

Legislative Audit Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill enacts and amends provisions governing the duties and powers of the legislative auditor general.

Highlighted Provisions:

This bill:

- restates the authority of the legislative auditor general;
- amends provisions governing information that may be subject to federal law and is requested by the legislative auditor general from an entity, including the State Tax Commission;
- excludes certain information provided to the legislative auditor general from the definition of "record";
- permits an entity to provide certain privileged items to the legislative auditor general;
- requires an entity that withholds certain privileged items from the legislative auditor general to expressly assert a privilege;
- permits the legislative auditor general to contest a privilege claim;
- requires, in certain circumstances, an entity to submit privileged items to an arbitrator to determine a privilege claim;
- authorizes the legislative auditor general to provide certain information to an audited entity;
- amends the definition of "chief officer" for purposes of an entity responding to a legislative audit;
- amends provisions governing an audit response plan and an update to a plan;
- authorizes the legislative auditor general to review and monitor the Utah System of Higher Education;

- coordinates enactment of provisions with S.J.R. 4, Joint Resolution Amending Court Rules on Attorney Confidentiality; and
- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

36-12-15 (Effective 05/07/25) (Applies beginning 06/21/24), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

36-12-15.3 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 403

53F-2-526 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 374

59-1-403 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 25, 35

ENACTS:

36-12-15.4 (Effective 05/07/25), Utah Code Annotated 1953

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

The following section is affected by a coordination clause at the end of this bill.

Section 1. Section **36-12-15** is amended to read:

36-12-15 (Effective 05/07/25) (Applies beginning 06/21/24). Office of the Legislative Auditor General established -- Qualifications -- Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.

(1) As used in this section:

(a) "Audit action" means an audit, examination, investigation, or review of an entity conducted by the office.

(b) "Entity" means:

(i) a government organization; or

(ii) a receiving organization.

(c) "Government organization" means:

(i) a state branch, department, or agency; or

(ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section 11-13-103, or any other local government unit.

(d) "Office" means the Office of the Legislative Auditor General.

(e) "Receiving organization" means an organization that receives public funds that is not a government organization.

(2)(a) There is created the Office of the Legislative Auditor General as a permanent staff office for the Legislature.

(b) The authority of the legislative auditor general is:

(i) established in Utah Constitution, Article VI, Section 33; and

(ii) an extension of the Legislature's inherent inquiry and investigatory power.

(3) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least seven years of experience in the auditing or public accounting profession, or the equivalent, prior to appointment.

(4) The legislative auditor general shall [~~appoint~~] employ and develop a professional staff within budget limitations.

(5) The office shall exercise the constitutional authority provided in Utah Constitution, Article VI, Section 33.

(6) Under the direction of the legislative auditor general, the office shall:

(a) conduct comprehensive and special purpose audits, examinations, investigations, or reviews of entity funds, functions, and accounts;

(b) prepare and submit a written report on each audit action to the Audit Subcommittee created in Section 36-12-8 and make the report available to all members of the Legislature within 75 days after the audit action is completed;

(c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the legislative auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;

(d) create, manage, and report to the Audit Subcommittee a list of high risk programs and operations that:

(i) threaten public funds or programs;

(ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or

(iii) require transformation;

(e) monitor and report to the Audit Subcommittee the health of a government organization's internal audit functions;

(f) make recommendations to increase the independence and value added of internal audit functions throughout the state;

- 96 (g) implement a process to track, monitor, and report whether the subject of an audit has
97 implemented recommendations made in the audit report;
- 98 (h) establish, train, and ~~[maintain]~~ retain individuals within the office to conduct
99 investigations and represent themselves as lawful investigators on behalf of the office;
- 100 (i) establish policies, procedures, methods, and standards of audit work and
101 investigations for the office and staff;
- 102 (j) prepare and submit each audit and investigative report independent of any influence
103 external of the office, including the content of the report, the conclusions reached in
104 the report, and the manner of disclosing the legislative auditor general's findings;
- 105 (k) prepare and submit ~~[the]~~ an annual budget request for the office; and
- 106 (l) perform other duties as prescribed by the Legislature.
- 107 (7)(a) In conducting an audit action of an entity, the office may include a determination
108 of any or all of the following:
- 109 ~~[(a)]~~ (i) the honesty and integrity of any of the entity's fiscal affairs;
- 110 ~~[(b)]~~ (ii) the accuracy and reliability of the entity's internal control systems and
111 specific financial statements and reports;
- 112 ~~[(c)]~~ (iii) whether ~~[or not]~~ the entity's financial controls are adequate and effective to
113 properly record and safeguard the entity's acquisition, custody, use, and
114 accounting of public funds;
- 115 ~~[(d)]~~ (iv) whether the entity's administrators have complied with legislative intent;
- 116 ~~[(e)]~~ (v) whether the entity's operations have been conducted in an efficient, effective,
117 and cost efficient manner;
- 118 ~~[(f)]~~ (vi) whether the entity's programs have been effective in accomplishing intended
119 objectives; and
- 120 ~~[(g)]~~ (vii) whether the entity's management control and information systems are
121 adequate and effective.
- 122 (b) The office may provide to an entity that is the subject of an audit action the
123 following:
- 124 (i) the record classification of a draft report of an audit action;
- 125 (ii) opportunity to discuss a draft report of an audit action before release;
- 126 (iii) the contact information of the office's manager or supervisor of an audit action; or
127 (iv) any other information related to the audit action.
- 128 (8)~~[(a)]~~ If requested by the office, each entity that the legislative auditor general is
129 authorized to audit under Utah Constitution, Article VI, Section 33, or this section

shall, notwithstanding any other provision of law ~~[except as provided in Subsection (8)(b)]~~, provide the office with access to information, materials, or resources the office determines are necessary to conduct an audit, examination, investigation, or review, including:

~~[(i)]~~ (a) the following in the possession or custody of the entity in the format identified by the office:

~~[(A)]~~ (i) a record, document, and report; and

~~[(B)]~~ (ii) films, tapes, recordings, and electronically stored information;

~~[(ii)]~~ (b) entity personnel; and

~~[(iii)]~~ (c) each official or unofficial recording of formal or informal meetings or conversations to which the entity has access.

~~[(b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not apply.]~~

(9)(a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI, Section 33, the legislative auditor general may issue a subpoena to access information, materials, or resources in accordance with Chapter 14, Legislative Subpoena Powers.

