STATUTORY ADJUSTMENTS RELATED TO BUDGET CHANGES

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▸ to facilitate modifications made during the 2020 Fifth Special Session to the budgets for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and the fiscal year beginning July 1, 2020, and ending June 30, 2021:

- allows funds in the Waste Tire Recycling Fund to be used for Department of Environmental Quality operational costs under certain circumstances;
- deletes provisions requiring the lieutenant governor to print and distribute the Voter Information Pamphlet and requires the lieutenant governor to publish the Voter Information Pamphlet online;
- deletes provisions relating to the Department of Health's increase in premium subsidies under the Utah Premium Partnership for Health Insurance Program for the fiscal year beginning July 1, 2020, and ending June 30, 2021;
- allows certain funds in the Hospital Provider Assessment Expendable Revenue Fund to be transferred to the General Fund during the fiscal year beginning July

1, 2019, and ending June 30, 2020;

- allows certain funds in the Ambulance Service Provider Assessment Expendable Revenue Fund to be transferred to the General Fund during the fiscal year beginning July 1, 2019, and ending June 30, 2020;
- modifies the purposes for which the Liquor Control Fund may be used and the percentage of revenue from the sale of liquor that is credited to the Liquor Control Fund;
- modifies the percentage of revenue from the sale of liquor that is credited to the Alcoholic Beverage Control Act Enforcement Fund;
- modifies the percentage of revenue from the sale of liquor that is credited to the Underage Drinking Prevention Media and Education Campaign Restricted Account;
- increases the total legislative appropriations that may be made annually from the Uninsured Motorist Identification Restricted Account to the Peace Officer Standards and Training Division;
- increases the total legislative appropriations that may be made annually to the Department of Health from the Tobacco Settlement Restricted Account for certain child dental and health benefits;
- reduces the total legislative appropriations that may be made annually to the Department of Health from the Tobacco Settlement Restricted Account for certain drug prevention programs;
- allows the transfer of a certain amount from the State Disaster Recovery Restricted Account to the governor's emergency appropriations;
- requires the Division of Finance to transfer a certain portion of sales and use tax revenue allocated to the Transportation Investment Fund of 2005 to the General Fund;
- increases the total legislative appropriations that may be made annually to the

Department of Health from the Electronic Cigarette Substance and Nicotine Product Restricted Account for certain drug prevention programs;

- requires law enforcement to provide a final investigatory report regarding child abuse or neglect to the Division of Child and Family Services upon request and modifies provisions relating to the division's coordination with a law enforcement investigation of child abuse or neglect;
- modifies the circumstances under which the Division of Child and Family Services is required to conduct a preremoval investigation of alleged child abuse or neglect;
- modifies the county reimbursement rate for housing a state probationary or parole inmate;
- delays the effective date of the postpartum recovery leave program for certain state employees;
- extends the date before which the Department of Transportation is required to transfer certain funds relating to the County of the First Class Highway Projects Fund to the Transportation Fund; and
- modifies the circumstances under which a court may vest legal custody of a minor to address the minor's ungovernable or other behavior, mental health, or disability; 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:

19-6-807, as last amended by Laws of Utah 2013, Chapter 400

20A-1-309 (Repealed 08/01/20), as enacted by Laws of Utah 2020, Third Special Session, Chapter 5

20A-5-403, as last amended by Laws of Utah 2020, Chapter 31

20A-7-103, as last amended by Laws of Utah 2011, Chapter 327

20A-7-202.5, as last amended by Laws of Utah 2020, Chapter 277

20A-7-203, as last amended by Laws of Utah 2020, Chapter 277

20A-7-204.1, as last amended by Laws of Utah 2019, Chapters 255, 275 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 275

20A-7-701, as last amended by Laws of Utah 2008, Chapter 225

20A-7-702, as last amended by Laws of Utah 2020, Chapter 31

26-18-3.8, as last amended by Laws of Utah 2020, Chapter 225

26-36d-207, as repealed and reenacted by Laws of Utah 2019, Chapter 455

26-37a-107, as enacted by Laws of Utah 2015, Chapter 440

32B-2-301, as last amended by Laws of Utah 2018, Chapter 329

32B-2-305, as last amended by Laws of Utah 2013, Chapter 400

32B-2-306, as last amended by Laws of Utah 2017, Chapter 163

41-12a-806, as last amended by Laws of Utah 2019, Chapter 55

51-9-201 (Superseded 07/01/20), as last amended by Laws of Utah 2014, Chapter 96

51-9-201 (Effective 07/01/20), as last amended by Laws of Utah 2020, Chapter 365

53-2a-603, as last amended by Laws of Utah 2019, Chapter 396

59-12-103, as last amended by Laws of Utah 2020, Chapters 44 and 379

59-14-807 (Effective 07/01/20), as enacted by Laws of Utah 2020, Chapter 347 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 161

62A-4a-403, as last amended by Laws of Utah 2018, Chapter 91

62A-4a-409, as last amended by Laws of Utah 2020, Chapter 193

63J-1-602.2 (Superseded 07/01/20), as last amended by Laws of Utah 2020, Chapters 152, 157, and 330

63J-1-602.2 **(Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapters 152, 157, 230, 330, 360, and 365

64-13e-104, as last amended by Laws of Utah 2020, Chapter 410

67-19-14.7 **(Superseded 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402

67-19-14.7 **(Effective 07/01/20)**, as enacted by Laws of Utah 2020, Chapter 402

72-2-121, as last amended by Laws of Utah 2020, Chapter 366

78A-6-117 **(Superseded 07/01/20)**, as last amended by Laws of Utah 2020, Chapter 214 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 214

78A-6-117 **(Effective 07/01/20)**, as last amended by Laws of Utah 2020, Chapters 214, 230 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 214

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

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

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

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

(2) The fund shall consist of:

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

(b) penalties collected under this part.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) prohibiting ill poll workers from working; and

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

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

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

(6) For the 2020 regular primary election only:

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

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

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

(iii) an election officer shall:

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

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

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

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

- the election will be conducted entirely by mail;
- drop boxes will be available for depositing mail-in ballots until 8 p.m. on

election day;

- there will be no polling places on election day;
- there will be no in person voting, including no in person early voting;
- there will be no in person voter registration;
- there will be no voter registration by provisional ballot; and
- the voter registration deadline is 11 days before the day of the election.

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

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

- the election will be conducted primarily by mail;
- drop boxes will be available for depositing mail-in ballots until 8 p.m. on election day;
- there will be no regular polling places on election day, but there will be limited drive-up voting on election day, unless the county clerk cancels drive-up voting based on public health concerns;
- if drive-up voting is cancelled based on public health concerns, voters will be required to vote by mail;
- except for drive-up voting on election day only, there will be no in person voting and no in person early voting;
- there will be no in person voter registration;
- there will be no voter registration by provisional ballot; and
- the voter registration deadline is 11 days before the day of the election.

An individual with a disability who is not able to vote a manual ballot by mail may obtain information on voting in an accessible manner from the county's website, by contacting

the county clerk, or by reviewing the information included with a ballot mailed to the voter.";

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

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

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

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

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

(f) early voting will not take place;

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

(h) provisional ballots may only be cast:

(i) by mail;

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

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

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

(j) except as it relates to drive-up voting for a mobile voting county, and subject to Subsection (9)(k), Subsections 11-14-202(3), (4)(a)(ii), (4)(a)(iv), (4)(b), and (6) are not in effect;

(k) except as it relates to drive-up voting for a mobile voting county, and subject to Subsection (9)(k), the portion of Subsection 11-14-202(4)(a)(iii) following the words "election

officer's website" is not in effect;

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

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

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

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

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

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

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

(i) ballot drop boxes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

effect; and

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

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

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

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

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

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

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

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

(i) by mail;

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

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

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

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

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

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

(t) except as it relates to drive-up voting for a mobile voting county, and subject to Subsection (9)(k), the portion of Subsection 20A-3a-804(3)(b)(ii) following the words

"provisional ballot" is not in effect;

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

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

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

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

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

(z) except as it relates to drive-up voting for a mobile voting county, and subject to Subsection (9)(k), Section 20A-5-404 is not in effect;

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

(ii) except as it relates to drive-up voting for a mobile voting county, and subject to Subsection (9)(k), Subsections 20A-5-405(1)(i) and (3)(b)(ii) are not in effect;

(bb) except as it relates to drive-up voting for a mobile voting county, and subject to Subsection (9)(k), Sections 20A-5-406 and 20A-5-407 are not in effect; and

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

(9) (a) A county is a mobile voting county if, before 5 p.m. on May 1, 2020, the county clerk notifies the lieutenant governor's office that the county will be a mobile voting county.

(b) Except as provided in Subsection (9)(j), a mobile voting county shall operate one or more drive-up voting stations during normal polling hours on election day.

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

(d) A mobile voting county may not operate a drive-up voting station at any time other than during normal polling hours on election day.

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

voting station.

(f) A mobile voting county shall:

(i) establish procedures and requirements to protect the health and welfare of voters and poll workers at a drive-up voting station, including the use of protective gear;

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

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

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

(g) Any duty of care owed by a government entity in relation to a drive-up voting station is the sole responsibility of the mobile voting county, not the state.

(h) This section does not impose a duty of care or other legal liability not already owed under the provisions of law.

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

(j) (i) The county clerk of a mobile voting county may cancel drive-up voting or close a drive-up voting station if the county clerk determines that cancellation is necessary to protect the public health and welfare.

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

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

(k) A county clerk of a mobile voting county may, consistent with the provisions of this section and the other requirements of law that remain in effect for the 2020 regular primary election, alter requirements relating to a polling place to the extent necessary to address the

practical differences between drive-up voting and voting in a building.

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

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

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

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

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

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

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

(i) an American flag;

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

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

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

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

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

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

(b) Each election officer shall ensure that:

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

(ii) there are a sufficient number of voting booths or voting devices to accommodate

the voters at that polling place; and

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

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

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

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

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

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

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

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

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

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

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

(ii) The actual costs shall include:

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

(B) reasonable and necessary administrative costs.

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

chapter.

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

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

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

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

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

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

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

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

(3) The legislative general counsel shall:

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

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

(c) draft and designate a ballot title for each proposed amendment or question submitted by the Legislature that summarizes the subject matter of the amendment or question; and

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

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

(5) The county clerk of each county shall:

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

(b) publish them as provided by law.

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

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

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

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

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

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

dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

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

(iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53.

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

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

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

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

"INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

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

Each signer says:

I have personally signed this petition;

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

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

NOTICE TO SIGNERS:

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

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

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

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

(2) Each signature sheet shall:

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

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

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

(d) be vertically divided into columns as follows:

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

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

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

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

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

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

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

(e) be horizontally divided into rows as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

"Verification

State of Utah, County of ____

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

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

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

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

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

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

_____

(Name) (Residence Address) (Date)"

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

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

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

20A-7-204.1. Public hearings to be held before initiative petitions are circulated -- Changes to an initiative and initial fiscal impact estimate.

(1) (a) After issuance of the initial fiscal impact estimate by the Office of the

Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

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

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

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

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

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

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

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

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

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

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

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

(2) The sponsors shall:

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

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

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

held; and

(b) publish written notice of the public hearing, including the time, date, and location of the public hearing, in each county in the region where the public hearing will be held:

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

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

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

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

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

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

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

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

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

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

(ii) take comprehensive minutes of the public hearing, detailing the names and titles of

each speaker and summarizing each speaker's comments.

