

**BUDGETARY PROCEDURE AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melvin R. Brown**

Senate Sponsor: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

This bill addresses budgetary procedures and certain state funds and accounts.

**Highlighted Provisions:**

This bill:

- ▶ repeals provisions related to nonlapsing funds, accounts, and account balances;
- ▶ addresses the funding sources for certain funds and accounts;
- ▶ renames certain funds;
- ▶ provides that certain funds are nonlapsing;
- ▶ converts certain nonlapsing accounts to dedicated credits;
- ▶ addresses the amounts the Division of Finance shall deposit into certain funds and accounts;
- ▶ repeals obsolete language, funds, and accounts; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-2-8.5**, as last amended by Laws of Utah 2008, Chapter 382



28           **4-2-8.7**, as last amended by Laws of Utah 2010, Chapters 278 and 378  
29           **4-20-2**, as last amended by Laws of Utah 2010, Chapter 278  
30           **9-4-1501**, as enacted by Laws of Utah 2010, Chapter 194  
31           **9-4-1502**, as enacted by Laws of Utah 2010, Chapter 194  
32           **9-4-1503**, as enacted by Laws of Utah 2010, Chapter 194  
33           **9-10-108**, as last amended by Laws of Utah 2004, Chapter 13  
34           **9-11-104**, as last amended by Laws of Utah 2010, Chapter 156  
35           **9-17-102**, as enacted by Laws of Utah 2010, Chapter 166  
36           **19-1-403**, as last amended by Laws of Utah 2009, Chapter 183  
37           **26-8a-207**, as last amended by Laws of Utah 2010, Chapter 161  
38           **26-21a-302**, as enacted by Laws of Utah 2010, Chapter 369  
39           **31A-38-104**, as last amended by Laws of Utah 2005, Chapter 221  
40           **35A-4-506**, as last amended by Laws of Utah 2010, Chapters 277 and 278  
41           **41-22-19.5**, as last amended by Laws of Utah 2008, Chapters 216 and 382  
42           **51-9-409**, as last amended by Laws of Utah 2009, Chapter 32  
43           **53-1-118**, as enacted by Laws of Utah 2008, Chapter 48  
44           **53-7-204.2**, as last amended by Laws of Utah 2009, Chapter 183  
45           **53A-1-304**, as enacted by Laws of Utah 2010, Chapter 139  
46           **53A-21-401**, as last amended by Laws of Utah 2010, Chapter 162  
47           **53A-24-105**, as last amended by Laws of Utah 1996, Chapter 37  
48           **53C-3-203**, as last amended by Laws of Utah 2010, Chapters 79 and 262  
49           **58-31b-103**, as last amended by Laws of Utah 2010, Chapter 278  
50           **58-44a-103**, as last amended by Laws of Utah 2010, Chapter 278  
51           **58-63-103**, as enacted by Laws of Utah 2003, Chapter 308  
52           **58-76-103**, as last amended by Laws of Utah 2010, Chapter 278  
53           **59-10-1314**, as enacted by Laws of Utah 2010, Chapter 194  
54           **59-12-103**, as last amended by Laws of Utah 2010, Chapter 412  
55           **59-12-120**, as last amended by Laws of Utah 1999, Chapter 195  
56           **61-2-204**, as renumbered and amended by Laws of Utah 2010, Chapter 379  
57           **62A-1-119**, as enacted by Laws of Utah 2009, Chapter 359  
58           **62A-15-103**, as last amended by Laws of Utah 2009, Chapter 75

- 59           **63A-4-201**, as renumbered and amended by Laws of Utah 1993, Chapter 212  
60           **63A-5-211**, as last amended by Laws of Utah 2000, Chapter 231  
61           **63A-11-203**, as last amended by Laws of Utah 2006, Chapter 76  
62           **63C-4-103**, as last amended by Laws of Utah 2010, Chapter 262  
63           **63I-2-253**, as last amended by Laws of Utah 2010, Chapter 11  
64           **63J-1-312**, as renumbered and amended by Laws of Utah 2009, Chapter 183  
65           **63J-1-313**, as renumbered and amended by Laws of Utah 2009, Chapter 183  
66           **63J-1-314**, as last amended by Laws of Utah 2009, Chapter 389 and renumbered and  
67 amended by Laws of Utah 2009, Chapter 183  
68           **63J-1-602.1**, as enacted by Laws of Utah 2010, Chapter 265  
69           **63J-1-602.2**, as enacted by Laws of Utah 2010, Chapter 265 and last amended by  
70 Coordination Clause, Laws of Utah 2010, Chapter 265  
71           **63J-1-602.3**, as enacted by Laws of Utah 2010, Chapter 265  
72           **63J-1-602.4**, as enacted by Laws of Utah 2010, Chapter 265  
73           **63J-1-602.5**, as enacted by Laws of Utah 2010, Chapter 265  
74           **63M-1-905**, as last amended by Laws of Utah 2010, Chapters 245 and 278  
75           **63M-1-1406**, as last amended by Laws of Utah 2009, Chapter 394  
76           **63M-1-2003**, as renumbered and amended by Laws of Utah 2008, Chapter 382  
77           **63M-1-2303**, as last amended by Laws of Utah 2010, Chapter 278  
78           **65A-5-1**, as last amended by Laws of Utah 1995, Chapter 267  
79           **72-2-117**, as last amended by Laws of Utah 2008, Chapter 382  
80           **72-2-117.5**, as last amended by Laws of Utah 2010, Chapter 263  
81           **72-2-120**, as last amended by Laws of Utah 2010, Chapter 278  
82           **72-2-122**, as last amended by Laws of Utah 2008, Chapter 382  
83           **72-3-109**, as last amended by Laws of Utah 2008, Chapter 382  
84           **73-28-404**, as last amended by Laws of Utah 2009, Chapter 183  
85           **77-32-601**, as last amended by Laws of Utah 2007, Chapter 275  
86           **77-32-701**, as last amended by Laws of Utah 2002, Chapter 256  
87           **79-3-401**, as renumbered and amended by Laws of Utah 2009, Chapter 344  
88 REPEALS:  
89           **9-8-604**, as enacted by Laws of Utah 1991, Chapter 30

90 63M-1-2305, as last amended by Laws of Utah 2010, Chapter 278



91  
92 *Be it enacted by the Legislature of the state of Utah:*

93 Section 1. Section 4-2-8.5 is amended to read:

94 **4-2-8.5. Salinity Offset Fund.**

95 (1) As used in this section, "Colorado River Salinity Offset Program" means a  
96 program, administered by the Division of Water Quality, allowing oil, gas, or mining  
97 companies and other entities to provide funds to finance salinity reduction projects in the  
98 Colorado River Basin by purchasing salinity credits as offsets against discharges made by the  
99 company under permits issued by the Division of Water Quality.

100 (2) (a) There is created a restricted special revenue fund known as the "Salinity Offset  
101 Fund."

102 (b) The fund shall consist of:

103 (i) monies received from the Division of Water Quality that have been collected as part  
104 of the Colorado River Salinity Offset Program;

105 (ii) grants from local governments, the state, or the federal government;

106 (iii) grants from private entities; and

107 (iv) interest on fund monies.

108 [~~(3) Any unallocated balance in the fund at the end of a fiscal year is nonlapsing.~~]

109 [~~(4)~~] (3) (a) The department shall:

110 (i) subject to the rules established under Subsection [~~(4)~~] (3)(a)(ii), distribute fund  
111 monies to farmers, ranchers, mutual irrigation companies, and other entities in the state to  
112 assist in financing irrigation, rangeland, and watershed improvement projects that will, in  
113 accordance with the Colorado River Salinity Offset Program, reduce salinity in the Colorado  
114 River; and

115 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
116 make rules establishing:

117 (A) a project funding application process;

118 (B) project funding requirements;

119 (C) project approval criteria; and

120 (D) standards for evaluating the effectiveness of funded projects in reducing salinity in

121 the Colorado River.

122 (b) The department may require entities seeking fund monies to provide matching  
123 funds.

124 (c) The department shall submit to the Water Quality Board's executive secretary  
125 proposed funding projects for the executive secretary's review and approval.

126 ~~[(5)]~~ (4) The department may use fund monies for the administration of the fund, but  
127 this amount may not exceed 10% of the annual receipts to the fund.

128 Section 2. Section 4-2-8.7 is amended to read:

129 **4-2-8.7. Invasive Species Mitigation Account created.**

130 (1) As used in this section, "project" means an undertaking that prevents catastrophic  
131 wildland fire through land restoration in a watershed that:

132 (a) is impacted by cheatgrass or other invasive species; or

133 (b) has a fuel load that may contribute to a catastrophic wildland fire.

134 (2) (a) There is created a restricted account within the General Fund known as the  
135 "Invasive Species Mitigation Account."

136 (b) The restricted account shall consist of:

137 (i) money appropriated by the Legislature;

138 (ii) grants from the federal government; and

139 (iii) grants or donations from a person.

140 ~~[(3) Any unallocated balance in the restricted account at the end of the year is  
141 nonlapsing.]~~

142 ~~[(4)]~~ (3) (a) After consulting with the Department of Natural Resources and the  
143 Conservation Commission, the department may expend money in the restricted account:

144 (i) on a project implemented by:

145 (A) the department; or

146 (B) the Conservation Commission; or

147 (ii) by giving a grant for a project to:

148 (A) a state agency;

149 (B) a federal agency; or

150 (C) a federal, state, tribal, or private landowner.

151 (b) A grant to a federal landowner shall be matched with at least an equal amount of

152 money by the federal landowner.

153 (c) In expending the money authorized by Subsection [~~(4)~~] (3)(a)(i), the department  
154 shall use existing infrastructure and employees to plan and implement the project.

155 [~~(5)~~] (4) In giving a grant, the department shall consider the effectiveness of a project  
156 in preventing:

157 (a) first, the risk to public safety and health from:

158 (i) air pollution;

159 (ii) flooding; and

160 (iii) reduced visibility on a highway;

161 (b) second, damage to the environment, including:

162 (i) soil erosion;

163 (ii) degraded water quality; and

164 (iii) release of carbon; and

165 (c) third, damage to:

166 (i) a local economy; and

167 (ii) habitat for wildlife or livestock.

168 Section 3. Section 4-20-2 is amended to read:

169 **4-20-2. Rangeland Improvement Account -- Administered by department.**

170 (1) (a) There is created a restricted account within the General Fund known as the  
171 "Rangeland Improvement Account."

172 (b) The restricted account shall consist of:

173 (i) money received by the state from the United States Secretary of Interior under the  
174 Taylor Grazing Act, 43 U.S.C. Section 315 et seq., for sales, leases, and fees;

175 (ii) grants or appropriations from the state or federal government; and

176 (iii) grants from private foundations.

177 (c) Interest earned on the restricted account shall be deposited into the General Fund.

178 [~~(2) Any unallocated balance in the restricted account at the end of a fiscal year is~~  
179 ~~nonlapsing.~~]

180 [~~(3)~~] (2) The department shall:

181 (a) administer the restricted account;

182 (b) obtain from the United States Department of Interior the receipts collected from:

- 183 (i) fees in each grazing district; and
- 184 (ii) the receipts collected from the sale or lease of public lands; and
- 185 (c) distribute restricted account money in accordance with Section 4-20-3.

186 Section 4. Section **9-4-1501** is amended to read:

187 **Part 15. Methamphetamine Housing Reconstruction and Rehabilitation Account Act**

188 **9-4-1501. Title.**

189 This part is known as the "Methamphetamine Housing Reconstruction and  
190 Rehabilitation [~~Fund~~] Account Act."

191 Section 5. Section **9-4-1502** is amended to read:

192 **9-4-1502. Definitions.**

193 As used in this part:

194 (1) "Account" means the Methamphetamine Housing Reconstruction and  
195 Rehabilitation Account created in Section 9-4-1503.

196 ~~[(+)]~~ (2) "Contaminated by methamphetamine" means that a residence is:

197 (a) polluted by hazardous materials as a result of the use, production, or presence of  
198 methamphetamine in excess of decontamination standards adopted by the Department of  
199 Health under Section 26-51-201; and

200 (b) placed on a contamination list by a local health department in accordance with  
201 Section 19-6-903.

202 ~~[(2) "Fund" means the Methamphetamine Housing Reconstruction and Rehabilitation~~  
203 ~~Fund created in Section 9-4-1503.]~~

204 (3) "Qualified housing organization" means an affiliate located in this state of an  
205 organization if that organization:

206 (a) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
207 Code;

208 (b) operates on a worldwide basis;

209 (c) has the primary purposes of:

210 (i) constructing, reconstructing, and rehabilitating residences that are:

211 (A) sold to low-income persons selected by the organization in accordance with any  
212 rules the division makes as authorized by Section 9-4-1503; and

213 (B) financed with loans that are not subject to interest as determined by the

214 organization in accordance with any rules the division makes as authorized by Section  
215 9-4-1503; and

216 (ii) purchasing property upon which residences described in Subsection (3)(c)(i) are  
217 constructed, reconstructed, or rehabilitated;

218 (d) expends a portion of the repayment on the loans described in Subsection  
219 (3)(c)(i)(B) to finance:

220 (i) the construction, reconstruction, and rehabilitation of residences described in  
221 Subsection (3)(c)(i); and

222 (ii) the purchase of property upon which residences described in Subsection (3)(c)(i)  
223 are constructed, reconstructed, or rehabilitated; and

224 (e) has built more than 250,000 residences in total.

225 (4) (a) "Residence" means a single-family residence.

226 (b) "Residence" includes:

227 (i) a condominium;

228 (ii) a garage;

229 (iii) real property appurtenant to a residence:

230 (A) as determined by the division in accordance with any rules the division makes as  
231 authorized by Section 9-4-1503; and

232 (B) if that real property is contaminated by methamphetamine;

233 (iv) a shed; or

234 (v) a town home.

235 (c) "Residence" does not include:

236 (i) an apartment or other rental unit as determined by the division in accordance with  
237 any rules the division makes as authorized by Section 9-4-1503; or

238 (ii) an outbuilding except for a garage or shed.

239 Section 6. Section **9-4-1503** is amended to read:

240 **9-4-1503. Methamphetamine Housing Reconstruction and Rehabilitation**

241 **Account -- Creation -- Interest -- Use of contributions and interest.**

242 (1) There is created within the General Fund a restricted account known as the  
243 Methamphetamine Housing Reconstruction and Rehabilitation [~~Fund~~] Account.

244 (2) The [~~fund~~] account shall be funded by:



245 (a) contributions deposited into the [fund] account in accordance with Section  
246 59-10-1314; and

247 (b) interest described in Subsection (3).

248 (3) (a) The [fund] account shall earn interest.

249 (b) Interest earned on the [fund] account shall be deposited into the [fund] account.

250 (4) (a) The division shall distribute contributions and interest deposited into the [fund]  
251 account to one or more qualified housing organizations.

252 (b) (i) Subject to Subsection (4)(b)(ii), a qualified housing organization that receives a  
253 distribution from the division in accordance with Subsection (4)(a) shall expend the  
254 distribution to:

255 (A) reconstruct or rehabilitate one or more residences that are:

256 (I) sold to low-income persons selected by the qualified housing organization in  
257 accordance with any rules the division makes as authorized by this section; and

258 (II) financed with loans that are not subject to interest as determined by the qualified  
259 housing organization in accordance with any rules the division makes as authorized by this  
260 section; or

261 (B) purchase property upon which a residence described in Subsection (4)(b)(i)(A) is  
262 reconstructed or rehabilitated.

263 (ii) A qualified housing organization may not expend a distribution the qualified  
264 housing organization receives in accordance with this Subsection (4) for any administrative  
265 cost relating to an expenditure authorized by Subsection (4)(b)(i).

266 (5) (a) In accordance with any rules the division makes as authorized under Subsection  
267 (6)(c), a qualified housing organization may apply to the division to receive a distribution  
268 under Subsection (4).

269 (b) A qualified housing organization may apply to the division to receive a distribution  
270 under Subsection (4) by filing an application with the division:

271 (i) on or before November 1; and

272 (ii) on a form provided by the division.