(b) The legislative auditor general may issue a subpoena, as described in Subsection (9)(a), to a financial institution or any other entity to obtain information as part of an investigation ~~[of]~~ involving public funds and fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance ~~[involving public funds]~~.

(10)(a) As used in this Subsection (10):

(i) "Bad faith" means an action or inaction that is unambiguously not authorized under an authority described in Subsection (10)(a)(iii)(A), (B), or (C).

(ii) "Item" means information, materials, or resources described in Subsection (8).

(iii) "Privileged item" means an item that is an attorney-client communication, attorney work product, or information relating to representation of the entity, governed by:

(A) Utah Rules of Professional Conduct, Rule 1.6;

(B) Utah Rules of Evidence, Rule 504; or

(C) Utah Rules of Civil Procedure, Rule 26.

(b) If an entity discloses information to the legislative auditor general that is confidential under Utah Rules of Professional Conduct, Rule 1.6, the disclosure is authorized in accordance with Utah Rules of Professional Conduct, Rule 1.6(b)(6), and does not

164 make the information discoverable or prevent the entity from claiming that the
165 information is privileged in another proceeding.

166 (c) If requested by the legislative auditor general for an audit action, an entity may
167 provide a privileged item.

168 (d) If an entity withholds an item after a request by the legislative auditor general for an
169 audit action, the entity shall, for each instance in which the entity asserts privilege,
170 submit to the legislative auditor general a written statement:

171 (i) expressly asserting the privilege and the authority for the privilege claim; and

172 (ii) for each privilege claim, describing the nature of the item in a manner that,
173 without revealing the attorney-client communication, attorney work product, or
174 representation information itself, enables the legislative auditor general to evaluate
175 the privilege claim.

176 (e) The legislative auditor general may contest a privilege claim asserted under
177 Subsection (10)(d) by:

178 (i) notifying the entity in writing of each contested privilege claim and providing the
179 list of available arbitrators described in Subsection (10)(f); and

180 (ii) submitting each contested privilege claim to the arbitrator selected in accordance
181 with Subsection (10)(f).

182 (f)(i) The legislative auditor general shall:

183 (A) maintain a list of three arbitrators; and

184 (B) engage an arbitrator selected in accordance with this Subsection (10)(f).

185 (ii) No later than three business days after receiving the notification under Subsection
186 (10)(e)(i), the entity may select an arbitrator from the list provided by the
187 legislative auditor general.

188 (iii) If an entity fails to select an arbitrator in accordance with Subsection (10)(f)(ii),
189 the legislative auditor general shall select an arbitrator from the list.

190 (iv) The arbitrator shall be licensed to practice law in the state of Utah and in good
191 standing.

192 (v) Subject to Subsection (10)(i)(ii), the entity and the legislative auditor general shall
193 equally bare the cost of the arbitrator.

194 (g) The entity:

195 (i) shall provide to the arbitrator the item and contested privilege claim no later than
196 seven business days after the arbitrator is engaged under Subsection (10)(f); and

197 (ii) may provide supplemental information in support of a privilege claim.

- (h) No later than seven business days after the arbitrator receives the contested privilege claim under Subsection (10)(g)(i), the arbitrator shall:
- (i) conduct an in camera review of each contested item and the authority for the relevant privilege claim;
- (ii) review supplemental information submitted under Subsection (10)(g)(ii) and any supplemental information provided by the legislative auditor general;
- (iii) issue a determination as to whether the entity has a valid claim of privilege, favoring access to the legislative auditor general of material that is not privileged; and
- (iv) issue a determination as to whether the entity acted in bad faith.
- (i)(i) If the arbitrator determines that an entity does not have a valid privilege claim, the entity shall provide the withheld item to the legislative auditor general immediately.
- (ii) If the arbitrator determines that the entity acted in bad faith, the entity shall bare the full cost of the arbitrator.
- (j) The arbitrator may not disclose:
- (i) a privileged item; or
- (ii) supplemental information described in Subsection (10)(g)(ii).
- (k) Provisions of this Subsection (10) are not subject to Title 78B, Chapter 11, Utah Uniform Arbitration Act.
- ~~[(10)]~~ (11) To preserve the professional integrity and independence of the office:
- (a) no legislator or public official may urge the appointment of any person to the office; and
- (b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.
- ~~[(11)]~~ (12)(a) The following records in the custody or control of the legislative auditor general are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:
- (i) records and audit work papers that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the

- 232 legislative auditor general in preparing a final audit report;
- 233 (ii) records and audit workpapers that would disclose the identity of a person who,
- 234 during the course of a legislative audit, communicated the existence of:
- 235 (A) unethical behavior;
- 236 (B) waste of public funds, property, or personnel; or
- 237 (C) a violation or suspected violation of a United States, Utah state, or political
- 238 subdivision law, rule, ordinance, or regulation, if the person disclosed on the
- 239 condition that the identity of the person be protected;
- 240 (iii) before an audit is completed and the final audit report is released, records or
- 241 drafts circulated to a person who is not an employee or head of an entity for
- 242 review, response, or information;
- 243 (iv) records that would disclose:
- 244 (A) an outline;
- 245 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
- 246 (C) other procedural documents necessary to fulfill the duties of the office; and
- 247 (v) ~~requests for audits~~ a request for an audit, if disclosure would risk circumvention
- 248 of ~~an~~ the audit.
- 249 (b) The provisions of Subsection ~~[(11)(a)]~~ (12)(a) do not prohibit the disclosure of
- 250 records or information to a government prosecutor or peace officer if those records or
- 251 information relate to a violation of the law by an entity or entity employee.
- 252 (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting
- 253 held in accordance with Section 52-4-205:
- 254 (i) is a protected record, as defined in Section 63G-2-103;
- 255 (ii) to the extent the record contains information:
- 256 (A) described in Section 63G-2-302, is a private record; or
- 257 (B) described in Section 63G-2-304, is a controlled record; and
- 258 (iii) may not be reclassified by the office.
- 259 (d) The provisions of this section do not limit the authority otherwise given to the
- 260 legislative auditor general to maintain the private, controlled, or protected record
- 261 status of a shared record in the legislative auditor general's possession or classify a
- 262 document as public, private, controlled, or protected under Title 63G, Chapter 2,
- 263 Government Records Access and Management Act.
- 264 (e) If provided to the legislative auditor general, the following are not a record, as
- 265 defined in Section 63G-2-103:

(i) a privileged item, as defined in Subsection (10)(a); and

(ii) supplemental information described in Subsection (10)(g)(ii).

