

Senator Jerry W. Stevenson proposes the following substitute bill:

**STATUTORY ADJUSTMENTS RELATED TO BUDGET
CHANGES**

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ to facilitate modifications made during the 2020 Fifth Special Session to the budgets for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and the fiscal year beginning July 1, 2020, and ending June 30, 2021:
 - allows funds in the Waste Tire Recycling Fund to be used for Department of Environmental Quality operational costs under certain circumstances;
 - deletes provisions requiring the lieutenant governor to print and distribute the Voter Information Pamphlet and requires the lieutenant governor to publish the Voter Information Pamphlet online;
 - deletes provisions relating to the Department of Health's increase in premium subsidies under the Utah Premium Partnership for Health Insurance Program for



26 the fiscal year beginning July 1, 2020, and ending June 30, 2021;

27 • allows certain funds in the Hospital Provider Assessment Expendable Revenue

28 Fund to be transferred to the General Fund during the fiscal year beginning July

29 1, 2019, and ending June 30, 2020;

30 • allows certain funds in the Ambulance Service Provider Assessment

31 Expendable Revenue Fund to be transferred to the General Fund during the

32 fiscal year beginning July 1, 2019, and ending June 30, 2020;

33 • modifies the purposes for which the Liquor Control Fund may be used and the

34 percentage of revenue from the sale of liquor that is credited to the Liquor

35 Control Fund;

36 • modifies the percentage of revenue from the sale of liquor that is credited to the

37 Alcoholic Beverage Control Act Enforcement Fund;

38 • modifies the percentage of revenue from the sale of liquor that is credited to the

39 Underage Drinking Prevention Media and Education Campaign Restricted

40 Account;

41 • increases the total legislative appropriations that may be made annually from the

42 Uninsured Motorist Identification Restricted Account to the Peace Officer

43 Standards and Training Division;

44 • increases the total legislative appropriations that may be made annually to the

45 Department of Health from the Tobacco Settlement Restricted Account for

46 certain child dental and health benefits;

47 • reduces the total legislative appropriations that may be made annually to the

48 Department of Health from the Tobacco Settlement Restricted Account for

49 certain drug prevention programs;

50 • allows the Division of Emergency Management to transfer a certain amount

51 from the State Disaster Recovery Restricted Account to the governor's

52 emergency appropriations during the fiscal year beginning July 1, 2020, and

53 ending June 30, 2021;

54 • requires the Division of Finance to transfer a certain portion of sales and use tax

55 revenue allocated to the Transportation Investment Fund of 2005 to the General

56 Fund;

- 57 • increases the total legislative appropriations that may be made annually to the
- 58 Department of Health from the Electronic Cigarette Substance and Nicotine
- 59 Product Restricted Account for certain drug prevention programs;
- 60 • requires law enforcement to provide a final investigatory report regarding child
- 61 abuse or neglect to the Division of Child and Family Services upon request and
- 62 modifies provisions relating to the division's coordination with a law
- 63 enforcement investigation of child abuse or neglect;
- 64 • modifies the circumstances under which the Division of Child and Family
- 65 Services is required to conduct a preremoval investigation of alleged child abuse
- 66 or neglect;
- 67 • modifies the county reimbursement rate for housing a state probationary or
- 68 parole inmate;
- 69 • delays the effective date of the postpartum recovery leave program for certain
- 70 state employees;
- 71 • extends the date before which the Department of Transportation is required to
- 72 transfer certain funds relating to the County of the First Class Highway Projects
- 73 Fund to the Transportation Fund; 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 **63J-1-602.2 (Superseded 07/01/20)**, as last amended by Laws of Utah 2020, Chapters
111 152, 157, and 330
112 **63J-1-602.2 (Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapters
113 152, 157, 230, 330, 360, and 365
114 **64-13e-104**, as last amended by Laws of Utah 2020, Chapter 410
115 **67-19-14.7 (Superseded 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402
116 **67-19-14.7 (Effective 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402
117 **72-2-121**, as last amended by Laws of Utah 2020, Chapter 366
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
123 *Be it enacted by the Legislature of the state of Utah:*

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

125 **19-6-807. Special revenue fund -- Creation -- Deposits.**

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

128 (2) The fund shall consist of:

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

130 (b) penalties collected under this part.

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

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

134 (b) payment of administrative costs of local health departments as provided in Section
135 **19-6-817**.

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

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

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

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

143 **20A-1-309 (Repealed 08/01/20). Regular primary election, 2020 -- COVID-19**
144 **measures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

179 (ii) a covered voter, as defined in Section [20A-16-102](#), may vote in any manner
180 approved by the election officer;

181 (iii) an election officer shall:

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

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

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

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

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

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

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

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

212 required to vote by mail;

213 ▶ except for drive-up voting on election day only, there will be no in person

214 voting and no in person early voting;

215 ▶ there will be no in person voter registration;

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

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

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

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

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

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

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

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

232 (f) early voting will not take place;

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

235 (h) provisional ballots may only be cast:

236 (i) by mail;

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

238 or

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

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

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

243 Subsection (9)(k), Subsections 11-14-202(3), (4)(a)(ii), (4)(a)(iv), (4)(b), and (6) are not in
244 effect;

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

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

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

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

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

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

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

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

260 (i) ballot drop boxes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 [~~(g)~~] (f) the portion of Subsection 20A-5-101(4)(d) that follows the words "election
306 officer's website" is not in effect; and

307 [~~(h)~~] (g) except as it relates to drive-up voting for a mobile voting county, and subject
308 to Subsection (9)(k), the portion of Subsection 20A-5-101(6)(b) that states "polling places,
309 polling place hours, and" is not in effect.

310 (8) For the 2020 regular primary election only, with respect to the version of the Utah
311 Code otherwise in effect beginning on May 12, 2020:

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

313 (b) the portion of Subsection 20A-2-202(3)(b) following the words "pending election"
314 is not in effect;

315 (c) the portion of Subsection 20A-2-204(6)(c)(iii) following the words "pending
316 election" is not in effect;

317 (d) the portion of Subsection 20A-2-205(7)(b) following the words "pending election"
318 is not in effect;

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

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

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

322 (ii) as it relates to drive-up voting for a mobile voting county, subject to Subsection
323 (9)(k);

324 (g) except as it relates to drive-up voting for a mobile voting county, and subject to
325 Subsection (9)(k), Subsections 20A-3a-201(1)(b) and (c) are not in effect;

326 (h) (i) except as it relates to drive-up voting for a mobile voting county, and subject to
327 Subsection (9)(k), Subsections 20A-3a-202(2)(a)(iv) and (v), (8)(a), (b), and (c) are not in
328 effect; and

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

330 (i) except as it relates to drive-up voting for a mobile voting county, and subject to
331 Subsection (9)(k), Section 20A-3a-203 is not in effect;

332 (j) the deadline for a postmark or other mark described in Subsection
333 20A-3a-204(2)(a)(i) is extended to on or before election day;

334 (k) the words "in line at" in Subsection 20A-3a-204(2)(d) are replaced with the words
335 "waiting in the vicinity of";

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

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

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

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

344 (i) by mail;

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

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

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

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

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

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

353 (t) except as it relates to drive-up voting for a mobile voting county, and subject to
354 Subsection (9)(k), the portion of Subsection 20A-3a-804(3)(b)(ii) following the words
355 "provisional ballot" is not in effect;

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

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

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

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

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

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

367 Subsection (9)(k), Section 20A-5-404 is not in effect;

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

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

370 Subsection (9)(k), Subsections 20A-5-405(1)(i) and (3)(b)(ii) are not in effect;

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

372 Subsection (9)(k), Sections 20A-5-406 and 20A-5-407 are not in effect; and

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

374 (9) (a) A county is a mobile voting county if, before 5 p.m. on May 1, 2020, the county

375 clerk notifies the lieutenant governor's office that the county will be a mobile voting county.

376 (b) Except as provided in Subsection (9)(j), a mobile voting county shall operate one or

377 more drive-up voting stations during normal polling hours on election day.

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

379 (d) A mobile voting county may not operate a drive-up voting station at any time other

380 than during normal polling hours on election day.

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

382 voting station.

383 (f) A mobile voting county shall:

384 (i) establish procedures and requirements to protect the health and welfare of voters

385 and poll workers at a drive-up voting station, including the use of protective gear;

386 (ii) operate the drive-up voting station in a manner that permits a voter to vote while

387 remaining in a vehicle;

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

389 (iv) conduct a campaign to encourage voters to vote by mail rather than at a drive-up

390 voting station.

391 (g) Any duty of care owed by a government entity in relation to a drive-up voting

392 station is the sole responsibility of the mobile voting county, not the state.

393 (h) This section does not impose a duty of care or other legal liability not already owed

394 under the provisions of law.

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

396 (j) (i) The county clerk of a mobile voting county may cancel drive-up voting or close a

397 drive-up voting station if the county clerk determines that cancellation is necessary to protect

398 the public health and welfare.

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

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

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

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

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

413 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**

414 **Arrangements.**

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

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

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

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

420 (i) an American flag;

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

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

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

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

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

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

432 (b) Each election officer shall ensure that:

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

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

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

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

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

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

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

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

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

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

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

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

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

458 (ii) The actual costs shall include:

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

460 and

461 (B) reasonable and necessary administrative costs.

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

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

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

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

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

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

477 **20A-7-103. Constitutional amendments and other questions submitted by the**
478 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

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

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

485 (3) The legislative general counsel shall:

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

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

490 (c) draft and designate a ballot title for each proposed amendment or question

491 submitted by the Legislature that summarizes the subject matter of the amendment or question;
492 and

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

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

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

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

500 (b) publish them as provided by law.

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

502 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**
503 **to estimate.**

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

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

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

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

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

521 (iv) if the proposed law would result in the issuance or a change in the status of bonds,

522 notes, or other debt instruments, a dollar amount representing the total estimated increase or
523 decrease in public debt under the proposed law;

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

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

528 (vii) a concise description and analysis titled "Funding Source," not to exceed 100
529 words for each funding source, of the funding source information described in Subsection
530 [20A-7-202\(2\)\(d\)\(ii\)](#).

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

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

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

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

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

542 ~~[(4)]~~ (3) Within 25 calendar days after the day on which the lieutenant governor
543 delivers a copy of the application, the Office of the Legislative Fiscal Analyst shall:

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

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

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

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

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

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

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

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

569 (iii) The court may refer an issue related to the initial fiscal impact estimate to a master
570 to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule
571 53.

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

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

575 **20A-7-203. Form of initiative petition and signature sheets.**

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

578 "INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

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

582 Each signer says:

583 I have personally signed this petition;

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

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

587 NOTICE TO SIGNERS:

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

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

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

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

598 (2) Each signature sheet shall:

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

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

602 (c) contain the title of the initiative printed below the horizontal line, in at least
603 14-point, bold type;

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

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

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

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

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

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

613 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip
614 Code"; and

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

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

617 (i) the top of the first row, for the purpose of entering the information described in
618 Subsection (2)(d), shall be .5 inch high;

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

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

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

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

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

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

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

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

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

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

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

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

651 "Verification

652 State of Utah, County of _____

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

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

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

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

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

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

667 _____
668 (Name) (Residence Address) (Date)"

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

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

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

676 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**

677 **Changes to an initiative and initial fiscal impact estimate.**

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

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

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

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

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

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

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

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

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

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

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

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

700 (2) The sponsors shall:

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

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

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

707 (b) publish written notice of the public hearing, including the time, date, and location

708 of the public hearing, in each county in the region where the public hearing will be held:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

739 the public hearing; and

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

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

747 (i) a change to the text is:

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

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

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

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

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

760 Section 8. Section [20A-7-701](#) is amended to read:

761 **[20A-7-701. Voter information pamphlet to be prepared.](#)**

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

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

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

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

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

774 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

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

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

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

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

781 ~~[(2)]~~ (1) The voter information pamphlet shall contain the following items in this
782 order:

783 (a) a cover title page;

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

785 (c) a table of contents;

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

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

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

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

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

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

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

799 (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
800 measure, the arguments against the measure, and the rebuttal to the arguments against the

801 measure, with the name and title of the authors at the end of each argument or rebuttal;

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

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

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

807 (B) if the initiative proposes a tax increase, the following statement in bold type:

808 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
809 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
810 increase in the current tax rate."; and

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

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

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

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

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

819 (iv) a list of the criteria of the judicial performance evaluation and the minimum
820 performance standards;

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

822 (vi) for each judge:

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

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

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

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

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

831 (F) any statement provided by a judge who is not recommended for retention by the

832 Judicial Performance Evaluation Commission under Section 78A-12-203;

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

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

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

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

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

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

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

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

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

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

861 SEAL

862 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day

863 of ____ (month), ____ (year)

864 (signed) _____

865 Lieutenant Governor"

866 ~~[(3)]~~ (2) No earlier than 75 days, and no later than 15 days, before the day on which
867 voting commences, the lieutenant governor shall[:] make all information provided in the voter
868 information pamphlet available on the Statewide Electronic Voter Information Website
869 Program described in Section 20A-7-801.

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

872 [~~(ii) distribute to each household within the state a notice;~~]

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

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

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

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

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

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

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

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

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

891 **26-18-3.8. Maximizing use of premium assistance programs -- Utah's Premium**
892 **Partnership for Health Insurance.**

893 (1) (a) The department shall seek to maximize the use of Medicaid and Children's

894 Health Insurance Program funds for assistance in the purchase of private health insurance
895 coverage for Medicaid-eligible and non-Medicaid-eligible individuals.

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

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

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

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

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

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

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

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

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

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

922 **26-36d-207. Hospital Provider Assessment Expendable Revenue Fund.**

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

925 (2) The fund shall consist of:
926 (a) the assessments collected by the department under this chapter;
927 (b) any interest and penalties levied with the administration of this chapter; and
928 (c) any other funds received as donations for the fund and appropriations from other
929 sources.

930 (3) Money in the fund shall be used:
931 (a) to support capitated rates consistent with Subsection 26-36d-203(1)(d) for
932 accountable care organizations; and
933 (b) to reimburse money collected by the division from a hospital through a mistake
934 made under this chapter.

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

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

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

942 **26-37a-107. Ambulance Service Provider Assessment Expendable Revenue Fund.**

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

945 (2) The fund shall consist of:
946 (a) the assessments collected by the division under this chapter;
947 (b) the penalties collected by the division under this chapter;
948 (c) donations to the fund; and
949 (d) appropriations by the Legislature.

950 (3) Money in the fund shall be used:
951 (a) to support fee-for-service rates; and
952 (b) to reimburse money to an ambulance service provider that is collected by the
953 division from the ambulance service provider through a mistake made under this chapter.

954 (4) (a) Subject to Subsection (4)(b), for the fiscal year beginning July 1, 2019, and
955 ending July 1, 2020, any fund balance in excess of the amount necessary to pay for the costs

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

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

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

961 **32B-2-301. State property -- Liquor Control Fund -- Money to be retained by**
962 **department -- Department building process.**

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

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

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

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

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

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

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

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

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

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

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

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

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

985 (i) to purchase an alcoholic product;

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

987 department; or

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

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

992 ~~[(4)]~~ (5) (a) As used in this Subsection ~~[(4)]~~ (5), "base budget" means the same as that
993 term is defined in legislative rule.

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

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

997 (ii) package agency compensation; and

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

999 ~~[(5)]~~ (6) (a) The Division of Finance shall transfer annually from the Liquor Control
1000 Fund to the General Fund a sum equal to the amount of net profit earned from the sale of liquor
1001 since the preceding transfer of money under this Subsection ~~[(5)]~~ (6).

1002 (b) After each fiscal year, the Division of Finance shall calculate the amount for the
1003 transfer on or before September 1 and the Division of Finance shall make the transfer on or
1004 before September 30.

1005 (c) The Division of Finance may make year-end closing entries in the Liquor Control
1006 Fund to comply with Subsection 51-5-6(2).

1007 ~~[(6)]~~ (7) (a) By the end of each day, the department shall:

1008 (i) make a deposit to a qualified depository, as defined in Section 51-7-3; and

1009 (ii) report the deposit to the state treasurer.

1010 (b) A commissioner or department employee is not personally liable for a loss caused
1011 by the default or failure of a qualified depository.

1012 (c) Money deposited in a qualified depository is entitled to the same priority of
1013 payment as other public funds of the state.

1014 ~~[(7)]~~ (8) Before the Division of Finance makes the transfer described in Subsection
1015 ~~[(5)]~~ (6), the department may retain each fiscal year from the Liquor Control Fund \$1,000,000
1016 that the department may use for:

1017 (a) capital equipment purchases;

- 1018 (b) salary increases for department employees;
- 1019 (c) performance awards for department employees; or
- 1020 (d) information technology enhancements because of changes or trends in technology.

1021 Section 14. Section **32B-2-305** is amended to read:

1022 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

1023 (1) As used in this section:

1024 (a) "Alcohol-related law enforcement officer" is as defined in Section [32B-1-201](#).

1025 (b) "Enforcement ratio" is as defined in Section [32B-1-201](#).

1026 (c) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in
1027 this section.

1028 (2) There is created an expendable special revenue fund known as the "Alcoholic
1029 Beverage Control Act Enforcement Fund."

1030 (3) (a) The fund consists of:

1031 (i) deposits made under Subsection (4); and

1032 (ii) interest earned on the fund.

1033 (b) The fund shall earn interest. Interest on the fund shall be deposited into the fund.