273 (c) The application:

274 (i) shall include information required by the division establishing that the qualified  
275 housing organization owns each residence with respect to which the qualified housing

276 organization plans to expend a distribution under Subsection (4);  
277 (ii) shall include information required by the division establishing the qualified housing  
278 organization's plan to expend the distribution for a purpose described in Subsection (4)(b)(i);  
279 (iii) shall include information required by the division establishing that the qualified  
280 housing organization's plan to expend the distribution meets conditions established in  
281 accordance with Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and  
282 Decontamination Act, for a local health department to remove the residence from the local  
283 health department's decontamination list; and  
284 (iv) may include other information the division requires by rule.  
285 (d) The division shall determine on or before the November 30 immediately following  
286 the November 1 described in Subsection (5)(b)(i) whether a qualified housing organization's  
287 application to the division meets the requirements of Subsection (5)(c).  
288 (e) (i) The division shall distribute money credited to the ~~[fund]~~ account to each  
289 qualified housing organization that meets the requirements of Subsection (5)(c) as determined  
290 by the division:  
291 (A) on or before the December 31 immediately following the November 1 described in  
292 Subsection (5)(b)(i); and  
293 (B) in accordance with this Subsection (5)(e).  
294 (ii) The division shall determine:  
295 (A) the population of the county in which a qualified housing organization that meets  
296 the requirements of Subsection (5)(c) is headquartered; and  
297 (B) the total population of all of the counties in which the qualified housing  
298 organizations that meet the requirements of Subsection (5)(c) are headquartered.  
299 (iii) Except as provided in Subsection (5)(e)(iv), the division shall determine a  
300 qualified housing organization's distribution by making the following calculation:  
301 (A) calculating a percentage determined by dividing the population of the county in  
302 which the qualified housing organization that meets the requirements of Subsection (5)(c) is  
303 headquartered by the population calculated under Subsection (5)(e)(ii)(B); and  
304 (B) multiplying the percentage determined under Subsection (5)(e)(iii)(A) by the ~~[fund]~~  
305 account balance.  
306 (iv) If two or more qualified housing organizations that meet the requirements of

307 Subsection (5)(c) as determined by the division are headquartered within one county, the  
 308 division shall determine each qualified housing organization's distribution by:

- 309 (A) making the calculation required by Subsection (5)(e)(iii); and  
 310 (B) dividing the amount calculated under Subsection (5)(e)(iii) by the number of  
 311 qualified housing organizations that meet the requirements of Subsection (5)(c) as determined  
 312 by the division that are headquartered within the county.

313 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 314 division may make rules:

- 315 (a) to define what constitutes:  
 316 (i) a low-income person;  
 317 (ii) a loan that is not subject to interest; or  
 318 (iii) an apartment or other rental unit;  
 319 (b) for determining the circumstances under which real property is appurtenant to a  
 320 residence;  
 321 (c) prescribing information a qualified housing organization is required to include with  
 322 an application under Subsection (5);  
 323 (d) for purposes of Subsection (5)(e), for determining the population of a county; or  
 324 (e) for determining the county in which a qualified housing organization is  
 325 headquartered.

326 Section 7. Section **9-10-108** is amended to read:

327 **9-10-108. Deposits into fund.**

328 (1) ~~[(a)]~~ All money received under Section 59-5-116 shall be deposited in the  
 329 Revitalization Fund provided that no business or activity fee or tax based on gross receipts has  
 330 been imposed by a county or the Tribe on oil and gas activities.

331 ~~[(b)-(i)]~~ (2) (a) Nothing in this ~~[Subsection (1)]~~ section prohibits a county from  
 332 imposing a charge described in Subsection (1)~~[(a)]~~ with respect to any gathering, transmission,  
 333 or local distribution pipeline in which the county owns an interest.

334 ~~[(i)]~~ (b) Nothing in this ~~[Subsection (1)]~~ section prohibits the Tribe from imposing a  
 335 charge described in Subsection (1)~~[(a)]~~ with respect to any gathering, transmission, or local  
 336 distribution pipeline in which the Tribe owns an interest.

337 ~~[(2) Any unallocated balance in the fund at the end of each fiscal year shall be~~

338 ~~nonlapsing-]~~

339 Section 8. Section **9-11-104** is amended to read:

340 **9-11-104. San Juan Navajo Revitalization Fund.**

341 (1) (a) There is created a restricted special revenue fund called the "Navajo  
342 Revitalization Fund."

343 (b) The revitalization fund shall consist of:

344 (i) money deposited to the revitalization fund under this chapter;

345 (ii) money deposited to the revitalization fund under Section 59-5-119; and

346 (iii) any loan repayment or interest on a loan issued under this chapter.

347 (2) (a) The revitalization fund shall earn interest.

348 (b) The interest earned on revitalization fund money shall be deposited into the fund.

349 ~~[(3) The unallocated balance in the revitalization fund at the end of a fiscal year is~~

350 ~~nonlapsing-]~~

351 ~~[(4)]~~ (3) Beginning for fiscal year 2010-11, the division may use revitalization fund  
352 money for the administration of the revitalization fund, but this amount may not exceed 4% of  
353 the annual receipts to the revitalization fund.

354 Section 9. Section **9-17-102** is amended to read:

355 **9-17-102. Humanitarian Service and Educational and Cultural Exchange**  
356 **Restricted Account.**

357 (1) There is created in the General Fund a restricted account known as the  
358 "Humanitarian Service and Educational and Cultural Exchange Restricted Account."

359 (2) The account shall be funded by:

360 (a) contributions deposited into the account in accordance with Section 41-1a-422;

361 (b) private contributions; and

362 (c) donations or grants from public or private entities.

363 ~~[(3) Funds in the account are nonlapsing-]~~

364 ~~[(4)]~~ (3) Upon appropriation by the Legislature, the department shall distribute funds in  
365 the account to one or more charitable organizations that:

366 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

367 (b) have a national parent organization which:

368 (i) provides international humanitarian service projects; and

369 (ii) has youth programs including programs to foster leadership in high school students,  
370 humanitarian service in high school and college, and conducts and promotes community  
371 service projects;

372 (c) have a non-profit youth exchange program that does not compensate those who  
373 administer the program within the state;

374 (d) have an annual leadership conference, which does not compensate those who  
375 administer the program within the state;

376 (e) have high school service clubs, which promote humanitarian services on a state  
377 level, a national level, and an international level; and

378 (f) have college service clubs, which promote humanitarian service on a state level, a  
379 national level, and an international level.

380 ~~[(5)]~~ (4) (a) An organization described in Subsection ~~[(4)]~~ (3) may apply to the  
381 department to receive a distribution in accordance with Subsection ~~[(4)]~~ (3).

382 (b) An organization that receives a distribution from the department in accordance with  
383 Subsection ~~[(4)]~~ (3) shall expend the distribution only to:

384 (i) pay the costs of supporting the following programs within the state:

385 (A) youth programs including programs to foster leadership in high school students and  
386 humanitarian service in high school and college;

387 (B) community service projects;

388 (C) a non-profit youth exchange program;

389 (D) an annual leadership conference;

390 (E) high school service clubs, which promote humanitarian service on a state level, a  
391 national level, and an international level; and

392 (F) college service clubs, which promote humanitarian service on a state level, a  
393 national level, and an international level; and

394 (ii) pay the costs of issuing or reordering Humanitarian Service and Educational and  
395 Cultural Exchange support special group license plate decals.

396 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
397 department may make rules providing procedures for an organization to apply to the  
398 department to receive a distribution under Subsection ~~[(4)]~~ (3).

399 Section 10. Section **19-1-403** is amended to read:

400           **19-1-403. Clean Fuels and Vehicle Technology Fund -- Contents -- Loans or**  
401 **grants made with fund money.**

402           (1) (a) There is created a revolving fund known as the Clean Fuels and Vehicle  
403 Technology Fund.

404           (b) The fund consists of:

405           (i) appropriations to the fund;

406           (ii) other public and private contributions made under Subsection (1)~~[(d)]~~[(c)];

407           (iii) interest earnings on cash balances; and

408           (iv) all money collected for loan repayments and interest on loans.

409           ~~[(c) All money appropriated to the fund is nonlapsing.]~~

410           ~~[(d)]~~ (c) The department may accept contributions from other public and private  
411 sources for deposit into the fund.

412           (2) (a) Except as provided in Subsection (3), the department may make a loan or a  
413 grant with money available in the fund for:

414           (i) the conversion of a private sector business vehicle or a government vehicle to use a  
415 clean fuel, if certified by the Air Quality Board under Subsection 19-1-405(1)(a);

416           (ii) the purchase of:

417           (A) an OEM vehicle for use as a private sector business vehicle or government vehicle;

418 or

419           (B) a vehicle, certified by the Air Quality Board under Subsection 19-1-405(1)(d), for  
420 use as a private sector business vehicle or government vehicle;

421           (iii) the retrofit, certified by the Air Quality Board under Subsection 19-1-405(1)(d), of  
422 a private sector business vehicle or government vehicle;

423           (iv) a fuel system, certified by the Air Quality Board under Subsection 19-1-405(1)(d),  
424 for a private sector business vehicle or government vehicle; or

425           (v) a state match of a federal or nonfederal grant for any item under this Subsection  
426 (2)(a).

427           (b) The amount of a loan for any vehicle under Subsection (2)(a)(i) or (2)(a)(ii)(A) may  
428 not exceed:

429           (i) the actual cost of the vehicle conversion;

430           (ii) the incremental cost of purchasing the OEM vehicle; or

431 (iii) the cost of purchasing the OEM vehicle if there is no documented incremental  
432 cost.

433 (c) The amount of a grant for any vehicle under Subsection (2)(a)(i) or (2)(a)(ii)(A)  
434 may not exceed:

435 (i) 50% of the actual cost of the vehicle conversion minus the amount of any tax credit  
436 claimed under Section 59-7-605 or 59-10-1009 for the vehicle for which a grant is requested;  
437 or

438 (ii) 50% of the incremental cost of purchasing an OEM vehicle minus the amount of  
439 any tax credit claimed under Section 59-7-605 or 59-10-1009 for the vehicle for which a grant  
440 is requested.

441 (d) (i) Except as provided in Subsection (3) and subject to the availability of money in  
442 the fund, the department may make a loan for the purchase of vehicle refueling equipment for a  
443 private sector business vehicle or a government vehicle.

444 (ii) The maximum amount loaned per installation of refueling equipment may not  
445 exceed the actual cost of the refueling equipment.

446 (iii) Except as provided in Subsection (3) and subject to the availability of money in  
447 the fund, the department may make a grant for a state match of a federal or nonfederal grant for  
448 the purchase of vehicle refueling equipment for a private sector business vehicle or a  
449 government vehicle.

450 (3) The department may not make a loan or grant under this part for an electric-hybrid  
451 vehicle.

452 (4) The department may:

453 (a) reimburse itself for the costs incurred in administering the fund from:

454 (i) the fund; or

455 (ii) application fees; and

456 (b) establish an application fee for a loan or grant from the fund by following the  
457 procedures and requirements of Section 63J-1-504.

458 (5) (a) The fund balance may not exceed \$10,000,000.

459 (b) Interest on cash balances and repayment of loans in excess of the amount necessary  
460 to maintain the fund balance at \$10,000,000 shall be deposited in the General Fund.

461 (6) (a) Loans made from money in the fund shall be supported by loan documents

462 evidencing the intent of the borrower to repay the loan.

463 (b) The original loan documents shall be filed with the Division of Finance and a copy  
464 shall be filed with the department.

465 Section 11. Section **26-8a-207** is amended to read:

466 **26-8a-207. Emergency medical services grant program.**

467 (1) (a) The department shall receive as dedicated credits the amount established in  
468 Section 51-9-403. That amount shall be transferred to the department by the Division of  
469 Finance from funds generated by the surcharge imposed under Title 51, Chapter 9, Part 4,  
470 Criminal Conviction Surcharge Allocation.

471 (b) Funds transferred to the department under this section shall be used for  
472 improvement of delivery of emergency medical services and administrative costs as described  
473 in Subsection (2)(a). Appropriations to the department for the purposes enumerated in this  
474 section shall be made from those dedicated credits.

475 [~~(c) All funding for the program created by this section shall be nonlapsing.~~]

476 (2) (a) The department may use the funds transferred to it under Subsection (1):

477 (i) to provide staff support; and

478 (ii) for other expenses incurred in:

479 (A) administration of grant funds; and

480 (B) other department administrative costs under this chapter.

481 (b) After funding staff support, administrative expenses, and trauma system  
482 development, the department and the committee shall make emergency medical services grants  
483 from the remaining funds received as dedicated credits under Subsection (1). A recipient of a  
484 grant under this Subsection (2)(b) must actively provide emergency medical services within the  
485 state.

486 (c) The department shall distribute not less than 25% of the funds, with the percentage  
487 being authorized by a majority vote of the committee, as per capita block grants for use  
488 specifically related to the provision of emergency medical services to nonprofit prehospital  
489 emergency medical services providers that are either licensed or designated and to emergency  
490 medical services that are the primary emergency medical services for a service area. The  
491 department shall determine the grant amounts by prorating available funds on a per capita basis  
492 by county as described in department rule.



493 (d) The committee shall award the remaining funds as competitive grants for use  
 494 specifically related to the provision of emergency medical services based upon rules  
 495 established by the committee.

496 Section 12. Section **26-21a-302** is amended to read:

497 **26-21a-302. Cancer Research Restricted Account.**

498 (1) As used in this section, "account" means the Cancer Research Restricted Account  
 499 created by this section.

500 (2) There is created in the General Fund a restricted account known as the "Cancer  
 501 Research Restricted Account."

502 (3) The account shall be funded by:

503 (a) contributions deposited into the account in accordance with Section 41-1a-422;

504 (b) private contributions;

505 (c) donations or grants from public or private entities; and

506 (d) interest and earnings on fund money.

507 [~~(4) Funds in the account are nonlapsing.~~]

508 [~~(5)~~] (4) The department shall distribute funds in the account to one or more charitable  
 509 organizations that:

510 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

511 (b) have been designated as an official cancer center of the state;

512 (c) is a National Cancer Institute designated cancer center; and

513 (d) have as part of its primary mission:

514 (i) cancer research programs in basic science, translational science, population science,  
 515 and clinical research to understand cancer from its beginnings; and

516 (ii) the dissemination and use of knowledge developed by the research described in  
 517 Subsection [~~(5)~~] (4)(d)(i) for the creation and improvement of cancer detection, treatments,  
 518 prevention, and outreach programs.

519 [~~(6)~~] (5) (a) An organization described in Subsection [~~(5)~~] (4) may apply to the  
 520 department to receive a distribution in accordance with Subsection [~~(5)~~] (4).

521 (b) An organization that receives a distribution from the department in accordance with  
 522 Subsection [~~(5)~~] (4) shall expend the distribution only to conduct cancer research for the  
 523 purpose of making improvements in cancer treatments, cures, detection, and prevention of

524 cancer at the molecular and genetic levels.

525 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
526 department may make rules providing procedures for an organization to apply to the  
527 department to receive a distribution under Subsection ~~[(5)]~~ (4).

528 Section 13. Section **31A-38-104** is amended to read:

529 **31A-38-104. Authorization -- Money transferred for reserves.**

530 (1) The Department of Workforce Services may:

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

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

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

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

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

538 ~~[(b) (i) in cooperation with the Division of Finance, establish an appropriate state fund  
539 for the purpose of operation of the state program; and]~~

540 ~~[(ii) transfer the balance of any monies received under the bridge program into this  
541 fund; and]~~

542 ~~[(c)]~~ (b) obligate up to \$2,000,000 of the ~~H→~~ **[Workforce Services]** ~~←H~~ Special  
542a Administrative  
543 Expense ~~H→~~ **[Fund]** Account created in Section 35A-4-506 ~~←H~~ as reserves for the state program.

544 ~~[(2) The monies in the fund created under Subsection (1)(b) are: (a) nonlapsing; and  
545 (b) restricted to the purposes of the state program established under this chapter.]~~

546 ~~[(3)]~~ (2) The ~~[monies]~~ money in Subsection (1)~~[(c)]~~(b) may be ~~[-(a)]~~ used until the  
547 reserves in the state program become adequate~~[-and]~~.

548 ~~[(b) transferred into or out of any fund created under Subsection (1)(b):]~~

549 Section 14. Section **35A-4-506** is amended to read:

550 **35A-4-506. Special Administrative ~~H→~~ Expense ~~←H~~ Account.**

551 (1) There is created a restricted account within the General Fund known as the "Special  
552 Administrative Expense Account."

553 (2) (a) Interest and penalties collected under this chapter, less refunds made under  
554 Subsection 35A-4-306(5), shall be paid into the restricted account from the clearing account of

555 the restricted account at the end of each calendar month.

556 (b) A contribution to the restricted account and any other money received for that  
557 purpose shall be paid into the restricted account.

558 (c) The money may not be expended in any manner that would permit their substitution  
559 for, or a corresponding reduction in, federal funds that would in the absence of the money be  
560 available to finance expenditures for the administration of this chapter.

561 (3) Nothing in this section shall prevent the money from being used as a revolving fund  
562 to cover expenditures, necessary and proper under this chapter, for which federal funds have  
563 been duly requested but not yet received subject to the charging of those expenditures against  
564 the funds when received.

565 (4) Money in the restricted account shall be deposited, administered, and dispersed in  
566 accordance with the directions of the Legislature.

