

WORKFORCE DEVELOPMENT FUNDING AMENDMENTS

2024 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 (department).

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

31A-38-104, as last amended by Laws of Utah 2011, Chapters 303, 342



- 28 **35A-4-305**, as last amended by Laws of Utah 2012, Chapter 15
- 29 **35A-4-314 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 401
- 30 **35A-4-507**, as last amended by Laws of Utah 2011, Chapter 342
- 31 **63B-10-401**, as last amended by Laws of Utah 2023, Chapter 369

32 REPEALS AND REENACTS:

- 33 **35A-4-506**, as last amended by Laws of Utah 2013, Chapter 315



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

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

37 **31A-38-104. Authorization -- Money transferred for reserves.**

38 (1) The Department of Workforce Services may:

39 (a) convert the bridge program to the state program through any of the following, or

40 combination of the following, that the Department of Workforce Services considers best serves

41 the needs of qualified participants:

- 42 (i) a contract with a licensed insurance company authorized to do business in the state;
- 43 (ii) through any other arrangement acceptable under the Trade Reform Act; or
- 44 (iii) a self-insurance program through a third party administrator as provided in

45 Subsection **31A-38-103(3)(b)(ii)**; and

46 (b) obligate up to \$2,000,000 of the [~~Special Administrative Expense Account~~]

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

48 (2) The money in Subsection (1)(b) may be used until the reserves in the state program

49 become adequate.

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

51 **35A-4-305. Collection of contributions -- Unpaid contributions to bear interest --**

52 **Offer to compromise.**

53 (1) (a) Contributions unpaid on the date on which they are due and payable, as

54 prescribed by the division, shall bear interest at the rate of 1% per month from and after that

55 date until payment plus accrued interest is received by the division.

56 (b) (i) Contribution reports not made and filed by the date on which they are due as

57 prescribed by the division are subject to a penalty to be assessed and collected in the same

58 manner as contributions due under this section equal to 5% of the contribution due if the failure

59 to file on time was not more than 15 days, with an additional 5% for each additional 15 days or
60 fraction thereof during which the failure continued, but not to exceed 25% in the aggregate and
61 not less than \$25 with respect to each reporting period.

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

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

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

72 (d) The division shall assess as a penalty a service charge, in addition to any other
73 penalties that may apply, in an amount not to exceed the service charge imposed by Section
74 7-15-1 for dishonored instruments if:

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

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

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

82 (i) no assets belonging to the liable person and subject to attachment can be found; and

83 (ii) in the opinion of the division there is no likelihood of collection at a future date.

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

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

89 (2) (a) If an employer fails to file a report when prescribed by the division for the

90 purpose of determining the amount of the employer's contribution due under this chapter, or if
91 the report when filed is incorrect or insufficient or is not satisfactory to the division, the
92 division may determine the amount of wages paid for employment during the period or periods
93 with respect to which the reports were or should have been made and the amount of
94 contribution due from the employer on the basis of any information it may be able to obtain.

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

96 (c) The determination is considered correct unless:

97 (i) the employer, within 10 days after mailing or personal delivery of notice of the
98 determination, applies to the division for a review of the determination as provided in Section
99 [35A-4-508](#); or

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

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

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

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

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

112 (ii) entitled to preference upon the calendar of the court over all other civil actions
113 except:

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

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

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

119 (B) Accounts may be placed with private collectors only after the employer or claimant
120 has been given a final notice that the division intends to place the account with a private

121 collector for further collection action.

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

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

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

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

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

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

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

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

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

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

151 (b) If an employer commences a proceeding in the Federal Bankruptcy Court under a

152 chapter of 11 U.S.C. 101 et seq., as amended by the Bankruptcy Abuse Prevention and
153 Consumer Protection Act of 2005, contributions, interest, and penalties then or thereafter due
154 shall be entitled to the priority provided for taxes, interest, and penalties in the Bankruptcy
155 Abuse Prevention and Consumer Protection Act of 2005.

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

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

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

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

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

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

177 (d) After docketing, the sheriff shall:

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

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

182 (6) (a) Contributions imposed by this chapter are a lien upon the property of an

183 employer liable for the contribution required to be collected under this section who shall sell
184 out the employer's business or stock of goods or shall quit business, if the employer fails to
185 make a final report and payment on the date subsequent to the date of selling or quitting
186 business on which they are due and payable as prescribed by rule.

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

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

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

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

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

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

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

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

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

211 (b) (i) Each employer shall furnish each individual worker who is separated that
212 information as the department may by rule require, and shall furnish within 48 hours of the
213 receipt of a request from the division a report of the earnings of any individual during the

214 individual's base-period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

262 (A) "Judgment lien creditor" means a person who obtains a valid judgment of a court
263 of record for recovery of specific property or a sum certain of money, and who in the case of a
264 recovery of money, has a perfected lien under the judgment on the property involved. A
265 judgment lien does not include inchoate liens such as attachment or garnishment liens until
266 they ripen into a judgment. A judgment lien does not include the determination or assessment
267 of a quasi-judicial authority, such as a state or federal taxing authority.

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

273 (C) "Person" means:

274 (I) an individual;

275 (II) a trust;

- 276 (III) an estate;
- 277 (IV) a partnership;
- 278 (V) an association;
- 279 (VI) a company;
- 280 (VII) a limited liability company;
- 281 (VIII) a limited liability partnership; or
- 282 (IX) a corporation.

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

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

289 (I) the property is in existence and the interest has become protected under the law
290 against a subsequent judgment lien arising out of an unsecured obligation; and

291 (II) to the extent that, at that time, the holder has parted with money or money's worth.