1034 (4) After the deposit made under Section [32B-2-304](#) for the school lunch program, the
1035 department shall deposit [~~+~~%] 0.875% of the total gross revenue from the sale of liquor with
1036 the state treasurer to be credited to the fund to be used by the Department of Public Safety as
1037 provided in Subsection (5).

1038 (5) (a) The Department of Public Safety shall expend money from the fund to
1039 supplement appropriations by the Legislature so that the Department of Public Safety maintains
1040 a sufficient number of alcohol-related law enforcement officers such that beginning on July 1,
1041 2012, each year the enforcement ratio as of July 1 is equal to or less than the number specified
1042 in Section [32B-1-201](#).

1043 (b) Beginning July 1, 2012, four alcohol-related law enforcement officers shall have as
1044 a primary focus the enforcement of this title in relationship to restaurants.

1045 Section 15. Section **32B-2-306** is amended to read:

1046 **32B-2-306. Underage drinking prevention media and education campaign.**

1047 (1) As used in this section:

1048 (a) "Advisory council" means the Utah Substance Use and Mental Health Advisory

1049 Council created in Section [63M-7-301](#).

1050 (b) "Restricted account" means the Underage Drinking Prevention Media and
1051 Education Campaign Restricted Account created in this section.

1052 (2) (a) There is created a restricted account within the General Fund known as the
1053 "Underage Drinking Prevention Media and Education Campaign Restricted Account."

1054 (b) The restricted account consists of:

1055 (i) deposits made under Subsection (3); and

1056 (ii) interest earned on the restricted account.

1057 (3) The department shall deposit [~~0.6%~~] 0.468% of the total gross revenue from sales
1058 of liquor with the state treasurer, as determined by the total gross revenue collected for the
1059 fiscal year two years preceding the fiscal year for which the deposit is made, to be credited to
1060 the restricted account and to be used by the department as provided in Subsection (5).

1061 (4) The advisory council shall:

1062 (a) provide ongoing oversight of a media and education campaign funded under this
1063 section;

1064 (b) create an underage drinking prevention workgroup consistent with guidelines
1065 proposed by the advisory council related to the membership and duties of the underage
1066 drinking prevention workgroup;

1067 (c) create guidelines for how money appropriated for a media and education campaign
1068 can be used;

1069 (d) include in the guidelines established pursuant to this Subsection (4) that a media
1070 and education campaign funded under this section is carefully researched and developed, and
1071 appropriate for target groups; and

1072 (e) approve plans submitted by the department in accordance with Subsection (5).

1073 (5) (a) Subject to appropriation from the Legislature, the department shall expend
1074 money from the restricted account to direct and fund one or more media and education
1075 campaigns designed to reduce underage drinking in cooperation with the advisory council.

1076 (b) The department shall:

1077 (i) in cooperation with the underage drinking prevention workgroup created under
1078 Subsection (4), prepare and submit a plan to the advisory council detailing the intended use of
1079 the money appropriated under this section;

1080 (ii) upon approval of the plan by the advisory council, conduct the media and education
1081 campaign in accordance with the guidelines made by the advisory council; and

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

1086 Section 16. Section **41-12a-806** is amended to read:

1087 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

1088 (1) There is created within the Transportation Fund a restricted account known as the
1089 "Uninsured Motorist Identification Restricted Account."

1090 (2) The account consists of money generated from the following revenue sources:

1091 (a) money received by the state under Section [41-1a-1218](#), the uninsured motorist
1092 identification fee;

1093 (b) money received by the state under Section [41-1a-1220](#), the registration
1094 reinstatement fee; and

1095 (c) appropriations made to the account by the Legislature.

1096 (3) (a) The account shall earn interest.

1097 (b) All interest earned on account money shall be deposited into the account.

1098 (4) The Legislature shall appropriate money from the account to:

1099 (a) the department to fund the contract with the designated agent;

1100 (b) the department to offset the costs to state and local law enforcement agencies of
1101 using the information for the purposes authorized under this part;

1102 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
1103 and reinstating vehicle registrations under Subsection [41-1a-110\(2\)\(a\)\(ii\)](#); and

1104 (d) the department to reimburse a person for the costs of towing and storing the
1105 person's vehicle if:

1106 (i) the person's vehicle was impounded in accordance with Subsection [41-1a-1101\(2\)](#);

1107 (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at
1108 the time of the impoundment;

1109 (iii) the database indicated that owner's or operator's security was not in effect for the
1110 impounded vehicle; and

1111 (iv) the department determines that the person's vehicle was wrongfully impounded.

1112 (5) The Legislature may appropriate not more than [~~\$1,000,000~~] \$1,500,000 annually
1113 from the account to the Peace Officer Standards and Training Division, created under Section
1114 53-6-103, for use in law enforcement training, including training on the use of the Uninsured
1115 Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8,
1116 Uninsured Motorist Identification Database Program.

1117 (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
1118 Act, the department shall hold a hearing to determine whether a person's vehicle was
1119 wrongfully impounded under Subsection 41-1a-1101(2).

1120 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1121 division shall make rules establishing procedures for a person to apply for a reimbursement
1122 under Subsection (4)(d).

1123 (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the
1124 person applies for the reimbursement within six months from the date that the motor vehicle
1125 was impounded.

1126 Section 17. Section **51-9-201 (Superseded 07/01/20)** is amended to read:

1127 **51-9-201 (Superseded 07/01/20). Creation of Tobacco Settlement Restricted**
1128 **Account.**

1129 (1) There is created within the General Fund a restricted account known as the
1130 "Tobacco Settlement Restricted Account."

1131 (2) The account shall earn interest.

1132 (3) The account shall consist of:

1133 (a) on and after July 1, 2007, 60% of all funds of every kind that are received by the
1134 state that are related to the settlement agreement that the state entered into with leading tobacco
1135 manufacturers on November 23, 1998; and

1136 (b) interest earned on the account.

1137 (4) To the extent that funds will be available for appropriation in a given fiscal year,
1138 those funds shall be appropriated from the account in the following order:

1139 (a) \$66,600 to the Office of the Attorney General for ongoing enforcement and defense
1140 of the Tobacco Settlement Agreement;

1141 (b) \$18,500 to the State Tax Commission for ongoing enforcement of business

1142 compliance with the Tobacco Tax Settlement Agreement;

1143 (c) [~~\$10,452,900~~] \$11,022,900 to the Department of Health for:

1144 (i) children in the Medicaid program created in Title 26, Chapter 18, Medical
1145 Assistance Act, and the Children's Health Insurance Program created in Section 26-40-103; and

1146 (ii) for restoration of dental benefits in the Children's Health Insurance Program;

1147 (d) [~~\$3,847,100~~] \$3,277,100 to the Department of Health for alcohol, tobacco, and

1148 other drug prevention, reduction, cessation, and control programs that promote unified

1149 messages and make use of media outlets, including radio, newspaper, billboards, and

1150 television, and with a preference in funding given to tobacco-related programs;

1151 (e) \$193,700 to the Administrative Office of the Courts and \$2,325,400 to the

1152 Department of Human Services for the statewide expansion of the drug court program;

1153 (f) \$4,000,000 to the State Board of Regents for the University of Utah Health Sciences

1154 Center to benefit the health and well-being of Utah citizens through in-state research,

1155 treatment, and educational activities; and

1156 (g) any remaining funds as directed by the Legislature through appropriation.

1157 Section 18. Section **51-9-201 (Effective 07/01/20)** is amended to read:

1158 **51-9-201 (Effective 07/01/20). Creation of Tobacco Settlement Restricted**
1159 **Account.**

1160 (1) There is created within the General Fund a restricted account known as the
1161 "Tobacco Settlement Restricted Account."

1162 (2) The account shall earn interest.

1163 (3) The account shall consist of:

1164 (a) on and after July 1, 2007, 60% of all funds of every kind that are received by the
1165 state that are related to the settlement agreement that the state entered into with leading tobacco
1166 manufacturers on November 23, 1998; and

1167 (b) interest earned on the account.

1168 (4) To the extent that funds will be available for appropriation in a given fiscal year,
1169 those funds shall be appropriated from the account in the following order:

1170 (a) \$66,600 to the Office of the Attorney General for ongoing enforcement and defense
1171 of the Tobacco Settlement Agreement;

1172 (b) \$18,500 to the State Tax Commission for ongoing enforcement of business

1173 compliance with the Tobacco Tax Settlement Agreement;

1174 (c) [~~\$10,452,900~~] \$11,022,900 to the Department of Health for:

1175 (i) children in the Medicaid program created in Title 26, Chapter 18, Medical

1176 Assistance Act, and the Children's Health Insurance Program created in Section 26-40-103; and

1177 (ii) for restoration of dental benefits in the Children's Health Insurance Program;

1178 (d) [~~\$3,847,100~~] \$3,277,100 to the Department of Health for alcohol, tobacco, and

1179 other drug prevention, reduction, cessation, and control programs that promote unified

1180 messages and make use of media outlets, including radio, newspaper, billboards, and

1181 television, and with a preference in funding given to tobacco-related programs;

1182 (e) \$193,700 to the Administrative Office of the Courts and \$2,325,400 to the

1183 Department of Human Services for the statewide expansion of the drug court program;

1184 (f) \$4,000,000 to the Utah Board of Higher Education for the University of Utah

1185 Health Sciences Center to benefit the health and well-being of Utah citizens through in-state

1186 research, treatment, and educational activities; and

1187 (g) any remaining funds as directed by the Legislature through appropriation.

1188 Section 19. Section **53-2a-603** is amended to read:

1189 **53-2a-603. State Disaster Recovery Restricted Account.**

1190 (1) (a) There is created a restricted account in the General Fund known as the "State

1191 Disaster Recovery Restricted Account."

1192 (b) The disaster recovery account consists of:

1193 (i) money deposited into the disaster recovery account in accordance with Section

1194 63J-1-314;

1195 (ii) money appropriated to the disaster recovery account by the Legislature; and

1196 (iii) any other public or private money received by the division that is:

1197 (A) given to the division for purposes consistent with this section; and

1198 (B) deposited into the disaster recovery account at the request of:

1199 (I) the division; or

1200 (II) the person or entity giving the money.

1201 (c) The Division of Finance shall deposit interest or other earnings derived from

1202 investment of account money into the General Fund.

1203 (2) Subject to being appropriated by the Legislature, money in the disaster recovery

1204 account may only be expended or committed to be expended as follows:

1205 (a) (i) subject to Section 53-2a-606, in any fiscal year the division may expend or
1206 commit to expend an amount that does not exceed \$500,000, in accordance with Section
1207 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared
1208 disaster;

1209 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
1210 to expend an amount that exceeds \$500,000, but does not exceed \$3,000,000, in accordance
1211 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
1212 a declared disaster if the division:

1213 (A) before making the expenditure or commitment to expend, obtains approval for the
1214 expenditure or commitment to expend from the governor;

1215 (B) subject to Subsection (5), provides written notice of the expenditure or
1216 commitment to expend to the speaker of the House of Representatives, the president of the
1217 Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations
1218 Subcommittee, the Legislative Management Committee, and the Office of the Legislative
1219 Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend;
1220 and

1221 (C) makes the report required by Subsection 53-2a-606(2);

1222 (iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
1223 to expend an amount that exceeds \$3,000,000, but does not exceed \$5,000,000, in accordance
1224 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
1225 a declared disaster if, before making the expenditure or commitment to expend, the division:

1226 (A) obtains approval for the expenditure or commitment to expend from the governor;
1227 and

1228 (B) submits the expenditure or commitment to expend to the Executive Appropriations
1229 Committee in accordance with Subsection 53-2a-606(3); and

1230 (iv) in any fiscal year the division may expend or commit to expend an amount that
1231 does not exceed \$150,000 to fund expenses incurred by the National Guard if:

1232 (A) in accordance with Section 39-1-5, the governor orders into active service the
1233 National Guard in response to a declared disaster; and

1234 (B) the money is not used for expenses that qualify for payment as emergency disaster

1235 services;

1236 (b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or
1237 committed to be expended to fund costs to the state directly related to a declared disaster that
1238 are not costs related to:

1239 (i) emergency disaster services;

1240 (ii) emergency preparedness; or

1241 (iii) notwithstanding whether a county participates in the Wildland Fire Suppression
1242 Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be
1243 paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland
1244 Fire Suppression Fund;

1245 (c) to fund the Local Government Emergency Response Loan Fund created in Section
1246 53-2a-607;

1247 (d) the division may provide advanced funding from the disaster recovery account to
1248 recognized agents of the state when:

1249 (i) Utah has agreed, through the division, to enact the Emergency Management
1250 Assistance Compact with another member state that has requested assistance during a declared
1251 disaster;

1252 (ii) Utah agrees to provide resources to the requesting member state;

1253 (iii) the agent of the state who represents the requested resource has no other funding
1254 source available at the time of the Emergency Management Assistance Compact request; and

1255 (iv) the disaster recovery account has a balance of funds available to be utilized while
1256 maintaining a minimum balance of \$10,000,000; [~~and~~]

1257 (e) the division may expend up to \$3,200,000 during fiscal year 2019 to fund
1258 operational costs incurred by the division during fiscal year 2019[-]; and

1259 (f) in the fiscal year beginning July 1, 2020, and ending June 30, 2021, the division
1260 may expend or commit to expend up to \$100,000 to fund the governor's emergency
1261 appropriations described in Subsection 63J-1-217(4).

1262 (3) All funding provided in advance to an agent of the state and subsequently
1263 reimbursed shall be credited to the account.

1264 (4) The state treasurer shall invest money in the disaster recovery account according to
1265 Title 51, Chapter 7, State Money Management Act.

1266 (5) (a) Except as provided in Subsections (1) and (2), the money in the disaster
1267 recovery account may not be diverted, appropriated, expended, or committed to be expended
1268 for a purpose that is not listed in this section.

1269 (b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money
1270 from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the
1271 money appropriated from the disaster recovery account is expended or committed to be
1272 expended for a purpose other than one listed in this section.

1273 (c) The Legislature may not amend the purposes for which money in the disaster
1274 recovery account may be expended or committed to be expended except by the affirmative vote
1275 of two-thirds of all the members elected to each house.

1276 (6) The division:

1277 (a) shall provide the notice required by Subsection (2)(a)(ii) using the best available
1278 method under the circumstances as determined by the division; and

1279 (b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

1280 Section 20. Section 59-12-103 is amended to read:

1281 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
1282 **tax revenues.**

1283 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
1284 sales price for amounts paid or charged for the following transactions:

1285 (a) retail sales of tangible personal property made within the state;

1286 (b) amounts paid for:

1287 (i) telecommunications service, other than mobile telecommunications service, that
1288 originates and terminates within the boundaries of this state;

1289 (ii) mobile telecommunications service that originates and terminates within the
1290 boundaries of one state only to the extent permitted by the Mobile Telecommunications
1291 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1292 (iii) an ancillary service associated with a:

1293 (A) telecommunications service described in Subsection (1)(b)(i); or

1294 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1295 (c) sales of the following for commercial use:

1296 (i) gas;

- 1297 (ii) electricity;
- 1298 (iii) heat;
- 1299 (iv) coal;
- 1300 (v) fuel oil; or
- 1301 (vi) other fuels;
- 1302 (d) sales of the following for residential use:
 - 1303 (i) gas;
 - 1304 (ii) electricity;
 - 1305 (iii) heat;
 - 1306 (iv) coal;
 - 1307 (v) fuel oil; or
 - 1308 (vi) other fuels;
- 1309 (e) sales of prepared food;
- 1310 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1311 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1312 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1313 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1314 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1315 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1316 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1317 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1318 exhibition, cultural, or athletic activity;
- 1319 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1320 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
 - 1321 (i) the tangible personal property; and
 - 1322 (ii) parts used in the repairs or renovations of the tangible personal property described
 - 1323 in Subsection (1)(g)(i), regardless of whether:
 - 1324 (A) any parts are actually used in the repairs or renovations of that tangible personal
 - 1325 property; or
 - 1326 (B) the particular parts used in the repairs or renovations of that tangible personal
 - 1327 property are exempt from a tax under this chapter;

1328 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
1329 assisted cleaning or washing of tangible personal property;

1330 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
1331 accommodations and services that are regularly rented for less than 30 consecutive days;

1332 (j) amounts paid or charged for laundry or dry cleaning services;

1333 (k) amounts paid or charged for leases or rentals of tangible personal property if within
1334 this state the tangible personal property is:

1335 (i) stored;

1336 (ii) used; or

1337 (iii) otherwise consumed;

1338 (l) amounts paid or charged for tangible personal property if within this state the
1339 tangible personal property is:

1340 (i) stored;

1341 (ii) used; or

1342 (iii) consumed; and

1343 (m) amounts paid or charged for a sale:

1344 (i) (A) of a product transferred electronically; or

1345 (B) of a repair or renovation of a product transferred electronically; and

1346 (ii) regardless of whether the sale provides:

1347 (A) a right of permanent use of the product; or

1348 (B) a right to use the product that is less than a permanent use, including a right:

1349 (I) for a definite or specified length of time; and

1350 (II) that terminates upon the occurrence of a condition.

1351 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
1352 are imposed on a transaction described in Subsection (1) equal to the sum of:

1353 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

1354 (A) (I) through March 31, 2019, 4.70%; and

1355 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (13)(a);

1356 and

1357 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
1358 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211

1359 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
1360 State Sales and Use Tax Act; and

1361 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
1362 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
1363 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
1364 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1365 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1366 transaction under this chapter other than this part.

1367 (b) Except as provided in Subsection (2)(d) or (e) and subject to Subsection (2)(j), a
1368 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
1369 the sum of:

1370 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1371 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1372 transaction under this chapter other than this part.

