

WORKFORCE DEVELOPMENT FUNDING AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill establishes the Workforce Initiatives Fund within the Department of Workforce Services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ replaces the Department of Workforce Services' Special Administrative Expense Account with a special revenue fund known as the Workforce Initiatives Fund, consisting of interest and penalties collected under the Employment Support Act;
- ▶ provides for the use of revenue in the Workforce Initiatives Fund by the Department of Workforce Services, including for the administration of the Utah Workforce Services Code and to cover the costs of workforce development programs; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2024:

- ▶ to Department of Workforce Services -- Administration, as an ongoing appropriation:
 - from Workforce Initiatives Fund, \$67,500;
- ▶ to Department of Workforce Services -- Operations and Policy, as an ongoing appropriation:



- 28 • from Workforce Initiatives Fund, \$3,268,500;
- 29 ▶ to Department of Workforce Services -- State Office of Rehabilitation, as an
- 30 ongoing appropriation:
- 31 • from Workforce Initiatives Fund, \$1,500; and
- 32 ▶ to Department of Workforce Services -- Unemployment Insurance, as an ongoing
- 33 appropriation:
- 34 • from Workforce Initiatives Fund, \$837,500.

35 **Other Special Clauses:**

36 This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 **31A-38-104**, as last amended by Laws of Utah 2011, Chapters 303, 342
- 40 **35A-4-305**, as last amended by Laws of Utah 2012, Chapter 15
- 41 **35A-4-314**, as enacted by Laws of Utah 2013, Chapter 473
- 42 **35A-4-507**, as last amended by Laws of Utah 2011, Chapter 342
- 43 **63B-10-401**, as last amended by Laws of Utah 2010, Chapter 278

44 REPEALS AND REENACTS:

- 45 **35A-4-506**, as last amended by Laws of Utah 2013, Chapter 315



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

48 Section 1. Section **31A-38-104** is amended to read:

49 **31A-38-104. Authorization -- Money transferred for reserves.**

- 50 (1) The Department of Workforce Services may:
- 51 (a) convert the bridge program to the state program through any of the following, or
- 52 combination of the following, that the Department of Workforce Services considers best serves
- 53 the needs of qualified participants:
- 54 (i) a contract with a licensed insurance company authorized to do business in the state;
- 55 (ii) through any other arrangement acceptable under the Trade Reform Act; or
- 56 (iii) a self-insurance program through a third party administrator as provided in
- 57 Subsection **31A-38-103(3)(b)(ii)**; and
- 58 (b) obligate up to \$2,000,000 of the [~~Special Administrative Expense Account~~]

59 Workforce Initiatives Fund created in Section 35A-4-506 as reserves for the state program.

60 (2) The money in Subsection (1)(b) may be used until the reserves in the state program
61 become adequate.

62 Section 2. Section 35A-4-305 is amended to read:

63 **35A-4-305. Collection of contributions -- Unpaid contributions to bear interest --**
64 **Offer to compromise.**

65 (1) (a) Contributions unpaid on the date on which they are due and payable, as
66 prescribed by the division, shall bear interest at the rate of 1% per month from and after that
67 date until payment plus accrued interest is received by the division.

68 (b) (i) Contribution reports not made and filed by the date on which they are due as
69 prescribed by the division are subject to a penalty to be assessed and collected in the same
70 manner as contributions due under this section equal to 5% of the contribution due if the failure
71 to file on time was not more than 15 days, with an additional 5% for each additional 15 days or
72 fraction thereof during which the failure continued, but not to exceed 25% in the aggregate and
73 not less than \$25 with respect to each reporting period.

74 (ii) If a report is filed after the required time and it is shown to the satisfaction of the
75 division or its authorized representative that the failure to file was due to a reasonable cause
76 and not to willful neglect, no addition shall be made to the contribution.

77 (c) (i) If contributions are unpaid after 10 days from the date of the mailing or personal
78 delivery by the division or its authorized representative, of a written demand for payment, there
79 shall attach to the contribution, to be assessed and collected in the same manner as
80 contributions due under this section, a penalty equal to 5% of the contribution due.

