

2832 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the
2833 minor and not the minor's family;

2834 (v) if the court orders probation, the court may direct that notice of the court's order be
2835 provided to designated individuals in the local law enforcement agency and the school or
2836 transferee school, if applicable, that the minor attends. The designated individuals may receive
2837 the information for purposes of the minor's supervision and student safety; and

2838 (vi) an employee of the local law enforcement agency and the school that the minor
2839 attends who discloses the court's order of probation is not:

2840 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
2841 provided in Section [63G-7-202](#); and

2842 (B) civilly or criminally liable except when the disclosure constitutes a knowing
2843 violation of Section [63G-2-801](#).

2844 (b) The court may place the minor in the legal custody of a relative or other suitable
2845 individual, with or without probation or other court-specified child welfare services, but the
2846 juvenile court may not assume the function of developing foster home services.

2847 (c) The court shall only vest legal custody of the minor in the Division of Juvenile
2848 Justice Services and order the Division of Juvenile Justice Services to provide dispositional

2849 recommendations and services if:

2850 (i) nonresidential treatment options have been exhausted or nonresidential treatment
2851 options are not appropriate; and

2852 (ii) the minor is adjudicated under this section for a felony offense, a misdemeanor
2853 when the minor has five prior misdemeanors or felony adjudications arising from separate
2854 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in
2855 Section 76-1-601.

2856 (d) (i) The court may not vest legal custody of a minor in the Division of Juvenile
2857 Justice Services for:

2858 (A) contempt of court except to the extent permitted under Section 78A-6-1101;

2859 (B) a violation of probation;

2860 (C) failure to pay a fine, fee, restitution, or other financial obligation;

2861 (D) unfinished compensatory or community service hours;

2862 (E) an infraction; or

2863 (F) a status offense.

2864 (ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may
2865 petition the court to express the minor's desire to be removed from the jurisdiction of the
2866 juvenile court and from the custody of the division if the minor is in the division's custody on
2867 grounds of abuse, neglect, or dependency.

2868 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,
2869 Termination of Parental Rights Act, the minor's petition shall contain a statement from the
2870 minor's parent or guardian agreeing that the minor should be removed from the custody of the
2871 division.

2872 (C) The minor and the minor's parent or guardian shall sign the petition.

2873 (D) The court shall review the petition within 14 days.

2874 (E) The court shall remove the minor from the custody of the division if the minor and
2875 the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B)
2876 and (C) and if the court finds, based on input from the division, the minor's guardian ad litem,
2877 and the Office of the Attorney General, that the minor does not pose an imminent threat to self
2878 or others.

2879 (F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days

2880 of the date of removal, petition the court to re-enter custody of the division.

2881 (G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the
2882 division to take custody of the minor based on the findings the court entered when the court
2883 originally vested custody in the division.

2884 (e) The court shall only commit a minor to the Division of Juvenile Justice Services for
2885 secure confinement if the court finds that:

2886 (i) (A) the minor poses a risk of harm to others; or

2887 (B) the minor's conduct resulted in the victim's death; and

2888 (ii) the minor is adjudicated under this section for:

2889 (A) a felony offense;

2890 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications
2891 arising from separate criminal episodes; or

2892 (C) a misdemeanor involving use of a dangerous weapon as defined in Section
2893 [76-1-601](#).

2894 (f) (i) A minor under the jurisdiction of the court solely on the ground of abuse,
2895 neglect, or dependency under Subsection [78A-6-103\(1\)\(b\)](#) may not be committed to the
2896 Division of Juvenile Justice Services.

2897 (ii) The court may not commit a minor to the Division of Juvenile Justice Services for
2898 secure confinement for:

2899 (A) contempt of court;

2900 (B) a violation of probation;

2901 (C) failure to pay a fine, fee, restitution, or other financial obligation;

2902 (D) unfinished compensatory or community service hours;

2903 (E) an infraction; or

2904 (F) a status offense.

2905 (g) The court may order nonresidential, diagnostic assessment, including substance use
2906 disorder, mental health, psychological, or sexual behavior risk assessment.