~~[(12)]~~ (13) The legislative auditor general shall:

(a) be available to the Legislature and to the Legislature's committees for consultation on matters relevant to areas of the legislative auditor general's professional competence;

(b) conduct special audits as requested by the Audit Subcommittee;

(c) report immediately to the Audit Subcommittee any apparent violation of penal statutes disclosed by the audit of an entity and furnish to the Audit Subcommittee all information relative to the apparent violation;

(d) report immediately to the Audit Subcommittee any apparent instances of malfeasance or nonfeasance by an entity officer or employee disclosed by the audit of an entity; and

(e) make any recommendations to the Audit Subcommittee with respect to the alteration or improvement of the accounting system used by an entity.

~~[(13)]~~ (14) If the legislative auditor general conducts an audit of an entity that has previously been audited and finds that the entity has not implemented a recommendation made by the legislative auditor general in a previous audit report, the legislative auditor general shall report to the Audit Subcommittee that the entity has not implemented the recommendation.

~~[(14)]~~ (15) Before each annual general session, the legislative auditor general:

(a) shall:

~~[(a)]~~ (i) prepare an annual report that:

~~[(+)]~~ (A) summarizes the audits, examinations, investigations, and reviews conducted by the office since the last annual report; and

~~[(+)]~~ (B) evaluate and report the degree to which an entity that has been the subject of an audit has implemented the audit recommendations;

~~[(b)]~~ (ii) include in the report any items and recommendations that the legislative auditor general believes the Legislature should consider in the annual general session; and

~~[(e)]~~ (iii) deliver the report to the Legislature and to the appropriate committees of the Legislature[-] ; and

(b) may use information from an audit response plan or update of an audit response plan as described in Section 36-12-15.3 when preparing the annual report described in Subsection (15)(a)(i).

300 ~~[(15)]~~ (16)(a) If the chief officer of an entity has actual knowledge or reasonable cause to
301 believe that there is misappropriation of the entity's public funds or assets, or another
302 entity officer has actual knowledge or reasonable cause to believe that the chief
303 officer is misappropriating the entity's public funds or assets, the chief officer or,
304 alternatively, the other entity officer, shall immediately notify, in writing:

305 (i) the office;

306 (ii) the attorney general, county attorney, or district attorney; and

307 (iii)(A) for a state government organization, the chief executive officer;

308 (B) for a political subdivision government organization, the legislative body or
309 governing board; or

310 (C) for a receiving organization, the governing board or chief executive officer
311 unless the chief executive officer is believed to be misappropriating the funds
312 or assets, in which case the next highest officer of the receiving organization.

313 (b) As described in Subsection ~~[(15)(a)]~~ (16)(a), the entity chief officer or, if applicable,
314 another entity officer, is subject to the protections of Title 67, Chapter 21, Utah
315 Protection of Public Employees Act.

316 (c) If the Office of the Legislative Auditor General receives a notification under
317 Subsection ~~[(15)(a)]~~ (16)(a) or other information of misappropriation of public funds
318 or assets of an entity, the office shall inform the Audit Subcommittee.

319 (d) The attorney general, county attorney, or district attorney shall notify, in writing, the
320 Office of the Legislative Auditor General whether the attorney general, county
321 attorney, or district attorney pursued criminal or civil sanctions in the matter.

322 ~~[(16)]~~ (17)(a) An actor commits interference with a legislative audit if the actor uses
323 force, violence, intimidation, or engages in any other unlawful act with a purpose to
324 interfere with:

325 (i) a legislative audit action; or

326 (ii) the office's decisions relating to:

327 (A) the content of the office's report;

328 (B) the conclusions reached in the office's report; or

329 (C) the manner of disclosing the results and findings of the office.

330 (b) A violation of Subsection ~~[(16)(a)]~~ (17)(a) is a class B misdemeanor.

331 ~~[(17)]~~ (18)(a) The office may require any current employee, or any applicant for
332 employment, to submit to a fingerprint-based local, regional, and criminal history
333 background check as an ongoing condition of employment.

(b) An employee or applicant for employment shall provide a completed fingerprint card to the office upon request.

(c) The office shall require that an individual required to submit to a background check under this Subsection ~~[(17)]~~ (18) also provide a signed waiver on a form provided by the office that meets the requirements of Subsection 53-10-108(4).

(d) For a noncriminal justice background search and registration in accordance with Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:

(i) the employee's or applicant's personal identifying information and fingerprints for a criminal history search of applicable local, regional, and national databases; and

(ii) a request for all information received as a result of the local, regional, and nationwide background check.

~~[(18)]~~ (19) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General shall conduct a feasibility study under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

Section 2. Section **36-12-15.3** is amended to read:

36-12-15.3 (Effective 05/07/25). Response to audit -- Chief officer -- Entity reporting requirements -- Audit response plan -- Semi-annual update.

(1) As used in this section:

(a) "Alternative action" means a process, practice, or procedure that an entity implements in response to an audit report that is different from the process, practice, or procedure described in a recommendation.

(b) "Audit report" means a written report that the office issues that contains the office's findings and recommendations with respect to an audit of an entity.

(c) "Audit response plan" means a written document that an entity issues that contains the entity's response to an audit report of the entity.

(d) "Audit Subcommittee" means the subcommittee created in Subsection 36-12-8(1)(c).

(e) "Chief officer" means the individual ~~[who holds ultimate authority over the management or governance]~~ responsible for the day-to-day direction, management, and operation of an entity.

(f) "Entity" means:

(i) the same as that term is defined in Subsection 36-12-15(1); or

(ii) any other person that the office is authorized to audit under any other provision of law.

(g) "Legislative committee" means the committee to which the Audit Subcommittee refers an audit report under Subsection 36-12-8(2)(d)(ii)(C).

(h) "Office" means the Office of the Legislative Auditor General.

(i) "Recommendation" means a process, practice, or procedure described in an audit report that the office proposes an entity implement.

(j) "Reply" means a written document that the office issues that contains the office's response to an entity's audit response plan.