81 (ii) A penalty may not attach if within 10 days after the mailing or personal delivery,
82 arrangements for payment have been made with the division, or its authorized representative,
83 and payment is made in accordance with those arrangements.

84 (d) The division shall assess as a penalty a service charge, in addition to any other
85 penalties that may apply, in an amount not to exceed the service charge imposed by Section
86 7-15-1 for dishonored instruments if:

87 (i) any amount due the division for contributions, interest, other penalties or benefit
88 overpayments is paid by check, draft, order, or other instrument; and

89 (ii) the instrument is dishonored or not paid by the institution against which it is drawn.

90 (e) Except for benefit overpayments under Subsection 35A-4-405(5), benefit
91 overpayments, contributions, interest, penalties, and assessed costs, uncollected three years
92 after they become due, may be charged as uncollectible and removed from the records of the
93 division if:

- 94 (i) no assets belonging to the liable person and subject to attachment can be found; and
- 95 (ii) in the opinion of the division there is no likelihood of collection at a future date.

96 (f) Interest and penalties collected in accordance with this section shall be paid into the
97 ~~[Special Administrative Expense Account created by]~~ Workforce Initiatives Fund created in
98 Section 35A-4-506.

99 (g) Action required for the collection of sums due under this chapter is subject to the
100 applicable limitations of actions under Title 78B, Chapter 2, Statutes of Limitations.

101 (2) (a) If an employer fails to file a report when prescribed by the division for the
102 purpose of determining the amount of the employer's contribution due under this chapter, or if
103 the report when filed is incorrect or insufficient or is not satisfactory to the division, the
104 division may determine the amount of wages paid for employment during the period or periods
105 with respect to which the reports were or should have been made and the amount of
106 contribution due from the employer on the basis of any information it may be able to obtain.

107 (b) The division shall give written notice of the determination to the employer.

108 (c) The determination is considered correct unless:

109 (i) the employer, within 10 days after mailing or personal delivery of notice of the
110 determination, applies to the division for a review of the determination as provided in Section
111 35A-4-508; or

112 (ii) unless the division or its authorized representative of its own motion reviews the
113 determination.

114 (d) The amount of contribution determined under Subsection (2)(a) is subject to
115 penalties and interest as provided in Subsection (1).

116 (3) (a) If, after due notice, an employer defaults in the payment of contributions,
117 interest, or penalties on the contributions, or a claimant defaults in a repayment of benefit
118 overpayments and penalties on the overpayments, the amount due shall be collectible by civil
119 action in the name of the division, and the employer adjudged in default shall pay the costs of
120 the action.

121 (b) Civil actions brought under this section to collect contributions, interest, or
122 penalties from an employer, or benefit overpayments and penalties from a claimant shall be:

123 (i) heard by the court at the earliest possible date; and

124 (ii) entitled to preference upon the calendar of the court over all other civil actions

125 except:

126 (A) petitions for judicial review under this chapter; and

127 (B) cases arising under the workers' compensation law of this state.

128 (c) (i) (A) To collect contributions, interest, or penalties, or benefit overpayments and
129 penalties due from employers or claimants located outside Utah, the division may employ
130 private collectors providing debt collection services outside Utah.

131 (B) Accounts may be placed with private collectors only after the employer or claimant
132 has been given a final notice that the division intends to place the account with a private
133 collector for further collection action.

134 (C) The notice shall advise the employer or claimant of the employer's or claimant's
135 rights under this chapter and the applicable rules of the department.

136 (ii) (A) A private collector may receive as compensation up to 25% of the lesser of the
137 amount collected or the amount due, plus the costs and fees of any civil action or postjudgment
138 remedy instituted by the private collector with the approval of the division.

139 (B) The employer or claimant shall be liable to pay the compensation of the collector,
140 costs, and fees in addition to the original amount due.

141 (iii) A private collector is subject to the federal Fair Debt Collection Practices Act, 15
142 U.S.C. Sec. 1692 et seq.

143 (iv) (A) A civil action may not be maintained by a private collector without specific
144 prior written approval of the division.