567 (5) Money in the restricted account is made available to replace, within a reasonable  
568 time, any money received by this state under Section 302 of the Federal Social Security Act, 42  
569 U.S.C. 502, as amended, that because of any action of contingency have been lost or have been  
570 expended for purposes other than or in amounts in excess of those necessary for the proper  
571 administration of this chapter.

572 (6) Money in the restricted account shall be available to the division for expenditure in  
573 accordance with this section [~~and shall not lapse at any time or be transferred to any other fund~~  
574 ~~or account except as directed by the Legislature~~].

575 (7) The state treasurer shall pay all warrants drawn upon it by the division or its duly  
576 authorized agent in accordance with such rules as the department shall prescribe.

577 (8) (a) The state treasurer shall be liable on the state treasurer's official bond for the  
578 faithful performance of the treasurer's duties in connection with the Special Administrative  
579 Expense Account provided for under this chapter.

580 (b) Liability on the official bond shall exist in addition to any liability upon any  
581 separate bond existent on the effective date of this provision or that may be given in the future.

582 (c) Any money recovered on any surety bond losses sustained by the Special  
583 Administrative Expense Account shall be deposited in the restricted account or in the General  
584 Fund if so directed by the Legislature.

585 Section 15. Section **41-22-19.5** is amended to read:

586 **41-22-19.5. Off-highway Access and Education Restricted Account -- Creation --**  
587 **Funding -- Distribution of funds by the Board of Parks and Recreation.**

588 (1) There is created in the General Fund a restricted account known as the Off-highway  
589 Access and Education Restricted Account.

590 (2) The account shall be funded by:

591 (a) contributions deposited into the Off-highway Access and Education Restricted  
592 Account in accordance with Section 41-1a-230.6;

593 (b) private contributions; and

594 (c) donations or grants from public or private entities.

595 [~~(3)~~ Funds in the account are nonlapsing.]

596 [~~(4)~~ (3) The Legislature shall appropriate money in the account to the board.

597 [~~(5)~~ (4) (a) The state treasurer shall invest money in the account according to Title 51,  
598 Chapter 7, State Money Management Act.

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

601 [~~(6)~~ (5) The board may expend up to 10% of the money appropriated under Subsection  
602 [~~(4)~~ (3) to:

603 (a) administer account distributions in accordance with Subsections [~~(7)~~ (6) through  
604 [~~(10)~~ (9); and

605 (b) administer off-highway vehicle provisions under this chapter.

606 [~~(7)~~ (6) The board shall distribute the funds to a charitable organization that:

607 (a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue  
608 Code;

609 (b) has at least one full-time employee; and

610 (c) has as a primary part of its mission to:

611 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;

612 and

613 (ii) educate the public about appropriate off-highway vehicle use.

614 [~~(8)~~ (7) The board may only consider proposals that are:

615 (a) proposed by a charitable organization under Subsection [~~(7)~~ (6); and

616 (b) designed to:

617 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;  
618 and

619 (ii) educate the public about appropriate off-highway vehicle use.

620 ~~[(9)]~~ (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
621 Act, the board shall make rules providing procedures for an organization to apply to receive  
622 funds under this section.

623 ~~[(10)]~~ (9) The board may not:

624 (a) require matching funds from a charitable organization as a condition of receiving  
625 funds; or

626 (b) prohibit the use of funds to cover litigation expenses incurred in protecting access  
627 to public lands by motor vehicle and off-highway vehicle operators.

628 Section 16. Section **51-9-409** is amended to read:

629 **51-9-409. Guardian Ad Litem Services Account established -- Funding -- Uses.**

630 (1) (a) There is created in the General Fund a restricted account known as the Guardian  
631 Ad Litem Services Account, for the purpose of funding the Office of Guardian Ad Litem, in  
632 accordance with the provisions of Sections 78A-6-901 and 78A-6-902.

633 (b) The account shall be funded by:

634 (i) the donation described in Subsection 41-1a-422(1)(a)(i)(F); and

635 (ii) the amount allocated to the account as provided in Subsections (2) and (3).

636 (2) Except as provided in Subsection (3), the Division of Finance shall allocate 1.75%  
637 of the collected surcharge established in Section 51-9-401 to the Guardian Ad Litem Services  
638 Account.

639 (3) The amount allocated under Subsection (2) may not exceed the amount  
640 appropriated to the Guardian Ad Litem Services Account by the Legislature.

641 Section 17. Section **53-1-118** is amended to read:

642 **53-1-118. Public Safety Honoring Heroes Restricted Account -- Creation --**  
643 **Funding -- Distribution of funds by the commissioner.**

644 (1) There is created in the General Fund a restricted account known as the Public  
645 Safety Honoring Heroes Restricted Account.

646 (2) The account shall be funded by:

647 (a) contributions deposited into the Public Safety Honoring Heroes Restricted Account

648 in accordance with Section 41-1a-422;

649 (b) private contributions; and

650 (c) donations or grants from public or private entities.

651 [~~(3)~~] Funds in the account are nonlapsing;

652 [~~(4)~~] (3) The Legislature shall appropriate money in the account to the commissioner.

653 [~~(5)~~] (4) The commissioner shall distribute the funds to one or more charitable

654 organizations that:

655 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

656 and

657 (b) have as a primary part of their mission to support the families of fallen Utah

658 Highway Patrol troopers and other Department of Public Safety employees.

659 [~~(6)~~] (5) The commissioner may only consider proposals that are:

660 (a) proposed by a charitable organization under Subsection [~~(5)~~] (4); and

661 (b) designed to support families of fallen Utah Highway Patrol troopers and other

662 Department of Public Safety employees.

663 [~~(7)~~] (6) (a) An organization described in Subsection [~~(5)~~] (4) may apply to the

664 commissioner to receive a distribution in accordance with Subsection [~~(5)~~] (4).

665 (b) An organization that receives a distribution from the commissioner in accordance

666 with Subsection [~~(5)~~] (4) shall expend the distribution only to support the families of fallen

667 Utah Highway Patrol troopers and other Department of Public Safety employees.

668 [~~(8)~~] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

669 Act, the commissioner shall make rules providing procedures for an organization to apply to

670 receive funds under this section.

671 Section 18. Section **53-7-204.2** is amended to read:

672 **53-7-204.2. Fire Academy -- Establishment -- Fire Academy Support Account --**  
673 **Funding.**

674 (1) In this section:

675 (a) "Account" means the Fire Academy Support Account created in Subsection (4).

676 (b) "Property insurance premium" means premium paid as consideration for property  
677 insurance as defined in Section 31A-1-301.

678 (2) The board shall:

- 679 (a) establish a fire academy that:
- 680 (i) provides instruction and training for paid, volunteer, institutional, and industrial
- 681 firefighters;
- 682 (ii) develops new methods of firefighting and fire prevention;
- 683 (iii) provides training for fire and arson detection and investigation;
- 684 (iv) provides public education programs to promote fire safety;
- 685 (v) provides for certification of firefighters, pump operators, instructors, and officers;
- 686 and
- 687 (vi) provides facilities for teaching fire-fighting skills;
- 688 (b) establish a cost recovery fee in accordance with Section 63J-1-504 for training
- 689 commercially employed firefighters; and
- 690 (c) request funding for the academy.
- 691 (3) The board may:
- 692 (a) accept gifts, donations, and grants of property and services on behalf of the fire
- 693 academy; and
- 694 (b) enter into contractual agreements necessary to facilitate establishment of the school.
- 695 (4) (a) To provide a funding source for the academy and for the general operation of
- 696 the State Fire Marshal Division, there is created in the General Fund a restricted account
- 697 known as the Fire Academy Support Account.
- 698 (b) The following revenue shall be deposited in the account to implement this section:
- 699 (i) the percentage specified in Subsection (5) of the annual tax for each year that is
- 700 levied, assessed, and collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon
- 701 property insurance premiums and as applied to fire and allied lines insurance collected by
- 702 insurance companies within the state;
- 703 (ii) the percentage specified in Subsection (6) of all money assessed and collected upon
- 704 life insurance premiums within the state;
- 705 (iii) the cost recovery fees established by the board;
- 706 (iv) gifts, donations, and grants of property on behalf of the fire academy; ~~and~~
- 707 (v) appropriations made by the Legislature[-]; and
- 708 (vi) money collected from civil penalties in accordance with Section 53-7-504.
- 709 (5) The percentage of the tax specified in Subsection (4)(b)(i) to be deposited in the

710 account each fiscal year is 25%.

711 (6) The percentage of the money specified in Subsection (4)(b)(ii) to be deposited in  
712 the account each fiscal year is 5%.

713 Section 19. Section **53A-1-304** is amended to read:

714 **53A-1-304. Autism Awareness Restricted Account.**

715 (1) There is created in the General Fund a restricted account known as the "Autism  
716 Awareness Restricted Account."

717 (2) The account shall be funded by:

718 (a) contributions deposited into the account in accordance with Section 41-1a-422;

719 (b) private contributions; and

720 (c) donations or grants from public or private entities.

721 [~~(3) Funds in the account are nonlapsing.~~]

722 [~~(4)~~] (3) Upon appropriation by the Legislature, the superintendent shall distribute  
723 funds in the account to one or more charitable organizations that:

724 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

725 (b) promote access to resources and responsible information for individuals of all ages  
726 who have, or are affected by, autism or related conditions;

727 (c) is an independent organization that has representation from state agencies and  
728 private providers serving individuals with autism spectrum disorder and their families in the  
729 state;

730 (d) includes representation of:

731 (i) national and local autism advocacy groups, as available; and

732 (ii) interested parents and professionals; and

733 (e) does not endorse any specific treatment, therapy, or intervention used for autism.

734 [~~(5)~~] (4) (a) An organization described in Subsection [~~(4)~~] (3) may apply to the  
735 superintendent to receive a distribution in accordance with Subsection [~~(4)~~] (3).

736 (b) An organization that receives a distribution from the superintendent in accordance  
737 with Subsection [~~(4)~~] (3) shall expend the distribution only to:

738 (i) pay for autism education and public awareness of programs and related services in  
739 the state;

740 (ii) enhance programs designed to serve individuals with autism;



741 (iii) provide support to caregivers providing services for individuals with autism;  
742 (iv) pay for academic scholarships and research efforts in the area of autism spectrum  
743 disorder; and

744 (v) pay the costs of issuing or reordering Autism Awareness Support special group  
745 license plate decals.

746 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
747 State Board of Education may make rules providing procedures for an organization to apply to  
748 the superintendent to receive a distribution under Subsection [~~(4)~~] (3).

749 Section 20. Section **53A-21-401** is amended to read:

750 **53A-21-401. Capital Outlay Loan Program -- School Building Revolving Account**  
751 **-- Access to the account.**

752 (1) There is created:

753 (a) the "Capital Outlay Loan Program" to provide:

754 (i) short-term help to school districts to meet district needs for school building  
755 construction and renovation; and

756 (ii) assistance to charter schools to meet school building construction and renovation  
757 needs; and

758 (b) [~~a nonlapsing~~] the "School Building Revolving Account" administered within the  
759 Uniform School Fund by the state superintendent of public instruction in accordance with rules  
760 adopted by the State Board of Education.

761 (2) The State Board of Education may not allocate funds from the School Building  
762 Revolving Account that exceed a school district's bonding limit minus its outstanding bonds.

763 (3) In order to receive money from the account, a school district shall:

764 (a) levy a combined capital levy rate of at least .0024;

765 (b) contract with the state superintendent of public instruction to repay the money, with  
766 interest at a rate established by the state superintendent, within five years of receipt, using  
767 future state capital outlay allocations, local revenues, or both;

768 (c) levy sufficient ad valorem taxes under Section 11-14-310 to guarantee annual loan  
769 repayments, unless the state superintendent of public instruction alters the payment schedule to  
770 improve a hardship situation; and

771 (d) meet any other condition established by the State Board of Education pertinent to

772 the loan.

773 (4) (a) The state superintendent shall establish a committee, including representatives  
774 from state and local education entities, to:

- 775 (i) review requests by school districts for loans under this section; and
- 776 (ii) make recommendations regarding approval or disapproval of the loan applications  
777 to the state superintendent.

778 (b) If the committee recommends approval of a loan application under Subsection  
779 (4)(a)(ii), the committee's recommendation shall include:

- 780 (i) the recommended amount of the loan;
- 781 (ii) the payback schedule; and
- 782 (iii) the interest rate to be charged.

783 (5) (a) There is established within the School Building Revolving Account the Charter  
784 School Building Subaccount administered by the State Board of Education, in consultation  
785 with the State Charter School Board, in accordance with rules adopted by the State Board of  
786 Education.

787 (b) The Charter School Building Subaccount shall consist of:

- 788 (i) money appropriated to the subaccount by the Legislature;
- 789 (ii) money received from the repayment of loans made from the subaccount; and
- 790 (iii) interest earned on money in the subaccount.

791 (c) The state superintendent of public instruction shall make loans to charter schools  
792 from the Charter School Building Subaccount to pay for the costs of:

- 793 (i) planning expenses;
- 794 (ii) constructing or renovating charter school buildings;
- 795 (iii) equipment and supplies; or
- 796 (iv) other start-up or expansion expenses.

797 (d) Loans to new charter schools or charter schools with urgent facility needs may be  
798 given priority.

799 (6) (a) The State Board of Education shall establish a committee to:

- 800 (i) review requests by charter schools for loans under this section; and
- 801 (ii) make recommendations regarding approval or disapproval of the loan applications  
802 to the State Charter School Board and the State Board of Education.

803 (b) (i) A committee established under Subsection (6)(a) shall include individuals who  
804 have expertise or experience in finance, real estate, or charter school administration.

805 (ii) Of the members appointed to a committee established under Subsection (6)(a):

806 (A) one member shall be nominated by the governor; and

807 (B) the remaining members shall be selected from a list of nominees submitted by the  
808 State Charter School Board.

809 (c) If the committee recommends approval of a loan application under Subsection  
810 (6)(a)(ii), the committee's recommendation shall include:

811 (i) the recommended amount of the loan;

812 (ii) the payback schedule; and

813 (iii) the interest rate to be charged.

814 (d) The committee members may not:

815 (i) be a relative, as defined in Section 53A-1a-518, of a loan applicant; or

816 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person  
817 or entity that contracts with a loan applicant.

818 (7) The State Board of Education, in consultation with the State Charter School Board,  
819 shall approve all loans to a charter school under this section.

820 (8) The term of a loan to a charter school under this section may not exceed five years.

821 (9) The State Board of Education may not approve loans to charter schools under this  
822 section that exceed a total of \$2,000,000 in any year.

823 Section 21. Section **53A-24-105** is amended to read:

824 **53A-24-105. Functions of the office.**

825 The office may:

826 (1) apply for, receive, administer, and distribute funds made available through  
827 programs of federal or state governments;

828 (2) cooperate with federal or state governmental entities to administer programs and  
829 program funds;

830 (3) contract or cooperate with public or private entities or individuals;

831 (4) if designated by the responsible authority, and with the approval of the board,  
832 perform any functions or services for the federal or state government that relate to individuals  
833 with disabilities;

834 (5) establish subordinate administrative units necessary to increase efficiency and  
835 improve the delivery of services to individuals with disabilities;

836 (6) establish and operate community service centers, rehabilitation facilities, and  
837 workshops, and make grants to public and nonprofit organizations for those purposes;

838 (7) determine eligibility for, and the nature and scope of, services to be provided under  
839 the state plan for vocational rehabilitation or other programs administered by the office;

840 (8) assist individuals with severe disabilities to establish and operate vending machine  
841 services and other small businesses, and perform services authorized under Title 55, [~~Chapters~~  
842 ~~5 and 5a~~] Chapter 5, Blind Persons Operating Vending Stands, and Chapter 5a, Blind Product  
843 Sales;

844 (9) furnish materials, tools, equipment, initial stocks and supplies, and occupational  
845 licenses needed by rehabilitation facilities, workshops, and small businesses established under  
846 this chapter, and develop and execute marketing plans for materials produced by those  
847 operations;

848 (10) place money received by the office or a subordinate unit through sale of products  
849 or services as authorized under this chapter into a [~~nonlapsing~~] fund managed by the office and  
850 used to support additional training, production, and sales activities;

851 (11) conduct studies and investigations, give demonstrations and make reports, and  
852 provide training and instruction related to the work of the office;

853 (12) establish and maintain research fellowships and traineeships, including necessary  
854 stipends and allowances for those receiving training and instruction;

855 (13) institute and supervise programs to encourage the conservation of sight and  
856 hearing and assist in overcoming and preventing disabling conditions;

857 (14) provide diagnostic, placement, vocational rehabilitation, training, adjustment, and  
858 independent living services; and

859 (15) do all other things necessary to carry out assignments made by law or the board in  
860 assisting and rehabilitating persons with disabilities.

