

**Representative Jennifer Dailey-Provost** proposes the following substitute bill:

**WORKFORCE DEVELOPMENT FUNDING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Michael S. Kennedy

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**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:**

This bill appropriates in fiscal year 2025:

- ▶ to Department of Workforce Services - Administration - Administrative Support as an ongoing appropriation:
  - from the Workforce Initiatives Fund, \$70,500



26 ▶ to Department of Workforce Services - Operations and Policy - Information

27 Technology as an ongoing appropriation:

28 • from the Workforce Initiatives Fund, \$1,350,000

29 ▶ to Department of Workforce Services - Operations and Policy - Other Assistance as

30 an ongoing appropriation:

31 • from the Workforce Initiatives Fund, \$100,000

32 ▶ to Department of Workforce Services - Operations and Policy - Workforce

33 Development as an ongoing appropriation:

34 • from the Workforce Initiatives Fund, \$1,365,500

35 ▶ to Department of Workforce Services - State Office of Rehabilitation - Deaf and

36 Hard of Hearing as an ongoing appropriation:

37 • from the Workforce Initiatives Fund, \$1,500

38 ▶ to Department of Workforce Services - Unemployment Insurance - Adjudication as

39 an ongoing appropriation:

40 • from the Workforce Initiatives Fund, \$110,900

41 ▶ to Department of Workforce Services - Unemployment Insurance - Unemployment

42 Insurance Administration as an ongoing appropriation:

43 • from the Workforce Initiatives Fund, \$726,600

44 **Other Special Clauses:**

45 This bill provides a special effective date.

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **31A-38-104**, as last amended by Laws of Utah 2011, Chapters 303, 342

49 **35A-4-305**, as last amended by Laws of Utah 2012, Chapter 15

50 **35A-4-314 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 401

51 **35A-4-507**, as last amended by Laws of Utah 2011, Chapter 342

52 **63B-10-401**, as last amended by Laws of Utah 2023, Chapter 369

53 REPEALS AND REENACTS:

54 **35A-4-506**, as last amended by Laws of Utah 2013, Chapter 315

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

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

58 **31A-38-104. Authorization -- Money transferred for reserves.**

59 (1) The Department of Workforce Services may:

60 (a) convert the bridge program to the state program through any of the following, or  
61 combination of the following, that the Department of Workforce Services considers best serves  
62 the needs of qualified participants:

63 (i) a contract with a licensed insurance company authorized to do business in the state;

64 (ii) through any other arrangement acceptable under the Trade Reform Act; or

65 (iii) a self-insurance program through a third party administrator as provided in

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

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

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

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

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

72 **35A-4-305. Collection of contributions -- Unpaid contributions to bear interest --**  
73 **Offer to compromise.**

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

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

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

86 (c) (i) If contributions are unpaid after 10 days from the date of the mailing or personal  
87 delivery by the division or its authorized representative, of a written demand for payment, there

88 shall attach to the contribution, to be assessed and collected in the same manner as  
89 contributions due under this section, a penalty equal to 5% of the contribution due.

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

93 (d) The division shall assess as a penalty a service charge, in addition to any other  
94 penalties that may apply, in an amount not to exceed the service charge imposed by Section  
95 7-15-1 for dishonored instruments if:

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

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

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

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

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

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

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

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

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

117 (c) The determination is considered correct unless:

118 (i) the employer, within 10 days after mailing or personal delivery of notice of the

119 determination, applies to the division for a review of the determination as provided in Section  
120 35A-4-508; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

177 (5) (a) In addition and as an alternative to any other remedy provided by this chapter  
178 and provided that no appeal or other proceeding for review provided by this chapter is then  
179 pending and the time for taking it has expired, the division may issue a warrant in duplicate,  
180 under its official seal, directed to the sheriff of any county of the state, commanding the sheriff

181 to levy upon and sell the real and personal property of a delinquent employer or claimant found  
182 within the sheriff's county for the payment of the contributions due, with the added penalties,  
183 interest, or benefit overpayment and penalties, and costs, and to return the warrant to the  
184 division and pay into the fund the money collected by virtue of the warrant by a time to be  
185 specified in the warrant, not more than 60 days from the date of the warrant.

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

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

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

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

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

198 (d) After docketing, the sheriff shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



243 per filing.

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

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

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

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

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

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

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

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

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

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

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

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

271 (10) If a person liable to pay a contribution or benefit overpayment imposed by this  
272 chapter neglects or refuses to pay it after demand, the amount, including any interest, additional  
273 amount, addition to contributions, or assessable penalty, together with any additional accruable

274 costs, shall be a lien in favor of the division upon all property and rights to property, whether  
275 real or personal belonging to the person.

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

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

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

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

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

294 (C) "Person" means:

295 (I) an individual;

296 (II) a trust;

297 (III) an estate;

298 (IV) a partnership;

299 (V) an association;

300 (VI) a company;

301 (VII) a limited liability company;

302 (VIII) a limited liability partnership; or

303 (IX) a corporation.