145 (B) When division approval is given for civil action against an employer or claimant,
146 the division may cooperate with the private collector to the extent necessary to effect the civil
147 action.

148 (d) (i) Notwithstanding Section [35A-4-312](#), the division may disclose the contribution,
149 interest, penalties or benefit overpayments and penalties, costs due, the name of the employer
150 or claimant, and the employer's or claimant's address and telephone number when any
151 collection matter is referred to a private collector under Subsection (3)(c).

152 (ii) A private collector is subject to the confidentiality requirements and penalty
153 provisions provided in Section 35A-4-312 and Subsection 76-8-1301(4), except to the extent
154 disclosure is necessary in a civil action to enforce collection of the amounts due.

155 (e) An action taken by the division under this section may not be construed to be an
156 election to forego other collection procedures by the division.

157 (4) (a) In the event of a distribution of an employer's assets under an order of a court
158 under the laws of Utah, including a receivership, assignment for benefits of creditors,
159 adjudicated insolvency, composition, or similar proceedings, contributions then or thereafter
160 due shall be paid in full prior to all other claims except taxes and claims for wages of not more
161 than \$400 to each claimant, earned within five months of the commencement of the
162 proceeding.

163 (b) If an employer commences a proceeding in the Federal Bankruptcy Court under a
164 chapter of 11 U.S.C. 101 et seq., as amended by the Bankruptcy Abuse Prevention and
165 Consumer Protection Act of 2005, contributions, interest, and penalties then or thereafter due
166 shall be entitled to the priority provided for taxes, interest, and penalties in the Bankruptcy
167 Abuse Prevention and Consumer Protection Act of 2005.

168 (5) (a) In addition and as an alternative to any other remedy provided by this chapter
169 and provided that no appeal or other proceeding for review provided by this chapter is then
170 pending and the time for taking it has expired, the division may issue a warrant in duplicate,
171 under its official seal, directed to the sheriff of any county of the state, commanding the sheriff
172 to levy upon and sell the real and personal property of a delinquent employer or claimant found
173 within the sheriff's county for the payment of the contributions due, with the added penalties,
174 interest, or benefit overpayment and penalties, and costs, and to return the warrant to the
175 division and pay into the fund the money collected by virtue of the warrant by a time to be
176 specified in the warrant, not more than 60 days from the date of the warrant.

177 (b) (i) Immediately upon receipt of the warrant in duplicate, the sheriff shall file the
178 duplicate with the clerk of the district court in the sheriff's county.

179 (ii) The clerk shall enter in the judgment docket, in the column for judgment debtors,
180 the name of the delinquent employer or claimant mentioned in the warrant, and in appropriate
181 columns the amount of the contribution, penalties, interest, or benefit overpayment and
182 penalties, and costs, for which the warrant is issued and the date when the duplicate is filed.

183 (c) The amount of the docketed warrant shall:

184 (i) have the force and effect of an execution against all personal property of the
185 delinquent employer; and

186 (ii) become a lien upon the real property of the delinquent employer or claimant in the
187 same manner and to the same extent as a judgment duly rendered by a district court and
188 docketed in the office of the clerk.

189 (d) After docketing, the sheriff shall:

190 (i) proceed in the same manner as is prescribed by law with respect to execution issued
191 against property upon judgments of a court of record; and

192 (ii) be entitled to the same fees for the sheriff's services in executing the warrant, to be
193 collected in the same manner.

194 (6) (a) Contributions imposed by this chapter are a lien upon the property of an
195 employer liable for the contribution required to be collected under this section who shall sell
196 out the employer's business or stock of goods or shall quit business, if the employer fails to
197 make a final report and payment on the date subsequent to the date of selling or quitting
198 business on which they are due and payable as prescribed by rule.

199 (b) (i) An employer's successor, successors, or assigns, if any, are required to withhold
200 sufficient of the purchase money to cover the amount of the contributions and interest or
201 penalties due and payable until the former owner produces a receipt from the division showing
202 that they have been paid or a certificate stating that no amount is due.

