

HB0100S01 compared with HB0100

~~text~~ shows text that was in HB0100 but was deleted in HB0100S01.

text shows text that was not in HB0100 but was inserted into HB0100S01.

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Representative Jennifer Dailey-Provost proposes the following substitute bill:

WORKFORCE DEVELOPMENT FUNDING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~Jennifer Dailey-Provost~~ 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

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- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

~~(None)~~ 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
- ▶ to Department of Workforce Services - Operations and Policy - Information Technology as an ongoing appropriation:
 - from the Workforce Initiatives Fund, \$1,350,000
- ▶ to Department of Workforce Services - Operations and Policy - Other Assistance as an ongoing appropriation:
 - from the Workforce Initiatives Fund, \$100,000
- ▶ to Department of Workforce Services - Operations and Policy - Workforce Development as an ongoing appropriation:
 - from the Workforce Initiatives Fund, \$1,365,500
- ▶ to Department of Workforce Services - State Office of Rehabilitation - Deaf and Hard of Hearing as an ongoing appropriation:
 - from the Workforce Initiatives Fund, \$1,500
- ▶ to Department of Workforce Services - Unemployment Insurance - Adjudication as an ongoing appropriation:
 - from the Workforce Initiatives Fund, \$110,900
- ▶ to Department of Workforce Services - Unemployment Insurance - Unemployment Insurance Administration as an ongoing appropriation:
 - from the Workforce Initiatives Fund, \$726,600

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

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

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

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

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

REPEALS AND REENACTS:

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

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

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

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

(1) The Department of Workforce Services may:

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

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

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

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

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

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

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

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

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

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

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

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

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not less than \$25 with respect to each reporting period.

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

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

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

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

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

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

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

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

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

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

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

(2) (a) If an employer fails to file a report when prescribed by the division for the purpose of determining the amount of the employer's contribution due under this chapter, or if the report when filed is incorrect or insufficient or is not satisfactory to the division, the

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division may determine the amount of wages paid for employment during the period or periods with respect to which the reports were or should have been made and the amount of contribution due from the employer on the basis of any information it may be able to obtain.

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

(c) The determination is considered correct unless:

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

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

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

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

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

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

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

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

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

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

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

(C) The notice shall advise the employer or claimant of the employer's or claimant's

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rights under this chapter and the applicable rules of the department.

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

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

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

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

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

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

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

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

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

(b) If an employer commences a proceeding in the Federal Bankruptcy Court under a chapter of 11 U.S.C. 101 et seq., as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, contributions, interest, and penalties then or thereafter due

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shall be entitled to the priority provided for taxes, interest, and penalties in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

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

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

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

(c) The amount of the docketed warrant shall:

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

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

(d) After docketing, the sheriff shall:

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

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

(6) (a) Contributions imposed by this chapter are a lien upon the property of an employer liable for the contribution required to be collected under this section who shall sell out the employer's business or stock of goods or shall quit business, if the employer fails to

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make a final report and payment on the date subsequent to the date of selling or quitting business on which they are due and payable as prescribed by rule.

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

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

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

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

- (i) the division has consented to a transfer or disposition; or
- (ii) 20 days after the receipt of the notice.

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

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

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

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

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

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prescribed by the division.

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

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

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

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

(ii) In prescribing these rules, the division:

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

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

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

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

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

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

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

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

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per filing.

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

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

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

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

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

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

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

(C) "Person" means:

(I) an individual;

(II) a trust;

(III) an estate;

(IV) a partnership;

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- (V) an association;
- (VI) a company;
- (VII) a limited liability company;
- (VIII) a limited liability partnership; or
- (IX) a corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) A judgment creditor may not:

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

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

(6) The division may audit a judgment creditor or other party receiving information under this section for compliance with the data safeguard and security measures described in 20

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C.F.R. Sec. 603.9.

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

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

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

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

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

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

~~35A-4-506. Workforce~~ Workforce Initiatives Fund.

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

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

(3) The fund consists of:

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

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

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

(d) interest and earnings on fund money.

(4) The state treasurer shall:

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

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

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

(a) for the administration of this title;

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

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

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

(e) for programs that reinvest in the workforce.

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

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

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

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

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

(1) Notwithstanding the provisions of Sections 35A-4-501 and 35A-4-506, the department may requisition and receive from the state's account in the unemployment trust

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fund in the treasury of the United States the money standing to the state's credit as may, consistent with conditions for approval of this chapter under the Federal Unemployment Tax Act, 26 U.S.C. 3301 et seq., be used for expenses of administering this chapter and to expend the money for that purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) the university may request state funds for operations and maintenance to the extent

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that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. FY 2025 Appropriation.

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

Subsection 7(a). Operating and Capital Budgets.

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

<u>ITEM 1</u>	<u>To Department of Workforce Services - Administration</u>	
=	<u>From Workforce Initiatives Fund</u>	<u>\$70,500</u>
=	<u>Schedule of Programs:</u>	
=	<u>Administrative Support</u>	<u>\$70,500</u>
<u>ITEM 2</u>	<u>To Department of Workforce Services - Operations and Policy</u>	
=	<u>From Workforce Initiatives Fund</u>	<u>\$2,815,500</u>
=	<u>Schedule of Programs:</u>	
=	<u>Information Technology</u>	<u>\$1,350,000</u>
=	<u>Other Assistance</u>	<u>\$100,000</u>

HB0100S01 compared with HB0100

=	<u>Workforce Development</u>	<u>\$1,365,500</u>
<u>ITEM 3</u>	<u>To Department of Workforce Services - State Office of Rehabilitation</u>	
=	<u>From Workforce Initiatives Fund</u>	<u>\$1,500</u>
=	<u>Schedule of Programs:</u>	
=	<u>Deaf and Hard of Hearing</u>	<u>\$1,500</u>
<u>ITEM 4</u>	<u>To Department of Workforce Services - Unemployment Insurance</u>	
=	<u>From Workforce Initiatives Fund</u>	<u>\$837,500</u>
=	<u>Schedule of Programs:</u>	
=	<u>Adjudication</u>	<u>\$110,900</u>
=	<u>Unemployment Insurance</u>	<u>\$726,600</u>
=	<u>Administration</u>	

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

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

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

Section ~~(7)~~8. **Effective date.**

This bill takes effect on July 1, 2024.