304 (D) "Purchaser" means a person who, for adequate and full consideration in money or

305 money's worth, acquires an interest, other than a lien or security interest, in property which is  
306 valid under state law against subsequent purchasers without actual notice.

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

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

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

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

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

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

322 **35A-4-314 (Effective 07/01/24). Disclosure of information for debt collection --**  
323 **Court order -- Procedures -- Use of information restrictions -- Penalties.**

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

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

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

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

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

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

335 and

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

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

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

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

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

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

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

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

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

350 (d) comply with the data safeguard and security measures described in 20 C.F.R. Sec.  
351 603.9 with respect to information received from the division under this section.

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

355 (5) A judgment creditor may not:

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

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

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

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

366 (a) the attorney general, on the attorney general's own behalf or on behalf of the

367 division, may bring an action in a court with jurisdiction under Title 78A, Judiciary and  
368 Judicial Administration, to enforce the civil penalty; and

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

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

373 (ii) the civil penalty shall be deposited into the [~~special administrative expense account~~  
374 ~~described in Subsection 35A-4-506(1)] Workforce Initiatives Fund created in Section  
375 35A-4-506.~~

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

377 **35A-4-506. Workforce Initiatives Fund.**

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

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

382 (3) The fund consists of:

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

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

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

388 (d) interest and earnings on fund money.

389 (4) The state treasurer shall:

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

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

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

394 (a) for the administration of this title;

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

397 31A-38-104(1)(b);

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

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

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

403 (6) (a) Money in the fund shall be made available to replace, within a reasonable time,  
404 any money received by this state under Section 302 of the Social Security Act, 42 U.S.C. Sec.  
405 502, as amended, that because of any action of contingency has been lost or has been expended  
406 for purposes other than or in amounts in excess of those necessary for the proper administration  
407 of this chapter.

408 (b) If the department expends money in the fund for a purpose unrelated to the  
409 administration of the unemployment compensation program as described in Subsection  
410 303(a)(8) of the Social Security Act, 42 U.S.C. Sec. 503(a)(8), as amended, the division shall  
411 develop and follow a cost allocation plan in compliance with United States Department of  
412 Labor regulations, including the cost principles described in 29 C.F.R. Sec. 97.22(b) and 2  
413 C.F.R. Part 225.

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

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

419 **35A-4-507. Authority to obtain money from state's account in federal**  
420 **unemployment trust fund -- Use and deposit.**

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

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

429 Fund created in Section [35A-4-506](#).

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

431 **63B-10-401. Other capital facility authorizations and intent language.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

498 Section 7. **FY 2025 Appropriation.**

499 The following sums of money are appropriated for the fiscal year beginning July 1,  
 500 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for  
 501 fiscal year 2025.

502 Subsection 7(a). **Operating and Capital Budgets.**

503 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
 504 Legislature appropriates the following sums of money from the funds or accounts indicated for  
 505 the use and support of the government of the state of Utah.

506	ITEM 1	To Department of Workforce Services - Administration	
507		From Workforce Initiatives Fund	\$70,500
508		Schedule of Programs:	
509		Administrative Support	\$70,500
510	ITEM 2	To Department of Workforce Services - Operations and Policy	
511		From Workforce Initiatives Fund	\$2,815,500
512		Schedule of Programs:	
513		Information Technology	\$1,350,000
514		Other Assistance	\$100,000
515		Workforce Development	\$1,365,500
516	ITEM 3	To Department of Workforce Services - State Office of Rehabilitation	
517		From Workforce Initiatives Fund	\$1,500
518		Schedule of Programs:	
519		Deaf and Hard of Hearing	\$1,500
520	ITEM 4	To Department of Workforce Services - Unemployment Insurance	
521		From Workforce Initiatives Fund	\$837,500

522 Schedule of Programs:

523 Adjudication \$110,900

524 Unemployment Insurance \$726,600

Administration

525 The Legislature authorizes the Department of Workforce Services, as allowed by the fund's  
526 authorizing statute, to spend all available money in the Workforce Initiatives Fund for Fiscal  
527 Year 2025 regardless of the amount appropriated.

528 The Legislature authorizes the Department of Government Operations, Division of  
529 State Finance to transfer remaining balances in the Special Administrative Expense Account to  
530 the Workforce Initiatives Fund as of the effective date of this bill.

531 The Legislature intends that all nonlapsing Special Administrative Expense Account  
532 amounts retained at the end of Fiscal Year 2024 for use in Fiscal Year 2025 within the  
533 Department of Workforce Services' Housing and Community Development or Operations and  
534 Policy line items become part of the Workforce Initiatives Fund and be authorized as available  
535 for use within the Department of Workforce Services' Housing and Community Development  
536 or Operations and Policy line items in Fiscal Year 2025.

537 Section 8. **Effective date.**

538 This bill takes effect on July 1, 2024.