203 (ii) If the purchaser of a business or stock of goods fails to withhold sufficient purchase
204 money, the purchaser is personally liable for the payment of the amount of the contributions
205 required to be paid by the former owner, interest and penalties accrued and unpaid by the
206 former owner, owners, or assignors.

207 (7) (a) If an employer is delinquent in the payment of a contribution, the division may
208 give notice of the amount of the delinquency by registered mail to all persons having in their
209 possession or under their control, any credits or other personal property belonging to the
210 employer, or owing any debts to the employer at the time of the receipt by them of the notice.

211 (b) A person notified under Subsection (7)(a) shall neither transfer nor make any other
212 disposition of the credits, other personal property, or debts until:

213 (i) the division has consented to a transfer or disposition; or

214 (ii) 20 days after the receipt of the notice.

215 (c) All persons notified under Subsection (7)(a) shall, within five days after receipt of
216 the notice, advise the division of credits, other personal property, or other debts in their
217 possession, under their control or owing by them, as the case may be.

218 (8) (a) (i) Each employer shall furnish the division necessary information for the proper
219 administration of this chapter and shall include wage information for each employee, for each
220 calendar quarter.

221 (ii) The information shall be furnished at a time, in the form, and to those individuals
222 as the department may by rule require.

223 (b) (i) Each employer shall furnish each individual worker who is separated that
224 information as the department may by rule require, and shall furnish within 48 hours of the
225 receipt of a request from the division a report of the earnings of any individual during the
226 individual's base-period.

227 (ii) The report shall be on a form prescribed by the division and contain all information
228 prescribed by the division.

229 (c) (i) For each failure by an employer to conform to this Subsection (8) the division
230 shall, unless good cause is shown, assess a \$50 penalty if the filing was not more than 15 days
231 late.

232 (ii) If the filing is more than 15 days late, the division shall assess an additional penalty
233 of \$50 for each 15 days, or a fraction of the 15 days that the filing is late, not to exceed \$250
234 per filing.

235 (iii) The penalty is to be collected in the same manner as contributions due under this
236 chapter.

237 (d) (i) The division shall prescribe rules providing standards for determining which
238 contribution reports shall be filed on magnetic or electronic media or in other machine-readable
239 form.

240 (ii) In prescribing these rules, the division:

241 (A) may not require an employer to file contribution reports on magnetic or electronic
242 media unless the employer is required to file wage data on at least 250 employees during any
243 calendar quarter or is an authorized employer representative who files quarterly tax reports on
244 behalf of 100 or more employers during any calendar quarter;

245 (B) shall take into account, among other relevant factors, the ability of the employer to
246 comply at reasonable cost with the requirements of the rules; and

247 (C) may require an employer to post a bond for failure to comply with the rules
248 required by this Subsection (8)(d).

249 (9) (a) (i) An employer liable for payments in lieu of contributions shall file
250 Reimbursable Employment and Wage Reports.

251 (ii) The reports are due on the last day of the month that follows the end of each
252 calendar quarter unless the division, after giving notice, changes the due date.

253 (iii) A report postmarked on or before the due date is considered timely.

254 (b) (i) Unless the employer can show good cause, the division shall assess a \$50
255 penalty against an employer who does not file Reimbursable Employment and Wage Reports
256 within the time limits set out in Subsection (9)(a) if the filing was not more than 15 days late.

257 (ii) If the filing is more than 15 days late, the division shall assess an additional penalty
258 of \$50 for each 15 days, or a fraction of the 15 days that the filing is late, not to exceed \$250
259 per filing.

260 (iii) The division shall assess and collect the penalties referred to in this Subsection
261 (9)(b) in the same manner as prescribed in Sections [35A-4-309](#) and [35A-4-311](#).

262 (10) If a person liable to pay a contribution or benefit overpayment imposed by this
263 chapter neglects or refuses to pay it after demand, the amount, including any interest, additional
264 amount, addition to contributions, or assessable penalty, together with any additional accruable
265 costs, shall be a lien in favor of the division upon all property and rights to property, whether
266 real or personal belonging to the person.