292 (12) (a) Except in cases involving a violation of unemployment compensation
293 provisions under Section 76-8-1301, Subsection 35A-4-304(5), or Subsection 35A-4-405(5),
294 and at the discretion of the division, the division may accept an offer in compromise from an
295 employer or claimant to reduce past due debt arising from contributions or benefit
296 overpayments imposed under this chapter.

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

300 Section 3. Section 35A-4-314 (Effective 07/01/24) is amended to read:

301 **35A-4-314 (Effective 07/01/24). Disclosure of information for debt collection --**
302 **Court order -- Procedures -- Use of information restrictions -- Penalties.**

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

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

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

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

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

313 (ii) the judgment debtor and the division have the opportunity to respond to the motion;
314 and

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

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

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

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

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

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

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

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

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

329 (d) comply with the data safeguard and security measures described in 20 C.F.R. Sec.
330 603.9 with respect to information received from the division under this section.

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

334 (5) A judgment creditor may not:

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

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

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

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

345 (a) the attorney general, on the attorney general's own behalf or on behalf of the
346 division, may bring an action in a court with jurisdiction under Title 78A, Judiciary and
347 Judicial Administration, to enforce the civil penalty; and

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

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

352 (ii) the civil penalty shall be deposited into the [~~special administrative expense account~~
353 ~~described in Subsection 35A-4-506(1)~~] Workforce Initiatives Fund created in Section
354 35A-4-506.

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

356 **35A-4-506. Workforce Initiatives Fund.**

357 (1) As used in this section, "fund" means the Workforce Initiatives Fund created in
358 Subsection (2).

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

361 (3) The fund consists of:

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

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

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

367 (d) interest and earnings on fund money.

368 (4) The state treasurer shall:

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

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

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

373 (a) for the administration of this title;

374 (b) to establish reserves for the state program created under Title 31A, Chapter 38,
375 Federal Health Care Tax Credit Program Act, in accordance with Subsection
376 31A-38-104(1)(b);

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

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

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

382 (6) (a) Money in the fund shall be made available to replace, within a reasonable time,
383 any money received by this state under Section 302 of the Social Security Act, 42 U.S.C. Sec.
384 502, as amended, that because of any action of contingency has been lost or has been expended
385 for purposes other than or in amounts in excess of those necessary for the proper administration
386 of this chapter.

387 (b) If the department expends money in the fund for a purpose unrelated to the
388 administration of the unemployment compensation program as described in Subsection
389 303(a)(8) of the Social Security Act, 42 U.S.C. Sec. 503(a)(8), as amended, the division shall
390 develop and follow a cost allocation plan in compliance with United States Department of
391 Labor regulations, including the cost principles described in 29 C.F.R. Sec. 97.22(b) and 2
392 C.F.R. Part 225.

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

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

398 **35A-4-507. Authority to obtain money from state's account in federal**
399 **unemployment trust fund -- Use and deposit.**

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

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

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

410 **63B-10-401. Other capital facility authorizations and intent language.**

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

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

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

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

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

420 (a) the University of Utah use institutional funds to plan, design, and construct the
421 Moran Eye Center II project under the direction of the director of the Division of Facilities
422 Construction and Management unless supervisory authority has been delegated;

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

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

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

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

- 431 (b) no state funds be used for any portion of this project; and
- 432 (c) the university may request state funds for operations and maintenance to the extent
- 433 that the university is able to demonstrate to the Board of Regents that the facility meets
- 434 approved academic and training purposes under Board of Regents policy R710.
- 435 (4) It is the intent of the Legislature that:
- 436 (a) the University of Utah use institutional funds to plan, design, and construct a
- 437 Museum of Natural History under the direction of the director of the Division of Facilities
- 438 Construction and Management unless supervisory authority has been delegated;
- 439 (b) no state funds be used for any portion of this project; and
- 440 (c) the university may request state funds for operations and maintenance to the extent
- 441 that the university is able to demonstrate to the Board of Regents that the facility meets
- 442 approved academic and training purposes under Board of Regents policy R710.
- 443 (5) It is the intent of the Legislature that:
- 444 (a) Dixie College use institutional funds to plan, design, and construct the Hurricane
- 445 Education Center under the direction of the director of the Division of Facilities Construction
- 446 and Management unless supervisory authority has been delegated;
- 447 (b) no state funds be used for any portion of this project; and
- 448 (c) the college may request state funds for operations and maintenance to the extent
- 449 that the university is able to demonstrate to the Board of Regents that the facility meets
- 450 approved academic and training purposes under Board of Regents policy R710.
- 451 (6) It is the intent of the Legislature that:
- 452 (a) Southern Utah University use institutional funds to plan, design, and construct the
- 453 Shakespearean Festival Center under the direction of the director of the Division of Facilities
- 454 Construction and Management unless supervisory authority has been delegated;
- 455 (b) no state funds be used for any portion of this project; and
- 456 (c) the college may not request state funds for operations and maintenance.
- 457 (7) It is the intent of the Legislature that:
- 458 (a) the Department of Corrections use donations to plan, design, and construct the
- 459 Wasatch Family History Center under the direction of the director of the Division of Facilities
- 460 Construction and Management unless supervisory authority has been delegated;
- 461 (b) no state funds be used for any portion of this project; and

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

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

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

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

470 (9) It is the intent of the Legislature that the Division of Facilities Construction and
471 Management, acting on behalf of the Department of Natural Resources, may enter into a lease
472 purchase agreement with Carbon County to provide needed space for agency programs in the
473 area if the Department of Natural Resources obtains the approval of the Division of Facilities
474 Construction and Management by demonstrating that the lease purchase will be a benefit to the
475 state and that the lease, including operation and maintenance costs, can be funded within
476 existing agency budgets.

477 **Section 7. Effective date.**

478 This bill takes effect on July 1, 2024.