1373 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax are
1374 imposed on amounts paid or charged for food and food ingredients equal to the sum of:

1375 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at
1376 a tax rate of 1.75%; and

1377 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1378 amounts paid or charged for food and food ingredients under this chapter other than this part.

1379 (d) (i) For a bundled transaction that is attributable to food and food ingredients and
1380 tangible personal property other than food and food ingredients, a state tax and a local tax is
1381 imposed on the entire bundled transaction equal to the sum of:

1382 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1383 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1384 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
1385 Sales and Use Tax Act, if the location of the transaction as determined under Sections
1386 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
1387 Additional State Sales and Use Tax Act; and

1388 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
1389 Sales and Use Tax Act, if the location of the transaction as determined under Sections

1390 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
1391 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1392 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
1393 described in Subsection (2)(a)(ii).

1394 (ii) If an optional computer software maintenance contract is a bundled transaction that
1395 consists of taxable and nontaxable products that are not separately itemized on an invoice or
1396 similar billing document, the purchase of the optional computer software maintenance contract
1397 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1398 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled
1399 transaction described in Subsection (2)(d)(i) or (ii):

1400 (A) if the sales price of the bundled transaction is attributable to tangible personal
1401 property, a product, or a service that is subject to taxation under this chapter and tangible
1402 personal property, a product, or service that is not subject to taxation under this chapter, the
1403 entire bundled transaction is subject to taxation under this chapter unless:

1404 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1405 personal property, product, or service that is not subject to taxation under this chapter from the
1406 books and records the seller keeps in the seller's regular course of business; or

1407 (II) state or federal law provides otherwise; or

1408 (B) if the sales price of a bundled transaction is attributable to two or more items of
1409 tangible personal property, products, or services that are subject to taxation under this chapter
1410 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
1411 higher tax rate unless:

1412 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1413 personal property, product, or service that is subject to taxation under this chapter at the lower
1414 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1415 (II) state or federal law provides otherwise.

1416 (iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the
1417 seller's regular course of business includes books and records the seller keeps in the regular
1418 course of business for nontax purposes.

1419 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)
1420 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a

1421 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
1422 of tangible personal property, other property, a product, or a service that is not subject to
1423 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
1424 the seller, at the time of the transaction:

1425 (A) separately states the portion of the transaction that is not subject to taxation under
1426 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1427 (B) is able to identify by reasonable and verifiable standards, from the books and
1428 records the seller keeps in the seller's regular course of business, the portion of the transaction
1429 that is not subject to taxation under this chapter.

1430 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1431 (A) after the transaction occurs, the purchaser and the seller discover that the portion of
1432 the transaction that is not subject to taxation under this chapter was not separately stated on an
1433 invoice, bill of sale, or similar document provided to the purchaser because of an error or
1434 ignorance of the law; and

1435 (B) the seller is able to identify by reasonable and verifiable standards, from the books
1436 and records the seller keeps in the seller's regular course of business, the portion of the
1437 transaction that is not subject to taxation under this chapter.

1438 (iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps
1439 in the seller's regular course of business includes books and records the seller keeps in the
1440 regular course of business for nontax purposes.

1441 (f) (i) If the sales price of a transaction is attributable to two or more items of tangible
1442 personal property, products, or services that are subject to taxation under this chapter at
1443 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
1444 unless the seller, at the time of the transaction:

1445 (A) separately states the items subject to taxation under this chapter at each of the
1446 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1447 (B) is able to identify by reasonable and verifiable standards the tangible personal
1448 property, product, or service that is subject to taxation under this chapter at the lower tax rate
1449 from the books and records the seller keeps in the seller's regular course of business.

1450 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the
1451 seller's regular course of business includes books and records the seller keeps in the regular

1452 course of business for nontax purposes.

1453 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax
1454 rate imposed under the following shall take effect on the first day of a calendar quarter:

1455 (i) Subsection (2)(a)(i)(A);

1456 (ii) Subsection (2)(b)(i);

1457 (iii) Subsection (2)(c)(i); or

1458 (iv) Subsection (2)(d)(i)(A)(I).

1459 (h) (i) A tax rate increase takes effect on the first day of the first billing period that
1460 begins on or after the effective date of the tax rate increase if the billing period for the
1461 transaction begins before the effective date of a tax rate increase imposed under:

1462 (A) Subsection (2)(a)(i)(A);

1463 (B) Subsection (2)(b)(i);

1464 (C) Subsection (2)(c)(i); or

1465 (D) Subsection (2)(d)(i)(A)(I).

1466 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1467 statement for the billing period is rendered on or after the effective date of the repeal of the tax
1468 or the tax rate decrease imposed under:

1469 (A) Subsection (2)(a)(i)(A);

1470 (B) Subsection (2)(b)(i);

1471 (C) Subsection (2)(c)(i); or

1472 (D) Subsection (2)(d)(i)(A)(I).

1473 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
1474 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
1475 change in a tax rate takes effect:

1476 (A) on the first day of a calendar quarter; and

1477 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

1478 (ii) Subsection (2)(i)(i) applies to the tax rates described in the following:

1479 (A) Subsection (2)(a)(i)(A);

1480 (B) Subsection (2)(b)(i);

1481 (C) Subsection (2)(c)(i); or

1482 (D) Subsection (2)(d)(i)(A)(I).

1483 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1484 the commission may by rule define the term "catalogue sale."

1485 (j) (i) For a location described in Subsection (2)(j)(ii), the commission shall determine
1486 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
1487 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

1488 (ii) Subsection (2)(j)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
1489 or other fuel is furnished through a single meter for two or more of the following uses:

1490 (A) a commercial use;

1491 (B) an industrial use; or

1492 (C) a residential use.

1493 (3) (a) The following state taxes shall be deposited into the General Fund:

1494 (i) the tax imposed by Subsection (2)(a)(i)(A);

1495 (ii) the tax imposed by Subsection (2)(b)(i);

1496 (iii) the tax imposed by Subsection (2)(c)(i); or

1497 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

1498 (b) The following local taxes shall be distributed to a county, city, or town as provided
1499 in this chapter:

1500 (i) the tax imposed by Subsection (2)(a)(ii);

1501 (ii) the tax imposed by Subsection (2)(b)(ii);

1502 (iii) the tax imposed by Subsection (2)(c)(ii); and

1503 (iv) the tax imposed by Subsection (2)(d)(i)(B).

1504 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1505 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
1506 through (g):

1507 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

1508 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1509 (B) for the fiscal year; or

1510 (ii) \$17,500,000.

1511 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
1512 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
1513 Department of Natural Resources to:

1514 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
1515 protect sensitive plant and animal species; or

1516 (B) award grants, up to the amount authorized by the Legislature in an appropriations
1517 act, to political subdivisions of the state to implement the measures described in Subsections
1518 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

1519 (ii) Money transferred to the Department of Natural Resources under Subsection
1520 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
1521 person to list or attempt to have listed a species as threatened or endangered under the
1522 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1523 (iii) At the end of each fiscal year:

1524 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1525 Conservation and Development Fund created in Section 73-10-24;

1526 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
1527 Program Subaccount created in Section 73-10c-5; and

1528 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
1529 Program Subaccount created in Section 73-10c-5.

1530 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1531 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
1532 created in Section 4-18-106.

1533 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
1534 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water
1535 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
1536 water rights.

1537 (ii) At the end of each fiscal year:

1538 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1539 Conservation and Development Fund created in Section 73-10-24;

1540 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
1541 Program Subaccount created in Section 73-10c-5; and

1542 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
1543 Program Subaccount created in Section 73-10c-5.

1544 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described

1545 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
1546 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1547 (ii) In addition to the uses allowed of the Water Resources Conservation and
1548 Development Fund under Section 73-10-24, the Water Resources Conservation and
1549 Development Fund may also be used to:

1550 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1551 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
1552 quantifying surface and ground water resources and describing the hydrologic systems of an
1553 area in sufficient detail so as to enable local and state resource managers to plan for and
1554 accommodate growth in water use without jeopardizing the resource;

1555 (B) fund state required dam safety improvements; and

1556 (C) protect the state's interest in interstate water compact allocations, including the
1557 hiring of technical and legal staff.

1558 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1559 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1560 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1561 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1562 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1563 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1564 (i) provide for the installation and repair of collection, treatment, storage, and
1565 distribution facilities for any public water system, as defined in Section 19-4-102;

1566 (ii) develop underground sources of water, including springs and wells; and

1567 (iii) develop surface water sources.

1568 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1569 2006, the difference between the following amounts shall be expended as provided in this
1570 Subsection (5), if that difference is greater than \$1:

1571 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1572 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1573 (ii) \$17,500,000.

1574 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1575 (A) transferred each fiscal year to the Department of Natural Resources as dedicated

1576 credits; and

1577 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1578 restoration.

1579 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
1580 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund
1581 created in Section 73-10-24.

1582 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1583 remaining difference described in Subsection (5)(a) shall be:

1584 (A) transferred each fiscal year to the Division of Water Resources as dedicated
1585 credits; and

1586 (B) expended by the Division of Water Resources for cloud-seeding projects
1587 authorized by Title 73, Chapter 15, Modification of Weather.

1588 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
1589 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund
1590 created in Section 73-10-24.

1591 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1592 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1593 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1594 Division of Water Resources for:

1595 (i) preconstruction costs:

1596 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1597 26, Bear River Development Act; and

1598 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1599 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1600 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1601 Chapter 26, Bear River Development Act;

1602 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1603 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1604 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1605 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1606 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to

1607 Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be
1608 transferred each year as dedicated credits to the Division of Water Rights to cover the costs
1609 incurred for employing additional technical staff for the administration of water rights.

1610 (f) At the end of each fiscal year, any unexpended dedicated credits described in
1611 Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development
1612 Fund created in Section [73-10-24](#).

1613 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), the
1614 amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection
1615 (1) for the fiscal year shall be deposited as follows:

1616 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)
1617 shall be deposited into the Transportation Investment Fund of 2005 created by Section
1618 [72-2-124](#);

1619 (b) for fiscal year 2017-18 only:

1620 (i) 80% of the revenue described in this Subsection (6) shall be deposited into the
1621 Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

1622 (ii) 20% of the revenue described in this Subsection (6) shall be deposited into the
1623 Water Infrastructure Restricted Account created by Section [73-10g-103](#);

1624 (c) for fiscal year 2018-19 only:

1625 (i) 60% of the revenue described in this Subsection (6) shall be deposited into the
1626 Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

1627 (ii) 40% of the revenue described in this Subsection (6) shall be deposited into the
1628 Water Infrastructure Restricted Account created by Section [73-10g-103](#);

1629 (d) for fiscal year 2019-20 only:

1630 (i) 40% of the revenue described in this Subsection (6) shall be deposited into the
1631 Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

1632 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the
1633 Water Infrastructure Restricted Account created by Section [73-10g-103](#);

1634 (e) for fiscal year 2020-21 only:

1635 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the
1636 Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

1637 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the

1638 Water Infrastructure Restricted Account created by Section 73-10g-103; and

1639 (f) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described
1640 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account
1641 created by Section 73-10g-103.

1642 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
1643 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
1644 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
1645 created by Section 72-2-124:

1646 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of
1647 the revenues collected from the following taxes, which represents a portion of the
1648 approximately 17% of sales and use tax revenues generated annually by the sales and use tax
1649 on vehicles and vehicle-related products:

1650 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1651 (B) the tax imposed by Subsection (2)(b)(i);

1652 (C) the tax imposed by Subsection (2)(c)(i); and

1653 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

1654 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the
1655 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through
1656 (D) that exceeds the amount collected from the sales and use taxes described in Subsections
1657 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

1658 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of
1659 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total
1660 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)
1661 generated in the current fiscal year than the total percentage of sales and use taxes deposited in
1662 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection
1663 (7)(a) equal to the product of:

1664 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the
1665 previous fiscal year; and

1666 (B) the total sales and use tax revenue generated by the taxes described in Subsections
1667 (7)(a)(i)(A) through (D) in the current fiscal year.

1668 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under

1669 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes
1670 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of
1671 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in
1672 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

1673 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected
1674 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited
1675 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues
1676 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the
1677 current fiscal year under Subsection (7)(a).

1678 (8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited
1679 under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall
1680 deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into
1681 the Transportation Investment Fund of 2005 created by Section [72-2-124](#).

1682 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under
1683 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit
1684 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
1685 Transportation Investment Fund of 2005 created by Section [72-2-124](#).

1686 (c) (i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1687 Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or
1688 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
1689 Fund of 2005 created by Section [72-2-124](#) a portion of the taxes listed under Subsection (3)(a)
1690 in an amount equal to 3.68% of the revenues collected from the following taxes:

1691 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1692 (B) the tax imposed by Subsection (2)(b)(i);

1693 (C) the tax imposed by Subsection (2)(c)(i); and

1694 (D) the tax imposed by Subsection (2)(d)(i)(A)(I).

1695 (ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1696 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i)
1697 by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year
1698 by the portion of the tax imposed on motor and special fuel that is sold, used, or received for
1699 sale or use in this state that exceeds 29.4 cents per gallon.

1700 (iii) The commission shall annually deposit the amount described in Subsection
1701 (8)(c)(ii) into the Transit and Transportation Investment Fund created in Section 72-2-124.

1702 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1703 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1704 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1705 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),
1706 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17
1707 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund
1708 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on
1709 the transactions described in Subsection (1).

1710 (b) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c), and in
1711 addition to any amounts deposited under Subsections (6), (7), and (8), the Division of Finance
1712 shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the
1713 amount of revenue described as follows:

1714 (i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%
1715 tax rate on the transactions described in Subsection (1);

1716 (ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a .05%
1717 tax rate on the transactions described in Subsection (1);

1718 (iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%
1719 tax rate on the transactions described in Subsection (1);

1720 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a
1721 .05% tax rate on the transactions described in Subsection (1); and

1722 (v) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%
1723 tax rate on the transactions described in Subsection (1).

1724 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not
1725 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts
1726 paid or charged for food and food ingredients, except for tax revenue generated by a bundled
1727 transaction attributable to food and food ingredients and tangible personal property other than
1728 food and food ingredients described in Subsection (2)(d).

1729 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1730 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that

1731 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of
1732 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue
1733 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,
1734 created in Section 63N-2-512.

1735 (12) (a) Notwithstanding Subsection (3)(a), for the 2016-17 fiscal year only, the
1736 Division of Finance shall deposit \$26,000,000 of the revenues generated by the taxes listed
1737 under Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

1738 (b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division of
1739 Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under
1740 Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

1741 (13) (a) The rate specified in this subsection is 0.15%.

1742 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

1743 (i) on or before September 30, 2019, transfer the amount of revenue collected from the
1744 rate described in Subsection (13)(a) beginning on April 1, 2019, and ending on June 30, 2019,
1745 on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into
1746 the Medicaid Expansion Fund created in Section 26-36b-208; and

1747 (ii) for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of
1748 revenue collected from the rate described in Subsection (13)(a) on the transactions that are
1749 subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid Expansion
1750 Fund created in Section 26-36b-208.

1751 (14) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1752 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated
1753 credit solely for use of the Search and Rescue Financial Assistance Program created in, and
1754 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1755 (15) (a) For each fiscal year beginning with fiscal year 2020-21, the Division of
1756 Finance shall annually transfer \$1,813,400 of the revenue deposited into the Transportation
1757 Investment Fund of 2005 under Subsections (6) through (8) to the General Fund.

1758 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
1759 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of
1760 Finance shall transfer the total revenue deposited into the Transportation Investment Fund of
1761 2005 during the fiscal year to the General Fund.

1762 Section 21. Section 59-14-807 (Effective 07/01/20) is amended to read:
1763 **59-14-807 (Effective 07/01/20). Electronic Cigarette Substance and Nicotine**
1764 **Product Tax Restricted Account.**
1765 (1) There is created within the General Fund a restricted account known as the
1766 "Electronic Cigarette Substance and Nicotine Product Tax Restricted Account."
1767 (2) The Electronic Cigarette Substance and Nicotine Product Tax Restricted Account
1768 consists of:
1769 (a) revenues collected from the tax imposed by Section 59-14-804; and
1770 (b) amounts appropriated by the Legislature.
1771 (3) For each fiscal year, beginning with fiscal year 2021, and subject to appropriation
1772 by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette
1773 Substance and Nicotine Product Tax Restricted Account:
1774 (a) \$2,000,000 which shall be allocated to the local health departments by the
1775 Department of Health using the formula created in accordance with Section 26A-1-116;
1776 (b) \$2,000,000 to the Department of Health for statewide cessation programs and
1777 prevention education;
1778 (c) \$1,180,000 to the Department of Public Safety for law enforcement officers aimed
1779 at disrupting organizations and networks that provide tobacco products, electronic cigarette
1780 products, nicotine products, and other illegal controlled substances to minors;
1781 (d) \$3,000,000 which shall be allocated to the local health departments by the
1782 Department of Health using the formula created in accordance with Section 26A-1-116; [and]
1783 (e) \$5,084,200 to the State Board of Education for school-based prevention
1784 programs[-]; and
1785 (f) \$2,000,000 to the Department of Health for alcohol, tobacco, and other drug
1786 prevention, reduction, cessation, and control programs that promote unified messages and
1787 make use of media outlets, including radio, newspaper, billboards, and television.
1788 (4) (a) The local health departments shall use the money received in accordance with
1789 Subsection (3)(a) for enforcing:
1790 (i) the regulation provisions described in Section 26-57-103;
1791 (ii) the labeling requirement described in Section 26-57-104; and
1792 (iii) the penalty provisions described in Section 26-62-305.