267 (11) (a) The lien imposed by Subsection (10) arises at the time the assessment, as
268 defined in the department rules, is made and continues until the liability for the amount
269 assessed, or a judgment against the taxpayer arising out of the liability, is satisfied.

270 (b) (i) The lien imposed by Subsection (10) is not valid as against a purchaser, holder
271 of a security interest, mechanics' lien holder, or judgment lien creditor until the division files a
272 warrant with the clerk of the district court.

273 (ii) For the purposes of this Subsection (11)(b):

274 (A) "Judgment lien creditor" means a person who obtains a valid judgment of a court
275 of record for recovery of specific property or a sum certain of money, and who in the case of a

276 recovery of money, has a perfected lien under the judgment on the property involved. A
277 judgment lien does not include inchoate liens such as attachment or garnishment liens until
278 they ripen into a judgment. A judgment lien does not include the determination or assessment
279 of a quasi-judicial authority, such as a state or federal taxing authority.

280 (B) "Mechanics' lien holder" means any person who has a lien on real property, or on
281 the proceeds of a contract relating to real property, for services, labor, or materials furnished in
282 connection with the construction or improvement of the property. A person has a lien on the
283 earliest date the lien becomes valid against subsequent purchasers without actual notice, but not
284 before the person begins to furnish the services, labor, or materials.

285 (C) "Person" means:

- 286 (I) an individual;
- 287 (II) a trust;
- 288 (III) an estate;
- 289 (IV) a partnership;
- 290 (V) an association;
- 291 (VI) a company;
- 292 (VII) a limited liability company;
- 293 (VIII) a limited liability partnership; or
- 294 (IX) a corporation.

295 (D) "Purchaser" means a person who, for adequate and full consideration in money or
296 money's worth, acquires an interest, other than a lien or security interest, in property which is
297 valid under state law against subsequent purchasers without actual notice.

298 (E) "Security interest" means any interest in property acquired by contract for the
299 purpose of securing payment or performance of an obligation or indemnifying against loss or
300 liability. A security interest exists at any time:

- 301 (I) the property is in existence and the interest has become protected under the law
302 against a subsequent judgment lien arising out of an unsecured obligation; and
- 303 (II) to the extent that, at that time, the holder has parted with money or money's worth.

304 (12) (a) Except in cases involving a violation of unemployment compensation
305 provisions under Section 76-8-1301, Subsection 35A-4-304(5), or Subsection 35A-4-405(5),
306 and at the discretion of the division, the division may accept an offer in compromise from an

307 employer or claimant to reduce past due debt arising from contributions or benefit
308 overpayments imposed under this chapter.

309 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
310 division shall make rules for allowing an offer in compromise provided under Subsection
311 (12)(a).

312 Section 3. Section **35A-4-314** is amended to read:

313 **35A-4-314. Disclosure of information for debt collection -- Court order --**
314 **Procedures -- Use of information restrictions -- Penalties.**

315 (1) The division shall disclose to a creditor who has obtained judgment against a debtor
316 the name and address of the last known employer of the debtor if:

317 (a) the judgment creditor obtains a court order requiring disclosure of the information
318 as described in Subsection (2); and

319 (b) the judgment creditor completes the requirements described in Subsection (3),
320 including entering into a written agreement with the division.

321 (2) (a) A court shall grant an order to disclose the information described in Subsection
322 (1) if, under the applicable Utah Rules of Civil Procedure:

323 (i) the judgment creditor files a motion with the court, which includes a copy of the
324 judgment, and serves a copy of the motion to the judgment debtor and the division;

325 (ii) the judgment debtor and the division have the opportunity to respond to the motion;
326 and

327 (iii) the court denies or overrules any objection to disclosure in the judgment debtor's
328 and the division's response.

329 (b) A court may not grant an order to disclose the information described in Subsection
330 (1), if the court finds that the division has established that disclosure will have a negative effect
331 on:

332 (i) the willingness of employers to report wage and employment information; or

333 (ii) the willingness of individuals to file claims for unemployment benefits.

334 (c) The requirements of Subsection [63G-2-202\(7\)](#) and Section [63G-2-207](#) do not apply
335 to information sought through a court order as described in this section.