2907 (h) (i) The court may commit a minor to a place of detention or an alternative to
2908 detention for a period not to exceed 30 cumulative days per adjudication subject to the court
2909 retaining continuing jurisdiction over the minor's case. This commitment may not be
2910 suspended upon conditions ordered by the court.

- 2911 (ii) This Subsection (2)(h) applies only to a minor adjudicated for:
2912 (A) an act which if committed by an adult would be a criminal offense; or
2913 (B) contempt of court under Section 78A-6-1101.
- 2914 (iii) The court may not commit a minor to a place of detention for:
2915 (A) contempt of court except to the extent allowed under Section 78A-6-1101;
2916 (B) a violation of probation;
2917 (C) failure to pay a fine, fee, restitution, or other financial obligation;
2918 (D) unfinished compensatory or community service hours;
2919 (E) an infraction; or
2920 (F) a status offense.
- 2921 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30
2922 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more
2923 than 30 days in a place of detention before disposition, the court may not commit a minor to
2924 detention under this section.
- 2925 (B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a
2926 maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the
2927 seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.
- 2928 (v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be
2929 ordered in combination with an order under Subsection (2)(c).
- 2930 (i) ~~The~~ (a) Except as provided in Subsection (2)(i)(b), the court may vest legal
2931 custody of an abused, neglected, or dependent minor in the division or any other appropriate
2932 person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3,
2933 Abuse, Neglect, and Dependency Proceedings.
- 2934 (b) The court may not vest legal custody of an abused, neglected, or dependent minor
2935 in the division to primarily address the minor's ungovernable or other behavior, mental health,
2936 or disability unless the division:
- 2937 (i) engages other relevant divisions within the department in conducting an assessment
2938 of the minor's and the minor's family's needs;
- 2939 (ii) based on the assessment described in Subsection (2)(i)(b)(i), determines that
2940 vesting custody of the minor in the division is the least restrictive intervention for the minor
2941 that meets the minor's needs; and

2942 (iii) consents to legal custody of the minor being vested in the division.
2943 (j) (i) The court may order a minor to repair, replace, or otherwise make restitution for
2944 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to
2945 make restitution.
2946 (ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a
2947 pattern of criminal activity, includes any person directly harmed by the minor's delinquency
2948 conduct in the course of the scheme, conspiracy, or pattern.
2949 (iii) If the victim and the minor agree to participate, the court may refer the case to a
2950 restorative justice program such as victim offender mediation to address how loss resulting
2951 from the adjudicated act may be addressed.
2952 (iv) For the purpose of determining whether and how much restitution is appropriate,
2953 the court shall consider the following:
2954 (A) restitution shall only be ordered for the victim's material loss;
2955 (B) restitution may not be ordered if the court finds that the minor is unable to pay or
2956 acquire the means to pay;
2957 (C) any amount paid by the minor to the victim in civil penalty shall be credited against
2958 restitution owed; and
2959 (D) the length of the presumptive term of supervision shall be taken into account in
2960 determining the minor's ability to satisfy the restitution order within the presumptive term.
2961 (v) Any amount paid to the victim in restitution shall be credited against liability in a
2962 civil suit.
2963 (vi) The court may also require a minor to reimburse an individual, entity, or
2964 governmental agency who offered and paid a reward to a person or persons for providing
2965 information resulting in a court adjudication that the minor is within the jurisdiction of the
2966 juvenile court due to the commission of a criminal offense.
2967 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
2968 court may order the minor to make restitution for costs expended by any governmental entity
2969 for the return.
2970 (viii) Within seven days after the day on which a petition is filed under Section
2971 [78A-6-602.5](#), the prosecuting attorney or the court's probation department shall provide
2972 notification of the restitution process to all reasonably identifiable and locatable victims of an

2973 offense listed in the petition.