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

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

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

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

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

(i) a change to the text is:

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

(B) consistent with the requirements of Subsection 20A-7-202(5); and

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

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

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

Section 8. Section **20A-7-701** is amended to read:

20A-7-701. Voter information pamphlet to be prepared.

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

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

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

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

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

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

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

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

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

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

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

(a) a cover title page;

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

(c) a table of contents;

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

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

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

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

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

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

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

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

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

(vi) for each initiative qualified for the ballot:

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

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

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

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

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

(i) a description of the judicial selection process;

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

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

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

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

(vi) for each judge:

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

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

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

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

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

(F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;

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

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

(i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of

censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

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

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

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

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

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

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

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

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

[~~(3)~~] (2) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall[~~:~~] make all information provided in the voter

information pamphlet available on the Statewide Electronic Voter Information Website Program described in Section 20A-7-801.

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

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

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

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

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

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

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

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

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

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

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

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

(1) (a) The department shall seek to maximize the use of Medicaid and Children's Health Insurance Program funds for assistance in the purchase of private health insurance

coverage for Medicaid-eligible and non-Medicaid-eligible individuals.

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

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

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

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

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

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

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

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

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

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

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

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

(2) The fund shall consist of:

(a) the assessments collected by the department under this chapter;

(b) any interest and penalties levied with the administration of this chapter; and

(c) any other funds received as donations for the fund and appropriations from other sources.

(3) Money in the fund shall be used:

(a) to support capitated rates consistent with Subsection 26-36d-203(1)(d) for accountable care organizations; and

(b) to reimburse money collected by the division from a hospital through a mistake made under this chapter.

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

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

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

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

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

(2) The fund shall consist of:

(a) the assessments collected by the division under this chapter;

(b) the penalties collected by the division under this chapter;

(c) donations to the fund; and

(d) appropriations by the Legislature.

(3) Money in the fund shall be used:

(a) to support fee-for-service rates; and

(b) to reimburse money to an ambulance service provider that is collected by the division from the ambulance service provider through a mistake made under this chapter.

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

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

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

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

(1) The following are property of the state:

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

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

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

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

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

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

(iii) money credited under Subsection (3).

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

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

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

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

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

(i) to purchase an alcoholic product;

(ii) to transport an alcoholic product from the supplier to a warehouse of the department; or

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

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

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

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

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

(ii) package agency compensation; and

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

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

(b) After each fiscal year, the Division of Finance shall calculate the amount for the

transfer on or before September 1 and the Division of Finance shall make the transfer on or before September 30.

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

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

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

(ii) report the deposit to the state treasurer.

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

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

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

(a) capital equipment purchases;

(b) salary increases for department employees;

(c) performance awards for department employees; or

(d) information technology enhancements because of changes or trends in technology.

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

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

(1) As used in this section:

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

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

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

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

(3) (a) The fund consists of:

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

(ii) interest earned on the fund.

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

(4) After the deposit made under Section 32B-2-304 for the school lunch program, the department shall deposit [~~1%~~] 0.875% of the total gross revenue from the sale of liquor with the state treasurer to be credited to the fund to be used by the Department of Public Safety as provided in Subsection (5).

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

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

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

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

(1) As used in this section:

(a) "Advisory council" means the Utah Substance Use and Mental Health Advisory Council created in Section 63M-7-301.

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

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

(b) The restricted account consists of:

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

(ii) interest earned on the restricted account.

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

(4) The advisory council shall:

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

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

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

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

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

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

(b) The department shall:

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

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

(iii) submit to the advisory council annually by no later than October 1, a written report detailing the use of the money for the media and education campaigns conducted under this

Subsection (5) and the impact and results of the use of the money during the prior fiscal year ending June 30.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The account shall earn interest.

(3) The account shall consist of:

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

(b) interest earned on the account.

(4) To the extent that funds will be available for appropriation in a given fiscal year,

those funds shall be appropriated from the account in the following order:

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

(b) $18,500 to the State Tax Commission for ongoing enforcement of business compliance with the Tobacco Tax Settlement Agreement;

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

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

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

(d) [~~$3,847,100~~] $3,277,100 to the Department of Health for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television, and with a preference in funding given to tobacco-related programs;

(e) $193,700 to the Administrative Office of the Courts and $2,325,400 to the Department of Human Services for the statewide expansion of the drug court program;

(f) $4,000,000 to the State Board of Regents for the University of Utah Health Sciences Center to benefit the health and well-being of Utah citizens through in-state research, treatment, and educational activities; and

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

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

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

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

(2) The account shall earn interest.

(3) The account shall consist of:

(a) on and after July 1, 2007, 60% of all funds of every kind that are received by the

state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers on November 23, 1998; and

(b) interest earned on the account.

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

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

(b) $18,500 to the State Tax Commission for ongoing enforcement of business compliance with the Tobacco Tax Settlement Agreement;

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

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

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

(d) [~~$3,847,100~~] $3,277,100 to the Department of Health for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and make use of media outlets, including radio, newspaper, billboards, and television, and with a preference in funding given to tobacco-related programs;

(e) $193,700 to the Administrative Office of the Courts and $2,325,400 to the Department of Human Services for the statewide expansion of the drug court program;

(f) $4,000,000 to the Utah Board of Higher Education for the University of Utah Health Sciences Center to benefit the health and well-being of Utah citizens through in-state research, treatment, and educational activities; and

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

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

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

(1) (a) There is created a restricted account in the General Fund known as the "State Disaster Recovery Restricted Account."

(b) The disaster recovery account consists of:

(i) money deposited into the disaster recovery account in accordance with Section 63J-1-314;

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

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

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

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

(I) the division; or

(II) the person or entity giving the money.

(c) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.

(2) Subject to being appropriated by the Legislature, money in the disaster recovery account may only be expended or committed to be expended as follows:

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

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

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

(B) subject to Subsection (5), provides written notice of the expenditure or commitment to expend to the speaker of the House of Representatives, the president of the Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations Subcommittee, the Legislative Management Committee, and the Office of the Legislative

Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend; and

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

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

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

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

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

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

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

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

(i) emergency disaster services;

(ii) emergency preparedness; or

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

(c) to fund the Local Government Emergency Response Loan Fund created in Section

53-2a-607;

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

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

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

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

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

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

(f) to fund up to $500,000 for the governor's emergency appropriations described in Subsection 63J-1-217(4).

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

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

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

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

(c) The Legislature may not amend the purposes for which money in the disaster

recovery account may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.

(6) The division:

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

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

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

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

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

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

(b) amounts paid for:

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

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

(iii) an ancillary service associated with a:

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

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

(c) sales of the following for commercial use:

(i) gas;

(ii) electricity;

(iii) heat;

(iv) coal;

(v) fuel oil; or

(vi) other fuels;

(d) sales of the following for residential use:

(i) gas;

(ii) electricity;

(iii) heat;

(iv) coal;

(v) fuel oil; or

(vi) other fuels;

(e) sales of prepared food;

(f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;

(g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

(i) the tangible personal property; and

(ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1)(g)(i), regardless of whether:

(A) any parts are actually used in the repairs or renovations of that tangible personal property; or

(B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;

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

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

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

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

(i) stored;

(ii) used; or

(iii) otherwise consumed;

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

(i) stored;

(ii) used; or

(iii) consumed; and

(m) amounts paid or charged for a sale:

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

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

(ii) regardless of whether the sale provides:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) state or federal law provides otherwise; or

(B) if the sales price of a bundled transaction is attributable to two or more items of

tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire bundled transaction is subject to taxation under this chapter at the higher tax rate unless:

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

(II) state or federal law provides otherwise.

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

(e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:

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

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

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

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

(B) the seller is able to identify by reasonable and verifiable standards, from the books

and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a commercial use;

(B) an industrial use; or

(C) a residential use.

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) for the fiscal year; or

(ii) $17,500,000.

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

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

(B) award grants, up to the amount authorized by the Legislature in an appropriations

act, to political subdivisions of the state to implement the measures described in Subsections 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

(iii) At the end of each fiscal year:

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

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

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

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

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

(ii) At the end of each fiscal year:

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

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

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

(e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

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

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

(B) fund state required dam safety improvements; and

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

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

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

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

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

(iii) develop surface water sources.

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

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

(ii) $17,500,000.

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

(A) transferred each fiscal year to the Department of Natural Resources as dedicated credits; and

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

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

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

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

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

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

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

(i) preconstruction costs:

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

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

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

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

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

(e) After making the transfers required by Subsections (5)(b) and (c) and subject to Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be transferred each year as dedicated credits to the Division of Water Rights to cover the costs incurred for employing additional technical staff for the administration of water rights.

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

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

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

(b) for fiscal year 2017-18 only:

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

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

(c) for fiscal year 2018-19 only:

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

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

(d) for fiscal year 2019-20 only:

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

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

(e) for fiscal year 2020-21 only:

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

(ii) 80% of the revenue described in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account created by Section 73-10g-103; and

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

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

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

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

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

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

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

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

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

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

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

(ii) In any fiscal year in which the portion of the sales and use taxes deposited under Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of Finance shall deposit 17% of the revenues collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

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

(8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited

under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall deposit $64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the Transportation Investment Fund of 2005 created by Section 72-2-124.

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

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

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

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

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

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

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

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

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

(10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),

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

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

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

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

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

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

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

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

(11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of Finance shall, for two consecutive fiscal years, annually deposit $1,900,000 of the revenue

generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in Section 63N-2-512.

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

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

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

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

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

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

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

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

(b) If the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (6) through (8) is less than $1,813,400 for a fiscal year, the Division of

Finance shall transfer the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (6) through (8) during the fiscal year to the General Fund.

Section 21. Section **59-14-807 (Effective 07/01/20)** is amended to read:

59-14-807 (Effective 07/01/20). Electronic Cigarette Substance and Nicotine Product Tax Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Electronic Cigarette Substance and Nicotine Product Tax Restricted Account."

(2) The Electronic Cigarette Substance and Nicotine Product Tax Restricted Account consists of:

(a) revenues collected from the tax imposed by Section 59-14-804; and

(b) amounts appropriated by the Legislature.

(3) For each fiscal year, beginning with fiscal year 2021, and subject to appropriation by the Legislature, the Division of Finance shall distribute from the Electronic Cigarette Substance and Nicotine Product Tax Restricted Account:

(a) $2,000,000 which shall be allocated to the local health departments by the Department of Health using the formula created in accordance with Section 26A-1-116;

(b) $2,000,000 to the Department of Health for statewide cessation programs and prevention education;

(c) $1,180,000 to the Department of Public Safety for law enforcement officers aimed at disrupting organizations and networks that provide tobacco products, electronic cigarette products, nicotine products, and other illegal controlled substances to minors;

(d) $3,000,000 which shall be allocated to the local health departments by the Department of Health using the formula created in accordance with Section 26A-1-116; [~~and~~]

(e) $5,084,200 to the State Board of Education for school-based prevention programs[~~.~~]; and

(f) $2,000,000 to the Department of Health for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs that promote unified messages and

make use of media outlets, including radio, newspaper, billboards, and television.

(4) (a) The local health departments shall use the money received in accordance with Subsection (3)(a) for enforcing:

(i) the regulation provisions described in Section 26-57-103;

(ii) the labeling requirement described in Section 26-57-104; and

(iii) the penalty provisions described in Section 26-62-305.

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

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

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

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

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

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

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

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

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

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

62A-4a-403. Reporting requirements.

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

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

(ii) If an initial report of abuse or neglect is made to the division, the division shall immediately notify the appropriate local law enforcement agency.

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

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

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

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

(b) the member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of that confession.