1793 (b) The Department of Health shall use the money received in accordance with
1794 Subsection (3)(b) for the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
1795 Program created in Section 26-7-10.

1796 (c) The local health departments shall use the money received in accordance with
1797 Subsection (3)(d) to issue grants under the Electronic Cigarette, Marijuana, and Other Drug
1798 Prevention Grant Program created in Section 26A-1-129.

1799 (d) The State Board of Education shall use the money received in accordance with
1800 Subsection (3)(e) to distribute to local education agencies to pay for:

1801 (i) stipends for positive behaviors specialists as described in Subsection
1802 53G-10-407(4)(a)(i);

1803 (ii) the cost of administering the positive behaviors plan as described in Subsection
1804 53G-10-407(4)(a)(ii); and

1805 (iii) the cost of implementing an Underage Drinking and Substance Abuse Prevention
1806 Program in grade 4 or 5, as described in Subsection 53G-10-406(3)(b).

1807 (5) (a) The fund shall earn interest.

1808 (b) All interest earned on fund money shall be deposited into the fund.

1809 (6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette
1810 Substance and Nicotine Product Tax Restricted Account after the distribution described in
1811 Subsection (3) may only be used for programs and activities related to the prevention and
1812 cessation of electronic cigarette, nicotine products, marijuana, and other drug use.

1813 Section 22. Section 62A-4a-403 is amended to read:

1814 **62A-4a-403. Reporting requirements.**

1815 (1) (a) Except as provided in Subsection (2), when any individual, including an
1816 individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67,
1817 Utah Medical Practice Act, has reason to believe that a child has been subjected to abuse or
1818 neglect, or observes a child being subjected to conditions or circumstances that would
1819 reasonably result in abuse or neglect, that individual shall immediately report the alleged abuse
1820 or neglect to the nearest peace officer, law enforcement agency, or office of the division.

1821 (b) (i) Upon receipt of a report described in Subsection (1)(a), the peace officer or law
1822 enforcement agency shall immediately notify the nearest office of the division.

1823 (ii) If an initial report of abuse or neglect is made to the division, the division shall

1824 immediately notify the appropriate local law enforcement agency.

1825 (c) (i) The division shall, in addition to [its] the division's own investigation~~[, comply~~
1826 ~~with and lend support to]~~ in accordance with Section 62A-4a-409, coordinate with law
1827 enforcement on investigations by law enforcement undertaken to investigate a report described
1828 in Subsection (1)(a).

1829 (ii) If law enforcement undertakes an investigation of a report described in Subsection
1830 (1)(a), the law enforcement agency undertaking the investigation shall provide a final
1831 investigatory report to the division upon request.

1832 (2) Subject to Subsection (3), the notification requirement described in Subsection
1833 (1)(a) does not apply to a member of the clergy, with regard to any confession made to the
1834 member of the clergy while functioning in the ministerial capacity of the member of the clergy
1835 and without the consent of the individual making the confession, if:

1836 (a) the perpetrator made the confession directly to the member of the clergy; and

1837 (b) the member of the clergy is, under canon law or church doctrine or practice, bound
1838 to maintain the confidentiality of that confession.

1839 (3) (a) When a member of the clergy receives information about abuse or neglect from
1840 any source other than confession of the perpetrator, the member of the clergy is required to
1841 report that information even though the member of the clergy may have also received
1842 information about abuse or neglect from the confession of the perpetrator.

1843 (b) Exemption of the reporting requirement for a member of the clergy does not
1844 exempt the member of the clergy from any other efforts required by law to prevent further
1845 abuse or neglect by the perpetrator.

1846 Section 23. Section **62A-4a-409** is amended to read:

1847 **62A-4a-409. Investigation by division -- Temporary protective custody --**
1848 **Preremoval interviews of children.**

1849 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(c), the division shall [make] conduct
1850 a thorough preremoval investigation upon receiving either an oral or written report of alleged
1851 abuse or neglect, or an oral or written report under Subsection 62A-4a-404(2), when there is
1852 reasonable cause to suspect that a situation of abuse, neglect, or the circumstances described
1853 under Subsection 62A-4a-404(2) exist.

1854 (b) The primary purpose of the investigation described in Subsection (1)(a) shall be

1855 protection of the child.

1856 (c) The division is not required to conduct an investigation under Subsection (1)(a) if
1857 the division determines the person responsible for the child's care:

1858 (i) is not the alleged perpetrator; and

1859 (ii) is willing and able to ensure the alleged perpetrator does not have access to the
1860 child.

1861 (2) The preremoval investigation described in Subsection (1)(a) shall include the same
1862 investigative requirements described in Section [62A-4a-202.3](#).

1863 (3) The division shall make a written report of its investigation that shall include a
1864 determination regarding whether the alleged abuse or neglect is supported, unsupported, or
1865 without merit.

1866 (4) (a) The division shall use an interdisciplinary approach when appropriate in dealing
1867 with reports made under this part.

1868 (b) The division shall convene a child protection team to assist the division in the
1869 division's protective, diagnostic, assessment, treatment, and coordination services.

1870 (c) The division may include members of a child protection unit in the division's
1871 protective, diagnostic, assessment, treatment, and coordination services.

1872 (d) A representative of the division shall serve as the team's coordinator and chair.
1873 Members of the team shall serve at the coordinator's invitation. Whenever possible, the team
1874 shall include representatives of:

1875 (i) health, mental health, education, and law enforcement agencies;

1876 (ii) the child;

1877 (iii) parent and family support groups unless the parent is alleged to be the perpetrator;

1878 and

1879 (iv) other appropriate agencies or individuals.

1880 (5) If a report of neglect is based upon or includes an allegation of educational neglect,
1881 the division shall immediately consult with school authorities to verify the child's status in
1882 accordance with Sections [53G-6-201](#) through [53G-6-206](#).

1883 (6) When the division completes the division's initial investigation under this part, the
1884 division shall give notice of that completion to the person who made the initial report.

1885 (7) Division workers or other child protection team members have authority to enter

1886 upon public or private premises, using appropriate legal processes, to investigate reports of
1887 alleged abuse or neglect, upon notice to parents of their rights under the Child Abuse
1888 Prevention and Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof.

1889 (8) With regard to any interview of a child prior to removal of that child from the
1890 child's home:

1891 (a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of
1892 the child prior to the interview of:

1893 (i) the specific allegations concerning the child; and

1894 (ii) the time and place of the interview;

1895 (b) if a child's parent or stepparent, or a parent's paramour has been identified as the
1896 alleged perpetrator, the division is not required to comply with Subsection (8)(a);

1897 (c) if the perpetrator is unknown, or if the perpetrator's relationship to the child's family
1898 is unknown, the division may conduct a minimal interview or conversation, not to exceed 15
1899 minutes, with the child prior to complying with Subsection (8)(a);

1900 (d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be
1901 notified as soon as practicable after the child has been interviewed, but in no case later than 24
1902 hours after the interview has taken place;

1903 (e) a child's parents shall be notified of the time and place of all subsequent interviews
1904 with the child; and

1905 (f) the child shall be allowed to have a support person of the child's choice present,
1906 who:

1907 (i) may include:

1908 (A) a school teacher;

1909 (B) an administrator;

1910 (C) a guidance counselor;

1911 (D) a child care provider;

1912 (E) a family member;

1913 (F) a family advocate; or

1914 (G) a member of the clergy; and

1915 (ii) may not be an individual who is alleged to be, or potentially may be, the
1916 perpetrator.

1917 (9) In accordance with the procedures and requirements of Sections [62A-4a-202.1](#)
1918 through [62A-4a-202.3](#), a division worker or child protection team member may take a child
1919 into protective custody and deliver the child to a law enforcement officer, or place the child in
1920 an emergency shelter facility approved by the juvenile court, at the earliest opportunity
1921 subsequent to the child's removal from the child's original environment. Control and
1922 jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile
1923 Court Act, and as otherwise provided by law.

1924 (10) With regard to cases in which law enforcement has or is conducting an
1925 investigation of alleged abuse or neglect of a child:

1926 (a) the division shall coordinate with law enforcement to ensure that there is an
1927 adequate safety plan to protect the child from further abuse or neglect; and

1928 (b) the division is not required to duplicate an aspect of the investigation that, in the
1929 division's determination, has been satisfactorily completed by law enforcement.

1930 (11) With regard to a mutual case in which a child protection unit was involved in the
1931 investigation of alleged abuse or neglect of a child, the division shall consult with the child
1932 protection unit before closing the case.

1933 Section 24. Section **63J-1-602.2 (Superseded 07/01/20)** is amended to read:

1934 **63J-1-602.2 (Superseded 07/01/20). List of nonlapsing appropriations to**
1935 **programs.**

1936 Appropriations made to the following programs are nonlapsing:

1937 (1) The Legislature and its committees.

1938 (2) The Percent-for-Art Program created in Section [9-6-404](#).

1939 (3) The LeRay McAllister Critical Land Conservation Program created in Section
1940 [11-38-301](#).

1941 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under
1942 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

1943 (5) The Trip Reduction Program created in Section [19-2a-104](#).

1944 (6) The Division of Wildlife Resources for the appraisal and purchase of lands under
1945 the Pelican Management Act, as provided in Section [23-21a-6](#).

1946 (7) The primary care grant program created in Section [26-10b-102](#).

1947 (8) Sanctions collected as dedicated credits from Medicaid provider under Subsection

- 1948 26-18-3(7).
- 1949 (9) The Utah Health Care Workforce Financial Assistance Program created in Section
- 1950 26-46-102.
- 1951 (10) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- 1952 (11) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- 1953 (12) Funds that the Department of Alcoholic Beverage Control retains in accordance
- 1954 with Subsection 32B-2-301[(7)](8)(a) or (b).
- 1955 (13) The General Assistance program administered by the Department of Workforce
- 1956 Services, as provided in Section 35A-3-401.
- 1957 (14) A new program or agency that is designated as nonlapsing under Section
- 1958 36-24-101.
- 1959 (15) The Utah National Guard, created in Title 39, Militia and Armories.
- 1960 (16) The State Tax Commission under Section 41-1a-1201 for the:
- 1961 (a) purchase and distribution of license plates and decals; and
- 1962 (b) administration and enforcement of motor vehicle registration requirements.
- 1963 (17) The Search and Rescue Financial Assistance Program, as provided in Section
- 1964 53-2a-1102.
- 1965 (18) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1966 (19) The State Board of Regents for teacher preparation programs, as provided in
- 1967 Section 53B-6-104.
- 1968 (20) The Medical Education Program administered by the Medical Education Council,
- 1969 as provided in Section 53B-24-202.
- 1970 (21) The State Board of Education, as provided in Section 53F-2-205.
- 1971 (22) The Division of Services for People with Disabilities, as provided in Section
- 1972 62A-5-102.
- 1973 (23) The Division of Fleet Operations for the purpose of upgrading underground
- 1974 storage tanks under Section 63A-9-401.
- 1975 (24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 1976 (25) Appropriations to the Department of Technology Services for technology
- 1977 innovation as provided under Section 63F-4-202.
- 1978 (26) The Office of Administrative Rules for publishing, as provided in Section

- 1979 63G-3-402.
- 1980 (27) The Utah Science Technology and Research Initiative created in Section
- 1981 63M-2-301.
- 1982 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
- 1983 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1984 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
- 1985 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
- 1986 Employment Expansion Program.
- 1987 (30) Appropriations to fund programs for the Jordan River Recreation Area as
- 1988 described in Section 65A-2-8.
- 1989 (31) The Department of Human Resource Management user training program, as
- 1990 provided in Section 67-19-6.
- 1991 (32) A public safety answering point's emergency telecommunications service fund, as
- 1992 provided in Section 69-2-301.
- 1993 (33) The Traffic Noise Abatement Program created in Section 72-6-112.
- 1994 (34) The Judicial Council for compensation for special prosecutors, as provided in
- 1995 Section 77-10a-19.
- 1996 (35) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 1997 (36) The Utah Geological Survey, as provided in Section 79-3-401.
- 1998 (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 1999 (38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
- 2000 78B-6-144.5.
- 2001 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
- 2002 Defense Commission.
- 2003 (40) The program established by the Division of Facilities Construction and
- 2004 Management under Section 63A-5b-703 under which state agencies receive an appropriation
- 2005 and pay lease payments for the use and occupancy of buildings owned by the Division of
- 2006 Facilities Construction and Management.
- 2007 Section 25. Section 63J-1-602.2 (Effective 07/01/20) is amended to read:
- 2008 **63J-1-602.2 (Effective 07/01/20). List of nonlapsing appropriations to programs.**
- 2009 Appropriations made to the following programs are nonlapsing:

- 2010 (1) The Legislature and the Legislature's committees.
- 2011 (2) The State Board of Education, including all appropriations to agencies, line items,
- 2012 and programs under the jurisdiction of the State Board of Education, in accordance with
- 2013 Section [53F-9-103](#).
- 2014 (3) The Percent-for-Art Program created in Section [9-6-404](#).
- 2015 (4) The LeRay McAllister Critical Land Conservation Program created in Section
- 2016 [11-38-301](#).
- 2017 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
- 2018 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).
- 2019 (6) The Trip Reduction Program created in Section [19-2a-104](#).
- 2020 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
- 2021 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 2022 (8) The emergency medical services grant program in Section [26-8a-207](#).
- 2023 (9) The primary care grant program created in Section [26-10b-102](#).
- 2024 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
- 2025 [26-18-3\(7\)](#).
- 2026 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
- 2027 [26-46-102](#).
- 2028 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 2029 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 2030 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance
- 2031 with Subsection [32B-2-301\[\(7\)\]\(8\)\(a\)](#) or (b).
- 2032 (15) The General Assistance program administered by the Department of Workforce
- 2033 Services, as provided in Section [35A-3-401](#).
- 2034 (16) A new program or agency that is designated as nonlapsing under Section
- 2035 [36-24-101](#).
- 2036 (17) The Utah National Guard, created in Title 39, Militia and Armories.
- 2037 (18) The State Tax Commission under Section [41-1a-1201](#) for the:
- 2038 (a) purchase and distribution of license plates and decals; and
- 2039 (b) administration and enforcement of motor vehicle registration requirements.
- 2040 (19) The Search and Rescue Financial Assistance Program, as provided in Section

- 2041 [53-2a-1102](#).
- 2042 (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2043 (21) The Utah Board of Higher Education for teacher preparation programs, as
2044 provided in Section [53B-6-104](#).
- 2045 (22) The Medical Education Program administered by the Medical Education Council,
2046 as provided in Section [53B-24-202](#).
- 2047 (23) The Division of Services for People with Disabilities, as provided in Section
2048 [62A-5-102](#).
- 2049 (24) The Division of Fleet Operations for the purpose of upgrading underground
2050 storage tanks under Section [63A-9-401](#).
- 2051 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2052 (26) Appropriations to the Department of Technology Services for technology
2053 innovation as provided under Section [63F-4-202](#).
- 2054 (27) The Office of Administrative Rules for publishing, as provided in Section
2055 [63G-3-402](#).
- 2056 (28) The Governor's Office of Economic Development to fund the Enterprise Zone
2057 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2058 (29) Appropriations to fund the Governor's Office of Economic Development's Rural
2059 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
2060 Employment Expansion Program.
- 2061 (30) Appropriations to fund programs for the Jordan River Recreation Area as
2062 described in Section [65A-2-8](#).
- 2063 (31) The Department of Human Resource Management user training program, as
2064 provided in Section [67-19-6](#).
- 2065 (32) A public safety answering point's emergency telecommunications service fund, as
2066 provided in Section [69-2-301](#).
- 2067 (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 2068 (34) The Judicial Council for compensation for special prosecutors, as provided in
2069 Section [77-10a-19](#).
- 2070 (35) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 2071 (36) The Utah Geological Survey, as provided in Section [79-3-401](#).

2072 (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.
2073 (38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
2074 78B-6-144.5.

2075 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2076 Defense Commission.

2077 (40) The program established by the Division of Facilities Construction and
2078 Management under Section 63A-5b-703 under which state agencies receive an appropriation
2079 and pay lease payments for the use and occupancy of buildings owned by the Division of
2080 Facilities Construction and Management.

2081 Section 26. Section 64-13e-104 is amended to read:

2082 **64-13e-104. Housing of state probationary inmates or state parole inmates --**
2083 **Payments.**

2084 (1) (a) A county shall accept and house a state probationary inmate or a state parole
2085 inmate in a county correctional facility, subject to available resources.

2086 (b) A county may release a number of inmates from a county correctional facility, but
2087 not to exceed the number of state probationary inmates in excess of the number of inmates
2088 funded by the appropriation authorized in Subsection (2) if:

2089 (i) the state does not fully comply with the provisions of Subsection (9) for the most
2090 current fiscal year; or

2091 (ii) funds appropriated by the Legislature for this purpose are less than 50% of the
2092 actual county daily incarceration rate.

2093 (2) Within funds appropriated by the Legislature for this purpose, the Division of
2094 Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a
2095 rate of [~~56.88%~~] 47.89% of the actual county daily incarceration rate.

2096 (3) Funds appropriated by the Legislature under Subsection (2):

2097 (a) are nonlapsing;

2098 (b) may only be used for the purposes described in Subsection (2) and Subsection (10);
2099 and

2100 (c) may not be used for:

2101 (i) the costs of administering the payment described in this section; or

2102 (ii) payment of contract costs under Section 64-13e-103.

2103 (4) The costs described in Subsection (3)(c)(i) shall be covered by legislative
2104 appropriation.