(2)(a) In addition to any other information that the office is required to include or attach to an audit report, the office shall, for each audit report the office issues:

~~[(a)]~~ (i) subject to Subsection (2)(b), include in the audit report:

~~[(i)]~~ (A) the identity of the chief officer; and

~~[(ii)]~~ (B) a notice to the chief officer that the chief officer must comply with the reporting requirements described in this section; and

~~[(b)]~~ (ii) attach to the audit report:

~~[(i)]~~ (A) the audit response plan of the entity that is the subject of the audit report; and

~~[(ii)]~~ (B) at the discretion of the legislative auditor general, a reply to the entity's audit response plan.

(b) To comply with the reporting requirements of this section, the legislative auditor general may:

(i) identify an individual other than the chief officer; or

(ii) if the entity is an entity under the direct supervision and control of the governor or the lieutenant governor, identify with the governor or lieutenant governor or their designee, an individual other than the chief officer to comply with the reporting requirements of this section.

(3) The chief officer of an entity that is the subject of an audit report shall:

(a) prepare an audit response plan that:

(i) is in writing;

(ii) responds to the findings in the audit report; and

(iii) subject to Subsection (4), for each recommendation in the audit report:

(A) describes how the entity will implement the recommendation;

(B) identifies the individual employed by or otherwise affiliated with the entity who is responsible for implementing the recommendation;

(C) establishes a timetable that identifies benchmarks for the entity to implement

- 402 the recommendation; and
- 403 (D) specifies an anticipated deadline by which the entity will fully implement the
- 404 recommendation; and
- 405 (b) sign and submit the audit response plan to the office before the office submits the
- 406 audit report to the Audit Subcommittee under Subsection 36-12-15(6)(b).
- 407 (4) If the chief officer described in Subsection (3) objects to implementing a
- 408 recommendation in an audit report, the chief officer shall:
- 409 (a) prepare an audit response plan in accordance with Subsections (3)(a)(i) and (ii) that:
- 410 (i) explains the basis for the objection; and
- 411 (ii)(A) identifies an alternative action that the entity will implement; or
- 412 (B) specifies that the entity will not implement the recommendation or an
- 413 alternative action; and
- 414 (b) comply with submission requirements described in Subsection (3)(b).
- 415 (5) A chief officer implementing an alternative action under Subsection (4)(a)(ii)(A) shall,
- 416 as it relates to the alternative action, include in the audit response plan the information
- 417 described in Subsection (3)(a)(iii).
- 418 (6) Subject to Subsection [~~(8)~~] (9), if the chief officer of an entity that is the subject of an
- 419 audit report implements a recommendation under Subsection (3)(a)(iii), or an alternative
- 420 action under Subsections (4)(a)(ii)(A) and (5), the chief officer shall, no later than 180
- 421 days after the day on which the Audit Subcommittee refers the audit report to a
- 422 legislative committee:
- 423 (a) prepare an update to the entity's audit response plan that:
- 424 (i) is in writing; and
- 425 (ii) describes the entity's progress towards fully implementing:
- 426 (A) each recommendation addressed in the entity's audit response plan under
- 427 Subsection (3)(a)(iii); or
- 428 (B) each alternative action addressed in the entity's audit response plan under
- 429 Subsections (4)(a)(ii)(A) and (5); and
- 430 (b) submit the update to the legislative committee and the legislative auditor general.
- 431 (7) Subject to Subsection [~~(8)~~] (9), after the chief officer described in Subsection (6)
- 432 complies with the submission requirements described in Subsection (6)(b), the chief
- 433 officer shall:
- 434 (a) continue to update the audit response plan in accordance with Subsection (6)(a); and
- 435 (b) submit the update to the legislative committee and the legislative auditor general at

least semi-annually.

(8) Upon receiving an audit response plan update under Subsection (6) or (7), the legislative auditor general may inform the chief officer of the following:

(a)(i) if the legislative auditor general agrees or disagrees with the implementation status of a recommendation; and

(ii) if the legislative auditor general disagrees with the implementation status, the basis for the disagreement and an opportunity for the chief officer to provide additional information; and

(b) if the chief officer no longer needs to provide an update on the status of a recommendation.

[(8)] (9) A chief officer's obligation to update an audit response plan under this section terminates when the legislative auditor general reports to the Audit Subcommittee that the entity which is the subject of the audit report has fully implemented:

(a) each recommendation addressed in the entity's audit response plan under Subsection (3)(a)(iii); or

(b) each alternative action addressed in the entity's audit response plan under Subsections (4)(a)(ii)(A) and (5) only if the alternative action has addressed the recommendation identified in the audit report.

Section 3. Section **36-12-15.4** is enacted to read:

36-12-15.4 (Effective 05/07/25). Legislative auditor general -- Review of Utah System of Higher Education.

(1) As used in this section:

(a) "Board" means the Utah Board of Higher Education, created in Section 53B-1-402.

(b) "Institution" means an institution within the Utah System of Higher Education.

(c) "Office" means the Office of the Legislative Auditor General created in Section 36-12-15.

(d) "System" means the Utah System of Higher Education described in Section 53B-1-102.

(2) As directed by the Legislative Audit Subcommittee, the office may:

(a) review and monitor the system, board, and an institution;

(b) identify areas where the system, board, and an institution can enhance performance, effectiveness, and efficiency, or otherwise meet responsibilities set forth for the system in statute; and

(c) establish a list of high-risk programs, operations, and functions in the system that

may require executive action, or have capacity for improved efficiency or effectiveness.

(3) Upon request, the system, board, or an institution shall provide to the office information, materials, or resources in accordance with Subsection 36-12-15(8).

(4) The legislative auditor general shall report findings to and regularly update the Legislative Audit Subcommittee and board.

Section 4. Section **53F-2-526** is amended to read:

53F-2-526 (Effective 05/07/25). Excellence in Education and Leadership Supplement.