(3) (a) When a member of the clergy receives information about abuse or neglect from any source other than confession of the perpetrator, the member of the clergy is required to

report that information even though the member of the clergy may have also received information about abuse or neglect from the confession of the perpetrator.

(b) Exemption of the reporting requirement for a member of the clergy does not exempt the member of the clergy from any other efforts required by law to prevent further abuse or neglect by the perpetrator.

Section 23. Section **62A-4a-409** is amended to read:

62A-4a-409. Investigation by division -- Temporary protective custody -- Preremoval interviews of children.

(1) (a) [~~The~~] Except as provided in Subsection (1)(c), the division shall [~~make~~] conduct a thorough preremoval investigation upon receiving either an oral or written report of alleged abuse or neglect, or an oral or written report under Subsection 62A-4a-404(2), when there is reasonable cause to suspect that a situation of abuse, neglect, or the circumstances described under Subsection 62A-4a-404(2) exist.

(b) The primary purpose of the investigation described in Subsection (1)(a) shall be protection of the child.

(c) The division is not required to conduct an investigation under Subsection (1)(a) if the division determines the person responsible for the child's care:

(i) is not the alleged perpetrator; and

(ii) is willing and able to ensure the alleged perpetrator does not have access to the child.

(2) The preremoval investigation described in Subsection (1)(a) shall include the same investigative requirements described in Section 62A-4a-202.3.

(3) The division shall make a written report of its investigation that shall include a determination regarding whether the alleged abuse or neglect is supported, unsupported, or without merit.

(4) (a) The division shall use an interdisciplinary approach when appropriate in dealing with reports made under this part.

(b) The division shall convene a child protection team to assist the division in the division's protective, diagnostic, assessment, treatment, and coordination services.

(c) The division may include members of a child protection unit in the division's protective, diagnostic, assessment, treatment, and coordination services.

(d) A representative of the division shall serve as the team's coordinator and chair. Members of the team shall serve at the coordinator's invitation. Whenever possible, the team shall include representatives of:

(i) health, mental health, education, and law enforcement agencies;

(ii) the child;

(iii) parent and family support groups unless the parent is alleged to be the perpetrator; and

(iv) other appropriate agencies or individuals.

(5) If a report of neglect is based upon or includes an allegation of educational neglect, the division shall immediately consult with school authorities to verify the child's status in accordance with Sections 53G-6-201 through 53G-6-206.

(6) When the division completes the division's initial investigation under this part, the division shall give notice of that completion to the person who made the initial report.

(7) Division workers or other child protection team members have authority to enter upon public or private premises, using appropriate legal processes, to investigate reports of alleged abuse or neglect, upon notice to parents of their rights under the Child Abuse Prevention and Treatment Act, 42 U.S.C. Sec. 5106, or any successor thereof.

(8) With regard to any interview of a child prior to removal of that child from the child's home:

(a) except as provided in Subsection (8)(b) or (c), the division shall inform a parent of the child prior to the interview of:

(i) the specific allegations concerning the child; and

(ii) the time and place of the interview;

(b) if a child's parent or stepparent, or a parent's paramour has been identified as the alleged perpetrator, the division is not required to comply with Subsection (8)(a);

(c) if the perpetrator is unknown, or if the perpetrator's relationship to the child's family is unknown, the division may conduct a minimal interview or conversation, not to exceed 15 minutes, with the child prior to complying with Subsection (8)(a);

(d) in all cases described in Subsection (8)(b) or (c), a parent of the child shall be notified as soon as practicable after the child has been interviewed, but in no case later than 24 hours after the interview has taken place;

(e) a child's parents shall be notified of the time and place of all subsequent interviews with the child; and

(f) the child shall be allowed to have a support person of the child's choice present, who:

(i) may include:

(A) a school teacher;

(B) an administrator;

(C) a guidance counselor;

(D) a child care provider;

(E) a family member;

(F) a family advocate; or

(G) a member of the clergy; and

(ii) may not be an individual who is alleged to be, or potentially may be, the perpetrator.

(9) In accordance with the procedures and requirements of Sections 62A-4a-202.1 through 62A-4a-202.3, a division worker or child protection team member may take a child into protective custody and deliver the child to a law enforcement officer, or place the child in an emergency shelter facility approved by the juvenile court, at the earliest opportunity subsequent to the child's removal from the child's original environment. Control and

jurisdiction over the child is determined by the provisions of Title 78A, Chapter 6, Juvenile Court Act, and as otherwise provided by law.

(10) With regard to cases in which law enforcement has or is conducting an investigation of alleged abuse or neglect of a child:

(a) the division shall coordinate with law enforcement to ensure that there is an adequate safety plan to protect the child from further abuse or neglect; and

(b) the division is not required to duplicate an aspect of the investigation that, in the division's determination, has been satisfactorily completed by law enforcement.

(11) With regard to a mutual case in which a child protection unit was involved in the investigation of alleged abuse or neglect of a child, the division shall consult with the child protection unit before closing the case.

Section 24. Section **63J-1-602.2 (Superseded 07/01/20)** is amended to read:

63J-1-602.2 (Superseded 07/01/20). List of nonlapsing appropriations to programs.

Appropriations made to the following programs are nonlapsing:

(1) The Legislature and its committees.

(2) The Percent-for-Art Program created in Section 9-6-404.

(3) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.

(4) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii).

(5) The Trip Reduction Program created in Section 19-2a-104.

(6) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

(7) The primary care grant program created in Section 26-10b-102.

(8) Sanctions collected as dedicated credits from Medicaid provider under Subsection 26-18-3(7).

(9) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.

(10) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

(11) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

(12) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection 32B-2-301[~~(7)~~](8)(a) or (b).

(13) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

(14) A new program or agency that is designated as nonlapsing under Section 36-24-101.

(15) The Utah National Guard, created in Title 39, Militia and Armories.

(16) The State Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

(17) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

(18) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

(19) The State Board of Regents for teacher preparation programs, as provided in Section 53B-6-104.

(20) The Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.

(21) The State Board of Education, as provided in Section 53F-2-205.

(22) The Division of Services for People with Disabilities, as provided in Section 62A-5-102.

(23) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

(24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

(25) Appropriations to the Department of Technology Services for technology innovation as provided under Section 63F-4-202.

(26) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

(27) The Utah Science Technology and Research Initiative created in Section 63M-2-301.

(28) The Governor's Office of Economic Development to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

(29) Appropriations to fund the Governor's Office of Economic Development's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

(30) Appropriations to fund programs for the Jordan River Recreation Area as described in Section 65A-2-8.

(31) The Department of Human Resource Management user training program, as provided in Section 67-19-6.

(32) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

(33) The Traffic Noise Abatement Program created in Section 72-6-112.

(34) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

(35) A state rehabilitative employment program, as provided in Section 78A-6-210.

(36) The Utah Geological Survey, as provided in Section 79-3-401.

(37) The Bonneville Shoreline Trail Program created under Section 79-5-503.

(38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

(39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(40) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.

Section 25. Section **63J-1-602.2 (Effective 07/01/20)** is amended to read:

63J-1-602.2 (Effective 07/01/20). List of nonlapsing appropriations to programs.

Appropriations made to the following programs are nonlapsing:

(1) The Legislature and the Legislature's committees.

(2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section 53F-9-103.

(3) The Percent-for-Art Program created in Section 9-6-404.

(4) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.

(5) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii).

(6) The Trip Reduction Program created in Section 19-2a-104.

(7) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

(8) The emergency medical services grant program in Section 26-8a-207.

(9) The primary care grant program created in Section 26-10b-102.

(10) Sanctions collected as dedicated credits from Medicaid provider under Subsection 26-18-3(7).

(11) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.

(12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

(13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

(14) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection 32B-2-301[~~(7)~~](8)(a) or (b).

(15) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

(16) A new program or agency that is designated as nonlapsing under Section 36-24-101.

(17) The Utah National Guard, created in Title 39, Militia and Armories.

(18) The State Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

(19) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

(20) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

(21) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53B-6-104.

(22) The Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.

(23) The Division of Services for People with Disabilities, as provided in Section 62A-5-102.

(24) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

(25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

(26) Appropriations to the Department of Technology Services for technology innovation as provided under Section 63F-4-202.

(27) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

(28) The Governor's Office of Economic Development to fund the Enterprise Zone

Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

(29) Appropriations to fund the Governor's Office of Economic Development's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

(30) Appropriations to fund programs for the Jordan River Recreation Area as described in Section 65A-2-8.

(31) The Department of Human Resource Management user training program, as provided in Section 67-19-6.

(32) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

(33) The Traffic Noise Abatement Program created in Section 72-6-112.

(34) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

(35) A state rehabilitative employment program, as provided in Section 78A-6-210.

(36) The Utah Geological Survey, as provided in Section 79-3-401.

(37) The Bonneville Shoreline Trail Program created under Section 79-5-503.

(38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

(39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(40) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.

Section 26. Section **64-13e-104** is amended to read:

64-13e-104. Housing of state probationary inmates or state parole inmates -- Payments.

(1) (a) A county shall accept and house a state probationary inmate or a state parole inmate in a county correctional facility, subject to available resources.

(b) A county may release a number of inmates from a county correctional facility, but not to exceed the number of state probationary inmates in excess of the number of inmates funded by the appropriation authorized in Subsection (2) if:

(i) the state does not fully comply with the provisions of Subsection (9) for the most current fiscal year; or

(ii) funds appropriated by the Legislature for this purpose are less than 50% of the actual county daily incarceration rate.

(2) Within funds appropriated by the Legislature for this purpose, the Division of Finance shall pay a county that houses a state probationary inmate or a state parole inmate at a rate of [~~56.88%~~] 47.89% of the actual county daily incarceration rate.

(3) Funds appropriated by the Legislature under Subsection (2):

(a) are nonlapsing;

(b) may only be used for the purposes described in Subsection (2) and Subsection (10); and

(c) may not be used for:

(i) the costs of administering the payment described in this section; or

(ii) payment of contract costs under Section 64-13e-103.

(4) The costs described in Subsection (3)(c)(i) shall be covered by legislative appropriation.

(5) (a) The Division of Finance shall administer the payment described in Subsection (2) and Subsection (10).

(b) In accordance with Subsection (9), CCJJ shall, by rule made pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish procedures for collecting data from counties for the purpose of completing the calculations described in this section.

(c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount

of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.

(6) Each county that receives the payment described in Subsection (2) and Subsection (10) shall:

(a) on at least a monthly basis, submit a report to CCJJ that includes:

(i) the number of state probationary inmates and state parole inmates the county housed under this section;

(ii) the total number of state probationary inmate days of incarceration and state parole inmate days of incarceration that were provided by the county;

(iii) the total number of offenders housed pursuant to Subsection 64-13-21(2)(b); and

(iv) the total number of days of incarceration of offenders housed pursuant to Subsection 64-13-21(2)(b); and

(b) before September 15 of every third year beginning in 2022, calculate and inform CCJJ of the county's jail daily incarceration costs for the preceding fiscal year.

(7) (a) On or before September 30 of each year, CCJJ shall:

(i) compile the information from the reports described in Subsection (6)(a) that relate to the preceding state fiscal year and provide a copy of the compilation to each county that submitted a report; and

(ii) calculate:

(A) the actual county incarceration rate, based on the most recent year that data was reported in accordance with Subsection (6)(b); and

(B) the final county incarceration rate.

(b) On or before October 15 of each year, CCJJ shall inform the Division of Finance and each county of:

(i) the actual county incarceration rate;

(ii) the final county incarceration rate; and

(iii) the exact amount of the payment described in this section that shall be made to each county.