336 (3) If a court order is granted in accordance with this section, a judgment creditor shall:

337 (a) provide to the division a copy of the order requiring the disclosure;

338 (b) enter into a written agreement with the division, in a form approved by the division;

339 (c) pay the division a reasonable fee that reflects the cost for processing the request as
340 established by department rule; and

341 (d) comply with the data safeguard and security measures described in 20 C.F.R. Sec.
342 603.9 with respect to information received from the division under this section.

343 (4) If a judgment creditor complies with Subsection (3), the division shall provide the
344 information to the judgment creditor within 14 business days after the day on which the
345 creditor complies with Subsection (3).

346 (5) A judgment creditor may not:

347 (a) use the information obtained under this section for a purpose other than satisfying
348 the judgment between the creditor and debtor; or

349 (b) disclose or share the information with any other person.

350 (6) The division may audit a judgment creditor or other party receiving information
351 under this section for compliance with the data safeguard and security measures described in 20
352 C.F.R. Sec. 603.9.

353 (7) If a judgment creditor or other party fails to comply with the data safeguard and
354 security measures under 20 C.F.R. Sec. 603.9, the judgment creditor or other party is subject to
355 a civil penalty of no more than \$10,000 enforceable by the [Utah] Office of the Attorney
356 General as follows:

357 (a) the attorney general, on the attorney general's own behalf or on behalf of the
358 division, may file an action in district court to enforce the civil penalty; and

359 (b) if the attorney general prevails in enforcing the civil penalty against the judgment
360 creditor or other party:

361 (i) the attorney general is entitled to an award for reasonable attorney fees, court costs,
362 and investigative expenses; and

363 (ii) the civil penalty shall be deposited into the [~~special administrative expense account~~
364 ~~described in Subsection 35A-4-506(1)~~] Workforce Initiatives Fund created in Section
365 35A-4-506.

366 Section 4. Section 35A-4-506 is repealed and reenacted to read:

367 **35A-4-506. Workforce Initiatives Fund.**

368 (1) As used in this section, "fund" means the Workforce Initiatives Fund created in

369 Subsection (2).

370 (2) There is created an expendable special revenue fund known as the "Workforce
371 Initiatives Fund."

372 (3) The fund consists of:

373 (a) except as provided in Subsection (7), interest and penalties collected under this
374 chapter, less refunds made under Subsection 35A-4-306(5);

375 (b) money requisitioned under Section 35A-4-507;

376 (c) gifts, grants, donations, contributions, or any other conveyance of money that may
377 be made to the fund from public or private sources; and

378 (d) interest and earnings on fund money.

379 (4) The state treasurer shall:

380 (a) invest money in the fund in accordance with Title 51, Chapter 7, State Money
381 Management Act; and

382 (b) deposit interest and earnings derived from investing fund money into the fund.

383 (5) Subject to Subsection (6), the department may expend money in the fund:

384 (a) for the administration of this title;

385 (b) to establish reserves for the state program created under Title 31A, Chapter 38,
386 Federal Health Care Tax Credit Program Act, in accordance with Subsection

387 31A-38-104(1)(b);

388 (c) to cover the costs of programs or initiatives implemented by the department for
389 workforce development;

390 (d) for a purpose which supports the department, employers, or workforce initiatives;

391 and

392 (e) for programs that reinvest in the workforce.

393 (6) (a) Money in the fund shall be made available to replace, within a reasonable time,
394 any money received by this state under Section 302 of the Social Security Act, 42 U.S.C. Sec.
395 502, as amended, that because of any action of contingency has been lost or has been expended
396 for purposes other than or in amounts in excess of those necessary for the proper administration
397 of this chapter.

398 (b) If the department expends money in the fund for a purpose unrelated to the
399 administration of the unemployment compensation program as described in Subsection

400 303(a)(8) of the Social Security Act, 42 U.S.C. Sec. 503(a)(8), as amended, the division shall
401 develop and follow a cost allocation plan in compliance with United States Department of
402 Labor regulations, including the cost principles described in 29 C.F.R. Sec. 97.22(b) and 2
403 C.F.R. Part 225.