861 Section 22. Section **53C-3-203** is amended to read:

862 **53C-3-203. Land Exchange Distribution Account.**

863 (1) As used in this section, "account" means the Land Exchange Distribution Account  
864 created in Subsection (2)(a).

865 (2) (a) There is created within the General Fund a restricted account known as the Land  
866 Exchange Distribution Account.

867 (b) The account shall consist of revenue deposited in the account as required by  
868 Section 53C-3-202.

869 (3) (a) The state treasurer shall invest money in the account according to Title 51,  
870 Chapter 7, State Money Management Act.

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

873 (4) The Legislature shall annually appropriate from the account in the following order:

874 (a) \$1,000,000 to the Constitutional Defense Restricted Account, created in 63C-4-103,  
875 to be used in accordance with Subsection 63C-4-103[~~(6)~~](5) for:

876 (i) fiscal year 2010-11;

877 (ii) fiscal year 2011-12; and

878 (iii) fiscal year 2012-13; and

879 (b) from the deposits to the account remaining after the appropriation in Subsection  
880 (4)(a), the following amounts:

881 (i) 55% of the deposits to counties in amounts proportionate to the amounts of mineral  
882 revenue generated from the acquired land, exchanged land, acquired mineral interests, or  
883 exchanged mineral interests located in each county, to be used to mitigate the impacts caused  
884 by mineral development;

885 (ii) 25% of the deposits to counties in amounts proportionate to the total surface and  
886 mineral acreage within each county that was conveyed to the United States under the agreement  
887 or an exchange, to be used to mitigate the loss of mineral development opportunities resulting  
888 from the agreement or exchange;

889 (iii) 1.68% of the deposits to the State Board of Education, to be used for education  
890 research and experimentation in the use of staff and facilities designed to improve the quality  
891 of education in Utah;

892 (iv) 1.66% of the deposits to the Geological Survey, to be used for natural resources  
893 development in the state;

894 (v) 1.66% of the deposits to the Water Research Laboratory at Utah State University, to  
895 be used for water development in the state; and

896 (vi) 7.5% of the deposits to the Constitutional Defense Restricted Account created in  
897 Section 63C-4-103.

898 (5) Beginning with fiscal year 2009-10, the Legislature shall annually appropriate 1% of  
899 the deposits remaining in the account after the appropriation is made in accordance with  
900 Subsection (4)(a) to the Geological Survey, to be used for test wells, other hydrologic studies,  
901 and air quality monitoring in the West Desert.

902 (6) Beginning with fiscal year 2009-10, the Legislature shall annually appropriate 6.5%  
903 of the deposits remaining in the account after the appropriation is made in Subsection (4)(a) to  
904 the Permanent Community Impact Fund created in Section 9-4-303, to be used for grants to  
905 political subdivisions of the state to mitigate the impacts resulting from the development or use  
906 of school and institutional trust lands.

907 Section 23. Section **58-31b-103** is amended to read:

908 **58-31b-103. Nurse Education and Enforcement Account.**

909 (1) There is created a restricted account within the General Fund known as the "Nurse  
910 Education and Enforcement Account."

911 (2) The restricted account shall [~~be nonlapsing and~~] consist of:

- 912 (a) administrative penalties imposed under Section 58-31b-503; and
- 913 (b) interest earned on money in the account.

914 (3) Money in the account may be appropriated by the Legislature for the following  
915 purposes:

- 916 (a) education and training of licensees or potential licensees under this chapter;
- 917 (b) enforcement of this chapter by:
  - 918 (i) investigating unprofessional or unlawful conduct;
  - 919 (ii) providing legal representation to the division when legal action is taken against a  
920 person engaging in unprofessional or unlawful conduct; and
  - 921 (iii) monitoring compliance of renewal requirements;
- 922 (c) survey nursing education programs throughout the state;
- 923 (d) education and training of board members; and
- 924 (e) review and approve nursing education programs and medication aide certified  
925 training programs.

926 Section 24. Section **58-44a-103** is amended to read:

927 **58-44a-103. Certified Nurse Midwife Education and Enforcement Account.**

928 (1) There is created a restricted account within the General Fund known as the  
929 "Certified Nurse Midwife Education and Enforcement Account."

930 (2) The restricted account shall ~~[be nonlapsing and]~~ consist of:

- 931 (a) administrative penalties imposed under Section 58-44a-402; and
- 932 (b) interest earned on money in the account.

933 (3) Money in the account may be appropriated by the Legislature for the following  
934 purposes:

- 935 (a) education and training of licensees under this chapter;
- 936 (b) enforcement of this chapter by:
  - 937 (i) investigating unprofessional or unlawful conduct;
  - 938 (ii) providing legal representation to the division when legal action is taken against a  
939 person engaging in unprofessional or unlawful conduct; and
  - 940 (iii) monitoring compliance of renewal requirements; and
- 941 (c) education and training of board members.

942 Section 25. Section **58-63-103** is amended to read:

943 **58-63-103. Use of dedicated credits for licensing, education, and enforcement.**

944 ~~[(+)]~~ The director may, with the concurrence of the board, use the monies collected  
945 under Section 58-63-503 for the following purposes:

- 946 ~~[(a)]~~ (1) educating and training licensees under this chapter;
- 947 ~~[(b)]~~ (2) educating and training the general public or other interested persons in matters  
948 concerning the laws that govern the practices licensed under this chapter; and
- 949 ~~[(c)]~~ (3) enforcing this chapter by:
  - 950 ~~[(i)]~~ (a) investigating unprofessional or unlawful conduct; and
  - 951 ~~[(ii)]~~ (b) providing legal representation to the division when it takes legal action against  
952 a person charged with unprofessional or unlawful conduct.

953 ~~[(2) The monies collected under Section 58-63-503 and used for the purposes listed in  
954 Subsection (1) are nonlapsing.]~~

955 Section 26. Section **58-76-103** is amended to read:

956 **58-76-103. Professional Geologist Education and Enforcement Account.**

957 (1) There is created a restricted account within the General Fund known as the

958 "Professional Geologist Education and Enforcement Account."

959 (2) The restricted account shall [~~be nonlapsing and~~] consist of money from:

960 (a) a surcharge fee established by the department in accordance with Section  
961 63J-1-504, placed on initial, renewal, and reinstatement licensure fees under this chapter not to  
962 exceed 50% of the respective initial, renewal, or reinstatement licensure fee;

963 (b) administrative penalties collected pursuant to this chapter; and

964 (c) interest earned on money in the account.

965 (3) Money in the account may be appropriated by the Legislature for the following  
966 purposes:

967 (a) education and training of licensees under this chapter;

968 (b) education and training of the public or other interested persons in matters  
969 concerning geology laws and practices;

970 (c) enforcement of this chapter by:

971 (i) investigating unprofessional or unlawful conduct;

972 (ii) providing legal representation to the division when legal action is taken against a  
973 person engaging in unprofessional or unlawful conduct; and

974 (iii) monitoring compliance of renewal requirements; and

975 (d) education and training of board members.

976 Section 27. Section **59-10-1314** is amended to read:

977 **59-10-1314. Contribution to Methamphetamine Housing Reconstruction and**  
978 **Rehabilitation Account.**

979 (1) For a taxable year beginning on or after January 1, 2010, but beginning on or before  
980 December 31, 2012 only, a resident or nonresident individual that files an individual income  
981 tax return under this chapter may designate on the resident or nonresident individual's  
982 individual income tax return a contribution as provided in this section to be:

983 (a) deposited into the Methamphetamine Housing Reconstruction and Rehabilitation  
984 [~~Fund~~] Account created in Section 9-4-1503; and

985 (b) expended for the purposes described in Section 9-4-1503.

986 (2) The commission shall:

987 (a) determine the total amount of contributions designated in accordance with this  
988 section for the taxable year described in Subsection (1); and



989 (b) credit the amount described in Subsection (2)(a) to the Methamphetamine Housing  
990 Reconstruction and Rehabilitation [Fund] Account created in Section 9-4-1503.

991 Section 28. Section **59-12-103** is amended to read:

992 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**  
993 **tax revenues.**

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

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

997 (b) amounts paid for:

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

1000 (ii) mobile telecommunications service that originates and terminates within the  
1001 boundaries of one state only to the extent permitted by the Mobile Telecommunications  
1002 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1003 (iii) an ancillary service associated with a:

1004 (A) telecommunications service described in Subsection (1)(b)(i); or

1005 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1006 (c) sales of the following for commercial use:

1007 (i) gas;

1008 (ii) electricity;

1009 (iii) heat;

1010 (iv) coal;

1011 (v) fuel oil; or

1012 (vi) other fuels;

1013 (d) sales of the following for residential use:

1014 (i) gas;

1015 (ii) electricity;

1016 (iii) heat;

1017 (iv) coal;

1018 (v) fuel oil; or

1019 (vi) other fuels;

- 1020 (e) sales of prepared food;
- 1021 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1022 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1023 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1024 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1025 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1026 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1027 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1028 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1029 exhibition, cultural, or athletic activity;
- 1030 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1031 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
- 1032 (i) the tangible personal property; and
- 1033 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1034 in Subsection (1)(g)(i), whether or not any parts are actually used in the repairs or renovations
- 1035 of that tangible personal property;
- 1036 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
- 1037 assisted cleaning or washing of tangible personal property;
- 1038 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
- 1039 accommodations and services that are regularly rented for less than 30 consecutive days;
- 1040 (j) amounts paid or charged for laundry or dry cleaning services;
- 1041 (k) amounts paid or charged for leases or rentals of tangible personal property if within
- 1042 this state the tangible personal property is:
- 1043 (i) stored;
- 1044 (ii) used; or
- 1045 (iii) otherwise consumed;
- 1046 (l) amounts paid or charged for tangible personal property if within this state the
- 1047 tangible personal property is:
- 1048 (i) stored;
- 1049 (ii) used; or
- 1050 (iii) consumed; and

- 1051 (m) amounts paid or charged for a sale:
- 1052 (i) (A) of a product that:
- 1053 (I) is transferred electronically; and
- 1054 (II) would be subject to a tax under this chapter if the product was transferred in a
- 1055 manner other than electronically; or
- 1056 (B) of a repair or renovation of a product that:
- 1057 (I) is transferred electronically; and
- 1058 (II) would be subject to a tax under this chapter if the product was transferred in a
- 1059 manner other than electronically; and
- 1060 (ii) regardless of whether the sale provides:
- 1061 (A) a right of permanent use of the product; or
- 1062 (B) a right to use the product that is less than a permanent use, including a right:
- 1063 (I) for a definite or specified length of time; and
- 1064 (II) that terminates upon the occurrence of a condition.
- 1065 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
- 1066 is imposed on a transaction described in Subsection (1) equal to the sum of:
- 1067 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1068 (A) 4.70%; and
- 1069 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
- 1070 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
- 1071 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
- 1072 State Sales and Use Tax Act; and
- 1073 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
- 1074 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
- 1075 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
- 1076 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- 1077 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 1078 transaction under this chapter other than this part.
- 1079 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
- 1080 on a transaction described in Subsection (1)(d) equal to the sum of:
- 1081 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1082           (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1083 transaction under this chapter other than this part.

1084           (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed  
1085 on amounts paid or charged for food and food ingredients equal to the sum of:

1086           (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
1087 a tax rate of 1.75%; and

1088           (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1089 amounts paid or charged for food and food ingredients under this chapter other than this part.

1090           (d) (i) For a bundled transaction that is attributable to food and food ingredients and  
1091 tangible personal property other than food and food ingredients, a state tax and a local tax is  
1092 imposed on the entire bundled transaction equal to the sum of:

1093           (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1094           (I) the tax rate described in Subsection (2)(a)(i)(A); and

1095           (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
1096 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1097 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
1098 Additional State Sales and Use Tax Act; and

1099           (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
1100 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1101 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
1102 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1103           (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates  
1104 described in Subsection (2)(a)(ii).

1105           (ii) Subject to Subsection (2)(d)(iii), for a bundled transaction other than a bundled  
1106 transaction described in Subsection (2)(d)(i):

1107           (A) if the sales price of the bundled transaction is attributable to tangible personal  
1108 property, a product, or a service that is subject to taxation under this chapter and tangible  
1109 personal property, a product, or service that is not subject to taxation under this chapter, the  
1110 entire bundled transaction is subject to taxation under this chapter unless:

1111           (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1112 personal property, product, or service that is not subject to taxation under this chapter from the

- 1113 books and records the seller keeps in the seller's regular course of business; or  
1114 (II) state or federal law provides otherwise; or  
1115 (B) if the sales price of a bundled transaction is attributable to two or more items of  
1116 tangible personal property, products, or services that are subject to taxation under this chapter  
1117 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
1118 higher tax rate unless:
- 1119 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1120 personal property, product, or service that is subject to taxation under this chapter at the lower  
1121 tax rate from the books and records the seller keeps in the seller's regular course of business; or  
1122 (II) state or federal law provides otherwise.
- 1123 (iii) For purposes of Subsection (2)(d)(ii), books and records that a seller keeps in the  
1124 seller's regular course of business includes books and records the seller keeps in the regular  
1125 course of business for nontax purposes.
- 1126 (e) Subject to Subsections (2)(f) and (g), a tax rate repeal or tax rate change for a tax  
1127 rate imposed under the following shall take effect on the first day of a calendar quarter:
- 1128 (i) Subsection (2)(a)(i)(A);  
1129 (ii) Subsection (2)(b)(i);  
1130 (iii) Subsection (2)(c)(i); or  
1131 (iv) Subsection (2)(d)(i)(A)(I).
- 1132 (f) (i) A tax rate increase shall take effect on the first day of the first billing period that  
1133 begins after the effective date of the tax rate increase if the billing period for the transaction  
1134 begins before the effective date of a tax rate increase imposed under:
- 1135 (A) Subsection (2)(a)(i)(A);  
1136 (B) Subsection (2)(b)(i);  
1137 (C) Subsection (2)(c)(i); or  
1138 (D) Subsection (2)(d)(i)(A)(I).
- 1139 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
1140 billing period that began before the effective date of the repeal of the tax or the tax rate  
1141 decrease if the billing period for the transaction begins before the effective date of the repeal of  
1142 the tax or the tax rate decrease imposed under:
- 1143 (A) Subsection (2)(a)(i)(A);

- 1144 (B) Subsection (2)(b)(i);
- 1145 (C) Subsection (2)(c)(i); or
- 1146 (D) Subsection (2)(d)(i)(A)(I).
- 1147 (g) (i) For a tax rate described in Subsection (2)(g)(ii), if a tax due on a catalogue sale
- 1148 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
- 1149 or change in a tax rate takes effect:
  - 1150 (A) on the first day of a calendar quarter; and
  - 1151 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1152 (ii) Subsection (2)(g)(i) applies to the tax rates described in the following:
  - 1153 (A) Subsection (2)(a)(i)(A);
  - 1154 (B) Subsection (2)(b)(i);
  - 1155 (C) Subsection (2)(c)(i); or
  - 1156 (D) Subsection (2)(d)(i)(A)(I).
- 1157 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1158 the commission may by rule define the term "catalogue sale."
- 1159 (3) (a) The following state taxes shall be deposited into the General Fund:
  - 1160 (i) the tax imposed by Subsection (2)(a)(i)(A);
  - 1161 (ii) the tax imposed by Subsection (2)(b)(i);
  - 1162 (iii) the tax imposed by Subsection (2)(c)(i); or
  - 1163 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).
- 1164 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1165 in this chapter:
  - 1166 (i) the tax imposed by Subsection (2)(a)(ii);
  - 1167 (ii) the tax imposed by Subsection (2)(b)(ii);
  - 1168 (iii) the tax imposed by Subsection (2)(c)(ii); and
  - 1169 (iv) the tax imposed by Subsection (2)(d)(i)(B).
- 1170 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1171 2003, the lesser of the following amounts shall be used as provided in Subsections (4)(b)
- 1172 through (g):
  - 1173 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
  - 1174 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1175 (B) for the fiscal year; or  
1176 (ii) \$17,500,000.  
1177 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount  
1178 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the  
1179 Department of Natural Resources to:  
1180 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to  
1181 protect sensitive plant and animal species; or  
1182 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
1183 act, to political subdivisions of the state to implement the measures described in Subsections  
1184 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.  
1185 (ii) Money transferred to the Department of Natural Resources under Subsection  
1186 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
1187 person to list or attempt to have listed a species as threatened or endangered under the  
1188 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.  
1189 (iii) At the end of each fiscal year:  
1190 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
1191 Conservation and Development Fund created in Section 73-10-24;  
1192 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
1193 Program Subaccount created in Section 73-10c-5; and  
1194 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
1195 Program Subaccount created in Section 73-10c-5.  
1196 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
1197 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund  
1198 created in Section 4-18-6.  
1199 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
1200 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water  
1201 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of  
1202 water rights.  
1203 (ii) At the end of each fiscal year:  
1204 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
1205 Conservation and Development Fund created in Section 73-10-24;

1206 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
1207 Program Subaccount created in Section 73-10c-5; and

1208 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
1209 Program Subaccount created in Section 73-10c-5.