(8) On or before December 15 of each year, the Division of Finance shall distribute the payment described in Subsection (7)(b) in a single payment to each county.

(9) (a) The amount paid to each county under Subsection (8) shall be calculated on a pro rata basis, based on the average number of state probationary inmate days of incarceration and the average state parole inmate days of incarceration that were provided by each county for the preceding five state fiscal years; and

(b) if funds are available, the total number of days of incarceration of offenders housed pursuant to Subsection 64-13-21(2)(b).

(10) If funds appropriated under Subsection (2) remain after payments are made pursuant to Subsection (8), the Division of Finance shall pay a county that houses in its jail a person convicted of a felony who is on probation or parole and who is incarcerated pursuant to Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the actual county daily incarceration rate.

Section 27. Section **67-19-14.7 (Superseded 07/01/20)** is amended to read:

67-19-14.7 (Superseded 07/01/20). Postpartum recovery leave.

(1) As used in this section:

(a) "Eligible employee" means an employee who:

(i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

(ii) accrues paid leave benefits that can be used in the current and future calendar years;

(iii) is not reemployed as defined in Section 49-11-1202; and

(iv) gives birth to a child.

(b) "Postpartum recovery leave" means leave hours a state employer provides to an eligible employee to recover from childbirth.

(c) "Retaliatory action" means to do any of the following to an employee:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections [~~(1)(f)(i)~~] (1)(c)(i) through (iv).

(d) (i) "State employer" means:

(A) a state executive branch agency, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole;

(B) the legislative branch of the state; or

(C) the judicial branch of the state.

(ii) "State employer" does not include:

(A) an institute of higher education;

(B) the [~~Board of Regents~~] Utah Board of Higher Education;

(C) the State Board of Education;

(D) an independent entity as defined in Section 63E-1-102;

(E) the Attorney General's Office;

(F) the State Auditor's Office; or

(G) the State Treasurer's Office.

(2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work week for recovery from childbirth.

(b) A state employer shall allow an eligible employee who is part-time or who works in excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery leave available to the eligible employee under this section on a pro rata basis as adopted by rule by the department under Subsection (11).

(3) (a) Postpartum recovery leave described in Subsection (2):

(i) shall be used starting on the day on which the eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;

(ii) shall be used in a single continuous period; and

(iii) runs concurrently with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

(b) The amount of postpartum recovery leave authorized under Subsection (2) does not increase if an eligible employee has more than one child born from the same pregnancy.

(4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the state employer notice at least 30 days before the day on which the eligible employee plans to:

(i) begin using postpartum recovery leave under this section; and

(ii) stop using postpartum recovery leave under this section.

(b) If circumstances beyond the eligible employee's control prevent the eligible employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall give each notice described in Subsection (4)(a) as soon as reasonably practicable.

(5) A state employer may not charge postpartum recovery leave under this section against sick, annual, or other leave.

(6) A state employer may not compensate an eligible employee for any unused postpartum recovery leave upon termination of employment.

(7) (a) Following the expiration of an eligible employee's postpartum recovery leave under this section, the state employer shall ensure that the eligible employee may return to:

(i) the position that the eligible employee held before using postpartum recovery leave; or

(ii) a position within the state employer that is equivalent in seniority, status, benefits, and pay to the position that the eligible employee held before using postpartum recovery leave.

(b) If during the time an eligible employee uses postpartum recovery leave under this section the state employer experiences a reduction in force and, as part of the reduction in

force, the eligible employee would have been separated had the eligible employee not been using the postpartum recovery leave, the state employer may separate the eligible employee in accordance with any applicable process or procedure as if the eligible employee were not using the postpartum recovery leave.

(8) During the time an eligible employee uses postpartum recovery leave under this section, the eligible employee shall continue to receive all employment related benefits and payments at the same level that the eligible employee received immediately before beginning the postpartum leave, provided that the eligible employee pays any required employee contributions.

(9) A state employer may not:

(a) interfere with or otherwise restrain an eligible employee from using postpartum recovery leave in accordance with this section; or

(b) take retaliatory action against an eligible employee for using postpartum recovery leave in accordance with this section.

(10) A state employer shall provide each employee written information regarding an eligible employee's right to use postpartum recovery leave under this section.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of postpartum recovery leave under this section, including a schedule that provides paid or postpartum recovery leave for an eligible employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis.

Section 28. Section **67-19-14.7 (Effective 07/01/20)** is amended to read:

67-19-14.7 (Effective 07/01/20). Postpartum recovery leave.

(1) As used in this section:

(a) "Eligible employee" means an employee who:

(i) is in a position that receives retirement benefits under Title 49, Utah State Retirement and Insurance Benefit Act;

(ii) accrues paid leave benefits that can be used in the current and future calendar years;

(iii) is not reemployed as defined in Section 49-11-1202; and

(iv) gives birth to a child.

(b) "Postpartum recovery leave" means leave hours a state employer provides to an eligible employee to recover from childbirth.

(c) "Retaliatory action" means to do any of the following to an employee:

(i) dismiss the employee;

(ii) reduce the employee's compensation;

(iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;

(iv) fail to promote the employee if the employee would have otherwise been promoted; or

(v) threaten to take an action described in Subsections [~~(1)(f)(i)~~] (1)(c)(i) through (iv).

(d) (i) "State employer" means:

(A) a state executive branch agency, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole;

(B) the legislative branch of the state; or

(C) the judicial branch of the state.

(ii) "State employer" does not include:

(A) an institute of higher education;

(B) the Utah Board of Higher Education;

(C) the State Board of Education;

(D) an independent entity as defined in Section 63E-1-102;

(E) the Attorney General's Office;

(F) the State Auditor's Office; or

(G) the State Treasurer's Office.

(2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible

employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work week for recovery from childbirth.

(b) A state employer shall allow an eligible employee who is part-time or who works in excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery leave available to the eligible employee under this section on a pro rata basis as adopted by rule by the department under Subsection (11).

(3) (a) Postpartum recovery leave described in Subsection (2):

(i) shall be used starting on the day on which the eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;

(ii) shall be used in a single continuous period; and

(iii) runs concurrently with any leave authorized under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.

(b) The amount of postpartum recovery leave authorized under Subsection (2) does not increase if an eligible employee has more than one child born from the same pregnancy.

(4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the state employer notice at least 30 days before the day on which the eligible employee plans to:

(i) begin using postpartum recovery leave under this section; and

(ii) stop using postpartum recovery leave under this section.

(b) If circumstances beyond the eligible employee's control prevent the eligible employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall give each notice described in Subsection (4)(a) as soon as reasonably practicable.

(5) A state employer may not charge postpartum recovery leave under this section against sick, annual, or other leave.

(6) A state employer may not compensate an eligible employee for any unused postpartum recovery leave upon termination of employment.

(7) (a) Following the expiration of an eligible employee's postpartum recovery leave under this section, the state employer shall ensure that the eligible employee may return to:

(i) the position that the eligible employee held before using postpartum recovery leave; or

(ii) a position within the state employer that is equivalent in seniority, status, benefits, and pay to the position that the eligible employee held before using postpartum recovery leave.

(b) If during the time an eligible employee uses postpartum recovery leave under this section the state employer experiences a reduction in force and, as part of the reduction in force, the eligible employee would have been separated had the eligible employee not been using the postpartum recovery leave, the state employer may separate the eligible employee in accordance with any applicable process or procedure as if the eligible employee were not using the postpartum recovery leave.

(8) During the time an eligible employee uses postpartum recovery leave under this section, the eligible employee shall continue to receive all employment related benefits and payments at the same level that the eligible employee received immediately before beginning the postpartum leave, provided that the eligible employee pays any required employee contributions.

(9) A state employer may not:

(a) interfere with or otherwise restrain an eligible employee from using postpartum recovery leave in accordance with this section; or

(b) take retaliatory action against an eligible employee for using postpartum recovery leave in accordance with this section.

(10) A state employer shall provide each employee written information regarding an eligible employee's right to use postpartum recovery leave under this section.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall, by July 1, [~~2020~~] 2021, make rules for the use and administration of postpartum recovery leave under this section, including a schedule that provides paid or postpartum recovery leave for an eligible employee who is part-time or who works in excess of a 40-hour work week on a pro rata basis.

Section 29. Section **72-2-121** is amended to read:

72-2-121. County of the First Class Highway Projects Fund.

(1) There is created a special revenue fund within the Transportation Fund known as the "County of the First Class Highway Projects Fund."

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

(a) any voluntary contributions received for new construction, major renovations, and improvements to highways within a county of the first class;

(b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b) deposited in or transferred to the fund;

(c) the portion of the sales and use tax described in Section 59-12-2217 deposited in or transferred to the fund; and

(d) a portion of the local option highway construction and transportation corridor preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited in or transferred to the fund.

(3) (a) The fund shall earn interest.

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

(4) The executive director shall use the fund money only:

(a) to pay debt service and bond issuance costs for bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102;

(b) for right-of-way acquisition, new construction, major renovations, and improvements to highways within a county of the first class and to pay any debt service and bond issuance costs related to those projects, including improvements to a highway located within a municipality in a county of the first class where the municipality is located within the boundaries of more than a single county;

(c) for the construction, acquisition, use, maintenance, or operation of:

(i) an active transportation facility for nonmotorized vehicles;

(ii) multimodal transportation that connects an origin with a destination; or

(iii) a facility that may include a:

(A) pedestrian or nonmotorized vehicle trail;

(B) nonmotorized vehicle storage facility;

(C) pedestrian or vehicle bridge; or

(D) vehicle parking lot or parking structure;

(d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts transferred in accordance with Subsection 72-2-124(4)(a)(iv);

(e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond issuance costs for $30,000,000 of the bonds issued under Section 63B-18-401 for the projects described in Subsection 63B-18-401(4)(a);

(f) for a fiscal year beginning on or after July 1, 2013, and after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to transfer an amount equal to 50% of the revenue generated by the local option highway construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in a county of the first class:

(i) to the legislative body of a county of the first class; and

(ii) to be used by a county of the first class for:

(A) highway construction, reconstruction, or maintenance projects; or

(B) the enforcement of state motor vehicle and traffic laws;

(g) for fiscal year 2015-16 only, and after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection (4)(e) has been made, to transfer an amount equal to $25,000,000:

(i) to the legislative body of a county of the first class; and

(ii) to be used by the county for the purposes described in this section;

(h) for a fiscal year beginning on or after July 1, 2015, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the

transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into the fund in accordance with Subsection 59-12-2214(3)(b) to:

(i) the appropriate debt service or sinking fund for the repayment of bonds issued under Section 63B-27-102; and

(ii) the Transportation Fund created in Section 72-2-102 until $28,079,000 has been deposited into the Transportation Fund;

(i) for a fiscal year beginning on or after July 1, 2018, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount deposited into the fund under Subsection (2)(b) to a public transit district in a county of the first class to fund a system for public transit;

(j) for a fiscal year beginning on or after July 1, 2018, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount deposited into the fund under Subsection (2)(b):

(i) to the legislative body of a county of the first class; and

(ii) to fund parking facilities in a county of the first class that facilitate significant economic development and recreation and tourism within the state;

(k) for the 2018-19 fiscal year only, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections (4)(h), (i), and (j) have been made, to transfer $12,000,000 to the department to distribute for the following projects:

(i) $2,000,000 to West Valley City for highway improvement to 4100 South;

(ii) $1,000,000 to Herriman for highway improvements to Herriman Boulevard from 6800 West to 7300 West;

(iii) $1,100,000 to South Jordan for highway improvements to Grandville Avenue;

(iv) $1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400 South to 13200 South;

(v) $1,000,000 to Murray City for highway improvements to 5600 South from State Street to Van Winkle;

(vi) $1,000,000 to Draper for highway improvements to Lone Peak Parkway from 11400 South to 12300 South;

(vii) $1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;

(viii) $900,000 to South Jordan City for right-of-way acquisition and improvements to 10200 South from 2700 West to 3200 West;

(ix) $1,000,000 to West Jordan for highway improvements to 8600 South near Mountain View Corridor;

(x) $700,000 to South Jordan right-of-way improvements to 10550 South; and

(xi) $500,000 to Salt Lake County for highway improvements to 2650 South from 7200 West to 8000 West; and

(l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection (4)(e) has been made, and after the bonds under Section 63B-27-102 have been repaid, to annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into the fund in accordance with Subsection 59-12-2214(3)(b):

(i) to the legislative body of a county of the first class; and

(ii) to be used by the county for the purposes described in this section.