2105 (5) (a) The Division of Finance shall administer the payment described in Subsection
2106 (2) and Subsection (10).

2107 (b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G,
2108 Chapter 3, Utah Administrative Rulemaking Act, establish procedures for collecting data from
2109 counties for the purpose of completing the calculations described in this section.

2110 (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount
2111 of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total
2112 amount of the payments made does not exceed the amount appropriated by the Legislature for
2113 the payments.

2114 (6) Each county that receives the payment described in Subsection (2) and Subsection
2115 (10) shall:

2116 (a) on at least a monthly basis, submit a report to CCJJ that includes:

2117 (i) the number of state probationary inmates and state parole inmates the county housed
2118 under this section;

2119 (ii) the total number of state probationary inmate days of incarceration and state parole
2120 inmate days of incarceration that were provided by the county;

2121 (iii) the total number of offenders housed pursuant to Subsection 64-13-21(2)(b); and

2122 (iv) the total number of days of incarceration of offenders housed pursuant to
2123 Subsection 64-13-21(2)(b); and

2124 (b) before September 15 of every third year beginning in 2022, calculate and inform
2125 CCJJ of the county's jail daily incarceration costs for the preceding fiscal year.

2126 (7) (a) On or before September 30 of each year, CCJJ shall:

2127 (i) compile the information from the reports described in Subsection (6)(a) that relate
2128 to the preceding state fiscal year and provide a copy of the compilation to each county that
2129 submitted a report; and

2130 (ii) calculate:

2131 (A) the actual county incarceration rate, based on the most recent year that data was
2132 reported in accordance with Subsection (6)(b); and

2133 (B) the final county incarceration rate.

2134 (b) On or before October 15 of each year, CCJJ shall inform the Division of Finance
2135 and each county of:

- 2136 (i) the actual county incarceration rate;
- 2137 (ii) the final county incarceration rate; and
- 2138 (iii) the exact amount of the payment described in this section that shall be made to
2139 each county.

2140 (8) On or before December 15 of each year, the Division of Finance shall distribute the
2141 payment described in Subsection (7)(b) in a single payment to each county.

2142 (9) (a) The amount paid to each county under Subsection (8) shall be calculated on a
2143 pro rata basis, based on the average number of state probationary inmate days of incarceration
2144 and the average state parole inmate days of incarceration that were provided by each county for
2145 the preceding five state fiscal years; and

2146 (b) if funds are available, the total number of days of incarceration of offenders housed
2147 pursuant to Subsection 64-13-21(2)(b).

2148 (10) If funds appropriated under Subsection (2) remain after payments are made
2149 pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a
2150 person convicted of a felony who is on probation or parole and who is incarcerated pursuant to
2151 Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the actual county daily
2152 incarceration rate.

2153 Section 27. Section **67-19-14.7 (Superseded 07/01/20)** is amended to read:

2154 **67-19-14.7 (Superseded 07/01/20). Postpartum recovery leave.**

2155 (1) As used in this section:

2156 (a) "Eligible employee" means an employee who:

- 2157 (i) is in a position that receives retirement benefits under Title 49, Utah State
2158 Retirement and Insurance Benefit Act;
- 2159 (ii) accrues paid leave benefits that can be used in the current and future calendar years;
- 2160 (iii) is not reemployed as defined in Section 49-11-1202; and
- 2161 (iv) gives birth to a child.

2162 (b) "Postpartum recovery leave" means leave hours a state employer provides to an
2163 eligible employee to recover from childbirth.

2164 (c) "Retaliatory action" means to do any of the following to an employee:

- 2165 (i) dismiss the employee;
- 2166 (ii) reduce the employee's compensation;
- 2167 (iii) fail to increase the employee's compensation by an amount that the employee is
- 2168 otherwise entitled to or was promised;
- 2169 (iv) fail to promote the employee if the employee would have otherwise been
- 2170 promoted; or
- 2171 (v) threaten to take an action described in Subsections [~~(1)(f)(i)~~] (1)(c)(i) through (iv).
- 2172 (d) (i) "State employer" means:
- 2173 (A) a state executive branch agency, including the State Tax Commission, the National
- 2174 Guard, and the Board of Pardons and Parole;
- 2175 (B) the legislative branch of the state; or
- 2176 (C) the judicial branch of the state.
- 2177 (ii) "State employer" does not include:
- 2178 (A) an institute of higher education;
- 2179 (B) the [~~Board of Regents~~] Utah Board of Higher Education;
- 2180 (C) the State Board of Education;
- 2181 (D) an independent entity as defined in Section [63E-1-102](#);
- 2182 (E) the Attorney General's Office;
- 2183 (F) the State Auditor's Office; or
- 2184 (G) the State Treasurer's Office.
- 2185 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible
- 2186 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work
- 2187 week for recovery from childbirth.
- 2188 (b) A state employer shall allow an eligible employee who is part-time or who works in
- 2189 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery
- 2190 leave available to the eligible employee under this section on a pro rata basis as adopted by rule
- 2191 by the department under Subsection (11).
- 2192 (3) (a) Postpartum recovery leave described in Subsection (2):
- 2193 (i) shall be used starting on the day on which the eligible employee gives birth, unless a
- 2194 health care provider certifies that an earlier start date is medically necessary;
- 2195 (ii) shall be used in a single continuous period; and

2196 (iii) runs concurrently with any leave authorized under the Family and Medical Leave
2197 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

2198 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not
2199 increase if an eligible employee has more than one child born from the same pregnancy.

2200 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the
2201 state employer notice at least 30 days before the day on which the eligible employee plans to:

2202 (i) begin using postpartum recovery leave under this section; and

2203 (ii) stop using postpartum recovery leave under this section.

2204 (b) If circumstances beyond the eligible employee's control prevent the eligible
2205 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall
2206 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

2207 (5) A state employer may not charge postpartum recovery leave under this section
2208 against sick, annual, or other leave.

2209 (6) A state employer may not compensate an eligible employee for any unused
2210 postpartum recovery leave upon termination of employment.

2211 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave
2212 under this section, the state employer shall ensure that the eligible employee may return to:

2213 (i) the position that the eligible employee held before using postpartum recovery leave;

2214 or

2215 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
2216 and pay to the position that the eligible employee held before using postpartum recovery leave.

2217 (b) If during the time an eligible employee uses postpartum recovery leave under this
2218 section the state employer experiences a reduction in force and, as part of the reduction in
2219 force, the eligible employee would have been separated had the eligible employee not been
2220 using the postpartum recovery leave, the state employer may separate the eligible employee in
2221 accordance with any applicable process or procedure as if the eligible employee were not using
2222 the postpartum recovery leave.

2223 (8) During the time an eligible employee uses postpartum recovery leave under this
2224 section, the eligible employee shall continue to receive all employment related benefits and
2225 payments at the same level that the eligible employee received immediately before beginning
2226 the postpartum leave, provided that the eligible employee pays any required employee

2227 contributions.

2228 (9) A state employer may not:

2229 (a) interfere with or otherwise restrain an eligible employee from using postpartum
2230 recovery leave in accordance with this section; or

2231 (b) take retaliatory action against an eligible employee for using postpartum recovery
2232 leave in accordance with this section.

2233 (10) A state employer shall provide each employee written information regarding an
2234 eligible employee's right to use postpartum recovery leave under this section.

2235 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2236 the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of
2237 postpartum recovery leave under this section, including a schedule that provides paid or
2238 postpartum recovery leave for an eligible employee who is part-time or who works in excess of
2239 a 40-hour work week on a pro rata basis.

2240 Section 28. Section **67-19-14.7 (Effective 07/01/20)** is amended to read:

2241 **67-19-14.7 (Effective 07/01/20). Postpartum recovery leave.**

2242 (1) As used in this section:

2243 (a) "Eligible employee" means an employee who:

2244 (i) is in a position that receives retirement benefits under Title 49, Utah State

2245 Retirement and Insurance Benefit Act;

2246 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

2247 (iii) is not reemployed as defined in Section [49-11-1202](#); and

2248 (iv) gives birth to a child.

2249 (b) "Postpartum recovery leave" means leave hours a state employer provides to an
2250 eligible employee to recover from childbirth.

2251 (c) "Retaliatory action" means to do any of the following to an employee:

2252 (i) dismiss the employee;

2253 (ii) reduce the employee's compensation;

2254 (iii) fail to increase the employee's compensation by an amount that the employee is
2255 otherwise entitled to or was promised;

2256 (iv) fail to promote the employee if the employee would have otherwise been

2257 promoted; or

2258 (v) threaten to take an action described in Subsections ~~[(1)(f)(i)]~~ (1)(c)(i) through (iv).

2259 (d) (i) "State employer" means:

2260 (A) a state executive branch agency, including the State Tax Commission, the National
2261 Guard, and the Board of Pardons and Parole;

2262 (B) the legislative branch of the state; or

2263 (C) the judicial branch of the state.

2264 (ii) "State employer" does not include:

2265 (A) an institute of higher education;

2266 (B) the Utah Board of Higher Education;

2267 (C) the State Board of Education;

2268 (D) an independent entity as defined in Section [63E-1-102](#);

2269 (E) the Attorney General's Office;

2270 (F) the State Auditor's Office; or

2271 (G) the State Treasurer's Office.

2272 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible
2273 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work
2274 week for recovery from childbirth.

2275 (b) A state employer shall allow an eligible employee who is part-time or who works in
2276 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery
2277 leave available to the eligible employee under this section on a pro rata basis as adopted by rule
2278 by the department under Subsection (11).

2279 (3) (a) Postpartum recovery leave described in Subsection (2):

2280 (i) shall be used starting on the day on which the eligible employee gives birth, unless a
2281 health care provider certifies that an earlier start date is medically necessary;

2282 (ii) shall be used in a single continuous period; and

2283 (iii) runs concurrently with any leave authorized under the Family and Medical Leave
2284 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

2285 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not
2286 increase if an eligible employee has more than one child born from the same pregnancy.

2287 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the
2288 state employer notice at least 30 days before the day on which the eligible employee plans to:

- 2289 (i) begin using postpartum recovery leave under this section; and
2290 (ii) stop using postpartum recovery leave under this section.
- 2291 (b) If circumstances beyond the eligible employee's control prevent the eligible
2292 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall
2293 give each notice described in Subsection (4)(a) as soon as reasonably practicable.
- 2294 (5) A state employer may not charge postpartum recovery leave under this section
2295 against sick, annual, or other leave.
- 2296 (6) A state employer may not compensate an eligible employee for any unused
2297 postpartum recovery leave upon termination of employment.
- 2298 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave
2299 under this section, the state employer shall ensure that the eligible employee may return to:
- 2300 (i) the position that the eligible employee held before using postpartum recovery leave;
2301 or
- 2302 (ii) a position within the state employer that is equivalent in seniority, status, benefits,
2303 and pay to the position that the eligible employee held before using postpartum recovery leave.
- 2304 (b) If during the time an eligible employee uses postpartum recovery leave under this
2305 section the state employer experiences a reduction in force and, as part of the reduction in
2306 force, the eligible employee would have been separated had the eligible employee not been
2307 using the postpartum recovery leave, the state employer may separate the eligible employee in
2308 accordance with any applicable process or procedure as if the eligible employee were not using
2309 the postpartum recovery leave.
- 2310 (8) During the time an eligible employee uses postpartum recovery leave under this
2311 section, the eligible employee shall continue to receive all employment related benefits and
2312 payments at the same level that the eligible employee received immediately before beginning
2313 the postpartum leave, provided that the eligible employee pays any required employee
2314 contributions.
- 2315 (9) A state employer may not:
- 2316 (a) interfere with or otherwise restrain an eligible employee from using postpartum
2317 recovery leave in accordance with this section; or
- 2318 (b) take retaliatory action against an eligible employee for using postpartum recovery
2319 leave in accordance with this section.

2320 (10) A state employer shall provide each employee written information regarding an
2321 eligible employee's right to use postpartum recovery leave under this section.

2322 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2323 the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of
2324 postpartum recovery leave under this section, including a schedule that provides paid or
2325 postpartum recovery leave for an eligible employee who is part-time or who works in excess of
2326 a 40-hour work week on a pro rata basis.

2327 Section 29. Section **72-2-121** is amended to read:

2328 **72-2-121. County of the First Class Highway Projects Fund.**

2329 (1) There is created a special revenue fund within the Transportation Fund known as
2330 the "County of the First Class Highway Projects Fund."

2331 (2) The fund consists of money generated from the following revenue sources:

2332 (a) any voluntary contributions received for new construction, major renovations, and
2333 improvements to highways within a county of the first class;

2334 (b) the portion of the sales and use tax described in Subsection [59-12-2214\(3\)\(b\)](#)
2335 deposited in or transferred to the fund;

2336 (c) the portion of the sales and use tax described in Section [59-12-2217](#) deposited in or
2337 transferred to the fund; and

2338 (d) a portion of the local option highway construction and transportation corridor
2339 preservation fee imposed in a county of the first class under Section [41-1a-1222](#) deposited in or
2340 transferred to the fund.

2341 (3) (a) The fund shall earn interest.

2342 (b) All interest earned on fund money shall be deposited into the fund.

2343 (4) The executive director shall use the fund money only:

2344 (a) to pay debt service and bond issuance costs for bonds issued under Sections
2345 [63B-16-102](#), [63B-18-402](#), and [63B-27-102](#);

2346 (b) for right-of-way acquisition, new construction, major renovations, and
2347 improvements to highways within a county of the first class and to pay any debt service and
2348 bond issuance costs related to those projects, including improvements to a highway located
2349 within a municipality in a county of the first class where the municipality is located within the
2350 boundaries of more than a single county;

- 2351 (c) for the construction, acquisition, use, maintenance, or operation of:
- 2352 (i) an active transportation facility for nonmotorized vehicles;
- 2353 (ii) multimodal transportation that connects an origin with a destination; or
- 2354 (iii) a facility that may include a:
- 2355 (A) pedestrian or nonmotorized vehicle trail;
- 2356 (B) nonmotorized vehicle storage facility;
- 2357 (C) pedestrian or vehicle bridge; or
- 2358 (D) vehicle parking lot or parking structure;
- 2359 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
- 2360 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts
- 2361 transferred in accordance with Subsection 72-2-124(4)(a)(iv);
- 2362 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
- 2363 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects
- 2364 described in Subsection 63B-18-401(4)(a);
- 2365 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
- 2366 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
- 2367 transfer an amount equal to 50% of the revenue generated by the local option highway
- 2368 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
- 2369 a county of the first class:
- 2370 (i) to the legislative body of a county of the first class; and
- 2371 (ii) to be used by a county of the first class for:
- 2372 (A) highway construction, reconstruction, or maintenance projects; or
- 2373 (B) the enforcement of state motor vehicle and traffic laws;
- 2374 (g) for fiscal year 2015-16 only, and after the department has verified that the amount
- 2375 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
- 2376 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:
- 2377 (i) to the legislative body of a county of the first class; and
- 2378 (ii) to be used by the county for the purposes described in this section;
- 2379 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified
- 2380 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the
- 2381 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to

2382 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
2383 the fund in accordance with Subsection 59-12-2214(3)(b) to:

2384 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under
2385 Section 63B-27-102; and

2386 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been
2387 deposited into the Transportation Fund;

2388 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
2389 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
2390 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
2391 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
2392 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the
2393 first class to fund a system for public transit;

2394 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified
2395 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
2396 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
2397 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
2398 deposited into the fund under Subsection (2)(b):

2399 (i) to the legislative body of a county of the first class; and

2400 (ii) to fund parking facilities in a county of the first class that facilitate significant
2401 economic development and recreation and tourism within the state;

2402 (k) for the 2018-19 fiscal year only, after the department has verified that the amount
2403 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under
2404 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections
2405 (4)(h), (i), and (j) have been made, to transfer \$12,000,000 to the department to distribute for
2406 the following projects:

2407 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

2408 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from
2409 6800 West to 7300 West;

2410 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;

2411 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400
2412 South to 13200 South;

2413 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State
2414 Street to Van Winkle;

2415 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
2416 11400 South to 12300 South;

2417 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;

2418 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to
2419 10200 South from 2700 West to 3200 West;

2420 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near
2421 Mountain View Corridor;

2422 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and

2423 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
2424 7200 West to 8000 West; and

2425 (l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been
2426 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in
2427 Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required
2428 under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection
2429 (4)(e) has been made, and after the bonds under Section 63B-27-102 have been repaid, to
2430 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a
2431 county of the first class and deposited into the fund in accordance with Subsection
2432 59-12-2214(3)(b):

2433 (i) to the legislative body of a county of the first class; and

2434 (ii) to be used by the county for the purposes described in this section.

2435 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the
2436 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and
2437 63B-27-102 are considered a local matching contribution for the purposes described under
2438 Section 72-2-123.

2439 (6) The additional administrative costs of the department to administer this fund shall
2440 be paid from money in the fund.

2441 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the
2442 revenue sources deposited into this fund, the Department of Transportation may use the money
2443 in this fund for any of the purposes detailed in Subsection (4).

2444 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal
2445 year, after all programmed payments and transfers authorized or required under this section
2446 have been made, on ~~July~~ November 30 the department shall transfer the remainder of the
2447 money in the fund to the Transportation Fund to reduce the amount owed to the Transportation
2448 Fund under Subsection (4)(j)(ii).

2449 (b) The department shall provide notice to a county of the first class of the amount
2450 transferred in accordance with this Subsection (8).

2451 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under
2452 Subsections (4) through (8) is subject to the review process described in this Subsection (9).