1210 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described  
1211 in Subsection (4)(a) shall be deposited in the Water Resources Conservation and Development  
1212 Fund created in Section 73-10-24 for use by the Division of Water Resources.

1213 (ii) In addition to the uses allowed of the Water Resources Conservation and  
1214 Development Fund under Section 73-10-24, the Water Resources Conservation and  
1215 Development Fund may also be used to:

1216 (A) conduct hydrologic and geotechnical investigations by the Division of Water  
1217 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of  
1218 quantifying surface and ground water resources and describing the hydrologic systems of an  
1219 area in sufficient detail so as to enable local and state resource managers to plan for and  
1220 accommodate growth in water use without jeopardizing the resource;

1221 (B) fund state required dam safety improvements; and

1222 (C) protect the state's interest in interstate water compact allocations, including the  
1223 hiring of technical and legal staff.

1224 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1225 in Subsection (4)(a) shall be deposited in the Utah Wastewater Loan Program Subaccount  
1226 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1227 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1228 in Subsection (4)(a) shall be deposited in the Drinking Water Loan Program Subaccount  
1229 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1230 (i) provide for the installation and repair of collection, treatment, storage, and  
1231 distribution facilities for any public water system, as defined in Section 19-4-102;

1232 (ii) develop underground sources of water, including springs and wells; and

1233 (iii) develop surface water sources.

1234 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1235 2006, the difference between the following amounts shall be expended as provided in this  
1236 Subsection (5), if that difference is greater than \$1:



1237 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
1238 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1239 (ii) \$17,500,000.

1240 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1241 (A) transferred each fiscal year to the Department of Natural Resources as dedicated  
1242 credits; and

1243 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
1244 restoration.

1245 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1246 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund  
1247 created in Section 73-10-24.

1248 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
1249 remaining difference described in Subsection (5)(a) shall be:

1250 (A) transferred each fiscal year to the Division of Water Resources as dedicated  
1251 credits; and

1252 (B) expended by the Division of Water Resources for cloud-seeding projects  
1253 authorized by Title 73, Chapter 15, Modification of Weather.

1254 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1255 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund  
1256 created in Section 73-10-24.

1257 (d) After making the transfers required by Subsections (5)(b) and (c), 94% of the  
1258 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
1259 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
1260 Division of Water Resources for:

1261 (i) preconstruction costs:

1262 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
1263 26, Bear River Development Act; and

1264 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
1265 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1266 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,  
1267 Chapter 26, Bear River Development Act;

1268 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
1269 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1270 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, 73-10-30, and  
1271 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1272 ~~[(e) Any unexpended monies described in Subsection (5)(d) that remain in the Water  
1273 Resources Conservation and Development Fund at the end of the fiscal year are nonlapsing.]~~

1274 ~~[(f)]~~ (e) After making the transfers required by Subsections (5)(b) and (c) and subject  
1275 to Subsection (5)~~[(g)]~~(f), 6% of the remaining difference described in Subsection (5)(a) shall be  
1276 transferred each year as dedicated credits to the Division of Water Rights to cover the costs  
1277 incurred for employing additional technical staff for the administration of water rights.

1278 ~~[(g)]~~ (f) At the end of each fiscal year, any unexpended dedicated credits described in  
1279 Subsection (5)~~[(f)]~~(e) over \$150,000 lapse to the Water Resources Conservation and  
1280 Development Fund created in Section 73-10-24.

1281 (6) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1282 2003, and for taxes listed under Subsection (3)(a), the amount of revenue generated by a 1/16%  
1283 tax rate on the transactions described in Subsection (1) for the fiscal year shall be deposited in  
1284 the Transportation Fund created by Section 72-2-102.

1285 (7) (a) Notwithstanding Subsection (3)(a) and until Subsection (7)(b) applies,  
1286 beginning on January 1, 2000, the Division of Finance shall deposit into the Centennial  
1287 Highway Fund Restricted Account created in Section 72-2-118 a portion of the taxes listed  
1288 under Subsection (3)(a) equal to the revenues generated by a 1/64% tax rate on the taxable  
1289 transactions under Subsection (1).

1290 (b) Notwithstanding Subsection (3)(a), when the highway general obligation bonds  
1291 have been paid off and the highway projects completed that are intended to be paid from  
1292 revenues deposited in the Centennial Highway Fund Restricted Account as determined by the  
1293 Executive Appropriations Committee under Subsection 72-2-118(6)(d), the Division of  
1294 Finance shall deposit into the Transportation Investment Fund of 2005 created by Section  
1295 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated  
1296 by a 1/64% tax rate on the taxable transactions under Subsection (1).

1297 (8) (a) Notwithstanding Subsection (3)(a) and in addition to the amount deposited in  
1298 Subsection (7)(a), for the 2010-11 fiscal year only, the Division of Finance shall deposit into

1299 the Centennial Highway Fund Restricted Account created by Section 72-2-118 a portion of the  
1300 taxes listed under Subsection (3)(a) equal to 1.93% of the revenues collected from the  
1301 following taxes, which represents a portion of the approximately 17% of sales and use tax  
1302 revenues generated annually by the sales and use tax on vehicles and vehicle-related products:

- 1303 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1304 (ii) the tax imposed by Subsection (2)(b)(i);
- 1305 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1306 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

1307 (b) Notwithstanding Subsection (3)(a), in addition to the amount deposited in  
1308 Subsection (7)(a), and until Subsection (8)(c) applies, for a fiscal year beginning on or after  
1309 July 1, 2011, the Division of Finance shall deposit into the Centennial Highway Fund  
1310 Restricted Account created by Section 72-2-118 a portion of the taxes listed under Subsection  
1311 (3)(a) equal to 8.3% of the revenues collected from the following taxes, which represents a  
1312 portion of the approximately 17% of sales and use tax revenues generated annually by the sales  
1313 and use tax on vehicles and vehicle-related products:

- 1314 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1315 (ii) the tax imposed by Subsection (2)(b)(i);
- 1316 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1317 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

1318 (c) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited under  
1319 Subsection (7)(b), when the highway general obligation bonds have been paid off and the  
1320 highway projects completed that are intended to be paid from revenues deposited in the  
1321 Centennial Highway Fund Restricted Account as determined by the Executive Appropriations  
1322 Committee under Subsection 72-2-118(6)(d), the Division of Finance shall deposit into the  
1323 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes  
1324 listed under Subsection (3)(a) equal to 8.3% of the revenues collected from the following taxes,  
1325 which represents a portion of the approximately 17% of sales and use tax revenues generated  
1326 annually by the sales and use tax on vehicles and vehicle-related products:

- 1327 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1328 (ii) the tax imposed by Subsection (2)(b)(i);
- 1329 (iii) the tax imposed by Subsection (2)(c)(i); and

1330 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

1331 (9) (a) Notwithstanding Subsection (3)(a) and for the fiscal year 2008-09 only, the  
1332 Division of Finance shall deposit \$55,000,000 of the revenues generated by the taxes listed  
1333 under Subsection (3)(a) into the Critical Highway Needs Fund created by Section 72-2-125.

1334 (b) Notwithstanding Subsection (3)(a) and until Subsection (9)(c) applies, for a fiscal  
1335 year beginning on or after July 1, 2009, the Division of Finance shall annually deposit  
1336 \$90,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the  
1337 Critical Highway Needs Fund created by Section 72-2-125.

1338 (c) Notwithstanding Subsection (3)(a) and in addition to any amounts deposited under  
1339 Subsections (7) and (8), when the general obligation bonds authorized by Section 63B-16-101  
1340 have been paid off and the highway projects completed that are included in the prioritized  
1341 project list under Subsection 72-2-125(4) as determined in accordance with Subsection  
1342 72-2-125(6), the Division of Finance shall annually deposit \$90,000,000 of the revenues  
1343 generated by the taxes listed under Subsection (3)(a) into the Transportation Investment Fund  
1344 of 2005 created by Section 72-2-124.

1345 (10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1346 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1347 created by Section 9-4-1409 and expended as provided in Section 9-4-1409.

1348 (11) (a) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection  
1349 (11)(a)(ii), and until Subsection (11)(b) applies, beginning on January 1, 2009, the Division of  
1350 Finance shall deposit into the Critical Highway Needs Fund created by Section 72-2-125 the  
1351 amount of tax revenue generated by a .025% tax rate on the transactions described in  
1352 Subsection (1).

1353 (ii) For purposes of Subsection (11)(a)(i), the Division of Finance may not deposit into  
1354 the Critical Highway Needs Fund any tax revenue generated by amounts paid or charged for  
1355 food and food ingredients, except for tax revenue generated by a bundled transaction  
1356 attributable to food and food ingredients and tangible personal property other than food and  
1357 food ingredients described in Subsection (2)(e).

1358 (b) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b)(ii),  
1359 and in addition to any amounts deposited under Subsections (7), (9), and (10), when the general  
1360 obligation bonds authorized by Section 63B-16-101 have been paid off and the highway

1361 projects completed that are included in the prioritized project list under Subsection 72-2-125(4)  
1362 as determined in accordance with Subsection 72-2-125(6), the Division of Finance shall  
1363 deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the  
1364 amount of tax revenue generated by a .025% tax rate on the transactions described in  
1365 Subsection (1).

1366 (ii) For purposes of Subsection (11)(b)(i), the Division of Finance may not deposit into  
1367 the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or  
1368 charged for food and food ingredients, except for tax revenue generated by a bundled  
1369 transaction attributable to food and food ingredients and tangible personal property other than  
1370 food and food ingredients described in Subsection (2)(e).

1371 (12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection  
1372 (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the  
1373 Transportation Fund created by Section 72-2-102 the amount of tax revenue generated by a  
1374 .025% tax rate on the transactions described in Subsection (1) to be expended to address  
1375 chokepoints in construction management.

1376 (b) For purposes of Subsection (12)(a), the Division of Finance may not deposit into  
1377 the Transportation Fund any tax revenue generated by amounts paid or charged for food and  
1378 food ingredients, except for tax revenue generated by a bundled transaction attributable to food  
1379 and food ingredients and tangible personal property other than food and food ingredients  
1380 described in Subsection (2)(e).

1381 Section 29. Section **59-12-120** is amended to read:

1382 **59-12-120. Investment incentive to ski resorts for lease or purchase of certain**  
1383 **equipment -- Ski Resort Capital Investment Restricted Account created -- Conditions and**  
1384 **restrictions on receiving incentive -- State Tax Commission to administer.**

1385 (1) Any person operating a ski resort in the state of Utah shall be entitled to an  
1386 investment incentive in an amount not to exceed the costs incurred in the purchase or lease of:

- 1387 (a) snow making equipment;  
1388 (b) ski slope grooming equipment; and  
1389 (c) passenger ropeways as defined in Section 72-11-102.

1390 (2) The investment incentive allowed in Subsection (1) shall be paid from the Ski  
1391 Resort Capital Investment Restricted Account created in Subsection (5). The investment

1392 incentive shall be allowed only to the extent that for each dollar of investment incentive  
1393 allowed, three dollars shall be expended for the purchase or lease of property described in  
1394 Subsection (1) by a person operating a ski resort. The investment incentive paid out of the  
1395 account shall be allocated among ski resorts based on the relation between the total sales tax  
1396 collected from the sale of ski lift tickets in Utah to the total sales tax collected from the sale of  
1397 ski lift tickets in Utah by each ski resort.

1398 (3) The investment incentive is available to any person operating a ski resort in the  
1399 state of Utah making purchases or leases of property described in Subsection (1) on or after  
1400 January 1, 1989 and on or before December 31, 1992. All claims made under this section  
1401 against the amount in the Ski Resort Capital Investment Restricted Account shall be made on  
1402 or before June 30, 1993.

1403 (4) If a ski resort is sold or leased to an unrelated third party within four years after the  
1404 reporting period in which the investment incentive allowed in Subsection (1) is taken, the  
1405 person who received the investment incentive shall reimburse to the Ski Resort Capital  
1406 Investment Restricted Account an amount equal to all investment incentives received during  
1407 the period described in Subsection (3). For purposes of this Subsection (4), if a ski resort is  
1408 sold in connection with a bankruptcy proceeding, the sale shall be considered the kind of sale  
1409 requiring the reimbursement of the investment incentive.

1410 (5) There is created the Ski Resort Capital Investment Incentive Restricted Account  
1411 within the General Fund. [~~The amount appropriated in this section is nonlapsing until July 1,~~  
1412 ~~1993.~~]

1413 (6) The State Tax Commission shall administer this section by rule.

1414 Section 30. Section **61-2-204** is amended to read:

1415 **61-2-204. Utah Housing Opportunity Restricted Account.**

1416 (1) For purposes of this section, "account" means the Utah Housing Opportunity  
1417 Restricted Account created by this section.

1418 (2) There is created in the General Fund a restricted account known as the "Utah  
1419 Housing Opportunity Restricted Account."

1420 (3) The account shall be funded by:

1421 (a) contributions deposited into the account in accordance with Section 41-1a-422;

1422 (b) private contributions; and

1423 (c) donations or grants from public or private entities.

1424 [~~(4) Money in the account is nonlapsing.~~]

1425 [~~(5)~~] (4) (a) The state treasurer shall invest money in the account according to Title 51,  
1426 Chapter 7, State Money Management Act.

1427 (b) The Division of Finance shall deposit interest or other earnings derived from  
1428 investment of account money into the General Fund.

1429 [~~(6)~~] (5) The Legislature shall appropriate money in the account to the division.

1430 [~~(7)~~] (6) The division shall distribute the money in the account to one or more  
1431 charitable organizations that:

1432 (a) are tax exempt under Section 501(c)(3), Internal Revenue Code; and

1433 (b) have as a primary part of their mission to provide support to organizations that  
1434 create affordable housing for those in severe need.

1435 [~~(8)~~] (7) The division may consider a proposal only if it is:

1436 (a) proposed by an organization described in Subsection [~~(7)~~] (6); and

1437 (b) designed to provide support to organizations that create affordable housing for  
1438 those in severe need.

1439 [~~(9)~~] (8) (a) An organization described in Subsection [~~(7)~~] (6) may apply to the division  
1440 to receive a distribution in accordance with Subsection [~~(7)~~] (6).

1441 (b) An organization that receives a distribution from the division in accordance with  
1442 Subsection [~~(7)~~] (6) shall expend the distribution only to provide support to organizations that  
1443 create affordable housing for those in severe need.

1444 [~~(10)~~] (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1445 Act, the division shall make rules providing procedures for an organization to apply to receive  
1446 money under this section.

1447 Section 31. Section **62A-1-119** is amended to read:

1448 **62A-1-119. Respite Care Assistance Fund -- Use of money -- Restrictions --**

1449 **Annual report.**

1450 (1) There is created a restricted special revenue fund known as the Respite Care  
1451 Assistance Fund.

1452 (2) The fund shall consist of:

1453 (a) gifts, grants, devises, donations, and bequests of real property, personal property, or

1454 services, from any source, made to the fund; and

1455 (b) any additional amounts as appropriated by the Legislature.

1456 (3) The fund shall be administered by the director of the Utah Developmental  
1457 Disabilities Council.

1458 [~~(4) All monies appropriated to the fund are nonlapsing.~~]

1459 [~~(5)~~] (4) The fund [~~monies~~] money shall be used for the following activities:

1460 (a) to support a respite care information and referral system;

1461 (b) to educate and train caregivers and respite care providers; and

1462 (c) to provide grants to caregivers.

1463 [~~(6)~~] (5) An individual who receives services paid for from the fund shall:

1464 (a) be a resident of Utah; and

1465 (b) be a primary care giver for:

1466 (i) an aging individual; or

1467 (ii) an individual with a cognitive, mental, or physical disability.

1468 [~~(7)~~] (6) The fund [~~monies~~] money may not be used for:

1469 (a) administrative expenses that are normally provided for by legislative appropriation;

1470 or

1471 (b) direct services or support mechanisms that are available from or provided by

1472 another government or private agency.

1473 [~~(8)~~] (7) All interest and other earnings derived from the fund [~~monies~~] money shall be  
1474 deposited into the fund.

1475 [~~(9)~~] (8) The state treasurer shall invest the monies in the fund under Title 51, Chapter  
1476 7, State Money Management Act.