(5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102 are considered a local matching contribution for the purposes described under Section 72-2-123.

(6) The additional administrative costs of the department to administer this fund shall be paid from money in the fund.

(7) Notwithstanding any statutory or other restrictions on the use or expenditure of the revenue sources deposited into this fund, the Department of Transportation may use the money in this fund for any of the purposes detailed in Subsection (4).

(8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal year, after all programmed payments and transfers authorized or required under this section have been made, on [~~July~~] November 30 the department shall transfer the remainder of the money in the fund to the Transportation Fund to reduce the amount owed to the Transportation Fund under Subsection (4)(j)(ii).

(b) The department shall provide notice to a county of the first class of the amount transferred in accordance with this Subsection (8).

(9) (a) Any revenue in the fund that is not specifically allocated and obligated under Subsections (4) through (8) is subject to the review process described in this Subsection (9).

(b) A county of the first class shall create a county transportation advisory committee as described in Subsection (9)(c) to review proposed transportation and, as applicable, public transit projects and rank projects for allocation of funds.

(c) The county transportation advisory committee described in Subsection (9)(b) shall be composed of the following 13 members:

(i) six members who are residents of the county, nominated by the county executive and confirmed by the county legislative body who are:

(A) members of a local advisory council of a large public transit district as defined in Section 17B-2a-802;

(B) county council members; or

(C) other residents with expertise in transportation planning and funding; and

(ii) seven members nominated by the county executive, and confirmed by the county legislative body, chosen from mayors or managers of cities or towns within the county.

(d) (i) A majority of the members of the county transportation advisory committee constitutes a quorum.

(ii) The action by a quorum of the county transportation advisory committee constitutes an action by the county transportation advisory committee.

(e) The county body shall determine:

(i) the length of a term of a member of the county transportation advisory committee;

(ii) procedures and requirements for removing a member of the county transportation advisory committee;

(iii) voting requirements of the county transportation advisory committee;

(iv) chairs or other officers of the county transportation advisory committee;

(v) how meetings are to be called and the frequency of meetings, but not less than once annually; and

(vi) the compensation, if any, of members of the county transportation advisory committee.

(f) The county shall establish by ordinance criteria for prioritization and ranking of projects, which may include consideration of regional and countywide economic development impacts, including improved local access to:

(i) employment;

(ii) recreation;

(iii) commerce; and

(iv) residential areas.

(g) The county transportation advisory committee shall evaluate and rank each proposed public transit project and regionally significant transportation facility according to

criteria developed pursuant to Subsection (9)(f).

(h) (i) After the review and ranking of each project as described in this section, the county transportation advisory committee shall provide a report and recommend the ranked list of projects to the county legislative body and county executive.

(ii) After review of the recommended list of projects, as part of the county budgetary process, the county executive shall review the list of projects and may include in the proposed budget the proposed projects for allocation, as funds are available.

(i) The county executive of the county of the first class, with information provided by the county and relevant state entities, shall provide a report annually to the county transportation advisory committee, and to the mayor or manager of each city, town, or metro township in the county, including the following:

(i) the amount of revenue received into the fund during the past year;

(ii) any funds available for allocation;

(iii) funds obligated for debt service; and

(iv) the outstanding balance of transportation-related debt.

(10) As resources allow, the department shall study in 2020 transportation connectivity in the southwest valley of Salt Lake County, including the feasibility of connecting major east-west corridors to U-111.

Section 30. Section **78A-6-117 (Superseded 07/01/20)** is amended to read:

78A-6-117 (Superseded 07/01/20). Adjudication of jurisdiction of juvenile court -- Disposition of cases -- Enumeration of possible court orders -- Considerations of court.

(1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within Section 78A-6-103, the court shall adjudicate the case and make findings of fact upon which the court bases the court's jurisdiction over the case.

(b) For a case described in Subsection 78A-6-103(1), findings of fact are not necessary.

(c) If the court adjudicates a minor for an offense of violence or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be

provided to the school superintendent of the district in which the minor resides or attends school. Notice shall be made to the district superintendent within three days of the adjudication and shall include:

(i) the specific offenses for which the minor was adjudicated; and

(ii) if available, whether the victim:

(A) resides in the same school district as the minor; or

(B) attends the same school as the minor.

(d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated risk and needs assessment.

(ii) Results of the screening or assessment shall be used to inform disposition decisions and case planning. Assessment results, if available, may not be shared with the court before adjudication.

(2) Upon adjudication the court may make the following dispositions by court order:

(a) (i) the court may place the minor on probation or under protective supervision in the minor's own home and upon conditions determined by the court, including community or compensatory service;

(ii) a condition ordered by the court under Subsection (2)(a)(i):

(A) shall be individualized and address a specific risk or need;

(B) shall be based on information provided to the court, including the results of a validated risk and needs assessment conducted under Subsection (1)(d);

(C) if the court orders substance abuse treatment or an educational series, shall be based on a validated risk and needs assessment conducted under Subsection (1)(d); and

(D) if the court orders protective supervision, may not designate the division as the provider of protective supervision unless there is a petition regarding abuse, neglect, or dependency before the court requesting that the division provide protective supervision;

(iii) a court may not issue a standard order that contains control-oriented conditions;

(iv) prohibitions on weapon possession, where appropriate, shall be specific to the

minor and not the minor's family;

(v) if the court orders probation, the court may direct that notice of the court's order be provided to designated individuals in the local law enforcement agency and the school or transferee school, if applicable, that the minor attends. The designated individuals may receive the information for purposes of the minor's supervision and student safety; and

(vi) an employee of the local law enforcement agency and the school that the minor attends who discloses the court's order of probation is not:

(A) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and

(B) civilly or criminally liable except when the disclosure constitutes a knowing violation of Section 63G-2-801.

(b) The court may place the minor in the legal custody of a relative or other suitable individual, with or without probation or other court-specified child welfare services, but the juvenile court may not assume the function of developing foster home services.

(c) The court shall only vest legal custody of the minor in the Division of Juvenile Justice Services and order the Division of Juvenile Justice Services to provide dispositional recommendations and services if:

(i) nonresidential treatment options have been exhausted or nonresidential treatment options are not appropriate; and

(ii) the minor is adjudicated under this section for a felony offense, a misdemeanor when the minor has five prior misdemeanors or felony adjudications arising from separate criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in Section 76-1-601.

(d) (i) The court may not vest legal custody of a minor in the Division of Juvenile Justice Services for:

(A) contempt of court except to the extent permitted under Section 78A-6-1101;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may petition the court to express the minor's desire to be removed from the jurisdiction of the juvenile court and from the custody of the division if the minor is in the division's custody on grounds of abuse, neglect, or dependency.

(B) If the minor's parent's rights have not been terminated in accordance with Part 5, Termination of Parental Rights Act, the minor's petition shall contain a statement from the minor's parent or guardian agreeing that the minor should be removed from the custody of the division.

(C) The minor and the minor's parent or guardian shall sign the petition.

(D) The court shall review the petition within 14 days.

(E) The court shall remove the minor from the custody of the division if the minor and the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B) and (C) and if the court finds, based on input from the division, the minor's guardian ad litem, and the Office of the Attorney General, that the minor does not pose an imminent threat to self or others.

(F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days of the date of removal, petition the court to re-enter custody of the division.

(G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the division to take custody of the minor based on the findings the court entered when the court originally vested custody in the division.

(e) The court shall only commit a minor to the Division of Juvenile Justice Services for secure confinement if the court finds that:

(i) (A) the minor poses a risk of harm to others; or

(B) the minor's conduct resulted in the victim's death; and

(ii) the minor is adjudicated under this section for:

(A) a felony offense;

(B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications arising from separate criminal episodes; or

(C) a misdemeanor involving use of a dangerous weapon as defined in Section 76-1-601.

(f) (i) A minor under the jurisdiction of the court solely on the ground of abuse, neglect, or dependency under Subsection 78A-6-103(1)(b) may not be committed to the Division of Juvenile Justice Services.

(ii) The court may not commit a minor to the Division of Juvenile Justice Services for secure confinement for:

(A) contempt of court;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(g) The court may order nonresidential, diagnostic assessment, including substance use disorder, mental health, psychological, or sexual behavior risk assessment.

(h) (i) The court may commit a minor to a place of detention or an alternative to detention for a period not to exceed 30 cumulative days per adjudication subject to the court retaining continuing jurisdiction over the minor's case. This commitment may not be suspended upon conditions ordered by the court.

(ii) This Subsection (2)(h) applies only to a minor adjudicated for:

(A) an act which if committed by an adult would be a criminal offense; or

(B) contempt of court under Section 78A-6-1101.

(iii) The court may not commit a minor to a place of detention for:

(A) contempt of court except to the extent allowed under Section 78A-6-1101;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more than 30 days in a place of detention before disposition, the court may not commit a minor to detention under this section.

(B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.

(v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be ordered in combination with an order under Subsection (2)(c).

(i) [~~The~~] (i) Except as provided in Subsection (2)(i)(ii), the court may vest legal custody of an abused, neglected, or dependent minor in the division or any other appropriate person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

(ii) The court may not vest legal custody of an abused, neglected, or dependent minor in the division to primarily address the minor's ungovernable or other behavior, mental health, or disability unless the division:

(A) engages other relevant divisions within the department in conducting an assessment of the minor's and the minor's family's needs;

(B) based on the assessment described in Subsection (2)(i)(ii)(A), determines that vesting custody of the minor in the division is the least restrictive intervention for the minor

that meets the minor's needs; and

(C) consents to legal custody of the minor being vested in the division.

(j) (i) The court may order a minor to repair, replace, or otherwise make restitution for material loss caused by the minor's wrongful act or for conduct for which the minor agrees to make restitution.

(ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a pattern of criminal activity, includes any person directly harmed by the minor's delinquency conduct in the course of the scheme, conspiracy, or pattern.

(iii) If the victim and the minor agree to participate, the court may refer the case to a restorative justice program such as victim offender mediation to address how loss resulting from the adjudicated act may be addressed.

(iv) For the purpose of determining whether and how much restitution is appropriate, the court shall consider the following:

(A) restitution shall only be ordered for the victim's material loss;

(B) restitution may not be ordered if the court finds that the minor is unable to pay or acquire the means to pay;

(C) any amount paid by the minor to the victim in civil penalty shall be credited against restitution owed; and

(D) the length of the presumptive term of supervision shall be taken into account in determining the minor's ability to satisfy the restitution order within the presumptive term.

(v) Any amount paid to the victim in restitution shall be credited against liability in a civil suit.