2453 (b) A county of the first class shall create a county transportation advisory committee
2454 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public
2455 transit projects and rank projects for allocation of funds.

2456 (c) The county transportation advisory committee described in Subsection (9)(b) shall
2457 be composed of the following 13 members:

2458 (i) six members who are residents of the county, nominated by the county executive
2459 and confirmed by the county legislative body who are:

2460 (A) members of a local advisory council of a large public transit district as defined in
2461 Section [17B-2a-802](#);

2462 (B) county council members; or

2463 (C) other residents with expertise in transportation planning and funding; and

2464 (ii) seven members nominated by the county executive, and confirmed by the county
2465 legislative body, chosen from mayors or managers of cities or towns within the county.

2466 (d) (i) A majority of the members of the county transportation advisory committee
2467 constitutes a quorum.

2468 (ii) The action by a quorum of the county transportation advisory committee constitutes
2469 an action by the county transportation advisory committee.

2470 (e) The county body shall determine:

2471 (i) the length of a term of a member of the county transportation advisory committee;

2472 (ii) procedures and requirements for removing a member of the county transportation
2473 advisory committee;

2474 (iii) voting requirements of the county transportation advisory committee;

- 2475 (iv) chairs or other officers of the county transportation advisory committee;
- 2476 (v) how meetings are to be called and the frequency of meetings, but not less than once
- 2477 annually; and
- 2478 (vi) the compensation, if any, of members of the county transportation advisory
- 2479 committee.
- 2480 (f) The county shall establish by ordinance criteria for prioritization and ranking of
- 2481 projects, which may include consideration of regional and countywide economic development
- 2482 impacts, including improved local access to:
- 2483 (i) employment;
- 2484 (ii) recreation;
- 2485 (iii) commerce; and
- 2486 (iv) residential areas.
- 2487 (g) The county transportation advisory committee shall evaluate and rank each
- 2488 proposed public transit project and regionally significant transportation facility according to
- 2489 criteria developed pursuant to Subsection (9)(f).
- 2490 (h) (i) After the review and ranking of each project as described in this section, the
- 2491 county transportation advisory committee shall provide a report and recommend the ranked list
- 2492 of projects to the county legislative body and county executive.
- 2493 (ii) After review of the recommended list of projects, as part of the county budgetary
- 2494 process, the county executive shall review the list of projects and may include in the proposed
- 2495 budget the proposed projects for allocation, as funds are available.
- 2496 (i) The county executive of the county of the first class, with information provided by
- 2497 the county and relevant state entities, shall provide a report annually to the county
- 2498 transportation advisory committee, and to the mayor or manager of each city, town, or metro
- 2499 township in the county, including the following:
- 2500 (i) the amount of revenue received into the fund during the past year;
- 2501 (ii) any funds available for allocation;
- 2502 (iii) funds obligated for debt service; and
- 2503 (iv) the outstanding balance of transportation-related debt.
- 2504 (10) As resources allow, the department shall study in 2020 transportation connectivity
- 2505 in the southwest valley of Salt Lake County, including the feasibility of connecting major

2506 east-west corridors to U-111.

2507 Section 30. Section **78A-6-117 (Superseded 07/01/20)** is amended to read:

2508 **78A-6-117 (Superseded 07/01/20). Adjudication of jurisdiction of juvenile court --**
2509 **Disposition of cases -- Enumeration of possible court orders -- Considerations of court.**

2510 (1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within
2511 Section **78A-6-103**, the court shall adjudicate the case and make findings of fact upon which
2512 the court bases the court's jurisdiction over the case.

2513 (b) For a case described in Subsection **78A-6-103(1)**, findings of fact are not necessary.

2514 (c) If the court adjudicates a minor for an offense of violence or an offense in violation
2515 of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be
2516 provided to the school superintendent of the district in which the minor resides or attends
2517 school. Notice shall be made to the district superintendent within three days of the
2518 adjudication and shall include:

2519 (i) the specific offenses for which the minor was adjudicated; and

2520 (ii) if available, whether the victim:

2521 (A) resides in the same school district as the minor; or

2522 (B) attends the same school as the minor.

2523 (d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated
2524 risk and needs assessment.

2525 (ii) Results of the screening or assessment shall be used to inform disposition decisions
2526 and case planning. Assessment results, if available, may not be shared with the court before
2527 adjudication.

2528 (2) Upon adjudication the court may make the following dispositions by court order:

2529 (a) (i) the court may place the minor on probation or under protective supervision in
2530 the minor's own home and upon conditions determined by the court, including community or
2531 compensatory service;

2532 (ii) a condition ordered by the court under Subsection (2)(a)(i):

2533 (A) shall be individualized and address a specific risk or need;

2534 (B) shall be based on information provided to the court, including the results of a
2535 validated risk and needs assessment conducted under Subsection (1)(d);

2536 (C) if the court orders substance abuse treatment or an educational series, shall be

2537 based on a validated risk and needs assessment conducted under Subsection (1)(d); and

2538 (D) if the court orders protective supervision, may not designate the division as the
2539 provider of protective supervision unless there is a petition regarding abuse, neglect, or
2540 dependency before the court requesting that the division provide protective supervision;

2541 (iii) a court may not issue a standard order that contains control-oriented conditions;

2542 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the
2543 minor and not the minor's family;

2544 (v) if the court orders probation, the court may direct that notice of the court's order be
2545 provided to designated individuals in the local law enforcement agency and the school or
2546 transferee school, if applicable, that the minor attends. The designated individuals may receive
2547 the information for purposes of the minor's supervision and student safety; and

2548 (vi) an employee of the local law enforcement agency and the school that the minor
2549 attends who discloses the court's order of probation is not:

2550 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
2551 provided in Section 63G-7-202; and

2552 (B) civilly or criminally liable except when the disclosure constitutes a knowing
2553 violation of Section 63G-2-801.

2554 (b) The court may place the minor in the legal custody of a relative or other suitable
2555 individual, with or without probation or other court-specified child welfare services, but the
2556 juvenile court may not assume the function of developing foster home services.

2557 (c) The court shall only vest legal custody of the minor in the Division of Juvenile
2558 Justice Services and order the Division of Juvenile Justice Services to provide dispositional
2559 recommendations and services if:

2560 (i) nonresidential treatment options have been exhausted or nonresidential treatment
2561 options are not appropriate; and

2562 (ii) the minor is adjudicated under this section for a felony offense, a misdemeanor
2563 when the minor has five prior misdemeanors or felony adjudications arising from separate
2564 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in
2565 Section 76-1-601.

2566 (d) (i) The court may not vest legal custody of a minor in the Division of Juvenile
2567 Justice Services for:

2568 (A) contempt of court except to the extent permitted under Section [78A-6-1101](#);

2569 (B) a violation of probation;

2570 (C) failure to pay a fine, fee, restitution, or other financial obligation;

2571 (D) unfinished compensatory or community service hours;

2572 (E) an infraction; or

2573 (F) a status offense.

2574 (ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may
2575 petition the court to express the minor's desire to be removed from the jurisdiction of the
2576 juvenile court and from the custody of the division if the minor is in the division's custody on
2577 grounds of abuse, neglect, or dependency.

2578 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,
2579 Termination of Parental Rights Act, the minor's petition shall contain a statement from the
2580 minor's parent or guardian agreeing that the minor should be removed from the custody of the
2581 division.

2582 (C) The minor and the minor's parent or guardian shall sign the petition.

2583 (D) The court shall review the petition within 14 days.

2584 (E) The court shall remove the minor from the custody of the division if the minor and
2585 the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B)
2586 and (C) and if the court finds, based on input from the division, the minor's guardian ad litem,
2587 and the Office of the Attorney General, that the minor does not pose an imminent threat to self
2588 or others.

2589 (F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days
2590 of the date of removal, petition the court to re-enter custody of the division.

2591 (G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the
2592 division to take custody of the minor based on the findings the court entered when the court
2593 originally vested custody in the division.

2594 (e) The court shall only commit a minor to the Division of Juvenile Justice Services for
2595 secure confinement if the court finds that:

2596 (i) (A) the minor poses a risk of harm to others; or

2597 (B) the minor's conduct resulted in the victim's death; and

2598 (ii) the minor is adjudicated under this section for:

- 2599 (A) a felony offense;
- 2600 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications
- 2601 arising from separate criminal episodes; or
- 2602 (C) a misdemeanor involving use of a dangerous weapon as defined in Section
- 2603 76-1-601.
- 2604 (f) (i) A minor under the jurisdiction of the court solely on the ground of abuse,
- 2605 neglect, or dependency under Subsection 78A-6-103(1)(b) may not be committed to the
- 2606 Division of Juvenile Justice Services.
- 2607 (ii) The court may not commit a minor to the Division of Juvenile Justice Services for
- 2608 secure confinement for:
- 2609 (A) contempt of court;
- 2610 (B) a violation of probation;
- 2611 (C) failure to pay a fine, fee, restitution, or other financial obligation;
- 2612 (D) unfinished compensatory or community service hours;
- 2613 (E) an infraction; or
- 2614 (F) a status offense.
- 2615 (g) The court may order nonresidential, diagnostic assessment, including substance use
- 2616 disorder, mental health, psychological, or sexual behavior risk assessment.
- 2617 (h) (i) The court may commit a minor to a place of detention or an alternative to
- 2618 detention for a period not to exceed 30 cumulative days per adjudication subject to the court
- 2619 retaining continuing jurisdiction over the minor's case. This commitment may not be
- 2620 suspended upon conditions ordered by the court.
- 2621 (ii) This Subsection (2)(h) applies only to a minor adjudicated for:
- 2622 (A) an act which if committed by an adult would be a criminal offense; or
- 2623 (B) contempt of court under Section 78A-6-1101.
- 2624 (iii) The court may not commit a minor to a place of detention for:
- 2625 (A) contempt of court except to the extent allowed under Section 78A-6-1101;
- 2626 (B) a violation of probation;
- 2627 (C) failure to pay a fine, fee, restitution, or other financial obligation;
- 2628 (D) unfinished compensatory or community service hours;
- 2629 (E) an infraction; or

2630 (F) a status offense.

2631 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30
2632 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more
2633 than 30 days in a place of detention before disposition, the court may not commit a minor to
2634 detention under this section.

2635 (B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a
2636 maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the
2637 seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.

2638 (v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be
2639 ordered in combination with an order under Subsection (2)(c).

2640 (i) ~~[The]~~ (a) Except as provided in Subsection (2)(i)(b), the court may vest legal
2641 custody of an abused, neglected, or dependent minor in the division or any other appropriate
2642 person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3,
2643 Abuse, Neglect, and Dependency Proceedings.

2644 (b) The court may not vest legal custody of an abused, neglected, or dependent minor
2645 in the division to primarily address the minor's ungovernable or other behavior, mental health,
2646 or disability unless the division:

2647 (i) engages other relevant divisions within the department in conducting an assessment
2648 of the minor's and the minor's family's needs;

2649 (ii) based on the assessment described in Subsection (2)(i)(b)(i), determines that
2650 vesting custody of the minor in the division is the least restrictive intervention for the minor
2651 that meets the minor's needs; and

2652 (iii) consents to legal custody of the minor being vested in the division.

2653 (j) (i) The court may order a minor to repair, replace, or otherwise make restitution for
2654 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to
2655 make restitution.

2656 (ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a
2657 pattern of criminal activity, includes any person directly harmed by the minor's delinquency
2658 conduct in the course of the scheme, conspiracy, or pattern.

2659 (iii) If the victim and the minor agree to participate, the court may refer the case to a
2660 restorative justice program such as victim offender mediation to address how loss resulting

2661 from the adjudicated act may be addressed.

2662 (iv) For the purpose of determining whether and how much restitution is appropriate,
2663 the court shall consider the following:

2664 (A) restitution shall only be ordered for the victim's material loss;

2665 (B) restitution may not be ordered if the court finds that the minor is unable to pay or
2666 acquire the means to pay;

2667 (C) any amount paid by the minor to the victim in civil penalty shall be credited against
2668 restitution owed; and

2669 (D) the length of the presumptive term of supervision shall be taken into account in
2670 determining the minor's ability to satisfy the restitution order within the presumptive term.

2671 (v) Any amount paid to the victim in restitution shall be credited against liability in a
2672 civil suit.

2673 (vi) The court may also require a minor to reimburse an individual, entity, or
2674 governmental agency who offered and paid a reward to a person or persons for providing
2675 information resulting in a court adjudication that the minor is within the jurisdiction of the
2676 juvenile court due to the commission of a criminal offense.

2677 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
2678 court may order the minor to make restitution for costs expended by any governmental entity
2679 for the return.

2680 (viii) Within seven days after the day on which a petition is filed under Section
2681 [78A-6-602.5](#), the prosecuting attorney or the court's probation department shall provide
2682 notification of the restitution process to all reasonably identifiable and locatable victims of an
2683 offense listed in the petition.

2684 (ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for
2685 providing the prosecutor with:

2686 (A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
2687 loss;

2688 (B) all documentation of any compensation or reimbursement from an insurance
2689 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

2690 (C) if applicable, the victim's proof of identification, including the victim's date of
2691 birth, social security number, or driver license number; and

2692 (D) the victim's contact information, including the victim's current home and work
2693 address and telephone number.

2694 (x) A prosecutor or victim shall submit a request for restitution to the court at the time
2695 of disposition, if feasible, otherwise within 90 days after disposition.

2696 (xi) The court shall order a financial disposition that prioritizes the payment of
2697 restitution.

2698 (k) The court may issue orders necessary for the collection of restitution and fines
2699 ordered by the court, including garnishments, wage withholdings, and executions, except for an
2700 order that changes the custody of the minor, including detention or other secure or nonsecure
2701 residential placements.

2702 (l) (i) The court may through the court's probation department encourage the
2703 development of nonresidential employment or work programs to enable a minor to fulfill the
2704 minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the
2705 court.

2706 (ii) Consistent with the order of the court, the probation officer may permit a minor to
2707 participate in a program of work restitution or compensatory service in lieu of paying part or all
2708 of the fine imposed by the court.

2709 (iii) The court may order the minor to:

2710 (A) pay a fine, fee, restitution, or other cost; or

2711 (B) complete service hours.

2712 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to
2713 complete service hours, those dispositions shall be considered collectively to ensure that the
2714 order:

2715 (A) is reasonable;

2716 (B) prioritizes restitution; and

2717 (C) takes into account the minor's ability to satisfy the order within the presumptive
2718 term of supervision.

2719 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service
2720 hours, the cumulative order shall be limited per criminal episode as follows:

2721 (A) for a minor younger than 16 years old at adjudication, the court may impose up to
2722 \$180 or up to 24 hours of service; and

2723 (B) for a minor 16 years old or older at adjudication, the court may impose up to \$270
2724 or up to 36 hours of service.

2725 (vi) The cumulative order under Subsection (2)(l)(v) does not include restitution.

2726 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of
2727 conversion shall be no less than the minimum wage.

2728 (m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds
2729 that as part of the commission of the violation the minor was in actual physical control of a
2730 motor vehicle, the court may, in addition to any other disposition authorized by this section:

2731 (A) restrain the minor from driving for periods of time the court considers necessary;
2732 and

2733 (B) take possession of the minor's driver license.

2734 (ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i)
2735 except for a disposition under Subsection (2)(c), (d), (e), or (f).

2736 (B) The suspension of driving privileges for an offense under Section 78A-6-606 is
2737 governed only by Section 78A-6-606.

2738 (n) (i) The court may order a minor to complete community or compensatory service
2739 hours in accordance with Subsections (2)(l)(iv) and (v).

2740 (ii) When community service is ordered, the presumptive service order shall include
2741 between five and 10 hours of service.

2742 (iii) Satisfactory completion of an approved substance use disorder prevention or
2743 treatment program or other court-ordered condition may be credited by the court as
2744 compensatory service hours.

2745 (iv) When a minor commits an offense involving the use of graffiti under Section
2746 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor
2747 or any other individual at a time and place within the jurisdiction of the court. Compensatory
2748 service ordered under this section may be performed in the presence and under the direct
2749 supervision of the minor's parent or legal guardian. The parent or legal guardian shall report
2750 completion of the order to the court. The court may also require the minor to perform other
2751 alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

2752 (o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

2753 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

2754 (B) receive other special care.

2755 (ii) For purposes of receiving the examination, treatment, or care described in
2756 Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is
2757 not a secure facility or secure detention.

2758 (iii) In determining whether to order the examination, treatment, or care described in
2759 Subsection (2)(o)(i), the court shall consider:

2760 (A) the desires of the minor;

2761 (B) if the minor is younger than 18 years old, the desires of the parents or guardian of
2762 the minor; and

2763 (C) whether the potential benefits of the examination, treatment, or care outweigh the
2764 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
2765 function impairment, or emotional or physical harm resulting from the compulsory nature of
2766 the examination, treatment, or care.

2767 (iv) The division shall:

2768 (A) take reasonable measures to notify a parent or guardian of any non-emergency
2769 health treatment or care scheduled for a child;

2770 (B) include the parent or guardian as fully as possible in making health care decisions
2771 for the child; and

2772 (C) defer to the parent's or guardian's reasonable and informed decisions regarding the
2773 child's health care to the extent that the child's health and well being are not unreasonably
2774 compromised by the parent's or guardian's decision.

2775 (v) The division shall notify the parent or guardian of a child within five business days
2776 after a child in the custody of the division receives emergency health care or treatment.

2777 (vi) The division shall use the least restrictive means to accomplish a compelling
2778 interest in the care and treatment of a child described in this Subsection (2)(o).