1477 [~~(10)~~] (9) The Department of Human Services shall make an annual report to the  
1478 appropriate appropriations subcommittee of the Legislature regarding the status of the fund,  
1479 including a report on the contributions received, expenditures made, and programs and services  
1480 funded.

1481 Section 32. Section **62A-15-103** is amended to read:

1482 **62A-15-103. Division -- Creation -- Responsibilities.**

1483 (1) There is created the Division of Substance Abuse and Mental Health within the  
1484 department, under the administration and general supervision of the executive director. The



- 1485 division is the substance abuse authority and the mental health authority for this state.
- 1486 (2) The division shall:
- 1487 (a) (i) educate the general public regarding the nature and consequences of substance  
1488 abuse by promoting school and community-based prevention programs;
- 1489 (ii) render support and assistance to public schools through approved school-based  
1490 substance abuse education programs aimed at prevention of substance abuse;
- 1491 (iii) promote or establish programs for the prevention of substance abuse within the  
1492 community setting through community-based prevention programs;
- 1493 (iv) cooperate and assist other organizations and private treatment centers for substance  
1494 abusers, by providing them with essential materials for furthering programs of prevention and  
1495 rehabilitation of actual and potential substance abusers; and
- 1496 (v) promote or establish programs for education and certification of instructors to  
1497 educate persons convicted of driving under the influence of alcohol or drugs or driving with  
1498 any measurable controlled substance in the body;
- 1499 (b) (i) collect and disseminate information pertaining to mental health; [~~and~~]
- 1500 (ii) provide direction over the state hospital including approval of its budget,  
1501 administrative policy, and coordination of services with local service plans;
- 1502 (iii) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative  
1503 Rulemaking Act, to educate families concerning mental illness and promote family  
1504 involvement, when appropriate, and with patient consent, in the treatment program of a family  
1505 member; and
- 1506 (iv) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative  
1507 Rulemaking Act, to direct that all individuals receiving services through local mental health  
1508 authorities or the Utah State Hospital be informed about and, if desired, provided assistance in  
1509 completion of a declaration for mental health treatment in accordance with Section  
1510 62A-15-1002;
- 1511 (c) (i) consult and coordinate with local substance abuse authorities and local mental  
1512 health authorities regarding programs and services;
- 1513 (ii) provide consultation and other assistance to public and private agencies and groups  
1514 working on substance abuse and mental health issues;
- 1515 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,

1516 medical and social agencies, public health authorities, law enforcement agencies, education and  
1517 research organizations, and other related groups;

1518 (iv) promote or conduct research on substance abuse and mental health issues, and  
1519 submit to the governor and the Legislature recommendations for changes in policy and  
1520 legislation;

1521 (v) receive, distribute, and provide direction over public funds for substance abuse and  
1522 mental health services;

1523 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
1524 local mental health authorities;

1525 (vii) examine expenditures of any local, state, and federal funds;

1526 (viii) monitor the expenditure of public funds by:

1527 (A) local substance abuse authorities;

1528 (B) local mental health authorities; and

1529 (C) in counties where they exist, the private contract provider that has an annual or  
1530 otherwise ongoing contract to provide comprehensive substance abuse or mental health

1531 programs or services for the local substance abuse authority or local mental health authorities;

1532 (ix) contract with local substance abuse authorities and local mental health authorities  
1533 to provide a comprehensive continuum of services in accordance with division policy, contract  
1534 provisions, and the local plan;

1535 (x) contract with private and public entities for special statewide or nonclinical services  
1536 according to division rules;

1537 (xi) review and approve each local substance abuse authority's plan and each local  
1538 mental health authority's plan in order to ensure:

1539 (A) a statewide comprehensive continuum of substance abuse services;

1540 (B) a statewide comprehensive continuum of mental health services; and

1541 (C) appropriate expenditure of public funds;

1542 (xii) review and make recommendations regarding each local substance abuse  
1543 authority's contract with its provider of substance abuse programs and services and each local  
1544 mental health authority's contract with its provider of mental health programs and services to  
1545 ensure compliance with state and federal law and policy;

1546 (xiii) monitor and ensure compliance with division rules and contract requirements;

1547 and

1548 (xiv) withhold funds from local substance abuse authorities, local mental health  
1549 authorities, and public and private providers for contract noncompliance, failure to comply  
1550 with division directives regarding the use of public funds, or for misuse of public funds or  
1551 money;

1552 (d) assure that the requirements of this part are met and applied uniformly by local  
1553 substance abuse authorities and local mental health authorities across the state;

1554 (e) require each local substance abuse authority and each local mental health authority  
1555 to submit its plan to the division by May 1 of each year;

1556 (f) conduct an annual program audit and review of each local substance abuse authority  
1557 in the state and its contract provider and each local mental health authority in the state and its  
1558 contract provider, including:

1559 (i) a review and determination regarding whether:

1560 (A) public funds allocated to local substance abuse authorities and local mental health  
1561 authorities are consistent with services rendered and outcomes reported by them or their  
1562 contract providers; and

1563 (B) each local substance abuse authority and each local mental health authority is  
1564 exercising sufficient oversight and control over public funds allocated for substance abuse and  
1565 mental health programs and services; and

1566 (ii) items determined by the division to be necessary and appropriate;

1567 (g) by July 1 of each year, provide to the Health and Human Services Interim  
1568 Committee and the Health and Human Services Appropriations Subcommittee a written report  
1569 that includes:

1570 (i) the annual audit and review;

1571 (ii) the financial expenditures of each local substance abuse authority and its contract  
1572 provider and each local mental health authority and its contract provider;

1573 (iii) the status of the compliance of each local authority and its contract provider with  
1574 its plan, state statutes, and the provisions of the contract awarded; and

1575 (iv) whether audit guidelines established under Section 62A-15-110 and Subsection  
1576 67-3-1(10) provide the division with sufficient criteria and assurances of appropriate  
1577 expenditures of public funds; and

1578 (h) if requested by the Health and Human Services Interim Committee or the Health  
1579 and Human Services Appropriations Subcommittee, provide an oral report as requested.

1580 (3) (a) The division may refuse to contract with and may pursue its legal remedies  
1581 against any local substance abuse authority or local mental health authority that fails, or has  
1582 failed, to expend public funds in accordance with state law, division policy, contract  
1583 provisions, or directives issued in accordance with state law.

1584 (b) The division may withhold funds from a local substance abuse authority or local  
1585 mental health authority if the authority's contract with its provider of substance abuse or mental  
1586 health programs or services fails to comply with state and federal law or policy.

1587 (4) Before reissuing or renewing a contract with any local substance abuse authority or  
1588 local mental health authority, the division shall review and determine whether the local  
1589 substance abuse authority or local mental health authority is complying with its oversight and  
1590 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and  
1591 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and  
1592 liability described in Section 17-43-303 and to the responsibility and liability described in  
1593 Section 17-43-203.

1594 (5) In carrying out its duties and responsibilities, the division may not duplicate  
1595 treatment or educational facilities that exist in other divisions or departments of the state, but  
1596 shall work in conjunction with those divisions and departments in rendering the treatment or  
1597 educational services that those divisions and departments are competent and able to provide.

1598 (6) (a) The division may accept in the name of and on behalf of the state donations,  
1599 gifts, devises, or bequests of real or personal property or services to be used as specified by the  
1600 donor.

1601 (b) Those donations, gifts, devises, or bequests shall be used by the division in  
1602 performing its powers and duties. Any money so obtained shall be considered private  
1603 ~~[nonlapsing]~~ funds and shall be deposited into an interest-bearing restricted special revenue  
1604 fund to be used by the division for substance abuse or mental health services. The state  
1605 treasurer may invest the fund and all interest shall remain with the fund.

1606 (7) The division shall annually review with each local substance abuse authority and  
1607 each local mental health authority the authority's statutory and contract responsibilities  
1608 regarding:

- 1609 (a) the use of public funds;
- 1610 (b) oversight responsibilities regarding public funds; and
- 1611 (c) governance of substance abuse and mental health programs and services.
- 1612 (8) The Legislature may refuse to appropriate funds to the division upon the division's
- 1613 failure to comply with the provisions of this part.

1614 (9) If a local substance abuse authority contacts the division under Subsection  
1615 17-43-201(9) for assistance in providing treatment services to a pregnant woman or pregnant  
1616 minor, the division shall:

- 1617 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
- 1618 capacity to provide the treatment services; or
- 1619 (b) otherwise ensure that treatment services are made available to the pregnant woman
- 1620 or pregnant minor.

1621 Section 33. Section **63A-4-201** is amended to read:

1622 **63A-4-201. Risk Management Fund created -- Administration -- Use.**

1623 (1) (a) There is created the Risk Management Fund, which shall be administered by the  
1624 risk manager.

1625 (b) The fund shall cover property, liability, fidelity, and other risks as determined by  
1626 the risk manager in consultation with the executive director.

1627 (2) The risk manager may only use the fund to pay:

- 1628 (a) insurance or reinsurance premiums;
- 1629 (b) costs of administering the fund;
- 1630 (c) loss adjustment expenses;
- 1631 (d) risk control and related educational and training expenses; and
- 1632 (e) loss costs which at the time of loss were eligible for payment under rules previously
- 1633 issued by the executive director under the authority of Section 63A-4-101.

1634 (3) In addition to any money appropriated to the fund by the Legislature, the risk  
1635 manager shall deposit with the state treasurer for credit to the fund:

- 1636 (a) any insured loss or loss expenses paid by insurance or reinsurance companies;
- 1637 (b) the gross amount of all premiums and surcharges received under Section
- 1638 63A-4-202;
- 1639 (c) the net refunds from cancelled insurance policies necessary to self-insure previously

1640 insured risks, with the balance of the proceeds to be refunded to the previously insured  
1641 agencies;

1642 (d) all refunds, returns, or dividends from insurance carriers not specifically covered in  
1643 Subsections (3)(a), (b), and (c);

1644 (e) savings from amounts otherwise appropriated for participation in the fund; and

1645 (f) all net proceeds from sale of salvage and subrogation recoveries from adverse  
1646 parties related to losses paid out of the fund.

1647 [~~(4) All money deposited in the fund are nonlapsing.~~]

1648 [(5)] (4) (a) Pending disbursement, the risk manager shall provide surplus money in the  
1649 fund to the state treasurer for investment as provided in Title 51, Chapter 7, State Money  
1650 Management Act.

1651 (b) The state treasurer shall deposit all interest earned on invested fund money into the  
1652 fund.

1653 Section 34. Section **63A-5-211** is amended to read:

1654 **63A-5-211. Planning Fund expenditures authorized -- Ceiling on expenditures --**  
1655 **Recovery -- Permanent fund.**

1656 (1) The Planning Fund shall be used to make payments for engineering, architectural,  
1657 and other planning expenses necessary to make a meaningful cost estimate of any facility or  
1658 improvement with a demonstrable or immediate need.

1659 (2) The director may make expenditures from the Planning Fund in order to provide  
1660 planning information to the State Building Board, the governor, and the Legislature, up to a  
1661 maximum of \$350,000 in outstanding Planning Fund commitments.

1662 (3) (a) The director shall authorize all payments made from the Planning Fund.

1663 (b) These payments shall be a charge on the project for which they were drawn.

1664 (c) The amount paid shall be credited to the Planning Fund when the Legislature  
1665 appropriates money for any building project for which planning costs have previously been  
1666 paid from the Planning Fund.

1667 (4) (a) Money may also be expended from the Planning Fund for architectural and  
1668 engineering services incident to the planning and preparation of applications for funds on  
1669 construction financed by other than state sources, including federal grants.

1670 (b) However, upon approval of such financing, the money spent for architectural and

1671 engineering services shall be returned as a reimbursement to the Planning Fund.

1672 ~~[(5) This fund does not lapse to the General Fund at the end of any year but shall~~  
1673 ~~remain as a permanent fund.]~~

1674 Section 35. Section **63A-11-203** is amended to read:

1675 **63A-11-203. Child Welfare Parental Defense Fund -- Creation.**

1676 (1) There is created a ~~[nonlapsing,]~~ restricted special revenue fund known as the "Child  
1677 Welfare Parental Defense Fund."

1678 (2) Subject to availability, the director may make distributions from the fund as  
1679 required in this chapter for the following purposes:

1680 (a) to pay for the representation, costs, expert witness fees, and expenses of contracted  
1681 parental defense attorneys who are under contract with the office to provide parental defense in  
1682 child welfare cases for the indigent parent or parents that are the subject of a petition alleging  
1683 abuse, neglect, or dependency;

1684 (b) for administrative costs pursuant to this chapter; and

1685 (c) for reasonable expenses directly related to the functioning of the office, including  
1686 training and travel expenses.

1687 (3) The fund consists of:

1688 (a) appropriations made to the fund by the Legislature;

1689 (b) interest and earnings from the investment of fund money;

1690 (c) proceeds deposited by participating counties pursuant to Section 63A-11-204; and

1691 (d) private contributions to the Child Welfare Parental Defense Fund.

1692 (4) The state treasurer shall invest the money in the fund by following the procedures  
1693 and requirements of Title 51, Chapter 7, State Money Management Act.

1694 (5) (a) If the director anticipates a deficit in the fund during any fiscal year:

1695 (i) the director shall request an appropriation from the Legislature; and

1696 (ii) the Legislature may fund the anticipated deficit through appropriation but is not  
1697 required to fund the deficit.

1698 (b) If the anticipated deficit is not funded by the Legislature, the director may request  
1699 an interim assessment to participating counties to fund the anticipated deficit.

1700 Section 36. Section **63C-4-103** is amended to read:

1701 **63C-4-103. Creation of Constitutional Defense Restricted Account -- Sources of**

1702 **funds -- Uses of funds -- Reports.**

1703 (1) There is created a restricted account within the General Fund known as the  
1704 Constitutional Defense Restricted Account.

1705 (2) The account consists of money from the following revenue sources:

1706 (a) money deposited to the account as required by Section 53C-3-203;

1707 (b) voluntary contributions;

1708 (c) money received by the Constitutional Defense Council from other state agencies;

1709 and

1710 (d) appropriations made by the Legislature.

1711 [~~(3)~~ Funds in the account shall be nonlapsing.]

1712 [~~(4)~~ (3) The account balance may not exceed \$5,000,000.

1713 [~~(5)~~ (4) Subject to Subsection [~~(6)~~ (5), the Legislature may annually appropriate  
1714 money from the Constitutional Defense Restricted Account to one or more of the following:

1715 (a) the Constitutional Defense Council to carry out its duties in Section 63C-4-102;

1716 (b) the Public Lands Policy Coordinating Office to carry out its duties in Section  
1717 63J-4-603;

1718 (c) the Office of the Governor, to be used only for the purpose of asserting, defending,  
1719 or litigating state and local government rights under R.S. 2477, in accordance with a plan  
1720 developed and approved as provided in Section 63C-4-104;

1721 (d) a county or association of counties to assist counties, consistent with the purposes  
1722 of the council, in pursuing issues affecting the counties; or

1723 (e) the Office of the Attorney General, to be used only for:

1724 (i) public lands counsel and assistance and litigation to the state or local governments  
1725 including asserting, defending, or litigating state and local government rights under R.S. 2477  
1726 in accordance with a plan developed and approved as provided in Section 63C-4-104; or

1727 (ii) an action filed in accordance with Section 67-5-29.

1728 [~~(6)~~ (5) Money appropriated to the Constitutional Defense Restricted Account in  
1729 accordance with Subsection 53C-3-203(4)(a), if appropriated by the Legislature, may only be  
1730 expended by the agency to which it was appropriated to pay:

1731 (a) the costs of an action filed in accordance with Section 67-5-29; and

1732 (b) expenses associated with an action described in Subsection [~~(6)~~ (5)(a).



1733            [(7)] (6) (a) The Constitutional Defense Council shall require that any entity that  
 1734 receives money from the Constitutional Defense Restricted Account provide financial reports  
 1735 and litigation reports to the Council.

1736            (b) Nothing in this Subsection [(7)] (6) prohibits the council from closing a meeting  
 1737 under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from  
 1738 complying with Title 63G, Chapter 2, Government Records Access and Management Act.

1739            Section 37. Section **63I-2-253** is amended to read:

1740            **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

1741            (1) Section 53A-1-403.5 is repealed July 1, 2012.

1742            (2) Subsection 53A-1-603(5) is repealed July 1, 2015.

1743            (3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

1744            (4) Subsection 53A-13-110(4) is repealed July 1, 2013.

1745            [~~(5) Section 53A-17a-152 is repealed July 1, 2010.~~]

1746            [(6)] (5) Section 53A-17a-162 is repealed July 1, 2012.