(1) As used in this section:

- (a) "Center" means the Center for the School of the Future at Utah State University established in Section 53B-18-801.
- (b) "Eligible teacher" means a teacher who is a top-performing teacher that the center determines using an LEA's assessment methods, including:
 - (i) student growth or achievement measures;
 - (ii) professional evaluations;
 - (iii) parent surveys; and
 - (iv) other data-driven criteria the LEA establishes and the center verifies for validity.
- (c) "Eligible teacher" includes an individual whom an LEA participating in the program employs and who holds:
 - (i) a license the state board issues; and
 - (ii) a position that includes a current classroom teaching assignment.
- (d) "High poverty school" means the same as the term is defined in Section 53F-2-513.
- (e) "LEA" means:
 - (i) a school district;
 - (ii) charter school; and
 - (iii) a regional education service agency.
- (f) "Program" means the Excellence in Education and Leadership Supplement created in Subsection (2).
- (g) "Tier performance level" means the following levels of performance for a teacher in comparison to all teachers the center determines in accordance with Subsection (7):
 - (i) the top 5% of teachers;
 - (ii) the next 6%-10% of teachers; and
 - (iii) the next 11%-25% of teachers.

(h) "Top-performing" means the top 25% of teachers in comparison to all teachers the center determines using the methods described in Subsection (1)(b).

(2) Beginning July 1, 2024, there is created a five-year pilot program known as the Excellence in Education and Leadership Supplement to provide a salary supplement to an eligible teacher in recognition for outstanding instructional talent.

(3)(a) No later than December 31, 2024, an LEA shall declare the LEA's intent to participate in the program to the center.

(b) If an LEA declares an intent to participate in the program, the LEA shall:

(i) develop a process for a school principal or the principal's designee to assess a teacher's performance consistent with this section to determine if a teacher is an eligible teacher, including the corresponding tier performance level; and

(ii) create an appeals process for an employee who is not nominated to be an eligible teacher.

(4) No later than April 1, 2025, an LEA shall:

(a) attend a training that the center creates regarding the guidelines for developing a process described in Subsection (3); and

(b) develop and submit for approval the LEA's process described in Subsection (3) to the center.

(5)(a) The center shall review the LEA's process described in Subsection (3) and approve the process or request that the LEA make changes to the submitted process.

(b) If the center requests changes to the LEA's submitted process, the LEA shall work with the center to make necessary changes to receive final approval from the center.

(c) No later than June 30, 2025, the center shall provide final approval or denial of an LEA's process.

(6) Before the start of the 2025-2026 school year, an LEA with an approved process as described in Subsection (5) shall:

(a) ensure each school principal or the principal's designee attends a training that the center creates regarding:

(i) how to effectively use the LEA's approved process to select and submit to the center nominations for eligible teachers, including the corresponding tier performance level; and

(ii) how to protect student and educator data privacy when submitting nominations and applications, as described in Subsection (9)(b)(ii)[-] ;

(b) provide information to teachers within the LEA regarding the program and how the

- 538 school's principal or principal's designee will use the approved LEA process to make
539 nominations of eligible teachers;
- 540 (c) ensure each school principal or the principal's designee uses the LEA's approved
541 process to evaluate and select which teachers within the school to nominate as
542 eligible teachers, including the corresponding tier performance level; and
- 543 (d) as provided in Subsection (9), submit to the center a list of the nominated eligible
544 teachers for the center to consider.
- 545 (7) In assessing if a nominated teacher is an eligible teacher, the center shall create an
546 assessment process that:
- 547 (a) uses the methods described in Subsection (1)(b);
- 548 (b) calibrates the submissions an LEA submits to determine, for all nominated teachers
549 statewide, which teachers are eligible teachers, including the corresponding tier
550 performance level;
- 551 (c) may use additional criteria as determined by the center in consultation with
552 participating LEAs; and
- 553 (d) establishes a scoring rubric including the scores required for a designation in each
554 tier performance level.
- 555 (8)(a) The center shall collaborate with LEAs to create:
- 556 (i) selection and submission guidelines for:
- 557 (A) the approval of the LEA's process as described in Subsection (5); and
- 558 (B) the list of nominated eligible teachers described in Subsection (6);
- 559 (ii) methods to determine student growth and achievement measures for subject areas
560 that do not have standardized assessment data;
- 561 (iii) the weightings for each element of the assessment process described in
562 Subsection (7); and
- 563 (iv) the trainings described in this section.
- 564 (b) The center may provide program related technical assistance to an LEA.
- 565 (9)(a) An LEA shall:
- 566 (i) apply to the center on behalf of the nominated eligible teachers within the LEA
567 through a process and format that the center determines; and
- 568 (ii) ensure a school principal or the principal's designee reevaluates an eligible
569 teacher's designation under this section every three years.
- 570 (b) The center shall:
- 571 (i) create an application process for an LEA to submit the list of nominated eligible

- 572 teachers described in Subsection (9)(a);
- 573 (ii) coordinate with the state board in the creation of the application process described
- 574 in Subsection (9)(b)(i) to ensure that any sharing of student and educator data
- 575 during the application process:
- 576 (A) complies with the Family Educational Rights and Privacy Act, 34 C.F.R. Part
- 577 99;
- 578 (B) complies with Title 53E, Chapter 9, Student Privacy and Data Protection; and
- 579 (C) uses disclosure avoidance techniques, including aggregating and otherwise
- 580 de-identifying data;
- 581 (iii) no later than October 1, 2026, determine if a nominated teacher is an eligible
- 582 teacher through the process described in Subsection (7);
- 583 (iv) verify:
- 584 (A) the validity of the LEA's process and assessment of an eligible teacher as
- 585 described in Subsections (4) and (5); and
- 586 (B) the nominations described in Subsection (7) with the LEA and school
- 587 administrators;
- 588 (v) certify a list of eligible teachers, including the total amount of funding the LEA
- 589 receives for the LEA's eligible teachers; and
- 590 (vi) provide the list described in Subsection (9)(b)(iv) to the state board.
- 591 (10)(a) Subject to legislative appropriations, the state board shall:
- 592 (i) disburse funding to an LEA in the amount the center verifies that an LEA qualifies
- 593 to receive for salary supplements under this section; and
- 594 (ii)(A) except as provided in Subsection (10)(a)(ii)(B), allocate 1% of the funds
- 595 appropriated under this section to the center; and
- 596 (B) provide no more than \$500,000 to the center each fiscal year from the funds
- 597 described in Subsection (10)(a)(ii)(A).
- 598 (b) The annual salary supplement for an eligible teacher is:
- 599 (i) \$10,000 for a teacher in the top 5% of teachers;
- 600 (ii) \$5,000 for a teacher in the next 6%-10% of teachers; and
- 601 (iii) \$2,000 for a teacher in the next 11%-25% of teachers.
- 602 (c) If the eligible teacher is employed at a high poverty school, the eligible teacher shall
- 603 receive an additional salary supplement that is equal in amount to the eligible
- 604 teacher's salary supplement described in Subsection (10)(b).
- 605 (11)(a) An LEA shall:

- 606 (i) use the program funds to provide a salary supplement equal to the amount
607 specified in Subsection (10) for each eligible teacher in each tier performance
608 level; and
- 609 (ii) provide the salary supplement in an eligible teacher's regularly occurring
610 compensation in equal amounts through the contracted school years related to the
611 salary supplement award.
- 612 (b) An LEA:
- 613 (i) may use up to 4% of the money appropriated to the LEA for salary supplements to
614 cover administrative costs associated with implementing the program;
- 615 (ii) may use money appropriated to the LEA for the salary supplement for
616 employer-paid benefits; and
- 617 (iii) may not include a salary supplement received under this section:
- 618 (A) in a retirement calculation; or
619 (B) as part of retirement contributions.
- 620 (c) The salary supplement is not part of an eligible teacher's base pay, and is subject to
621 the eligible teacher's designation as an eligible teacher.
- 622 (12) Notwithstanding the provisions of this section, if the appropriation for the program is
623 insufficient to cover the costs associated with salary supplements, an LEA may
624 distribute the funds to each eligible teacher of the same tier of performance level on a
625 pro rata basis.
- 626 (13) The center and the state board shall collaborate regarding data sharing and other
627 relevant interactions to facilitate the successful administration of the program.
- 628 (14)(a) An eligible teacher that receives a salary supplement under the program has no
629 vested property right in the salary supplement or the designation as an eligible
630 teacher.
- 631 (b) An eligible teacher's salary supplement and designation under this section are void if
632 the school principal or principal's designee, LEA, or the center made or certified the
633 designation improperly.
- 634 (15)(a) Subject to prioritization of the Audit Subcommittee, unless the state board
635 contracts a private auditor in accordance with Subsection (15)(b), the Office of the
636 Legislative Auditor General established under Section 36-12-15 shall, in any fiscal
637 year:
- 638 (i) conduct an audit of the program including:
- 639 (A) an evaluation of the implementation of the program; and

- 640 (B) the efficacy of the program, including program outcomes; and
641 (ii) prepare and submit a written report for an audit described in this section in
642 accordance with Subsection 36-12-15[(4)(b)(ii)] (6)(b).
- 643 (b) Subject to legislative appropriations, the state board may contract with an external
644 auditor to perform the audit described in this Subsection (15).
- 645 (16)(a) The center shall report to the Education Interim Committee no later than the
646 2024 October meeting the following:
- 647 (i) the methodology and process the center develops to achieve the requirements of
648 Subsection (7);
- 649 (ii) relevant data and updates resulting from the collaborations described in
650 Subsection (8);
- 651 (iii) any recommendations for future legislation; and
- 652 (iv) data regarding salary supplement programs, including:
- 653 (A) different approaches used to reward teacher performance, including different
654 evaluation methods;
- 655 (B) research outlining the effectiveness and impact of different salary supplement
656 amounts on teacher retention; and
- 657 (C) other considerations for impactful salary supplement programs in relation to
658 teacher retention.
- 659 (b) Beginning November 1, 2026, the center shall provide an annual report to the
660 Education Interim Committee regarding:
- 661 (i) the statewide metrics used in accordance with Subsection (7);
- 662 (ii) de-identified and aggregated data showing the number of:
- 663 (A) salary supplements per school, including total number of eligible teachers in
664 each school;
- 665 (B) eligible teachers in high poverty schools;
- 666 (C) eligible teachers in each tier performance level;
- 667 (D) eligible teachers in subject areas that do not have standardized assessments;
668 and
- 669 (E) salary supplement denials per school, including the reasons for a denial;
- 670 (iii) proportion of eligible teachers in:
- 671 (A) school districts; and
- 672 (B) charter schools; and
- 673 (iv) teacher retention data for a school where an eligible teacher is employed.

Section 5. Section **59-1-403** is amended to read:

59-1-403 (Effective 05/07/25). Confidentiality -- Exceptions -- Penalty --

Application to property tax.

(1) As used in this section:

(a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

(i) the commission administers under:

(A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

(B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

(C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

(D) Section 19-6-805;

(E) Section 63H-1-205; or

(F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; and

(ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge to a qualifying jurisdiction.

(b) "Qualifying jurisdiction" means:

(i) a county, city, or town;

(ii) the military installation development authority created in Section 63H-1-201; or

(iii) the Utah Inland Port Authority created in Section 11-58-201.

(2)(a) Any of the following may not divulge or make known in any manner any information gained by that person from any return filed with the commission:

(i) a tax commissioner;

(ii) an agent, clerk, or other officer or employee of the commission; or

(iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.

(b) An official charged with the custody of a return filed with the commission is not required to produce the return or evidence of anything contained in the return in any action or proceeding in any court, except:

(i) in accordance with judicial order;

(ii) on behalf of the commission in any action or proceeding under:

(A) this title; or

(B) other law under which persons are required to file returns with the commission;

(iii) on behalf of the commission in any action or proceeding to which the commission is a party; or

(iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the return are directly involved in the action or proceeding.

(c) Notwithstanding Subsection (2)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.

(d) Notwithstanding any other provision of state law, a person described in Subsection (2)(a) may not divulge or make known in any manner any information gained by that person from any return filed with the commission to the extent that the disclosure is prohibited under federal law.

(3) This section does not prohibit:

(a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;

(b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:

(i) who brings action to set aside or review a tax based on the report or return;

(ii) against whom an action or proceeding is contemplated or has been instituted under this title; or

(iii) against whom the state has an unsatisfied money judgment.

(4)(a) Notwithstanding Subsection (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:

(i) the United States Internal Revenue Service; or

(ii) the revenue service of any other state.