(vi) The court may also require a minor to reimburse an individual, entity, or governmental agency who offered and paid a reward to a person or persons for providing information resulting in a court adjudication that the minor is within the jurisdiction of the juvenile court due to the commission of a criminal offense.

(vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the

court may order the minor to make restitution for costs expended by any governmental entity for the return.

(viii) Within seven days after the day on which a petition is filed under Section 78A-6-602.5, the prosecuting attorney or the court's probation department shall provide notification of the restitution process to all reasonably identifiable and locatable victims of an offense listed in the petition.

(ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for providing the prosecutor with:

(A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket loss;

(B) all documentation of any compensation or reimbursement from an insurance company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

(C) if applicable, the victim's proof of identification, including the victim's date of birth, social security number, or driver license number; and

(D) the victim's contact information, including the victim's current home and work address and telephone number.

(x) A prosecutor or victim shall submit a request for restitution to the court at the time of disposition, if feasible, otherwise within 90 days after disposition.

(xi) The court shall order a financial disposition that prioritizes the payment of restitution.

(k) The court may issue orders necessary for the collection of restitution and fines ordered by the court, including garnishments, wage withholdings, and executions, except for an order that changes the custody of the minor, including detention or other secure or nonsecure residential placements.

(l) (i) The court may through the court's probation department encourage the development of nonresidential employment or work programs to enable a minor to fulfill the minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the

court.

(ii) Consistent with the order of the court, the probation officer may permit a minor to participate in a program of work restitution or compensatory service in lieu of paying part or all of the fine imposed by the court.

(iii) The court may order the minor to:

(A) pay a fine, fee, restitution, or other cost; or

(B) complete service hours.

(iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to complete service hours, those dispositions shall be considered collectively to ensure that the order:

(A) is reasonable;

(B) prioritizes restitution; and

(C) takes into account the minor's ability to satisfy the order within the presumptive term of supervision.

(v) If the court orders a minor to pay a fine, fee, or other cost, or complete service hours, the cumulative order shall be limited per criminal episode as follows:

(A) for a minor younger than 16 years old at adjudication, the court may impose up to $180 or up to 24 hours of service; and

(B) for a minor 16 years old or older at adjudication, the court may impose up to $270 or up to 36 hours of service.

(vi) The cumulative order under Subsection (2)(l)(v) does not include restitution.

(vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of conversion shall be no less than the minimum wage.

(m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds that as part of the commission of the violation the minor was in actual physical control of a motor vehicle, the court may, in addition to any other disposition authorized by this section:

(A) restrain the minor from driving for periods of time the court considers necessary;

and

(B) take possession of the minor's driver license.

(ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i) except for a disposition under Subsection (2)(c), (d), (e), or (f).

(B) The suspension of driving privileges for an offense under Section 78A-6-606 is governed only by Section 78A-6-606.

(n) (i) The court may order a minor to complete community or compensatory service hours in accordance with Subsections (2)(l)(iv) and (v).

(ii) When community service is ordered, the presumptive service order shall include between five and 10 hours of service.

(iii) Satisfactory completion of an approved substance use disorder prevention or treatment program or other court-ordered condition may be credited by the court as compensatory service hours.

(iv) When a minor commits an offense involving the use of graffiti under Section 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor or any other individual at a time and place within the jurisdiction of the court. Compensatory service ordered under this section may be performed in the presence and under the direct supervision of the minor's parent or legal guardian. The parent or legal guardian shall report completion of the order to the court. The court may also require the minor to perform other alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

(o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

(A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

(B) receive other special care.

(ii) For purposes of receiving the examination, treatment, or care described in Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is not a secure facility or secure detention.

(iii) In determining whether to order the examination, treatment, or care described in

Subsection (2)(o)(i), the court shall consider:

(A) the desires of the minor;

(B) if the minor is younger than 18 years old, the desires of the parents or guardian of the minor; and

(C) whether the potential benefits of the examination, treatment, or care outweigh the potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain function impairment, or emotional or physical harm resulting from the compulsory nature of the examination, treatment, or care.

(iv) The division shall:

(A) take reasonable measures to notify a parent or guardian of any non-emergency health treatment or care scheduled for a child;

(B) include the parent or guardian as fully as possible in making health care decisions for the child; and

(C) defer to the parent's or guardian's reasonable and informed decisions regarding the child's health care to the extent that the child's health and well being are not unreasonably compromised by the parent's or guardian's decision.

(v) The division shall notify the parent or guardian of a child within five business days after a child in the custody of the division receives emergency health care or treatment.

(vi) The division shall use the least restrictive means to accomplish a compelling interest in the care and treatment of a child described in this Subsection (2)(o).

(p) (i) The court may appoint a guardian for the minor if it appears necessary in the interest of the minor, and may appoint as guardian a public or private institution or agency, but not a nonsecure residential placement provider, in which legal custody of the minor is vested.

(ii) In placing a minor under the guardianship or legal custody of an individual or of a private agency or institution, the court shall give primary consideration to the welfare of the minor. When practicable, the court may take into consideration the religious preferences of the minor and of a child's parents.

(q) (i) In support of a decree under Section 78A-6-103, the court may order reasonable conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any other person who has been made a party to the proceedings. Conditions may include:

(A) parent-time by the parents or one parent;

(B) restrictions on the minor's associates;

(C) restrictions on the minor's occupation and other activities; and

(D) requirements to be observed by the parents or custodian.

(ii) A minor whose parents or guardians successfully complete a family or other counseling program may be credited by the court for detention, confinement, or probation time.

(r) The court may order the child to be committed to the physical custody of a local mental health authority, in accordance with the procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

(s) (i) The court may make an order committing a minor within the court's jurisdiction to the Utah State Developmental Center if the minor has an intellectual disability in accordance with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with an Intellectual Disability.

(ii) The court shall follow the procedure applicable in the district courts with respect to judicial commitments to the Utah State Developmental Center when ordering a commitment under Subsection (2)(s)(i).

(t) The court may terminate all parental rights upon a finding of compliance with Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

(u) The court may make other reasonable orders for the best interest of the minor and as required for the protection of the public, except that a child may not be committed to jail, prison, secure detention, or the custody of the Division of Juvenile Justice Services under Subsections (2)(c), (d), (e), and (f).

(v) The court may combine the dispositions listed in this section if it is permissible and

they are compatible.

(w) Before depriving any parent of custody, the court shall give due consideration to the rights of parents concerning their child. [~~The~~] Except as provided in Subsection (2)(i)(ii), the court may transfer custody of a minor to another individual, agency, or institution in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

(x) Except as provided in Subsection (2)(z)(i), an order under this section for probation or placement of a minor with an individual or an agency shall include a date certain for a review and presumptive termination of the case by the court in accordance with Subsection (6) and Section 62A-7-404.5. A new date shall be set upon each review.

(y) In reviewing foster home placements, special attention shall be given to making adoptable children available for adoption without delay.

(z) (i) The juvenile court may enter an order of permanent custody and guardianship with an individual or relative of a child where the court has previously acquired jurisdiction as a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an order for child support on behalf of the child against the natural or adoptive parents of the child.

(ii) Orders under Subsection (2)(z)(i):

(A) shall remain in effect until the child reaches majority;

(B) are not subject to review under Section 78A-6-118; and

(C) may be modified by petition or motion as provided in Section 78A-6-1103.

(iii) Orders permanently terminating the rights of a parent, guardian, or custodian and permanent orders of custody and guardianship do not expire with a termination of jurisdiction of the juvenile court.

(3) If a court adjudicates a minor for an offense, the minor may be given a choice by the court to serve in the National Guard in lieu of other sanctions described in Subsection (2) if:

(a) the minor meets the current entrance qualifications for service in the National Guard as determined by a recruiter, whose determination is final;

(b) the offense:

(i) would be a felony if committed by an adult;

(ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

(iii) was committed with a weapon; and

(c) the court retains jurisdiction over the minor's case under conditions set by the court and agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

(4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by designated employees of the court or, if the minor is in the legal custody of the Division of Juvenile Justice Services, then by designated employees of the division under Subsection 53-10-404(5)(b).

(b) The responsible agency shall ensure that an employee designated to collect the saliva DNA specimens receives appropriate training and that the specimens are obtained in accordance with accepted protocol.

(c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA Specimen Restricted Account created in Section 53-10-407.

(d) Payment of the reimbursement is second in priority to payments the minor is ordered to make for restitution under this section and treatment under Section 78A-6-321.

(5) (a) A disposition made by the court in accordance with this section may not be suspended, except for the following:

(i) If a minor qualifies for commitment to the Division of Juvenile Justice Services under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new misdemeanor or felony offense during the three months following the day of disposition.

(ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not exceed three months post-disposition and may not be extended under any circumstance.

(iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

(A) following adjudication of a new misdemeanor or felony offense committed by the minor during the period of suspension set out under Subsection (5)(a)(ii);

(B) if a new assessment or evaluation has been completed and recommends that a higher level of care is needed and nonresidential treatment options have been exhausted or nonresidential treatment options are not appropriate; or

(C) if, after a notice and a hearing, the court finds a new or previous evaluation recommends a higher level of treatment, and the minor willfully failed to comply with a lower level of treatment and has been unsuccessfully discharged from treatment.

(iv) A suspended custody order may not be imposed without notice to the minor, notice to counsel, and a hearing.

(b) The court in accordance with Subsection (5)(a) shall terminate continuing jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the following circumstances exists:

(i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion of a program determined to be necessary by the results of a validated risk and needs assessment with completion found by the court after considering the recommendation of a licensed service provider on the basis of the minor completing the goals of the necessary treatment program;

(ii) the minor commits a new misdemeanor or felony offense;

(iii) service hours have not been completed; or

(iv) there is an outstanding fine.

(6) When the court places a minor on probation under Subsection (2)(a) or vests legal custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the court shall do so for a defined period of time in accordance with this section.

(a) In placing a minor on probation under Subsection (2)(a), the court shall establish a

presumptive term of probation as specified in this Subsection (6):

(i) the presumptive length of intake probation may not exceed three months; and

(ii) the presumptive length of formal probation may not exceed four to six months.

(b) In vesting legal custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a maximum term of aftercare as specified in this Subsection (6):

(i) the presumptive length of out-of-home placement may not exceed three to six months; and

(ii) the presumptive length of aftercare supervision, for those previously placed out-of-home, may not exceed three to four months, and minors may serve the term of aftercare in the home of a qualifying relative or guardian or at an independent living program contracted or operated by the Division of Juvenile Justice Services.

(c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a minor's case at the end of the presumptive time frame unless at least one of the following circumstances exists:

(i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a court ordered program determined to be necessary by the results of a validated assessment, with completion found by the court after considering the recommendations of a licensed service provider or facilitator of court ordered treatment or intervention program on the basis of the minor completing the goals of the necessary treatment program;

(ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the completion of a program determined to be necessary by the results of a validated assessment, with completion determined on the basis of whether the minor has regularly and consistently attended the treatment program and completed the goals of the necessary treatment program as determined by the court or Youth Parole Authority after considering the recommendation of a licensed service provider or facilitator of court ordered treatment or intervention program;

(iii) the minor commits a new misdemeanor or felony offense;

(iv) service hours have not been completed;

(v) there is an outstanding fine; or

(vi) there is a failure to pay restitution in full.

(d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c) exists, the court may extend jurisdiction for the time needed to address the specific circumstance.

(ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c) exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend jurisdiction for the time needed to address the specific circumstance.

(e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one time for up to three months.

(f) Grounds for extension of the presumptive length of supervision or placement and the length of any extension shall be recorded in the court record or records of the Youth Parole Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by the Administrative Office of the Courts and the Division of Juvenile Justice Services.