1747            Section 38. Section **63J-1-312** is amended to read:

1748            **63J-1-312. Establishing a General Fund Budget Reserve Account -- Providing for**  
 1749 **deposits and expenditures from the account -- Providing for interest generated by the**  
 1750 **account.**

1751            (1) As used in this section:

1752            (a) "Education Fund budget deficit" means a situation where appropriations made by  
 1753 the Legislature from the Education Fund for a fiscal year exceed the estimated revenues  
 1754 adopted by the Executive Appropriations Committee of the Legislature for the Education Fund  
 1755 in that fiscal year.

1756            (b) "General Fund appropriations" means the sum of the spending authority for a fiscal  
 1757 year that is:

1758            (i) granted by the Legislature in all appropriation acts and bills; and

1759            (ii) identified as coming from the General Fund.

1760            (c) "General Fund budget deficit" means a situation where General Fund appropriations  
 1761 made by the Legislature for a fiscal year exceed the estimated revenues adopted by the  
 1762 Executive Appropriations Committee of the Legislature for the General Fund in that fiscal year.

1763            (d) "General Fund revenue surplus" means a situation where actual General Fund

1764 revenues collected in a completed fiscal year exceed the estimated revenues for the General  
 1765 Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the  
 1766 Legislature.

1767 (e) "Operating deficit" means that, at the end of the fiscal year, the [~~unreserved and~~  
 1768 ~~undesignated~~] unassigned fund balance in the General Fund is less than zero.

1769 (2) There is created within the General Fund a restricted account to be known as the  
 1770 General Fund Budget Reserve Account, which is designated to receive the legislative  
 1771 appropriations[~~, investment earnings,~~] and the surplus revenue required to be deposited into the  
 1772 account by this section.

1773 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), at the end of any fiscal year in  
 1774 which the Division of Finance, in consultation with the Legislative Fiscal Analyst and in  
 1775 conjunction with the completion of the annual audit by the state auditor, determines that there  
 1776 is a General Fund revenue surplus, the Division of Finance shall transfer 25% of the General  
 1777 Fund revenue surplus to the General Fund Budget Reserve Account.

1778 (ii) If the transfer of 25% of the General Fund revenue surplus to the General Fund  
 1779 Budget Reserve Account would cause the balance in the account to exceed 6% of General Fund  
 1780 appropriations for the fiscal year in which the revenue surplus occurred, the Division of  
 1781 Finance shall transfer only those funds necessary to ensure that the balance in the account  
 1782 equals 6% of General Fund appropriations for the fiscal year in which the General Fund  
 1783 revenue surplus occurred.

1784 (iii) The Division of Finance shall calculate the amount to be transferred under this  
 1785 Subsection (3)(a):

1786 (A) before transferring from the General Fund revenue surplus any other year-end  
 1787 contingency appropriations, year-end set-asides, or other year-end transfers required by law;  
 1788 and

1789 (B) ~~H~~→ [excluding the investment earnings for the fiscal year and] ←~~H~~ excluding any direct  
 1790 legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.

1791 (b) (i) Except as provided in Subsection (3)(b)(ii), in addition to Subsection (3)(a)(i), if  
 1792 a General Fund revenue surplus exists and if, within the last 10 years, the Legislature has  
 1793 appropriated any money from the General Fund Budget Reserve Account that has not been  
 1794 replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall

1795 transfer up to 25% more of the General Fund revenue surplus to the General Fund Budget  
1796 Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if  
1797 any, and transfers from the General Fund revenue surplus under this Subsection (3)(b) have  
1798 replaced the appropriations from the account.

1799 (ii) If the transfer under Subsection (3)(b)(i) would cause the balance in the account to  
1800 exceed 6% of General Fund appropriations for the fiscal year in which the revenue surplus  
1801 occurred, the Division of Finance shall transfer only those funds necessary to ensure that the  
1802 balance in the account equals 6% of General Fund appropriations for the fiscal year in which  
1803 the revenue surplus occurred.

1804 (iii) The Division of Finance shall calculate the amount to be transferred under this  
1805 Subsection (3)(b):

1806 (A) before transferring from the General Fund revenue surplus any other year-end  
1807 contingency appropriations, year-end set-asides, or other year-end transfers required by law;  
1808 and

1809 (B) ~~H→ [excluding the investment earnings for the fiscal year and]~~ ←H excluding any direct  
1810 legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.

1811 (c) For appropriations made by the Legislature to the General Fund Budget Reserve  
1812 Account, the Division of Finance shall treat those appropriations, unless otherwise specified in  
1813 the appropriation, as replacement funds for appropriations made from the account if funds were  
1814 appropriated from the General Fund Budget Reserve Account within the past 10 years and have  
1815 not yet been replaced.

1816 (4) (a) If, at the close of any fiscal year, there appear to be insufficient monies to pay  
1817 additional debt service for any bonded debt authorized by the Legislature, the Division of  
1818 Finance may hold back from any General Fund revenue surplus monies sufficient to pay the  
1819 additional debt service requirements resulting from issuance of bonded debt that was  
1820 authorized by the Legislature.

1821 (b) The Division of Finance may not spend the hold back amount for debt service  
1822 under Subsection (4)(a) unless and until it is appropriated by the Legislature.

1823 (c) If, after calculating the amount for transfers to the General Fund Budget Reserve  
1824 Account, the remaining General Fund revenue surplus is insufficient to cover the hold back for  
1825 debt service required by Subsection (4)(a), the Division of Finance shall reduce the transfer to

1826 the General Fund Budget Reserve Account by the amount necessary to cover the debt service  
1827 hold back.

1828 (d) Notwithstanding Subsection (3), the Division of Finance shall hold back the  
1829 General Fund balance for debt service authorized by this Subsection (4) before making any  
1830 transfers to the General Fund Budget Reserve Account or any other designation or allocation of  
1831 General Fund revenue surplus.

1832 (5) Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of  
1833 Finance determines that an operating deficit exists and that holding back the transfers to the  
1834 State Disaster Recovery Restricted Account under Section 63J-1-314 does not eliminate the  
1835 operating deficit, the Division of Finance may reduce the transfer to the General Fund Budget  
1836 Reserve Account by the amount necessary to eliminate the operating deficit.

1837 (6) The Legislature may appropriate monies from the General Fund Budget Reserve  
1838 Account only to:

1839 (a) resolve a General Fund budget deficit, for the fiscal year in which the General Fund  
1840 budget deficit occurs;

1841 (b) pay some or all of state settlement agreements approved under Title 63G, Chapter  
1842 10, State Settlement Agreements Act;

1843 (c) pay retroactive tax refunds; or

1844 (d) resolve an Education Fund budget deficit.

1845 (7) Interest generated from investments of money in the General Fund Budget Reserve  
1846 Account shall be deposited into the General Fund.

1847 Section 39. Section **63J-1-313** is amended to read:

1848 **63J-1-313. Establishing an Education Budget Reserve Account -- Providing for**  
1849 **deposits and expenditures from the account -- Providing for interest generated by the**  
1850 **account.**

1851 (1) As used in this section:

1852 (a) "Education Fund appropriations" means the sum of the spending authority for a  
1853 fiscal year that is:

1854 (i) granted by the Legislature in all appropriation acts and bills; and

1855 (ii) identified as coming from the Education Fund.

1856 (b) "Education Fund budget deficit" means a situation where appropriations made by

1857 the Legislature from the Education Fund for a fiscal year exceed the estimated revenues  
 1858 adopted by the Executive Appropriations Committee of the Legislature for the Education Fund  
 1859 in that fiscal year.

1860 (c) "Education Fund revenue surplus" means a situation where actual Education Fund  
 1861 revenues collected in a completed fiscal year exceed the estimated revenues for the Education  
 1862 Fund in that fiscal year that were adopted by the Executive Appropriations Committee of the  
 1863 Legislature.

1864 (d) "Operating deficit" means that, at the end of the fiscal year, the [~~unreserved and~~  
 1865 ~~undesignated~~] unassigned fund balance in the Education Fund is less than zero.

1866 (2) There is created within the Education Fund a restricted account to be known as the  
 1867 Education Fund Budget Reserve Account, which is designated to receive the legislative  
 1868 appropriations[~~, investment earnings,~~] and the surplus revenue required to be deposited into the  
 1869 account by this section.

1870 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), at the end of any fiscal year in  
 1871 which the Division of Finance, in consultation with the Legislative Fiscal Analyst and in  
 1872 conjunction with the completion of the annual audit by the state auditor, determines that there  
 1873 is an Education Fund revenue surplus, the Division of Finance shall transfer 25% of the  
 1874 Education Fund revenue surplus to the Education Fund Budget Reserve Account.

1875 (ii) If the transfer of 25% of the Education Fund revenue surplus to the Education Fund  
 1876 Budget Reserve Account under Subsection (3)(a)(i) would cause the balance in the account to  
 1877 exceed 7% of Education Fund appropriations for the fiscal year in which the Education Fund  
 1878 revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to  
 1879 ensure that the balance in the account equals 7% of the Education Fund appropriations for the  
 1880 fiscal year in which the Education Fund revenue surplus occurred.

1881 (iii) The Division of Finance shall calculate the amount to be transferred under this  
 1882 Subsection (3)(a):

1883 (A) before transferring from the Education Fund revenue surplus any other year-end  
 1884 contingency appropriations, year-end set-asides, or other year-end transfers required by law;  
 1885 and

1886 (B) ~~H→~~ [~~excluding the investment earnings for the fiscal year and~~] ~~←H~~ excluding any direct  
 1887 legislative appropriation made to the Education Fund Budget Reserve Account for the fiscal

1888 year.

1889 (b) (i) Except as provided in Subsection (3)(b)(ii), in addition to Subsection (3)(a)(i), if  
1890 an Education Fund revenue surplus exists and if, within the last 10 years, the Legislature has  
1891 appropriated any money from the Education Fund Budget Reserve Account that has not been  
1892 replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall  
1893 transfer up to 25% more of the Education Fund revenue surplus to the Education Fund Budget  
1894 Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if  
1895 any, and transfers from the Education Fund revenue surplus under this Subsection (3)(b) have  
1896 replaced the appropriations from the account.

1897 (ii) If the transfer under Subsection (3)(b)(i) would cause the balance in the account to  
1898 exceed 7% of Education Fund appropriations for the fiscal year in which the Education Fund  
1899 revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to  
1900 ensure that the balance in the account equals 7% of Education Fund appropriations for the  
1901 fiscal year in which the revenue surplus occurred.

1902 (iii) The Division of Finance shall calculate the amount to be transferred under this  
1903 Subsection (3)(b):

1904 (A) before transferring from the Education Fund revenue surplus any other year-end  
1905 contingency appropriations, year-end set-asides, or other year-end transfers required by law;  
1906 and

1907 (B) ~~H→ [excluding the investment earnings for the fiscal year and]~~ ←H excluding any direct  
1908 legislative appropriation made to the Education Fund Budget Reserve Account for the fiscal  
1909 year.

1910 (c) For appropriations made by the Legislature to the Education Fund Budget Reserve  
1911 Account, the Division of Finance shall treat those appropriations, unless specified otherwise in  
1912 the appropriation, as replacement funds for appropriations made from the account if funds were  
1913 appropriated from the account within the past 10 years and have not yet been replaced.

1914 (4) Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of  
1915 Finance determines that an operating deficit exists, the Division of Finance may reduce the  
1916 transfer to the Education Fund Budget Reserve Account by the amount necessary to eliminate  
1917 the operating deficit.

1918 (5) The Legislature may appropriate money from the Education Fund Budget Reserve

1919 Account only to resolve an Education Fund budget deficit.

1920 (6) Interest generated from investments of money in the Education Fund Budget

1921 Reserve Account shall be deposited into the Education Fund.

1922 Section 40. Section **63J-1-314** is amended to read:

1923 **63J-1-314. Deposits related to the Disaster Recovery Funding Act.**

1924 (1) As used in this section, "operating deficit" means that, at the end of the fiscal year,  
1925 the [~~unreserved and undesignated~~] unassigned fund balance in the General Fund is less than  
1926 zero.

1927 (2) Except as provided under Subsection (3), [~~beginning with the fiscal year ending~~  
1928 ~~June 30, 2007,~~] at the end of each fiscal year [~~and~~], the Division of Finance shall, after the  
1929 transfer of [~~surplus~~] General Fund [~~revenues~~] revenue surplus has been made to the General  
1930 Fund Budget Reserve Account as provided in Section 63J-1-312, [~~the Division of Finance shall~~  
1931 ~~deposit~~] transfer an amount into the State Disaster Recovery Restricted Account[;] created in  
1932 Section 53-2-403, from the General Fund revenue surplus as defined in Section 63J-1-312,  
1933 calculated by:

1934 (a) determining the amount of [~~surplus~~] General Fund [~~revenues~~] revenue surplus after  
1935 the transfer to the General Fund Budget Reserve Account under Section 63J-1-312 [~~that is~~  
1936 ~~unrestricted and undesignated~~];

1937 (b) calculating an amount equal to the lesser of:

1938 (i) 25% of the amount determined under Subsection (2)(a); or

1939 (ii) 6% of the total of the General Fund appropriation amount for the fiscal year in  
1940 which the surplus occurs; and

1941 (c) adding to the amount calculated under Subsection (2)(b) an amount equal to the  
1942 lesser of:

1943 (i) 25% more of the amount described in Subsection (2)(a); or

1944 (ii) the amount necessary to replace, in accordance with this Subsection (2)(c), any  
1945 amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal  
1946 years before the fiscal year in which the surplus occurs if:

1947 (A) a surplus exists; and

1948 (B) the Legislature appropriates money from the State Disaster Recovery Restricted  
1949 Account that is not replaced by appropriation or as provided in this Subsection (2)(c).

1950 (3) Notwithstanding Subsection (2)[:(a)] if, at the end of a fiscal year, the Division of  
 1951 Finance determines that an operating deficit exists, the Division of Finance shall reduce the  
 1952 transfer to the State Disaster Recovery Restricted Account by the amount necessary to  
 1953 eliminate the operating deficit[; and].

1954 [~~(b) for FY 2008-09 and FY 2009-10 only, the Division of Finance shall suspend the~~  
 1955 ~~deposit provided under Subsection (2) to the State Disaster Recovery Restricted Account~~  
 1956 ~~created under Section 53-2-403.~~]

1957 Section 41. Section **63J-1-602.1** is amended to read:

1958 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**  
 1959 **1 through Title 30.**

1960 (1) Appropriations made to the Legislature and its committees.

1961 [~~(2) The Salinity Offset Fund created in Section 4-2-8.5.~~]

1962 [~~(3) The Invasive Species Mitigation Account created in Section 4-2-8.7.~~]

1963 [~~(4) The Rangeland Improvement Account created in Section 4-20-2.~~]

1964 [~~(5)~~ (2) The Percent-for-Art Program created in Section 9-6-404.

1965 [~~(6) The Centennial History Fund created in Section 9-8-604.~~]

1966 [~~(7) The Uintah Basin Revitalization Fund, as provided in Section 9-10-108.~~]

1967 [~~(8) The Navajo Revitalization Fund created in Section 9-11-104.~~]

1968 [~~(9)~~ (3) The LeRay McAllister Critical Land Conservation Program created in Section  
 1969 11-38-301.

1970 [~~(10) The Clean Fuels and Vehicle Technology Fund created in Section 19-1-403.~~]

1971 [~~(11)~~ (4) An appropriation made to the Division of Wildlife Resources for the  
 1972 appraisal and purchase of lands under the Pelican Management Act, as provided in Section  
 1973 23-21a-6.

1974 [~~(12)~~ (5) Award money under the Crime Reduction Assistance Program, as provided  
 1975 under Section 24-1-19.

1976 [~~(13)~~ (6) Funds collected from the emergency medical services grant program, as  
 1977 provided in Section 26-8a-207.

1978 (7) State funds appropriated for matching federal funds in the Children's Health  
 1979 Insurance Program as provided in Section 26-40-108.

1980 [~~(14)~~ (8) The Utah Health Care Workforce Financial Assistance Program created in



1981 Section 26-46-102.

1982 Section 42. Section **63J-1-602.2** is amended to read:

1983 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

1984 (1) Appropriations from the Technology Development Restricted Account created in

1985 Section 31A-3-104.

1986 (2) Appropriations from the Criminal Background Check Restricted Account created in

1987 Section 31A-3-105.

1988 (3) Appropriations from the Captive Insurance Restricted Account created in Section

1989 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that

1990 section free revenue.

1991 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in

1992 Section 31A-23a-415.

1993 [~~(5) The fund for operating the state's Federal Health Care Tax Credit Program, as~~  
1994 ~~provided in Section 31A-38-104.~~]

1995 [~~(6) The Special Administrative Expense Account created in Section 35A-4-506.~~]

1996 [~~(7)~~ (5) Funding for a new program or agency that is designated as nonlapsing under

1997 Section 36-24-101.

1998 [~~(8)~~ (6) ~~H~~→ [The] Appropriations from the ←~~H~~ Oil and Gas Conservation Account

1998a created in Section 40-6-14.5.