(b) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political

- 742 subdivision, other state, or the federal government grant substantially similar
743 privileges to this state.
- 744 (c) Notwithstanding Subsection (2) and for all taxes except individual income tax and
745 corporate franchise tax, the commission may by rule, in accordance with Title 63G,
746 Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of
747 information concerning the identity and other information of taxpayers who have
748 failed to file tax returns or to pay any tax due.
- 749 (d) Notwithstanding Subsection (2), the commission shall provide to the director of the
750 Division of Environmental Response and Remediation, as defined in Section
751 19-6-402, as requested by the director of the Division of Environmental Response
752 and Remediation, any records, returns, or other information filed with the
753 commission under Chapter 13, Motor and Special Fuel Tax Act, or Section
754 19-6-410.5 regarding the environmental assurance program participation fee.
- 755 (e) Notwithstanding Subsection (2), at the request of any person the commission shall
756 provide that person sales and purchase volume data reported to the commission on a
757 report, return, or other information filed with the commission under:
- 758 (i) Chapter 13, Part 2, Motor Fuel; or
759 (ii) Chapter 13, Part 4, Aviation Fuel.
- 760 (f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer,
761 as defined in Section 59-22-202, the commission shall report to the manufacturer:
- 762 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
763 manufacturer and reported to the commission for the previous calendar year under
764 Section 59-14-407; and
- 765 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
766 manufacturer for which a tax refund was granted during the previous calendar
767 year under Section 59-14-401 and reported to the commission under Subsection
768 59-14-401(1)(a)(v).
- 769 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers,
770 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is
771 prohibited from selling cigarettes to consumers within the state under Subsection
772 59-14-210(2).
- 773 (h) Notwithstanding Subsection (2), the commission may:
- 774 (i) provide to the Division of Consumer Protection within the Department of
775 Commerce and the attorney general data:

- 776 (A) reported to the commission under Section 59-14-212; or
777 (B) related to a violation under Section 59-14-211; and
778 (ii) upon request, provide to any person data reported to the commission under
779 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 780 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee
781 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's
782 Office of Planning and Budget, provide to the committee or office the total amount of
783 revenues collected by the commission under Chapter 24, Radioactive Waste Facility
784 Tax Act, for the time period specified by the committee or office.
- 785 (j) Notwithstanding Subsection (2), the commission shall make the directory required by
786 Section 59-14-603 available for public inspection.
- 787 (k) Notwithstanding Subsection (2), the commission may share information with federal,
788 state, or local agencies as provided in Subsection 59-14-606(3).
- 789 (l)(i) Notwithstanding Subsection (2), the commission shall provide the Office of
790 Recovery Services within the Department of Health and Human Services any
791 relevant information obtained from a return filed under Chapter 10, Individual
792 Income Tax Act, regarding a taxpayer who has become obligated to the Office of
793 Recovery Services.
- 794 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office
795 of Recovery Services to any other state's child support collection agency involved
796 in enforcing that support obligation.
- 797 (m)(i) Notwithstanding Subsection (2), upon request from the state court
798 administrator, the commission shall provide to the state court administrator, the
799 name, address, telephone number, county of residence, and social security number
800 on resident returns filed under Chapter 10, Individual Income Tax Act.
- 801 (ii) The state court administrator may use the information described in Subsection
802 (4)(m)(i) only as a source list for the master jury list described in Section
803 78B-1-106.
- 804 (n)(i) As used in this Subsection (4)(n):
- 805 (A) "GOEO" means the Governor's Office of Economic Opportunity created in
806 Section 63N-1a-301.
- 807 (B) "Income tax information" means information gained by the commission that is
808 required to be attached to or included in a return filed with the commission
809 under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10,

- 810 Individual Income Tax Act.
- 811 (C) "Other tax information" means information gained by the commission that is
812 required to be attached to or included in a return filed with the commission
813 except for a return filed under Chapter 7, Corporate Franchise and Income
814 Taxes, or Chapter 10, Individual Income Tax Act.
- 815 (D) "Tax information" means income tax information or other tax information.
- 816 (ii)(A) Notwithstanding Subsection (2) and except as provided in Subsection
817 (4)(n)(ii)(B) or (C), the commission shall at the request of GOEO provide to
818 GOEO all income tax information.
- 819 (B) For purposes of a request for income tax information made under Subsection
820 (4)(n)(ii)(A), GOEO may not request and the commission may not provide to
821 GOEO a person's address, name, social security number, or taxpayer
822 identification number.
- 823 (C) In providing income tax information to GOEO, the commission shall in all
824 instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).
- 825 (iii)(A) Notwithstanding Subsection (2) and except as provided in Subsection
826 (4)(n)(iii)(B), the commission shall at the request of GOEO provide to GOEO
827 other tax information.
- 828 (B) Before providing other tax information to GOEO, the commission shall redact
829 or remove any name, address, social security number, or taxpayer identification
830 number.
- 831 (iv) GOEO may provide tax information received from the commission in accordance
832 with this Subsection (4)(n) only:
- 833 (A) as a fiscal estimate, fiscal note information, or statistical information; and
834 (B) if the tax information is classified to prevent the identification of a particular
835 return.
- 836 (v)(A) A person may not request tax information from GOEO under Title 63G,
837 Chapter 2, Government Records Access and Management Act, or this section,
838 if GOEO received the tax information from the commission in accordance with
839 this Subsection (4)(n).
- 840 (B) GOEO may not provide to a person that requests tax information in
841 accordance with Subsection (4)(n)(v)(A) any tax information other than the tax
842 information GOEO provides in accordance with Subsection (4)(n)(iv).
- 843 (o) Notwithstanding Subsection (2), the commission may provide to the governing board

of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

(i) the following relating to an agreement sales and use tax:

(A) information contained in a return filed with the commission;

(B) information contained in a report filed with the commission;

(C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

(D) a document filed with the commission; or

(ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

(p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:

(i) requests the information; and

(ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.

(q) Notwithstanding Subsection (2), the commission shall provide to the Utah Communications Authority, or a division of the Utah Communications Authority, the information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and 63H-7a-502.

(r) Notwithstanding Subsection (2), the commission shall provide to the Utah Educational Savings Plan information related to a resident or nonresident individual's contribution to a Utah Educational Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.

(s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with the Department of Health and Human Services or its designee with the adjusted gross income of an individual if:

(i) an eligibility worker with the Department of Health and Human Services or its designee requests the information from the commission; and

(ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.

(t) Notwithstanding Subsection (2), the commission may provide to a county, as determined by the commission, information declared on an individual income tax

878 return in accordance with Section 59-10-103.1 that relates to eligibility to claim a
879 residential exemption authorized under Section 59-2-103.

880 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding any
881 access line provider that is over 90 days delinquent in payment to the commission of
882 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid
883 Wireless Telecommunications Service Charges, to the board of the Utah
884 Communications Authority created in Section 63H-7a-201.