(g) (i) For a minor who is under the supervision of the juvenile court and whose supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be continued under the supervision of intake probation.

(ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be continued on parole and not in secure confinement.

(h) In the event of an unauthorized leave lasting more than 24 hours, the supervision period shall toll until the minor returns.

(7) Subsection (6) does not apply to any minor adjudicated under this section for:

(a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

(b) Section 76-5-202, aggravated murder or attempted aggravated murder;

(c) Section 76-5-203, murder or attempted murder;

(d) Section 76-5-205, manslaughter;

(e) Section 76-5-206, negligent homicide;

(f) Section 76-5-207, automobile homicide;

(g) Section 76-5-207.5, automobile homicide involving handheld wireless communication device;

(h) Section 76-5-208, child abuse homicide;

(i) Section 76-5-209, homicide by assault;

(j) Section 76-5-302, aggravated kidnapping;

(k) Section 76-5-405, aggravated sexual assault;

(l) a felony violation of Section 76-6-103, aggravated arson;

(m) Section 76-6-203, aggravated burglary;

(n) Section 76-6-302, aggravated robbery;

(o) Section 76-10-508.1, felony discharge of a firearm;

(p) (i) an offense other than an offense listed in Subsections (7)(a) through (o) involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

(ii) the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon; or

(q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and the minor has been previously committed to the custody of the Division of Juvenile Justice Services for secure confinement.

Section 31. Section **78A-6-117 (Effective 07/01/20)** is amended to read:

78A-6-117 (Effective 07/01/20). Adjudication of jurisdiction of juvenile court -- Disposition of cases -- Enumeration of possible court orders -- Considerations of court.

(1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within Section 78A-6-103, the court shall adjudicate the case and make findings of fact upon which

the court bases the court's jurisdiction over the case.

(b) For a case described in Subsection 78A-6-103(1), findings of fact are not necessary.

(c) If the court adjudicates a minor for an offense of violence or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be provided to the school superintendent of the district in which the minor resides or attends school. Notice shall be made to the district superintendent within three days of the adjudication and shall include:

(i) the specific offenses for which the minor was adjudicated; and

(ii) if available, whether the victim:

(A) resides in the same school district as the minor; or

(B) attends the same school as the minor.

(d) (i) An adjudicated minor shall undergo a risk screening or, if indicated, a validated risk and needs assessment.

(ii) Results of the screening or assessment shall be used to inform disposition decisions and case planning. Assessment results, if available, may not be shared with the court before adjudication.

(2) Upon adjudication the court may make the following dispositions by court order:

(a) (i) the court may place the minor on probation or under protective supervision in the minor's own home and upon conditions determined by the court, including community or compensatory service;

(ii) a condition ordered by the court under Subsection (2)(a)(i):

(A) shall be individualized and address a specific risk or need;

(B) shall be based on information provided to the court, including the results of a validated risk and needs assessment conducted under Subsection (1)(d);

(C) if the court orders substance abuse treatment or an educational series, shall be based on a validated risk and needs assessment conducted under Subsection (1)(d); and

(D) if the court orders protective supervision, may not designate the division as the

provider of protective supervision unless there is a petition regarding abuse, neglect, or dependency before the court requesting that the division provide protective supervision;

(iii) a court may not issue a standard order that contains control-oriented conditions;

(iv) prohibitions on weapon possession, where appropriate, shall be specific to the minor and not the minor's family;

(v) if the court orders probation, the court may direct that notice of the court's order be provided to designated individuals in the local law enforcement agency and the school or transferee school, if applicable, that the minor attends. The designated individuals may receive the information for purposes of the minor's supervision and student safety; and

(vi) an employee of the local law enforcement agency and the school that the minor attends who discloses the court's order of probation is not:

(A) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and

(B) civilly or criminally liable except when the disclosure constitutes a knowing violation of Section 63G-2-801.

(b) The court may place the minor in the legal custody of a relative or other suitable individual, with or without probation or other court-specified child welfare services, but the juvenile court may not assume the function of developing foster home services.

(c) The court shall only vest legal custody of the minor in the Division of Juvenile Justice Services and order the Division of Juvenile Justice Services to provide dispositional recommendations and services if:

(i) nonresidential treatment options have been exhausted or nonresidential treatment options are not appropriate; and

(ii) the minor is adjudicated under this section for a felony offense, a misdemeanor when the minor has five prior misdemeanors or felony adjudications arising from separate criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in Section 76-1-601.

(d) (i) The court may not vest legal custody of a minor in the Division of Juvenile Justice Services for:

(A) contempt of court except to the extent permitted under Section 78A-6-1101;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may petition the court to express the minor's desire to be removed from the jurisdiction of the juvenile court and from the custody of the division if the minor is in the division's custody on grounds of abuse, neglect, or dependency.

(B) If the minor's parent's rights have not been terminated in accordance with Part 5, Termination of Parental Rights Act, the minor's petition shall contain a statement from the minor's parent or guardian agreeing that the minor should be removed from the custody of the division.

(C) The minor and the minor's parent or guardian shall sign the petition.

(D) The court shall review the petition within 14 days.

(E) The court shall remove the minor from the custody of the division if the minor and the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B) and (C) and if the court finds, based on input from the division, the minor's guardian ad litem, and the Office of the Attorney General, that the minor does not pose an imminent threat to self or others.

(F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days of the date of removal, petition the court to re-enter custody of the division.

(G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the division to take custody of the minor based on the findings the court entered when the court

originally vested custody in the division.

(e) The court shall only commit a minor to the Division of Juvenile Justice Services for secure confinement if the court finds that:

(i) (A) the minor poses a risk of harm to others; or

(B) the minor's conduct resulted in the victim's death; and

(ii) the minor is adjudicated under this section for:

(A) a felony offense;

(B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications arising from separate criminal episodes; or

(C) a misdemeanor involving use of a dangerous weapon as defined in Section 76-1-601.

(f) (i) A minor under the jurisdiction of the court solely on the ground of abuse, neglect, or dependency under Subsection 78A-6-103(1)(b) may not be committed to the Division of Juvenile Justice Services.

(ii) The court may not commit a minor to the Division of Juvenile Justice Services for secure confinement for:

(A) contempt of court;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(g) The court may order nonresidential, diagnostic assessment, including substance use disorder, mental health, psychological, or sexual behavior risk assessment.

(h) (i) The court may commit a minor to a place of detention or an alternative to detention for a period not to exceed 30 cumulative days per adjudication subject to the court retaining continuing jurisdiction over the minor's case. This commitment may not be

suspended upon conditions ordered by the court.

(ii) This Subsection (2)(h) applies only to a minor adjudicated for:

(A) an act which if committed by an adult would be a criminal offense; or

(B) contempt of court under Section 78A-6-1101.

(iii) The court may not commit a minor to a place of detention for:

(A) contempt of court except to the extent allowed under Section 78A-6-1101;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more than 30 days in a place of detention before disposition, the court may not commit a minor to detention under this section.

(B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.

(v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be ordered in combination with an order under Subsection (2)(c).

(i) [~~The~~] (i) Except as provided in Subsection (2)(i)(ii), the court may vest legal custody of an abused, neglected, or dependent minor in the division or any other appropriate person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

(ii) The court may not vest legal custody of an abused, neglected, or dependent minor in the division to primarily address the minor's ungovernable or other behavior, mental health, or disability unless the division:

(A) engages other relevant divisions within the department in conducting an assessment of the minor's and the minor's family's needs;

(B) based on the assessment described in Subsection (2)(i)(ii)(A), determines that vesting custody of the minor in the division is the least restrictive intervention for the minor that meets the minor's needs; and

(C) consents to legal custody of the minor being vested in the division.

(j) (i) The court may order a minor to repair, replace, or otherwise make restitution for material loss caused by the minor's wrongful act or for conduct for which the minor agrees to make restitution.

(ii) A victim of an offense that involves as an element a scheme, a conspiracy, or a pattern of criminal activity, includes any person directly harmed by the minor's delinquency conduct in the course of the scheme, conspiracy, or pattern.

(iii) If the victim and the minor agree to participate, the court may refer the case to a restorative justice program such as victim offender mediation to address how loss resulting from the adjudicated act may be addressed.

(iv) For the purpose of determining whether and how much restitution is appropriate, the court shall consider the following:

(A) restitution shall only be ordered for the victim's material loss;

(B) restitution may not be ordered if the court finds that the minor is unable to pay or acquire the means to pay;

(C) any amount paid by the minor to the victim in civil penalty shall be credited against restitution owed; and

(D) the length of the presumptive term of supervision shall be taken into account in determining the minor's ability to satisfy the restitution order within the presumptive term.

(v) Any amount paid to the victim in restitution shall be credited against liability in a civil suit.

(vi) The court may also require a minor to reimburse an individual, entity, or

governmental agency who offered and paid a reward to a person or persons for providing information resulting in a court adjudication that the minor is within the jurisdiction of the juvenile court due to the commission of a criminal offense.

(vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the court may order the minor to make restitution for costs expended by any governmental entity for the return.

(viii) Within seven days after the day on which a petition is filed under Section 78A-6-602.5, the prosecuting attorney or the court's probation department shall provide notification of the restitution process to all reasonably identifiable and locatable victims of an offense listed in the petition.

(ix) A victim that receives notice under Subsection (2)(j)(viii) is responsible for providing the prosecutor with:

(A) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket loss;

(B) all documentation of any compensation or reimbursement from an insurance company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

(C) if applicable, the victim's proof of identification, including the victim's date of birth, social security number, or driver license number; and

(D) the victim's contact information, including the victim's current home and work address and telephone number.

(x) A prosecutor or victim shall submit a request for restitution to the court at the time of disposition, if feasible, otherwise within 90 days after disposition.

(xi) The court shall order a financial disposition that prioritizes the payment of restitution.

(k) The court may issue orders necessary for the collection of restitution and fines ordered by the court, including garnishments, wage withholdings, and executions, except for an order that changes the custody of the minor, including detention or other secure or nonsecure

residential placements.

(l) (i) The court may through the court's probation department encourage the development of nonresidential employment or work programs to enable a minor to fulfill the minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the court.

(ii) Consistent with the order of the court, the probation officer may permit a minor to participate in a program of work restitution or compensatory service in lieu of paying part or all of the fine imposed by the court.

(iii) The court may order the minor to:

(A) pay a fine, fee, restitution, or other cost; or

(B) complete service hours.

(iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to complete service hours, those dispositions shall be considered collectively to ensure that the order:

(A) is reasonable;

(B) prioritizes restitution; and

(C) takes into account the minor's ability to satisfy the order within the presumptive term of supervision.

(v) If the court orders a minor to pay a fine, fee, or other cost, or complete service hours, the cumulative order shall be limited per criminal episode as follows:

(A) for a minor younger than 16 years old at adjudication, the court may impose up to $190 or up to 24 hours of service; and

(B) for a minor 16 years old or older at adjudication, the court may impose up to $280 or up to 36 hours of service.

(vi) The cumulative order under Subsection (2)(l)(v) does not include restitution.

(vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of conversion shall be no less than the minimum wage.

(m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds that as part of the commission of the violation the minor was in actual physical control of a motor vehicle, the court may, in addition to any other disposition authorized by this section:

(A) restrain the minor from driving for periods of time the court considers necessary; and

(B) take possession of the minor's driver license.

(ii) (A) The court may enter any other eligible disposition under Subsection (2)(m)(i) except for a disposition under Subsection (2)(c), (d), (e), or (f).