2974 (ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for
2975 providing the prosecutor with:

2976 (A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
2977 loss;

2978 (B) all documentation of any compensation or reimbursement from an insurance
2979 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

2980 (C) if applicable, the victim's proof of identification, including the victim's date of
2981 birth, social security number, or driver license number; and

2982 (D) the victim's contact information, including the victim's current home and work
2983 address and telephone number.

2984 (x) A prosecutor or victim shall submit a request for restitution to the court at the time
2985 of disposition, if feasible, otherwise within 90 days after disposition.

2986 (xi) The court shall order a financial disposition that prioritizes the payment of
2987 restitution.

2988 (k) The court may issue orders necessary for the collection of restitution and fines
2989 ordered by the court, including garnishments, wage withholdings, and executions, except for an
2990 order that changes the custody of the minor, including detention or other secure or nonsecure
2991 residential placements.

2992 (l) (i) The court may through the court's probation department encourage the
2993 development of nonresidential employment or work programs to enable a minor to fulfill the
2994 minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the
2995 court.

2996 (ii) Consistent with the order of the court, the probation officer may permit a minor to
2997 participate in a program of work restitution or compensatory service in lieu of paying part or all
2998 of the fine imposed by the court.

2999 (iii) The court may order the minor to:

3000 (A) pay a fine, fee, restitution, or other cost; or

3001 (B) complete service hours.

3002 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to
3003 complete service hours, those dispositions shall be considered collectively to ensure that the

3004 order:

3005 (A) is reasonable;

3006 (B) prioritizes restitution; and

3007 (C) takes into account the minor's ability to satisfy the order within the presumptive

3008 term of supervision.

3009 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service

3010 hours, the cumulative order shall be limited per criminal episode as follows:

3011 (A) for a minor younger than 16 years old at adjudication, the court may impose up to

3012 \$190 or up to 24 hours of service; and

3013 (B) for a minor 16 years old or older at adjudication, the court may impose up to \$280

3014 or up to 36 hours of service.

3015 (vi) The cumulative order under Subsection (2)(l)(v) does not include restitution.

3016 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of

3017 conversion shall be no less than the minimum wage.

3018 (m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds

3019 that as part of the commission of the violation the minor was in actual physical control of a

3020 motor vehicle, the court may, in addition to any other disposition authorized by this section:

3021 (A) restrain the minor from driving for periods of time the court considers necessary;

3022 and

3023 (B) take possession of the minor's driver license.

3024 (ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i)

3025 except for a disposition under Subsection (2)(c), (d), (e), or (f).

3026 (B) The suspension of driving privileges for an offense under Section [78A-6-606](#) is

3027 governed only by Section [78A-6-606](#).

3028 (n) (i) The court may order a minor to complete community or compensatory service

3029 hours in accordance with Subsections (2)(l)(iv) and (v).

3030 (ii) When community service is ordered, the presumptive service order shall include

3031 between five and 10 hours of service.

3032 (iii) Satisfactory completion of an approved substance use disorder prevention or

3033 treatment program or other court-ordered condition may be credited by the court as

3034 compensatory service hours.

3035 (iv) When a minor commits an offense involving the use of graffiti under Section
3036 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor
3037 or any other individual at a time and place within the jurisdiction of the court. Compensatory
3038 service ordered under this section may be performed in the presence and under the direct
3039 supervision of the minor's parent or legal guardian. The parent or legal guardian shall report
3040 completion of the order to the court. The court may also require the minor to perform other
3041 alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

3042 (o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

3043 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

3044 (B) receive other special care.

3045 (ii) For purposes of receiving the examination, treatment, or care described in
3046 Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is
3047 not a secure facility or secure detention.

3048 (iii) In determining whether to order the examination, treatment, or care described in
3049 Subsection (2)(o)(i), the court shall consider:

3050 (A) the desires of the minor;

3051 (B) if the minor is younger than 18 years old, the desires of the parents or guardian of
3052 the minor; and

3053 (C) whether the potential benefits of the examination, treatment, or care outweigh the
3054 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
3055 function impairment, or emotional or physical harm resulting from the compulsory nature of
3056 the examination, treatment, or care.