404 (7) In accordance with Subsection 303(a)(11) of the Social Security Act, 42 U.S.C.
405 Sec. 503(a)(8), as amended, the department shall deposit 15% of civil penalties collected for
406 fraud under Subsection 35A-4-405(5)(c)(i) into the Unemployment Compensation Fund
407 established in Section 35A-4-501.

408 Section 5. Section **35A-4-507** is amended to read:

409 **35A-4-507. Authority to obtain money from state's account in federal**
410 **unemployment trust fund -- Use and deposit.**

411 (1) Notwithstanding the provisions of Sections **35A-4-501** and **35A-4-506**, the
412 department may requisition and receive from the state's account in the unemployment trust
413 fund in the treasury of the United States the money standing to the state's credit as may,
414 consistent with conditions for approval of this chapter under the Federal Unemployment Tax
415 Act, 26 U.S.C. 3301 et seq., be used for expenses of administering this chapter and to expend
416 the money for that purpose.

417 (2) Money requisitioned under Subsection (1) shall be deposited ~~[in]~~ into the [~~Special~~
418 ~~Administrative Expense Account]~~ Workforce Initiatives Fund created by Section **35A-4-506**.

419 Section 6. Section **63B-10-401** is amended to read:

420 **63B-10-401. Other capital facility authorizations and intent language.**

421 (1) It is the intent of the Legislature that:

422 (a) Utah State University use institutional funds to plan, design, and construct an
423 expansion of the HPER Building under the direction of the director of the Division of Facilities
424 Construction and Management unless supervisory authority has been delegated;

425 (b) no state funds be used for any portion of this project; and

426 (c) the university may request state funds for operations and maintenance to the extent
427 that the university is able to demonstrate to the Board of Regents that the facility meets
428 approved academic and training purposes under Board of Regents policy R710.

429 (2) It is the intent of the Legislature that:

430 (a) the University of Utah use institutional funds to plan, design, and construct the

431 Moran Eye Center II project under the direction of the director of the Division of Facilities
432 Construction and Management unless supervisory authority has been delegated;

433 (b) no state funds be used for any portion of this project; and

434 (c) the university may request state funds for operations and maintenance to the extent
435 that the university is able to demonstrate to the Board of Regents that the facility meets
436 approved academic and training purposes under Board of Regents policy R710.

437 (3) It is the intent of the Legislature that:

438 (a) the University of Utah use institutional funds to plan, design, and construct the E.
439 E. Jones Medical Science Addition under the direction of the director of the Division of
440 Facilities Construction and Management unless supervisory authority has been delegated;

441 (b) no state funds be used for any portion of this project; and

442 (c) the university may request state funds for operations and maintenance to the extent
443 that the university is able to demonstrate to the Board of Regents that the facility meets
444 approved academic and training purposes under Board of Regents policy R710.

445 (4) It is the intent of the Legislature that:

446 (a) the University of Utah use institutional funds to plan, design, and construct a
447 Museum of Natural History under the direction of the director of the Division of Facilities
448 Construction and Management unless supervisory authority has been delegated;

449 (b) no state funds be used for any portion of this project; and

450 (c) the university may request state funds for operations and maintenance to the extent
451 that the university is able to demonstrate to the Board of Regents that the facility meets
452 approved academic and training purposes under Board of Regents policy R710.

453 (5) It is the intent of the Legislature that:

454 (a) Dixie College use institutional funds to plan, design, and construct the Hurricane
455 Education Center under the direction of the director of the Division of Facilities Construction
456 and Management unless supervisory authority has been delegated;

457 (b) no state funds be used for any portion of this project; and

458 (c) the college may request state funds for operations and maintenance to the extent
459 that the university is able to demonstrate to the Board of Regents that the facility meets
460 approved academic and training purposes under Board of Regents policy R710.

461 (6) It is the intent of the Legislature that:

462 (a) Southern Utah University use institutional funds to plan, design, and construct the
463 Shakespearean Festival Center under the direction of the director of the Division of Facilities
464 Construction and Management unless supervisory authority has been delegated;

465 (b) no state funds be used for any portion of this project; and

466 (c) the college may not request state funds for operations and maintenance.