(B) The suspension of driving privileges for an offense under Section 78A-6-606 is governed only by Section 78A-6-606.

(n) (i) The court may order a minor to complete community or compensatory service hours in accordance with Subsections (2)(l)(iv) and (v).

(ii) When community service is ordered, the presumptive service order shall include between five and 10 hours of service.

(iii) Satisfactory completion of an approved substance use disorder prevention or treatment program or other court-ordered condition may be credited by the court as compensatory service hours.

(iv) When a minor commits an offense involving the use of graffiti under Section 76-6-106 or 76-6-206, the court may order the minor to clean up graffiti created by the minor or any other individual at a time and place within the jurisdiction of the court. Compensatory service ordered under this section may be performed in the presence and under the direct supervision of the minor's parent or legal guardian. The parent or legal guardian shall report completion of the order to the court. The court may also require the minor to perform other alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

(o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

(A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

(B) receive other special care.

(ii) For purposes of receiving the examination, treatment, or care described in Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is not a secure facility or secure detention.

(iii) In determining whether to order the examination, treatment, or care described in Subsection (2)(o)(i), the court shall consider:

(A) the desires of the minor;

(B) if the minor is younger than 18 years old, the desires of the parents or guardian of the minor; and

(C) whether the potential benefits of the examination, treatment, or care outweigh the potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain function impairment, or emotional or physical harm resulting from the compulsory nature of the examination, treatment, or care.

(iv) The division shall:

(A) take reasonable measures to notify a parent or guardian of any non-emergency health treatment or care scheduled for a child;

(B) include the parent or guardian as fully as possible in making health care decisions for the child; and

(C) defer to the parent's or guardian's reasonable and informed decisions regarding the child's health care to the extent that the child's health and well being are not unreasonably compromised by the parent's or guardian's decision.

(v) The division shall notify the parent or guardian of a child within five business days after a child in the custody of the division receives emergency health care or treatment.

(vi) The division shall use the least restrictive means to accomplish a compelling interest in the care and treatment of a child described in this Subsection (2)(o).

(p) (i) The court may appoint a guardian for the minor if it appears necessary in the interest of the minor, and may appoint as guardian a public or private institution or agency, but not a nonsecure residential placement provider, in which legal custody of the minor is vested.

(ii) In placing a minor under the guardianship or legal custody of an individual or of a private agency or institution, the court shall give primary consideration to the welfare of the minor. When practicable, the court may take into consideration the religious preferences of the minor and of a child's parents.

(q) (i) In support of a decree under Section 78A-6-103, the court may order reasonable conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any other person who has been made a party to the proceedings. Conditions may include:

(A) parent-time by the parents or one parent;

(B) restrictions on the minor's associates;

(C) restrictions on the minor's occupation and other activities; and

(D) requirements to be observed by the parents or custodian.

(ii) A minor whose parents or guardians successfully complete a family or other counseling program may be credited by the court for detention, confinement, or probation time.

(r) The court may order the child to be committed to the physical custody of a local mental health authority, in accordance with the procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

(s) (i) The court may make an order committing a minor within the court's jurisdiction to the Utah State Developmental Center if the minor has an intellectual disability in accordance with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with an Intellectual Disability.

(ii) The court shall follow the procedure applicable in the district courts with respect to judicial commitments to the Utah State Developmental Center when ordering a commitment under Subsection (2)(s)(i).

(t) The court may terminate all parental rights upon a finding of compliance with Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

(u) The court may make other reasonable orders for the best interest of the minor and

as required for the protection of the public, except that a child may not be committed to jail, prison, secure detention, or the custody of the Division of Juvenile Justice Services under Subsections (2)(c), (d), (e), and (f).

(v) The court may combine the dispositions listed in this section if it is permissible and they are compatible.

(w) Before depriving any parent of custody, the court shall give due consideration to the rights of parents concerning their child. [~~The~~] Except as provided in Subsection (2)(i)(ii), the court may transfer custody of a minor to another individual, agency, or institution in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

(x) Except as provided in Subsection (2)(z)(i), an order under this section for probation or placement of a minor with an individual or an agency shall include a date certain for a review and presumptive termination of the case by the court in accordance with Subsection (6) and Section 62A-7-404.5. A new date shall be set upon each review.

(y) In reviewing foster home placements, special attention shall be given to making adoptable children available for adoption without delay.

(z) (i) The juvenile court may enter an order of permanent custody and guardianship with an individual or relative of a child where the court has previously acquired jurisdiction as a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an order for child support on behalf of the child against the natural or adoptive parents of the child.

(ii) Orders under Subsection (2)(z)(i):

(A) shall remain in effect until the child reaches majority;

(B) are not subject to review under Section 78A-6-118; and

(C) may be modified by petition or motion as provided in Section 78A-6-1103.

(iii) Orders permanently terminating the rights of a parent, guardian, or custodian and permanent orders of custody and guardianship do not expire with a termination of jurisdiction

of the juvenile court.

(3) If a court adjudicates a minor for an offense, the minor may be given a choice by the court to serve in the National Guard in lieu of other sanctions described in Subsection (2) if:

(a) the minor meets the current entrance qualifications for service in the National Guard as determined by a recruiter, whose determination is final;

(b) the offense:

(i) would be a felony if committed by an adult;

(ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

(iii) was committed with a weapon; and

(c) the court retains jurisdiction over the minor's case under conditions set by the court and agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

(4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by designated employees of the court or, if the minor is in the legal custody of the Division of Juvenile Justice Services, then by designated employees of the division under Subsection 53-10-404(5)(b).

(b) The responsible agency shall ensure that an employee designated to collect the saliva DNA specimens receives appropriate training and that the specimens are obtained in accordance with accepted protocol.

(c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA Specimen Restricted Account created in Section 53-10-407.

(d) Payment of the reimbursement is second in priority to payments the minor is ordered to make for restitution under this section and treatment under Section 78A-6-321.

(5) (a) A disposition made by the court in accordance with this section may not be suspended, except for the following:

(i) If a minor qualifies for commitment to the Division of Juvenile Justice Services under Subsection (2)(e), the court may suspend a custody order in accordance with Subsection (2)(c) in lieu of immediate commitment, upon the condition that the minor commit no new misdemeanor or felony offense during the three months following the day of disposition.

(ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not exceed three months post-disposition and may not be extended under any circumstance.

(iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

(A) following adjudication of a new misdemeanor or felony offense committed by the minor during the period of suspension set out under Subsection (5)(a)(ii);

(B) if a new assessment or evaluation has been completed and recommends that a higher level of care is needed and nonresidential treatment options have been exhausted or nonresidential treatment options are not appropriate; or

(C) if, after a notice and a hearing, the court finds a new or previous evaluation recommends a higher level of treatment, and the minor willfully failed to comply with a lower level of treatment and has been unsuccessfully discharged from treatment.

(iv) A suspended custody order may not be imposed without notice to the minor, notice to counsel, and a hearing.

(b) The court in accordance with Subsection (5)(a) shall terminate continuing jurisdiction over a minor's case at the end of the presumptive time frame unless at least one the following circumstances exists:

(i) termination in accordance with Subsection (6)(a)(ii) would interrupt the completion of a program determined to be necessary by the results of a validated risk and needs assessment with completion found by the court after considering the recommendation of a licensed service provider on the basis of the minor completing the goals of the necessary treatment program;

(ii) the minor commits a new misdemeanor or felony offense;

(iii) service hours have not been completed; or

(iv) there is an outstanding fine.

(6) When the court places a minor on probation under Subsection (2)(a) or vests legal custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the court shall do so for a defined period of time in accordance with this section.

(a) In placing a minor on probation under Subsection (2)(a), the court shall establish a presumptive term of probation as specified in this Subsection (6):

(i) the presumptive length of intake probation may not exceed three months; and

(ii) the presumptive length of formal probation may not exceed four to six months.

(b) In vesting legal custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a maximum term of aftercare as specified in this Subsection (6):

(i) the presumptive length of out-of-home placement may not exceed three to six months; and

(ii) the presumptive length of aftercare supervision, for those previously placed out-of-home, may not exceed three to four months, and minors may serve the term of aftercare in the home of a qualifying relative or guardian or at an independent living program contracted or operated by the Division of Juvenile Justice Services.

(c) The court in accordance with Subsections (6)(a) and (b), and the Youth Parole Authority in accordance with Subsection (6)(b), shall terminate continuing jurisdiction over a minor's case at the end of the presumptive time frame unless at least one of the following circumstances exists:

(i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a court ordered program determined to be necessary by the results of a validated assessment, with completion found by the court after considering the recommendations of a licensed service provider or facilitator of court ordered treatment or intervention program on the basis of the minor completing the goals of the necessary treatment program;

(ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the completion of a program determined to be necessary by the results of a validated assessment,

with completion determined on the basis of whether the minor has regularly and consistently attended the treatment program and completed the goals of the necessary treatment program as determined by the court or Youth Parole Authority after considering the recommendation of a licensed service provider or facilitator of court ordered treatment or intervention program;

(iii) the minor commits a new misdemeanor or felony offense;

(iv) service hours have not been completed;

(v) there is an outstanding fine; or

(vi) there is a failure to pay restitution in full.

(d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c) exists, the court may extend jurisdiction for the time needed to address the specific circumstance.

(ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c) exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend jurisdiction for the time needed to address the specific circumstance.

(e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one time for up to three months.

(f) Grounds for extension of the presumptive length of supervision or placement and the length of any extension shall be recorded in the court record or records of the Youth Parole Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by the Administrative Office of the Courts and the Division of Juvenile Justice Services.

(g) (i) For a minor who is under the supervision of the juvenile court and whose supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be continued under the supervision of intake probation.

(ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be continued on parole and not in secure confinement.

(h) In the event of an unauthorized leave lasting more than 24 hours, the supervision period shall toll until the minor returns.

(7) Subsection (6) does not apply to any minor adjudicated under this section for:

(a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

(b) Section 76-5-202, aggravated murder or attempted aggravated murder;

(c) Section 76-5-203, murder or attempted murder;

(d) Section 76-5-205, manslaughter;

(e) Section 76-5-206, negligent homicide;

(f) Section 76-5-207, automobile homicide;

(g) Section 76-5-207.5, automobile homicide involving handheld wireless communication device;

(h) Section 76-5-208, child abuse homicide;

(i) Section 76-5-209, homicide by assault;

(j) Section 76-5-302, aggravated kidnapping;

(k) Section 76-5-405, aggravated sexual assault;

(l) a felony violation of Section 76-6-103, aggravated arson;

(m) Section 76-6-203, aggravated burglary;

(n) Section 76-6-302, aggravated robbery;

(o) Section 76-10-508.1, felony discharge of a firearm;

(p) (i) an offense other than an offense listed in Subsections (7)(a) through (o) involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

(ii) the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon; or

(q) a felony offense other than an offense listed in Subsections (7)(a) through (p) and the minor has been previously committed to the custody of the Division of Juvenile Justice Services for secure confinement.

Section 32. **Effective date.**

(1) Except as provided in Subsections (2) and (3), if approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

(2) If approved by two-thirds of all members elected to each house, the changes to the following sections take effect on July 1, 2020:

(a) Section 51-9-201 (Effective 07/01/20);

(b) Section 59-14-807 (Effective 07/01/20);

(c) Section 63J-1-602.2 (Effective 07/01/20);

(d) Section 67-19-14.7 (Superseded 07/01/20); and

(e) Section 78A-6-117 (Effective 07/01/20).

(3) Section 67-19-14.7 (Effective 07/01/20), takes effect on July 1, 2021.