3057 (iv) The division shall:

3058 (A) take reasonable measures to notify a parent or guardian of any non-emergency
3059 health treatment or care scheduled for a child;

3060 (B) include the parent or guardian as fully as possible in making health care decisions
3061 for the child; and

3062 (C) defer to the parent's or guardian's reasonable and informed decisions regarding the
3063 child's health care to the extent that the child's health and well being are not unreasonably
3064 compromised by the parent's or guardian's decision.

3065 (v) The division shall notify the parent or guardian of a child within five business days

3066 after a child in the custody of the division receives emergency health care or treatment.

3067 (vi) The division shall use the least restrictive means to accomplish a compelling
3068 interest in the care and treatment of a child described in this Subsection (2)(o).

3069 (p) (i) The court may appoint a guardian for the minor if it appears necessary in the
3070 interest of the minor, and may appoint as guardian a public or private institution or agency, but
3071 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

3072 (ii) In placing a minor under the guardianship or legal custody of an individual or of a
3073 private agency or institution, the court shall give primary consideration to the welfare of the
3074 minor. When practicable, the court may take into consideration the religious preferences of the
3075 minor and of a child's parents.

3076 (q) (i) In support of a decree under Section [78A-6-103](#), the court may order reasonable
3077 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any
3078 other person who has been made a party to the proceedings. Conditions may include:

3079 (A) parent-time by the parents or one parent;

3080 (B) restrictions on the minor's associates;

3081 (C) restrictions on the minor's occupation and other activities; and

3082 (D) requirements to be observed by the parents or custodian.

3083 (ii) A minor whose parents or guardians successfully complete a family or other
3084 counseling program may be credited by the court for detention, confinement, or probation time.

3085 (r) The court may order the child to be committed to the physical custody of a local
3086 mental health authority, in accordance with the procedures and requirements of Title 62A,
3087 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
3088 Mental Health.

3089 (s) (i) The court may make an order committing a minor within the court's jurisdiction
3090 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
3091 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with
3092 an Intellectual Disability.

3093 (ii) The court shall follow the procedure applicable in the district courts with respect to
3094 judicial commitments to the Utah State Developmental Center when ordering a commitment
3095 under Subsection (2)(s)(i).

3096 (t) The court may terminate all parental rights upon a finding of compliance with Title

3097 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

3098 (u) The court may make other reasonable orders for the best interest of the minor and
3099 as required for the protection of the public, except that a child may not be committed to jail,
3100 prison, secure detention, or the custody of the Division of Juvenile Justice Services under
3101 Subsections (2)(c), (d), (e), and (f).

3102 (v) The court may combine the dispositions listed in this section if it is permissible and
3103 they are compatible.

3104 (w) Before depriving any parent of custody, the court shall give due consideration to
3105 the rights of parents concerning their child. ~~[The]~~ Except as provided in Subsection (2)(i)(b),
3106 the court may transfer custody of a minor to another individual, agency, or institution in
3107 accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse,
3108 Neglect, and Dependency Proceedings.

3109 (x) Except as provided in Subsection (2)(z)(i), an order under this section for probation
3110 or placement of a minor with an individual or an agency shall include a date certain for a
3111 review and presumptive termination of the case by the court in accordance with Subsection (6)
3112 and Section [62A-7-404.5](#). A new date shall be set upon each review.

3113 (y) In reviewing foster home placements, special attention shall be given to making
3114 adoptable children available for adoption without delay.

3115 (z) (i) The juvenile court may enter an order of permanent custody and guardianship
3116 with an individual or relative of a child where the court has previously acquired jurisdiction as
3117 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
3118 order for child support on behalf of the child against the natural or adoptive parents of the
3119 child.

3120 (ii) Orders under Subsection (2)(z)(i):

3121 (A) shall remain in effect until the child reaches majority;

3122 (B) are not subject to review under Section [78A-6-118](#); and

3123 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

3124 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
3125 permanent orders of custody and guardianship do not expire with a termination of jurisdiction
3126 of the juvenile court.