2779 (p) (i) The court may appoint a guardian for the minor if it appears necessary in the
2780 interest of the minor, and may appoint as guardian a public or private institution or agency, but
2781 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

2782 (ii) In placing a minor under the guardianship or legal custody of an individual or of a
2783 private agency or institution, the court shall give primary consideration to the welfare of the
2784 minor. When practicable, the court may take into consideration the religious preferences of the

2785 minor and of a child's parents.

2786 (q) (i) In support of a decree under Section 78A-6-103, the court may order reasonable
2787 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any
2788 other person who has been made a party to the proceedings. Conditions may include:

2789 (A) parent-time by the parents or one parent;

2790 (B) restrictions on the minor's associates;

2791 (C) restrictions on the minor's occupation and other activities; and

2792 (D) requirements to be observed by the parents or custodian.

2793 (ii) A minor whose parents or guardians successfully complete a family or other
2794 counseling program may be credited by the court for detention, confinement, or probation time.

2795 (r) The court may order the child to be committed to the physical custody of a local
2796 mental health authority, in accordance with the procedures and requirements of Title 62A,
2797 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
2798 Mental Health.

2799 (s) (i) The court may make an order committing a minor within the court's jurisdiction
2800 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
2801 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with
2802 an Intellectual Disability.

2803 (ii) The court shall follow the procedure applicable in the district courts with respect to
2804 judicial commitments to the Utah State Developmental Center when ordering a commitment
2805 under Subsection (2)(s)(i).

2806 (t) The court may terminate all parental rights upon a finding of compliance with Title
2807 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

2808 (u) The court may make other reasonable orders for the best interest of the minor and
2809 as required for the protection of the public, except that a child may not be committed to jail,
2810 prison, secure detention, or the custody of the Division of Juvenile Justice Services under
2811 Subsections (2)(c), (d), (e), and (f).

2812 (v) The court may combine the dispositions listed in this section if it is permissible and
2813 they are compatible.

2814 (w) Before depriving any parent of custody, the court shall give due consideration to
2815 the rights of parents concerning their child. ~~[The]~~ Except as provided in Subsection (2)(i)(b),

2816 the court may transfer custody of a minor to another individual, agency, or institution in
2817 accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse,
2818 Neglect, and Dependency Proceedings.

2819 (x) Except as provided in Subsection (2)(z)(i), an order under this section for probation
2820 or placement of a minor with an individual or an agency shall include a date certain for a
2821 review and presumptive termination of the case by the court in accordance with Subsection (6)
2822 and Section [62A-7-404.5](#). A new date shall be set upon each review.

2823 (y) In reviewing foster home placements, special attention shall be given to making
2824 adoptable children available for adoption without delay.

2825 (z) (i) The juvenile court may enter an order of permanent custody and guardianship
2826 with an individual or relative of a child where the court has previously acquired jurisdiction as
2827 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
2828 order for child support on behalf of the child against the natural or adoptive parents of the
2829 child.

2830 (ii) Orders under Subsection (2)(z)(i):

2831 (A) shall remain in effect until the child reaches majority;

2832 (B) are not subject to review under Section [78A-6-118](#); and

2833 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

2834 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
2835 permanent orders of custody and guardianship do not expire with a termination of jurisdiction
2836 of the juvenile court.

2837 (3) If a court adjudicates a minor for an offense, the minor may be given a choice by
2838 the court to serve in the National Guard in lieu of other sanctions described in Subsection (2)
2839 if:

2840 (a) the minor meets the current entrance qualifications for service in the National
2841 Guard as determined by a recruiter, whose determination is final;

2842 (b) the offense:

2843 (i) would be a felony if committed by an adult;

2844 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

2845 (iii) was committed with a weapon; and

2846 (c) the court retains jurisdiction over the minor's case under conditions set by the court

2847 and agreed upon by the recruiter or the unit commander to which the minor is eventually
2848 assigned.

2849 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
2850 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
2851 designated employees of the court or, if the minor is in the legal custody of the Division of
2852 Juvenile Justice Services, then by designated employees of the division under Subsection
2853 53-10-404(5)(b).

2854 (b) The responsible agency shall ensure that an employee designated to collect the
2855 saliva DNA specimens receives appropriate training and that the specimens are obtained in
2856 accordance with accepted protocol.

2857 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
2858 Specimen Restricted Account created in Section 53-10-407.

2859 (d) Payment of the reimbursement is second in priority to payments the minor is
2860 ordered to make for restitution under this section and treatment under Section 78A-6-321.

2861 (5) (a) A disposition made by the court in accordance with this section may not be
2862 suspended, except for the following:

2863 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services
2864 under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection
2865 (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new
2866 misdemeanor or felony offense during the three months following the day of disposition.

2867 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not
2868 exceed three months post-disposition and may not be extended under any circumstance.

2869 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

2870 (A) following adjudication of a new misdemeanor or felony offense committed by the
2871 minor during the period of suspension set out under Subsection (5)(a)(ii);

2872 (B) if a new assessment or evaluation has been completed and recommends that a
2873 higher level of care is needed and nonresidential treatment options have been exhausted or
2874 nonresidential treatment options are not appropriate; or

2875 (C) if, after a notice and a hearing, the court finds a new or previous evaluation
2876 recommends a higher level of treatment, and the minor willfully failed to comply with a lower
2877 level of treatment and has been unsuccessfully discharged from treatment.

2878 (iv) A suspended custody order may not be imposed without notice to the minor, notice
2879 to counsel, and a hearing.

2880 (b) The court in accordance with Subsection (5)(a) shall terminate continuing
2881 jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the
2882 following circumstances exists:

2883 (i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion
2884 of a program determined to be necessary by the results of a validated risk and needs assessment
2885 with completion found by the court after considering the recommendation of a licensed service
2886 provider on the basis of the minor completing the goals of the necessary treatment program;

2887 (ii) the minor commits a new misdemeanor or felony offense;

2888 (iii) service hours have not been completed; or

2889 (iv) there is an outstanding fine.

2890 (6) When the court places a minor on probation under Subsection (2)(a) or vests legal
2891 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the
2892 court shall do so for a defined period of time in accordance with this section.

2893 (a) In placing a minor on probation under Subsection (2)(a), the court shall establish a
2894 presumptive term of probation as specified in this Subsection (6):

2895 (i) the presumptive length of intake probation may not exceed three months; and

2896 (ii) the presumptive length of formal probation may not exceed four to six months.

2897 (b) In vesting legal custody of the minor in the Division of Juvenile Justice Services
2898 under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a
2899 maximum term of aftercare as specified in this Subsection (6):

2900 (i) the presumptive length of out-of-home placement may not exceed three to six
2901 months; and

2902 (ii) the presumptive length of aftercare supervision, for those previously placed
2903 out-of-home, may not exceed three to four months, and minors may serve the term of aftercare
2904 in the home of a qualifying relative or guardian or at an independent living program contracted
2905 or operated by the Division of Juvenile Justice Services.

2906 (c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole
2907 Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a
2908 minor's case at the end of the presumptive time frame unless at least one of the following

2909 circumstances exists:

2910 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a
2911 court ordered program determined to be necessary by the results of a validated assessment, with
2912 completion found by the court after considering the recommendations of a licensed service
2913 provider or facilitator of court ordered treatment or intervention program on the basis of the
2914 minor completing the goals of the necessary treatment program;

2915 (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the
2916 completion of a program determined to be necessary by the results of a validated assessment,
2917 with completion determined on the basis of whether the minor has regularly and consistently
2918 attended the treatment program and completed the goals of the necessary treatment program as
2919 determined by the court or Youth Parole Authority after considering the recommendation of a
2920 licensed service provider or facilitator of court ordered treatment or intervention program;

2921 (iii) the minor commits a new misdemeanor or felony offense;

2922 (iv) service hours have not been completed;

2923 (v) there is an outstanding fine; or

2924 (vi) there is a failure to pay restitution in full.

2925 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
2926 exists, the court may extend jurisdiction for the time needed to address the specific
2927 circumstance.

2928 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
2929 exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend
2930 jurisdiction for the time needed to address the specific circumstance.

2931 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth
2932 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one
2933 time for up to three months.

2934 (f) Grounds for extension of the presumptive length of supervision or placement and
2935 the length of any extension shall be recorded in the court record or records of the Youth Parole
2936 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by
2937 the Administrative Office of the Courts and the Division of Juvenile Justice Services.

2938 (g) (i) For a minor who is under the supervision of the juvenile court and whose
2939 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be

2940 continued under the supervision of intake probation.

2941 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose
2942 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
2943 continued on parole and not in secure confinement.

2944 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision
2945 period shall toll until the minor returns.

2946 (7) Subsection (6) does not apply to any minor adjudicated under this section for:

2947 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

2948 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

2949 (c) Section 76-5-203, murder or attempted murder;

2950 (d) Section 76-5-205, manslaughter;

2951 (e) Section 76-5-206, negligent homicide;

2952 (f) Section 76-5-207, automobile homicide;

2953 (g) Section 76-5-207.5, automobile homicide involving handheld wireless
2954 communication device;

2955 (h) Section 76-5-208, child abuse homicide;

2956 (i) Section 76-5-209, homicide by assault;

2957 (j) Section 76-5-302, aggravated kidnapping;

2958 (k) Section 76-5-405, aggravated sexual assault;

2959 (l) a felony violation of Section 76-6-103, aggravated arson;

2960 (m) Section 76-6-203, aggravated burglary;

2961 (n) Section 76-6-302, aggravated robbery;

2962 (o) Section 76-10-508.1, felony discharge of a firearm;

2963 (p) (i) an offense other than an offense listed in Subsections (7)(a) through (o)
2964 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

2965 (ii) the minor has been previously adjudicated or convicted of an offense involving the
2966 use of a dangerous weapon; or

2967 (q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and
2968 the minor has been previously committed to the custody of the Division of Juvenile Justice
2969 Services for secure confinement.

2970 Section 31. Section 78A-6-117 (Effective 07/01/20) is amended to read:

2971 **78A-6-117 (Effective 07/01/20). Adjudication of jurisdiction of juvenile court --**
2972 **Disposition of cases -- Enumeration of possible court orders -- Considerations of court.**

2973 (1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within
2974 Section [78A-6-103](#), the court shall adjudicate the case and make findings of fact upon which
2975 the court bases the court's jurisdiction over the case.

2976 (b) For a case described in Subsection [78A-6-103](#)(1), findings of fact are not necessary.

2977 (c) If the court adjudicates a minor for an offense of violence or an offense in violation
2978 of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be
2979 provided to the school superintendent of the district in which the minor resides or attends
2980 school. Notice shall be made to the district superintendent within three days of the
2981 adjudication and shall include:

2982 (i) the specific offenses for which the minor was adjudicated; and

2983 (ii) if available, whether the victim:

2984 (A) resides in the same school district as the minor; or

2985 (B) attends the same school as the minor.

2986 (d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated
2987 risk and needs assessment.

2988 (ii) Results of the screening or assessment shall be used to inform disposition decisions
2989 and case planning. Assessment results, if available, may not be shared with the court before
2990 adjudication.

2991 (2) Upon adjudication the court may make the following dispositions by court order:

2992 (a) (i) the court may place the minor on probation or under protective supervision in
2993 the minor's own home and upon conditions determined by the court, including community or
2994 compensatory service;

2995 (ii) a condition ordered by the court under Subsection (2)(a)(i):

2996 (A) shall be individualized and address a specific risk or need;

2997 (B) shall be based on information provided to the court, including the results of a
2998 validated risk and needs assessment conducted under Subsection (1)(d);

2999 (C) if the court orders substance abuse treatment or an educational series, shall be
3000 based on a validated risk and needs assessment conducted under Subsection (1)(d); and

3001 (D) if the court orders protective supervision, may not designate the division as the

3002 provider of protective supervision unless there is a petition regarding abuse, neglect, or
3003 dependency before the court requesting that the division provide protective supervision;

3004 (iii) a court may not issue a standard order that contains control-oriented conditions;
3005 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the
3006 minor and not the minor's family;

3007 (v) if the court orders probation, the court may direct that notice of the court's order be
3008 provided to designated individuals in the local law enforcement agency and the school or
3009 transferee school, if applicable, that the minor attends. The designated individuals may receive
3010 the information for purposes of the minor's supervision and student safety; and

3011 (vi) an employee of the local law enforcement agency and the school that the minor
3012 attends who discloses the court's order of probation is not:

3013 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
3014 provided in Section [63G-7-202](#); and

3015 (B) civilly or criminally liable except when the disclosure constitutes a knowing
3016 violation of Section [63G-2-801](#).

3017 (b) The court may place the minor in the legal custody of a relative or other suitable
3018 individual, with or without probation or other court-specified child welfare services, but the
3019 juvenile court may not assume the function of developing foster home services.

3020 (c) The court shall only vest legal custody of the minor in the Division of Juvenile
3021 Justice Services and order the Division of Juvenile Justice Services to provide dispositional
3022 recommendations and services if:

3023 (i) nonresidential treatment options have been exhausted or nonresidential treatment
3024 options are not appropriate; and

3025 (ii) the minor is adjudicated under this section for a felony offense, a misdemeanor
3026 when the minor has five prior misdemeanors or felony adjudications arising from separate
3027 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in
3028 Section [76-1-601](#).

3029 (d) (i) The court may not vest legal custody of a minor in the Division of Juvenile
3030 Justice Services for:

3031 (A) contempt of court except to the extent permitted under Section [78A-6-1101](#);

3032 (B) a violation of probation;

3033 (C) failure to pay a fine, fee, restitution, or other financial obligation;

3034 (D) unfinished compensatory or community service hours;

3035 (E) an infraction; or

3036 (F) a status offense.

3037 (ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may
3038 petition the court to express the minor's desire to be removed from the jurisdiction of the
3039 juvenile court and from the custody of the division if the minor is in the division's custody on
3040 grounds of abuse, neglect, or dependency.

3041 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,
3042 Termination of Parental Rights Act, the minor's petition shall contain a statement from the
3043 minor's parent or guardian agreeing that the minor should be removed from the custody of the
3044 division.

3045 (C) The minor and the minor's parent or guardian shall sign the petition.

3046 (D) The court shall review the petition within 14 days.

3047 (E) The court shall remove the minor from the custody of the division if the minor and
3048 the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B)
3049 and (C) and if the court finds, based on input from the division, the minor's guardian ad litem,
3050 and the Office of the Attorney General, that the minor does not pose an imminent threat to self
3051 or others.

3052 (F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days
3053 of the date of removal, petition the court to re-enter custody of the division.

3054 (G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the
3055 division to take custody of the minor based on the findings the court entered when the court
3056 originally vested custody in the division.

3057 (e) The court shall only commit a minor to the Division of Juvenile Justice Services for
3058 secure confinement if the court finds that:

3059 (i) (A) the minor poses a risk of harm to others; or

3060 (B) the minor's conduct resulted in the victim's death; and

3061 (ii) the minor is adjudicated under this section for:

3062 (A) a felony offense;

3063 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications

3064 arising from separate criminal episodes; or

3065 (C) a misdemeanor involving use of a dangerous weapon as defined in Section
3066 76-1-601.

3067 (f) (i) A minor under the jurisdiction of the court solely on the ground of abuse,
3068 neglect, or dependency under Subsection 78A-6-103(1)(b) may not be committed to the
3069 Division of Juvenile Justice Services.

3070 (ii) The court may not commit a minor to the Division of Juvenile Justice Services for
3071 secure confinement for:

3072 (A) contempt of court;

3073 (B) a violation of probation;

3074 (C) failure to pay a fine, fee, restitution, or other financial obligation;

3075 (D) unfinished compensatory or community service hours;

3076 (E) an infraction; or

3077 (F) a status offense.

3078 (g) The court may order nonresidential, diagnostic assessment, including substance use
3079 disorder, mental health, psychological, or sexual behavior risk assessment.

3080 (h) (i) The court may commit a minor to a place of detention or an alternative to
3081 detention for a period not to exceed 30 cumulative days per adjudication subject to the court
3082 retaining continuing jurisdiction over the minor's case. This commitment may not be
3083 suspended upon conditions ordered by the court.

3084 (ii) This Subsection (2)(h) applies only to a minor adjudicated for:

3085 (A) an act which if committed by an adult would be a criminal offense; or

3086 (B) contempt of court under Section 78A-6-1101.

3087 (iii) The court may not commit a minor to a place of detention for:

3088 (A) contempt of court except to the extent allowed under Section 78A-6-1101;

3089 (B) a violation of probation;

3090 (C) failure to pay a fine, fee, restitution, or other financial obligation;

3091 (D) unfinished compensatory or community service hours;

3092 (E) an infraction; or

3093 (F) a status offense.

3094 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30

3095 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more
3096 than 30 days in a place of detention before disposition, the court may not commit a minor to
3097 detention under this section.

3098 (B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a
3099 maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the
3100 seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.

3101 (v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be
3102 ordered in combination with an order under Subsection (2)(c).

3103 (i) ~~[The]~~ (a) Except as provided in Subsection (2)(i)(b), the court may vest legal
3104 custody of an abused, neglected, or dependent minor in the division or any other appropriate
3105 person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3,
3106 Abuse, Neglect, and Dependency Proceedings.