467 (7) It is the intent of the Legislature that:

468 (a) the Department of Corrections use donations to plan, design, and construct the
469 Wasatch Family History Center under the direction of the director of the Division of Facilities
470 Construction and Management unless supervisory authority has been delegated;

471 (b) no state funds be used for any portion of this project; and

472 (c) the department may request state funds for operations and maintenance.

473 (8) It is the intent of the Legislature that:

474 (a) the Department of Workforce Services use \$1,186,700 from its Special
475 Administrative Expense Account [~~created in Section 35A-4-506~~] to plan, design, and construct
476 an addition to the Cedar City Employment Center under the direction of the director of the
477 Division of Facilities Construction and Management unless supervisory authority has been
478 delegated; and

479 (b) the department may request state funds for operations and maintenance.

480 (9) It is the intent of the Legislature that the Division of Facilities Construction and
481 Management, acting on behalf of the Department of Natural Resources, may enter into a lease
482 purchase agreement with Carbon County to provide needed space for agency programs in the
483 area if the Department of Natural Resources obtains the approval of the State Building Board
484 by demonstrating that the lease purchase will be a benefit to the state and that the lease,
485 including operation and maintenance costs, can be funded within existing agency budgets.

486 **Section 7. Appropriation.**

487 The following sums of money are appropriated for the fiscal year beginning July 1,
488 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
489 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
490 Act, the Legislature appropriates the following sums of money from the funds or accounts
491 indicated for the use and support of the government of the state of Utah.

492 ITEM 1

493	<u>To Department of Workforce Services -- Administration</u>	
494	<u>From Workforce Initiatives Fund</u>	<u>67,500</u>
495	<u>Schedule of Programs:</u>	
496	<u>Administrative Support</u>	<u>67,500</u>
497	<u>ITEM 2</u>	
498	<u>To Department of Workforce Services -- Operations and Policy</u>	
499	<u>From Workforce Initiatives Fund</u>	<u>3,268,500</u>
500	<u>Schedule of Programs:</u>	
501	<u>Workforce Development</u>	<u>1,668,500</u>
502	<u>Other Assistance</u>	<u>100,000</u>
503	<u>Information Technology</u>	<u>1,500,000</u>
504	<u>ITEM 3</u>	
505	<u>To Department of Workforce Services -- State Office of Rehabilitation</u>	
506	<u>From Workforce Initiatives Fund</u>	<u>1,500</u>
507	<u>Schedule of Programs:</u>	
508	<u>Deaf and Hard of Hearing</u>	<u>1,500</u>
509	<u>ITEM 4</u>	
510	<u>To Department of Workforce Services -- Unemployment Insurance</u>	
511	<u>From Workforce Initiatives Fund</u>	<u>837,500</u>
512	<u>Schedule of Programs:</u>	
513	<u>Unemployment Insurance Administration</u>	<u>695,700</u>
514	<u>Adjudication</u>	<u>141,800</u>
515	<u>The Legislature authorizes the Department of Workforce Services, as allowed by the</u>	
516	<u>fund's authorizing statute, to spend all available money in the Workforce Initiatives Fund for</u>	
517	<u>fiscal year 2024 regardless of the amount appropriated.</u>	
518	<u>The Legislature authorizes the Department of Government Operations, Division of</u>	
519	<u>State Finance to transfer remaining balances in the Special Administrative Expense Account to</u>	
520	<u>the Workforce Initiatives Fund as of July 1, 2023.</u>	
521	<u>The Legislature intends that all nonlapsing funds in the Special Administrative Expense</u>	
522	<u>Account retained at the end of fiscal year 2023 for use in fiscal year 2024 within the</u>	
523	<u>Department of Workforce Services' Housing and Community Development and Operations and</u>	

524 Policy line items become part of the Workforce Initiatives Fund and be authorized for use
525 within the Department of Workforce Services' Housing and Community Development and
526 Operations and Policy line items in fiscal year 2024.

527 Section 8. **Effective date.**

528 This bill takes effect on July 1, 2023.