3127 (3) If a court adjudicates a minor for an offense, the minor may be given a choice by the

3128 court to serve in the National Guard in lieu of other sanctions described in Subsection (2) if:

3129 (a) the minor meets the current entrance qualifications for service in the National
3130 Guard as determined by a recruiter, whose determination is final;

3131 (b) the offense:

3132 (i) would be a felony if committed by an adult;

3133 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

3134 (iii) was committed with a weapon; and

3135 (c) the court retains jurisdiction over the minor's case under conditions set by the court
3136 and agreed upon by the recruiter or the unit commander to which the minor is eventually
3137 assigned.

3138 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
3139 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
3140 designated employees of the court or, if the minor is in the legal custody of the Division of
3141 Juvenile Justice Services, then by designated employees of the division under Subsection
3142 53-10-404(5)(b).

3143 (b) The responsible agency shall ensure that an employee designated to collect the
3144 saliva DNA specimens receives appropriate training and that the specimens are obtained in
3145 accordance with accepted protocol.

3146 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
3147 Specimen Restricted Account created in Section 53-10-407.

3148 (d) Payment of the reimbursement is second in priority to payments the minor is
3149 ordered to make for restitution under this section and treatment under Section 78A-6-321.

3150 (5) (a) A disposition made by the court in accordance with this section may not be
3151 suspended, except for the following:

3152 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services
3153 under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection
3154 (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new
3155 misdemeanor or felony offense during the three months following the day of disposition.

3156 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not
3157 exceed three months post-disposition and may not be extended under any circumstance.

3158 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

3159 (A) following adjudication of a new misdemeanor or felony offense committed by the
3160 minor during the period of suspension set out under Subsection (5)(a)(ii);

3161 (B) if a new assessment or evaluation has been completed and recommends that a
3162 higher level of care is needed and nonresidential treatment options have been exhausted or
3163 nonresidential treatment options are not appropriate; or

3164 (C) if, after a notice and a hearing, the court finds a new or previous evaluation
3165 recommends a higher level of treatment, and the minor willfully failed to comply with a lower
3166 level of treatment and has been unsuccessfully discharged from treatment.

3167 (iv) A suspended custody order may not be imposed without notice to the minor, notice
3168 to counsel, and a hearing.

3169 (b) The court in accordance with Subsection (5)(a) shall terminate continuing
3170 jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the
3171 following circumstances exists:

3172 (i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion
3173 of a program determined to be necessary by the results of a validated risk and needs assessment
3174 with completion found by the court after considering the recommendation of a licensed service
3175 provider on the basis of the minor completing the goals of the necessary treatment program;

3176 (ii) the minor commits a new misdemeanor or felony offense;

3177 (iii) service hours have not been completed; or

3178 (iv) there is an outstanding fine.

3179 (6) When the court places a minor on probation under Subsection (2)(a) or vests legal
3180 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the
3181 court shall do so for a defined period of time in accordance with this section.

3182 (a) In placing a minor on probation under Subsection (2)(a), the court shall establish a
3183 presumptive term of probation as specified in this Subsection (6):

3184 (i) the presumptive length of intake probation may not exceed three months; and

3185 (ii) the presumptive length of formal probation may not exceed four to six months.

3186 (b) In vesting legal custody of the minor in the Division of Juvenile Justice Services
3187 under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a
3188 maximum term of aftercare as specified in this Subsection (6):

3189 (i) the presumptive length of out-of-home placement may not exceed three to six

3190 months; and

3191 (ii) the presumptive length of aftercare supervision, for those previously placed
3192 out-of-home, may not exceed three to four months, and minors may serve the term of aftercare
3193 in the home of a qualifying relative or guardian or at an independent living program contracted
3194 or operated by the Division of Juvenile Justice Services.