3107 (b) The court may not vest legal custody of an abused, neglected, or dependent minor
3108 in the division to primarily address the minor's ungovernable or other behavior, mental health,
3109 or disability unless the division:

3110 (i) engages other relevant divisions within the department in conducting an assessment
3111 of the minor's and the minor's family's needs;

3112 (ii) based on the assessment described in Subsection (2)(i)(b)(i), determines that
3113 vesting custody of the minor in the division is the least restrictive intervention for the minor
3114 that meets the minor's needs; and

3115 (iii) consents to legal custody of the minor being vested in the division.

3116 (j) (i) The court may order a minor to repair, replace, or otherwise make restitution for
3117 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to
3118 make restitution.

3119 (ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a
3120 pattern of criminal activity, includes any person directly harmed by the minor's delinquency
3121 conduct in the course of the scheme, conspiracy, or pattern.

3122 (iii) If the victim and the minor agree to participate, the court may refer the case to a
3123 restorative justice program such as victim offender mediation to address how loss resulting
3124 from the adjudicated act may be addressed.

3125 (iv) For the purpose of determining whether and how much restitution is appropriate,

3126 the court shall consider the following:

3127 (A) restitution shall only be ordered for the victim's material loss;

3128 (B) restitution may not be ordered if the court finds that the minor is unable to pay or
3129 acquire the means to pay;

3130 (C) any amount paid by the minor to the victim in civil penalty shall be credited against
3131 restitution owed; and

3132 (D) the length of the presumptive term of supervision shall be taken into account in
3133 determining the minor's ability to satisfy the restitution order within the presumptive term.

3134 (v) Any amount paid to the victim in restitution shall be credited against liability in a
3135 civil suit.

3136 (vi) The court may also require a minor to reimburse an individual, entity, or
3137 governmental agency who offered and paid a reward to a person or persons for providing
3138 information resulting in a court adjudication that the minor is within the jurisdiction of the
3139 juvenile court due to the commission of a criminal offense.

3140 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
3141 court may order the minor to make restitution for costs expended by any governmental entity
3142 for the return.

3143 (viii) Within seven days after the day on which a petition is filed under Section
3144 [78A-6-602.5](#), the prosecuting attorney or the court's probation department shall provide
3145 notification of the restitution process to all reasonably identifiable and locatable victims of an
3146 offense listed in the petition.

3147 (ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for
3148 providing the prosecutor with:

3149 (A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
3150 loss;

3151 (B) all documentation of any compensation or reimbursement from an insurance
3152 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

3153 (C) if applicable, the victim's proof of identification, including the victim's date of
3154 birth, social security number, or driver license number; and

3155 (D) the victim's contact information, including the victim's current home and work
3156 address and telephone number.

3157 (x) A prosecutor or victim shall submit a request for restitution to the court at the time
3158 of disposition, if feasible, otherwise within 90 days after disposition.

3159 (xi) The court shall order a financial disposition that prioritizes the payment of
3160 restitution.

3161 (k) The court may issue orders necessary for the collection of restitution and fines
3162 ordered by the court, including garnishments, wage withholdings, and executions, except for an
3163 order that changes the custody of the minor, including detention or other secure or nonsecure
3164 residential placements.

3165 (l) (i) The court may through the court's probation department encourage the
3166 development of nonresidential employment or work programs to enable a minor to fulfill the
3167 minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the
3168 court.

3169 (ii) Consistent with the order of the court, the probation officer may permit a minor to
3170 participate in a program of work restitution or compensatory service in lieu of paying part or all
3171 of the fine imposed by the court.

3172 (iii) The court may order the minor to:

3173 (A) pay a fine, fee, restitution, or other cost; or

3174 (B) complete service hours.

3175 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to
3176 complete service hours, those dispositions shall be considered collectively to ensure that the
3177 order:

3178 (A) is reasonable;

3179 (B) prioritizes restitution; and

3180 (C) takes into account the minor's ability to satisfy the order within the presumptive
3181 term of supervision.

3182 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service
3183 hours, the cumulative order shall be limited per criminal episode as follows:

3184 (A) for a minor younger than 16 years old at adjudication, the court may impose up to
3185 \$190 or up to 24 hours of service; and

3186 (B) for a minor 16 years old or older at adjudication, the court may impose up to \$280
3187 or up to 36 hours of service.

- 3188 (vi) The cumulative order under Subsection (2)(l)(v) does not include restitution.
- 3189 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of
3190 conversion shall be no less than the minimum wage.
- 3191 (m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds
3192 that as part of the commission of the violation the minor was in actual physical control of a
3193 motor vehicle, the court may, in addition to any other disposition authorized by this section:
- 3194 (A) restrain the minor from driving for periods of time the court considers necessary;
3195 and
- 3196 (B) take possession of the minor's driver license.
- 3197 (ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i)
3198 except for a disposition under Subsection (2)(c), (d), (e), or (f).
- 3199 (B) The suspension of driving privileges for an offense under Section 78A-6-606 is
3200 governed only by Section 78A-6-606.
- 3201 (n) (i) The court may order a minor to complete community or compensatory service
3202 hours in accordance with Subsections (2)(l)(iv) and (v).
- 3203 (ii) When community service is ordered, the presumptive service order shall include
3204 between five and 10 hours of service.
- 3205 (iii) Satisfactory completion of an approved substance use disorder prevention or
3206 treatment program or other court-ordered condition may be credited by the court as
3207 compensatory service hours.
- 3208 (iv) When a minor commits an offense involving the use of graffiti under Section
3209 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor
3210 or any other individual at a time and place within the jurisdiction of the court. Compensatory
3211 service ordered under this section may be performed in the presence and under the direct
3212 supervision of the minor's parent or legal guardian. The parent or legal guardian shall report
3213 completion of the order to the court. The court may also require the minor to perform other
3214 alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).
- 3215 (o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:
- 3216 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or
3217 (B) receive other special care.
- 3218 (ii) For purposes of receiving the examination, treatment, or care described in

3219 Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is
3220 not a secure facility or secure detention.

3221 (iii) In determining whether to order the examination, treatment, or care described in
3222 Subsection (2)(o)(i), the court shall consider:

3223 (A) the desires of the minor;

3224 (B) if the minor is younger than 18 years old, the desires of the parents or guardian of
3225 the minor; and

3226 (C) whether the potential benefits of the examination, treatment, or care outweigh the
3227 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
3228 function impairment, or emotional or physical harm resulting from the compulsory nature of
3229 the examination, treatment, or care.

3230 (iv) The division shall:

3231 (A) take reasonable measures to notify a parent or guardian of any non-emergency
3232 health treatment or care scheduled for a child;

3233 (B) include the parent or guardian as fully as possible in making health care decisions
3234 for the child; and

3235 (C) defer to the parent's or guardian's reasonable and informed decisions regarding the
3236 child's health care to the extent that the child's health and well being are not unreasonably
3237 compromised by the parent's or guardian's decision.

3238 (v) The division shall notify the parent or guardian of a child within five business days
3239 after a child in the custody of the division receives emergency health care or treatment.

3240 (vi) The division shall use the least restrictive means to accomplish a compelling
3241 interest in the care and treatment of a child described in this Subsection (2)(o).

3242 (p) (i) The court may appoint a guardian for the minor if it appears necessary in the
3243 interest of the minor, and may appoint as guardian a public or private institution or agency, but
3244 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

3245 (ii) In placing a minor under the guardianship or legal custody of an individual or of a
3246 private agency or institution, the court shall give primary consideration to the welfare of the
3247 minor. When practicable, the court may take into consideration the religious preferences of the
3248 minor and of a child's parents.

3249 (q) (i) In support of a decree under Section [78A-6-103](#), the court may order reasonable

3250 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any
3251 other person who has been made a party to the proceedings. Conditions may include:

3252 (A) parent-time by the parents or one parent;

3253 (B) restrictions on the minor's associates;

3254 (C) restrictions on the minor's occupation and other activities; and

3255 (D) requirements to be observed by the parents or custodian.

3256 (ii) A minor whose parents or guardians successfully complete a family or other
3257 counseling program may be credited by the court for detention, confinement, or probation time.

3258 (r) The court may order the child to be committed to the physical custody of a local
3259 mental health authority, in accordance with the procedures and requirements of Title 62A,
3260 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
3261 Mental Health.

3262 (s) (i) The court may make an order committing a minor within the court's jurisdiction
3263 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
3264 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with
3265 an Intellectual Disability.

3266 (ii) The court shall follow the procedure applicable in the district courts with respect to
3267 judicial commitments to the Utah State Developmental Center when ordering a commitment
3268 under Subsection (2)(s)(i).

3269 (t) The court may terminate all parental rights upon a finding of compliance with Title
3270 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

3271 (u) The court may make other reasonable orders for the best interest of the minor and
3272 as required for the protection of the public, except that a child may not be committed to jail,
3273 prison, secure detention, or the custody of the Division of Juvenile Justice Services under
3274 Subsections (2)(c), (d), (e), and (f).

3275 (v) The court may combine the dispositions listed in this section if it is permissible and
3276 they are compatible.

3277 (w) Before depriving any parent of custody, the court shall give due consideration to
3278 the rights of parents concerning their child. ~~[The]~~ Except as provided in Subsection (2)(i)(b),
3279 the court may transfer custody of a minor to another individual, agency, or institution in
3280 accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse,

3281 Neglect, and Dependency Proceedings.

3282 (x) Except as provided in Subsection (2)(z)(i), an order under this section for probation
3283 or placement of a minor with an individual or an agency shall include a date certain for a
3284 review and presumptive termination of the case by the court in accordance with Subsection (6)
3285 and Section [62A-7-404.5](#). A new date shall be set upon each review.

3286 (y) In reviewing foster home placements, special attention shall be given to making
3287 adoptable children available for adoption without delay.

3288 (z) (i) The juvenile court may enter an order of permanent custody and guardianship
3289 with an individual or relative of a child where the court has previously acquired jurisdiction as
3290 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
3291 order for child support on behalf of the child against the natural or adoptive parents of the
3292 child.

3293 (ii) Orders under Subsection (2)(z)(i):

3294 (A) shall remain in effect until the child reaches majority;

3295 (B) are not subject to review under Section [78A-6-118](#); and

3296 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

3297 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
3298 permanent orders of custody and guardianship do not expire with a termination of jurisdiction
3299 of the juvenile court.

3300 (3) If a court adjudicates a minor for an offense, the minor may be given a choice by
3301 the court to serve in the National Guard in lieu of other sanctions described in Subsection (2)
3302 if:

3303 (a) the minor meets the current entrance qualifications for service in the National
3304 Guard as determined by a recruiter, whose determination is final;

3305 (b) the offense:

3306 (i) would be a felony if committed by an adult;

3307 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

3308 (iii) was committed with a weapon; and

3309 (c) the court retains jurisdiction over the minor's case under conditions set by the court
3310 and agreed upon by the recruiter or the unit commander to which the minor is eventually
3311 assigned.

3312 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
3313 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
3314 designated employees of the court or, if the minor is in the legal custody of the Division of
3315 Juvenile Justice Services, then by designated employees of the division under Subsection
3316 53-10-404(5)(b).

3317 (b) The responsible agency shall ensure that an employee designated to collect the
3318 saliva DNA specimens receives appropriate training and that the specimens are obtained in
3319 accordance with accepted protocol.

3320 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
3321 Specimen Restricted Account created in Section 53-10-407.

3322 (d) Payment of the reimbursement is second in priority to payments the minor is
3323 ordered to make for restitution under this section and treatment under Section 78A-6-321.

3324 (5) (a) A disposition made by the court in accordance with this section may not be
3325 suspended, except for the following:

3326 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services
3327 under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection
3328 (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new
3329 misdemeanor or felony offense during the three months following the day of disposition.

3330 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not
3331 exceed three months post-disposition and may not be extended under any circumstance.

3332 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):
3333 (A) following adjudication of a new misdemeanor or felony offense committed by the
3334 minor during the period of suspension set out under Subsection (5)(a)(ii);

3335 (B) if a new assessment or evaluation has been completed and recommends that a
3336 higher level of care is needed and nonresidential treatment options have been exhausted or
3337 nonresidential treatment options are not appropriate; or

3338 (C) if, after a notice and a hearing, the court finds a new or previous evaluation
3339 recommends a higher level of treatment, and the minor willfully failed to comply with a lower
3340 level of treatment and has been unsuccessfully discharged from treatment.

3341 (iv) A suspended custody order may not be imposed without notice to the minor, notice
3342 to counsel, and a hearing.

3343 (b) The court in accordance with Subsection (5)(a) shall terminate continuing
3344 jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the
3345 following circumstances exists:

3346 (i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion
3347 of a program determined to be necessary by the results of a validated risk and needs assessment
3348 with completion found by the court after considering the recommendation of a licensed service
3349 provider on the basis of the minor completing the goals of the necessary treatment program;

3350 (ii) the minor commits a new misdemeanor or felony offense;

3351 (iii) service hours have not been completed; or

3352 (iv) there is an outstanding fine.

3353 (6) When the court places a minor on probation under Subsection (2)(a) or vests legal
3354 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the
3355 court shall do so for a defined period of time in accordance with this section.

3356 (a) In placing a minor on probation under Subsection (2)(a), the court shall establish a
3357 presumptive term of probation as specified in this Subsection (6):

3358 (i) the presumptive length of intake probation may not exceed three months; and

3359 (ii) the presumptive length of formal probation may not exceed four to six months.

3360 (b) In vesting legal custody of the minor in the Division of Juvenile Justice Services
3361 under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a
3362 maximum term of aftercare as specified in this Subsection (6):

3363 (i) the presumptive length of out-of-home placement may not exceed three to six
3364 months; and

3365 (ii) the presumptive length of aftercare supervision, for those previously placed
3366 out-of-home, may not exceed three to four months, and minors may serve the term of aftercare
3367 in the home of a qualifying relative or guardian or at an independent living program contracted
3368 or operated by the Division of Juvenile Justice Services.

3369 (c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole
3370 Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a
3371 minor's case at the end of the presumptive time frame unless at least one of the following
3372 circumstances exists:

3373 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a

3374 court ordered program determined to be necessary by the results of a validated assessment, with
3375 completion found by the court after considering the recommendations of a licensed service
3376 provider or facilitator of court ordered treatment or intervention program on the basis of the
3377 minor completing the goals of the necessary treatment program;

3378 (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the
3379 completion of a program determined to be necessary by the results of a validated assessment,
3380 with completion determined on the basis of whether the minor has regularly and consistently
3381 attended the treatment program and completed the goals of the necessary treatment program as
3382 determined by the court or Youth Parole Authority after considering the recommendation of a
3383 licensed service provider or facilitator of court ordered treatment or intervention program;

3384 (iii) the minor commits a new misdemeanor or felony offense;

3385 (iv) service hours have not been completed;

3386 (v) there is an outstanding fine; or

3387 (vi) there is a failure to pay restitution in full.

3388 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
3389 exists, the court may extend jurisdiction for the time needed to address the specific
3390 circumstance.

3391 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)
3392 exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend
3393 jurisdiction for the time needed to address the specific circumstance.

3394 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth
3395 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one
3396 time for up to three months.

3397 (f) Grounds for extension of the presumptive length of supervision or placement and
3398 the length of any extension shall be recorded in the court record or records of the Youth Parole
3399 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by
3400 the Administrative Office of the Courts and the Division of Juvenile Justice Services.

3401 (g) (i) For a minor who is under the supervision of the juvenile court and whose
3402 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
3403 continued under the supervision of intake probation.

3404 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose

3405 supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be
3406 continued on parole and not in secure confinement.

3407 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision
3408 period shall toll until the minor returns.

3409 (7) Subsection (6) does not apply to any minor adjudicated under this section for:

3410 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

3411 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

3412 (c) Section 76-5-203, murder or attempted murder;

3413 (d) Section 76-5-205, manslaughter;

3414 (e) Section 76-5-206, negligent homicide;

3415 (f) Section 76-5-207, automobile homicide;

3416 (g) Section 76-5-207.5, automobile homicide involving handheld wireless

3417 communication device;

3418 (h) Section 76-5-208, child abuse homicide;

3419 (i) Section 76-5-209, homicide by assault;

3420 (j) Section 76-5-302, aggravated kidnapping;

3421 (k) Section 76-5-405, aggravated sexual assault;

3422 (l) a felony violation of Section 76-6-103, aggravated arson;

3423 (m) Section 76-6-203, aggravated burglary;

3424 (n) Section 76-6-302, aggravated robbery;

3425 (o) Section 76-10-508.1, felony discharge of a firearm;

3426 (p) (i) an offense other than an offense listed in Subsections (7)(a) through (o)

3427 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

3428 (ii) the minor has been previously adjudicated or convicted of an offense involving the

3429 use of a dangerous weapon; or

3430 (q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and

3431 the minor has been previously committed to the custody of the Division of Juvenile Justice

3432 Services for secure confinement.

3433 Section 32. **Effective date.**

3434 (1) Except as provided in Subsections (2) and (3), if approved by two-thirds of all the

3435 members elected to each house, this bill takes effect upon approval by the governor, or the day

3436 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the
3437 governor's signature, or in the case of a veto, the date of veto override.

3438 (2) If approved by two-thirds of all members elected to each house, the changes to the
3439 following sections take effect on July 1, 2020:

3440 (a) Section [51-9-201](#) (Effective 07/01/20);

3441 (b) Section [59-14-807](#) (Effective 07/01/20);

3442 (c) Section [63J-1-602.2](#) (Effective 07/01/20);

3443 (d) Section [67-19-14.7](#) (Superseded 7/1/2020); and

3444 (e) Section [78A-6-117](#) (Effective 07/01/20).

3445 (3) Section [67-19-14.7](#) (Effective 7/1/2020), takes effect on July 1, 2021.