885 (v) Notwithstanding Subsection (2), the commission shall provide the Department of
886 Environmental Quality a report on the amount of tax paid by a radioactive waste
887 facility for the previous calendar year under Section 59-24-103.5.

888 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the
889 Department of Workforce Services any information received under Chapter 10, Part
890 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce
891 Services.

892 (x) Notwithstanding Subsection (2), the commission may provide the Public Service
893 Commission or the Division of Public Utilities information related to a seller that
894 collects and remits to the commission a charge described in Subsection 69-2-405(2),
895 including the seller's identity and the number of charges described in Subsection
896 69-2-405(2) that the seller collects.

897 (y)(i) Notwithstanding Subsection (2), the commission shall provide to each
898 qualifying jurisdiction the collection data necessary to verify the revenue collected
899 by the commission for a distributed tax, fee, or charge collected within the
900 qualifying jurisdiction.

901 (ii) In addition to the information provided under Subsection (4)(y)(i), the
902 commission shall provide a qualifying jurisdiction with copies of returns and other
903 information relating to a distributed tax, fee, or charge collected within the
904 qualifying jurisdiction.

905 (iii)(A) To obtain the information described in Subsection (4)(y)(ii), the chief
906 executive officer or the chief executive officer's designee of the qualifying
907 jurisdiction shall submit a written request to the commission that states the
908 specific information sought and how the qualifying jurisdiction intends to use
909 the information.

910 (B) The information described in Subsection (4)(y)(ii) is available only in official
911 matters of the qualifying jurisdiction.

- 912 (iv) Information that a qualifying jurisdiction receives in response to a request under
913 this subsection is:
- 914 (A) classified as a private record under Title 63G, Chapter 2, Government Records
915 Access and Management Act; and
- 916 (B) subject to the confidentiality requirements of this section.
- 917 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic
918 Beverage Services Commission, upon request, with taxpayer status information
919 related to state tax obligations necessary to comply with the requirements described
920 in Section 32B-1-203.
- 921 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of
922 Workforce Services, as soon as practicable, whether an individual claimed and is
923 entitled to claim a federal earned income tax credit for the year requested by the
924 Department of Workforce Services if:
- 925 (i) the Department of Workforce Services requests this information; and
- 926 (ii) the commission has received the information release described in Section
927 35A-9-604.
- 928 (bb)(i) As used in this Subsection (4)(bb), "unclaimed property administrator" means
929 the administrator or the administrator's agent, as those terms are defined in Section
930 67-4a-102.
- 931 (ii)(A) Notwithstanding Subsection (2), upon request from the unclaimed property
932 administrator and to the extent allowed under federal law, the commission shall
933 provide the unclaimed property administrator the name, address, telephone
934 number, county of residence, and social security number or federal employer
935 identification number on any return filed under Chapter 7, Corporate Franchise
936 and Income Taxes, or Chapter 10, Individual Income Tax Act.
- 937 (B) The unclaimed property administrator may use the information described in
938 Subsection (4)(bb)(ii)(A) only for the purpose of returning unclaimed property
939 to the property's owner in accordance with Title 67, Chapter 4a, Revised
940 Uniform Unclaimed Property Act.
- 941 (iii) The unclaimed property administrator is subject to the confidentiality provisions
942 of this section with respect to any information the unclaimed property
943 administrator receives under this Subsection (4)(bb).
- 944 (cc) Notwithstanding Subsection (2), the commission may, upon request, disclose a
945 taxpayer's state individual income tax information to a program manager of the Utah

- 946 Fits All Scholarship Program under Section 53F-6-402 if:
- 947 (i) the taxpayer consents in writing to the disclosure;
- 948 (ii) the taxpayer's written consent includes the taxpayer's name, social security
- 949 number, and any other information the commission requests that is necessary to
- 950 verify the identity of the taxpayer; and
- 951 (iii) the program manager provides the taxpayer's written consent to the commission.
- 952 (dd) Notwithstanding Subsection (2), the commission may provide to the Division of
- 953 Finance within the Department of Government Operations any information necessary
- 954 to facilitate a payment from the commission to a taxpayer, including:
- 955 (i) the name of the taxpayer entitled to the payment or any other person legally
- 956 authorized to receive the payment;
- 957 (ii) the taxpayer identification number of the taxpayer entitled to the payment;
- 958 (iii) the payment identification number and amount of the payment;
- 959 (iv) the tax year to which the payment applies and date on which the payment is due;
- 960 (v) a mailing address to which the payment may be directed; and
- 961 (vi) information regarding an account at a depository institution to which the
- 962 payment may be directed, including the name of the depository institution, the
- 963 type of account, the account number, and the routing number for the account.
- 964 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of
- 965 revenues collected by the commission under Subsection 59-5-202(5):
- 966 (i) at the request of a committee of the Legislature, the Office of the Legislative
- 967 Fiscal Analyst, or the Governor's Office of Planning and Budget, to the committee
- 968 or office for the time period specified by the committee or office; and
- 969 (ii) to the Division of Finance for purposes of the Division of Finance administering
- 970 Subsection 59-5-202(5).
- 971 (ff) Notwithstanding Subsection (2), the commission may provide the Department of
- 972 Agriculture and Food with information from a return filed in accordance with
- 973 Chapter 31, Cannabinoid Licensing and Tax Act.
- 974 (5)(a) Each report and return shall be preserved for at least three years.
- 975 (b) After the three-year period provided in Subsection (5)(a) the commission may
- 976 destroy a report or return.
- 977 (6)(a) Any individual who violates this section is guilty of a class A misdemeanor.
- 978 (b) If the individual described in Subsection (6)(a) is an officer or employee of the state,
- 979 the individual shall be dismissed from office and be disqualified from holding public

office in this state for a period of five years thereafter.

(c) Notwithstanding Subsection (6)(a) or (b), GOEO, when requesting information in accordance with Subsection (4)(n)(iii), or an individual who requests information in accordance with Subsection (4)(n)(v):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an individual described in Subsection (2):

(i) is not guilty of a class A misdemeanor; and

(ii) is not subject to:

(A) dismissal from office in accordance with Subsection (6)(b); or

(B) disqualification from holding public office in accordance with Subsection (6)(b).

(7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

Section 6. Effective Date.

This bill takes effect on May 7, 2025.