3195 (c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole
3196 Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a
3197 minor's case at the end of the presumptive time frame unless at least one of the following
3198 circumstances exists:

3199 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a
3200 court ordered program determined to be necessary by the results of a validated assessment, with
3201 completion found by the court after considering the recommendations of a licensed service
3202 provider or facilitator of court ordered treatment or intervention program on the basis of the
3203 minor completing the goals of the necessary treatment program;

3204 (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the
3205 completion of a program determined to be necessary by the results of a validated assessment,
3206 with completion determined on the basis of whether the minor has regularly and consistently
3207 attended the treatment program and completed the goals of the necessary treatment program as
3208 determined by the court or Youth Parole Authority after considering the recommendation of a
3209 licensed service provider or facilitator of court ordered treatment or intervention program;

3210 (iii) the minor commits a new misdemeanor or felony offense;

3211 (iv) service hours have not been completed;

3212 (v) there is an outstanding fine; or

3213 (vi) there is a failure to pay restitution in full.

3214 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
3215 exists, the court may extend jurisdiction for the time needed to address the specific
3216 circumstance.

3217 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
3218 exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend
3219 jurisdiction for the time needed to address the specific circumstance.

3220 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth

3221 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one
3222 time for up to three months.

3223 (f) Grounds for extension of the presumptive length of supervision or placement and
3224 the length of any extension shall be recorded in the court record or records of the Youth Parole
3225 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by
3226 the Administrative Office of the Courts and the Division of Juvenile Justice Services.

3227 (g) (i) For a minor who is under the supervision of the juvenile court and whose
3228 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
3229 continued under the supervision of intake probation.

3230 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose
3231 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
3232 continued on parole and not in secure confinement.

3233 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision
3234 period shall toll until the minor returns.

3235 (7) Subsection (6) does not apply to any minor adjudicated under this section for:

3236 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

3237 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

3238 (c) Section 76-5-203, murder or attempted murder;

3239 (d) Section 76-5-205, manslaughter;

3240 (e) Section 76-5-206, negligent homicide;

3241 (f) Section 76-5-207, automobile homicide;

3242 (g) Section 76-5-207.5, automobile homicide involving handheld wireless
3243 communication device;

3244 (h) Section 76-5-208, child abuse homicide;

3245 (i) Section 76-5-209, homicide by assault;

3246 (j) Section 76-5-302, aggravated kidnapping;

3247 (k) Section 76-5-405, aggravated sexual assault;

3248 (l) a felony violation of Section 76-6-103, aggravated arson;

3249 (m) Section 76-6-203, aggravated burglary;

3250 (n) Section 76-6-302, aggravated robbery;

3251 (o) Section 76-10-508.1, felony discharge of a firearm;

3252 (p) (i) an offense other than an offense listed in Subsections (7)(a) through (o)
3253 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
3254 (ii) the minor has been previously adjudicated or convicted of an offense involving the
3255 use of a dangerous weapon; or
3256 (q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and
3257 the minor has been previously committed to the custody of the Division of Juvenile Justice
3258 Services for secure confinement.

3259 Section 32. **Repealer.**

3260 This bill repeals:

3261 Section 31A-22-654, **Study of coverage for in vitro fertilization and genetic testing**
3262 **-- Reporting -- Coverage requirements.**

3263 Section 49-20-420, **Coverage for in vitro fertilization and genetic testing.**

3264 Section 33. **Effective date.**

3265 (1) Except as provided in Subsections (2) and (3), if approved by two-thirds of all the
3266 members elected to each house, this bill takes effect upon approval by the governor, or the day
3267 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the
3268 governor's signature, or in the case of a veto, the date of veto override.

3269 (2) If approved by two-thirds of all members elected to each house, the changes to the
3270 following sections take effect on July 1, 2020:

3271 (a) Section 51-9-201 (Effective 07/01/20);

3272 (b) Section 59-14-807 (Effective 07/01/20);

3273 (c) Section 63J-1-602.2 (Effective 07/01/20);

3274 (d) Section 67-19-14.7 (Superseded 7/1/2020); and

3275 (e) Section 78A-6-117 (Effective 07/01/20).

3276 (3) Section 67-19-14.7 (Effective 7/1/2020), takes effect on July 1, 2021.