1999 [~~(9) The Off-Highway Access and Education Restricted Account created in Section~~

2000 ~~41-22-19.5.~~]

2001 Section 43. Section **63J-1-602.3** is amended to read:

2002 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

2003 [~~(1) Certain funds associated with the Law Enforcement Operations Account, as~~

2004 ~~provided in Section 51-9-411.~~]

2005 [~~(2) The Public Safety Honoring Heroes Restricted Account created in Section~~

2006 ~~53-1-118.~~]

2007 [~~(3)~~ (1) Funding for the Search and Rescue Financial Assistance Program, as provided

2008 in Section 53-2-107.

2009 [~~(4)~~ (2) Appropriations made to the Department of Public Safety from the Department

2010 of Public Safety Restricted Account, as provided in Section 53-3-106.

2011 [~~(5)~~ (3) Appropriations to the Motorcycle Rider Education Program, as provided in

2012 Section 53-3-905.

2013            [(6)] (4) ~~H~~→ [The] Appropriations from the ←~~H~~ DNA Specimen Restricted Account  
2013a created in Section 53-10-407.

2014            [(7)] (5) Appropriations to the State Board of Education, as provided in Section  
2015 53A-17a-105.

2016            [(8)] (6) Certain funds appropriated from the Uniform School Fund to the State Board  
2017 of Education for new teacher bonus and performance-based compensation plans, as provided in  
2018 Section 53A-17a-148.

2019            [(9) ~~Certain funds appropriated from the Uniform School Fund to the State Board of~~  
2020 ~~Education for implementation of proposals to improve mathematics achievement test scores, as~~  
2021 ~~provided in Section 53A-17a-152.]~~

2022            [(10) ~~The School Building Revolving Account created in Section 53A-21-401.]~~

2023            [(11)] (7) Money received by the State Office of Rehabilitation for the sale of certain  
2024 products or services, as provided in Section 53A-24-105.

2025            [(12)] (8) The State Board of Regents, as provided in Section 53B-6-104.

2026            [(13)] (9) Certain funds appropriated from the General Fund to the State Board of  
2027 Regents for teacher preparation programs, as provided in Section 53B-6-104.

2028            [(14)] (10) A certain portion of money collected for administrative costs under the  
2029 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

2030            [(15)] (11) Certain surcharges on residence and business telecommunications access  
2031 lines imposed by the Public Service Commission, as provided in Section 54-8b-10.

2032            [(16)] (12) Certain fines collected by the Division of Occupational and Professional  
2033 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
2034 enforcement purposes, as provided in Section 58-17b-505.

2035            [(17) ~~The Nurse Education and Enforcement Account created in Section 58-31b-103.]~~

2036            [(18) ~~The Certified Nurse Midwife Education and Enforcement Account created in~~  
2037 ~~Section 58-44a-103.]~~

2038            [(19)] (13) Certain fines collected by the Division of Occupational and Professional  
2039 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
2040 provided in Section 58-63-103.

2041            [(20) ~~The Professional Geologist Education and Enforcement Account created in~~  
2042 ~~Section 58-76-103.]~~

2043 ~~[(21) Certain money in the Water Resources Conservation and Development Fund, as~~  
 2044 ~~provided in Section 59-12-103.]~~

2045 Section 44. Section **63J-1-602.4** is amended to read:

2046 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

2047 ~~[(1) The Utah Housing Opportunity Restricted Account created in Section 61-2-204.]~~

2048 ~~[(2)]~~ (1) Funds paid to the Division of Real Estate for the cost of a criminal  
 2049 background check for a mortgage loan license, as provided in Section 61-2c-202.

2050 ~~[(3)]~~ (2) Funds paid to the Division of Real Estate for the cost of a criminal  
 2051 background check for principal broker, associate broker, and sales agent licenses, as provided  
 2052 in Section 61-2f-204.

2053 ~~[(4)]~~ (3) Certain funds donated to the Department of Human Services, as provided in  
 2054 Section 62A-1-111.

2055 ~~[(5)]~~ (4) Certain funds donated to the Division of Child and Family Services, as  
 2056 provided in Section 62A-4a-110.

2057 ~~[(6)]~~ (5) Appropriations to the Division of Services for People with Disabilities, as  
 2058 provided in Section 62A-5-102.

2059 ~~[(7) Certain donations to the Division of Substance Abuse and Mental Health, as~~  
 2060 ~~provided in Section 62A-15-103.]~~

2061 ~~[(8) Assessments for DUI violations that are forwarded to an account created by a~~  
 2062 ~~county treasurer, as provided in Section 62A-15-503.]~~

2063 ~~[(9) The Risk Management Fund created under Section 63A-4-201.]~~

2064 ~~[(10) The Child Welfare Parental Defense Fund created in Section 63A-11-203.]~~

2065 ~~[(11) The Constitutional Defense Restricted Account created in Section 63C-4-103.]~~

2066 ~~[(12)]~~ (6) A portion of the funds appropriated to the Utah Seismic Safety Commission,  
 2067 as provided in Section 63C-6-104.

2068 ~~[(13)]~~ (7) Funding for the Medical Education Program administered by the Medical  
 2069 Education Council, as provided in Section 63C-8-102.

2070 ~~[(14)]~~ (8) Certain money payable for commission expenses of the Pete Suazo Utah  
 2071 Athletic Commission, as provided under Section 63C-11-301.

2072 ~~[(15)]~~ (9) Funds ~~Ĥ~~→ **appropriated or** ←~~Ĥ~~ collected for publishing the Division of  
 2072a Administrative Rules'  
 2073 publications, as provided in Section 63G-3-402.

2074           ~~[(16)]~~ (10) Money received by the military installation development authority, as  
2075 provided in Section 63H-1-504.

2076           ~~[(17)]~~ (11) The appropriation to fund the Governor's Office of Economic  
2077 Development's Enterprise Zone Act, as provided in Section 63M-1-416.

2078           ~~[(18) The Tourism Marketing Performance Account, as provided in Section~~  
2079 ~~63M-1-1406.]~~

2080           ~~[(19) Certain money in the Development for Disadvantaged Rural Communities~~  
2081 ~~Restricted Account, as provided in Section 63M-1-2003.]~~

2082           ~~[(20)]~~ (12) Appropriations to the Utah Science Technology and Research Governing  
2083 Authority, created under Section 63M-2-301, as provided under Section 63M-2-302.

2084           ~~[(21) Certain money in the Rural Broadband Service Account, as provided in Section~~  
2085 ~~63M-1-2303.]~~

2086           Section 45. Section **63J-1-602.5** is amended to read:

2087           **63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

2088           (1) Funds collected by the housing of state probationary inmates or state parole  
2089 inmates, as provided in Subsection 64-13e-104(2).

2090           ~~[(2) The Sovereign Lands Management account created in Section 65A-5-1.]~~

2091           ~~[(3)]~~ (2) Certain forestry and fire control funds utilized by the Division of Forestry,  
2092 Fire, and State Lands, as provided in Section 65A-8-103.

2093           ~~[(4)]~~ (3) The Department of Human Resource Management user training program, as  
2094 provided in Section 67-19-6.

2095           ~~[(5)]~~ (4) Funds for the University of Utah Poison Control Center program, as provided  
2096 in Section 69-2-5.5.

2097           ~~[(6) Appropriations to the Transportation Corridor Preservation Revolving Loan Fund,~~  
2098 ~~as provided in Section 72-2-117.]~~

2099           ~~[(7) Appropriations to the Local Transportation Corridor Preservation Fund, as~~  
2100 ~~provided in Section 72-2-117.5.]~~

2101           ~~[(8) Appropriations to the Tollway Special Revenue Fund, as provided in Section~~  
2102 ~~72-2-120.]~~

2103           ~~[(9) Appropriations to the Aeronautics Construction Revolving Loan Fund, as provided~~  
2104 ~~in Section 72-2-122.]~~

- 2105            [~~(10)~~] (5) The Traffic Noise Abatement Program created in Section 72-6-112.
- 2106            [~~(11)~~] (6) Certain funds received by the Office of the State Engineer for well drilling  
2107 fines or bonds, as provided in Section 73-3-25.
- 2108            [~~(12)~~] ~~Certain monies appropriated to increase the carrying capacity of the Jordan River~~  
2109 ~~that are transferred to the Division of Parks and Recreation, as provided in Section 73-10e-1.]~~
- 2110            [~~(13)~~] ~~Certain funds in the Water Development and Flood Mitigation Reserve Account,~~  
2111 ~~as provided in Section 73-10e-1.]~~
- 2112            [~~(14)~~] (7) Certain monies appropriated from the Water Resources Conservation and  
2113 Development Fund, as provided in Section 73-23-2.
- 2114            [~~(15)~~] ~~The Lake Powell Pipeline Project Operation and Maintenance Fund created in~~  
2115 ~~Section 73-28-404.]~~
- 2116            [~~(16)~~] (8) Certain funds appropriated for compensation for special prosecutors, as  
2117 provided in Section 77-10a-19.
- 2118            [~~(17)~~] ~~The Indigent Aggravated Murder Defense Trust Fund created in Section~~  
2119 ~~77-32-601.]~~
- 2120            [~~(18)~~] ~~The Indigent Felony Defense Trust Fund created in Section 77-32-701.]~~
- 2121            [~~(19)~~] (9) Funds donated or paid to a juvenile court by private sources, as provided in  
2122 Subsection 78A-6-203(1)(c).
- 2123            [~~(20)~~] (10) A state rehabilitative employment program, as provided in Section  
2124 78A-6-210.
- 2125            [~~(21)~~] (11) The [~~account~~] money for the Utah Geological Survey, as provided in  
2126 Section 79-3-401.
- 2127            [~~(22)~~] (12) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades  
2128 State Park, Jordan River State Park, and Green River State Park, as provided under Section  
2129 79-4-403.
- 2130            [~~(23)~~] (13) Certain funds received by the Division of Parks and Recreation from the  
2131 sale or disposal of buffalo, as provided under Section 79-4-1001.
- 2132            [~~(24)~~] (14) The Bonneville Shoreline Trail Program created under Section 79-5-503.  
2133 Section 46. Section **63M-1-905** is amended to read:
- 2134            **63M-1-905. Loans, grants, and assistance -- Repayment -- Earned credits.**
- 2135            (1) (a) A company that qualifies under Section 63M-1-906 may receive loans, grants,

2136 or other financial assistance from the Industrial Assistance Account for expenses related to  
2137 establishment, relocation, or development of industry in Utah.

2138 (b) A company creating an economic impediment that qualifies under Section  
2139 63M-1-908 may in accordance with this part receive loans, grants, or other financial assistance  
2140 from the restricted account for the expenses of the company creating an economic impediment  
2141 related to:

2142 (i) relocation to a rural area in Utah of the company creating an economic impediment;  
2143 and

2144 (ii) the siting of a replacement company.

2145 (c) An entity offering an economic opportunity that qualifies under Section 63M-1-909  
2146 may:

2147 (i) receive loans, grants, or other financial assistance from the restricted account for  
2148 expenses related to the establishment, relocation, retention, or development of industry in the  
2149 state; and

2150 (ii) include infrastructure or other economic development precursor activities that act  
2151 as a catalyst and stimulus for economic activity likely to lead to the maintenance or  
2152 enlargement of the state's tax base.

2153 (2) (a) Subject to Subsection (2)(b), the administrator has authority to determine the  
2154 structure, amount, and nature of any loan, grant, or other financial assistance from the restricted  
2155 account.

2156 (b) Loans made under Subsection (2)(a) shall be structured so the intended repayment  
2157 or return to the state, including cash or credit, equals at least the amount of the assistance  
2158 together with an annual interest charge as negotiated by the administrator.

2159 (c) Payments resulting from grants awarded from the restricted account shall be made  
2160 only after the administrator has determined that the company has satisfied the conditions upon  
2161 which the payment or earned credit was based.

2162 (3) (a) (i) Except as provided in Subsection (3)(b), the administrator may provide for a  
2163 system of earned credits that may be used to support grant payments or in lieu of cash  
2164 repayment of a restricted account loan obligation.

2165 (ii) The value of the credits described in Subsection (3)(a)(i) shall be based on factors  
2166 determined by the administrator, including:

- 2167 (A) the number of Utah jobs created;
- 2168 (B) the increased economic activity in Utah; or
- 2169 (C) other events and activities that occur as a result of the restricted account assistance.
- 2170 (b) (i) The administrator shall provide for a system of credits to be used to support
- 2171 grant payments or in lieu of cash repayment of a restricted account loan when loans are made to
- 2172 a company creating an economic impediment.
- 2173 (ii) The value of the credits described in Subsection (3)(b)(i) shall be based on factors
- 2174 determined by the administrator, including:
- 2175 (A) the number of Utah jobs created;
- 2176 (B) the increased economic activity in Utah; or
- 2177 (C) other events and activities that occur as a result of the restricted account assistance.
- 2178 (4) (a) A cash loan repayment or other cash recovery from a company receiving
- 2179 assistance under this section, including interest, shall be deposited into the restricted account.
- 2180 (b) The administrator and the Division of Finance shall determine the manner of
- 2181 recognizing and accounting for the earned credits used in lieu of loan repayments or to support
- 2182 grant payments as provided in Subsection (3).
- 2183 (5) (a) (i) At the end of each fiscal year, ~~[the unrestricted, undesignated]~~ the Division of
- 2184 Finance shall set aside the balance of the General Fund [balance] revenue surplus as defined in
- 2185 Section 63J-1-312 after the transfers ~~[of surplus]~~ of General Fund ~~[revenues]~~ revenue surplus
- 2186 described in ~~[this]~~ Subsection ~~[(5)(a) shall be earmarked]~~ (5)(b) to the Industrial Assistance
- 2187 Account in an amount equal to any credit that has accrued under this part.
- 2188 (ii) The ~~[earmark]~~ set aside under Subsection (5)(a)(i) shall be capped at \$50,000,000,
- 2189 at which time no subsequent contributions may be made and any interest accrued above the
- 2190 \$50,000,000 cap shall be deposited into the General Fund.
- 2191 (b) The ~~[earmark]~~ set aside required by Subsection (5)(a) shall be made after the
- 2192 transfer of ~~Ĥ→~~ [surplus] ~~←Ĥ~~ General Fund ~~Ĥ→~~ [revenues] revenue surplus ~~←Ĥ~~ is made:
- 2193 (i) to the General Fund Budget Reserve Account as provided in Section 63J-1-312; and
- 2194 (ii) ~~Ĥ→~~ [beginning with the fiscal year ending June 30, 2007,] to the State Disaster
- 2194a Recovery Restricted Account ~~←Ĥ~~ as provided in Section
- 2195 63J-1-314.
- 2196 (c) These credit amounts may not be used for purposes of the restricted account as
- 2197 provided in this part until appropriated by the Legislature.

2198 Section 47. Section **63M-1-1406** is amended to read:

2199 **63M-1-1406. Tourism Marketing Performance Account.**

2200 (1) There is created within the General Fund a restricted account known as the Tourism  
2201 Marketing Performance Account.

2202 (2) The account shall be administered by the office for the purposes listed in  
2203 Subsection (5).

2204 (3) (a) The account shall earn interest.

2205 (b) All interest earned on account monies shall be deposited into the account.

2206 [~~(c) Monies in the account are nonlapsing.~~]

2207 (4) The account shall be funded by appropriations made to the account by the  
2208 Legislature in accordance with this section.

2209 (5) The director may use account monies appropriated to the office to pay for the  
2210 statewide advertising, marketing, and branding campaign for promotion of the state as  
2211 conducted by the office.

2212 (6) (a) For the fiscal year beginning July 1, 2007, the director shall allocate 10% of the  
2213 account monies appropriated to the office to be distributed to a sports organization for  
2214 advertising, marketing, branding, and promoting Utah in attracting sporting events into the  
2215 state as determined by the office.

2216 (b) For a fiscal year beginning on or after July 1, 2008, the amount distributed under  
2217 Subsection (6)(a) shall be indexed from the July 1, 2007 fiscal year to reflect a percent increase  
2218 or decrease of monies set aside into the account as compared to the previous fiscal year.

2219 [~~(c) The monies distributed under Subsections (6)(a) and (b) are nonlapsing.~~]

2220 [~~(d)~~] (c) The office shall provide for an annual accounting to the office by a sports  
2221 organization of the use of monies it receives under Subsection (6)(a) or (b).

2222 [~~(e)~~] (d) For purposes of this Subsection (6), "sports organization" means an  
2223 organization that is:

2224 (i) exempt from federal income taxation in accordance with Section 501(c)(3), Internal  
2225 Revenue Code; and

2226 (ii) created to foster national and international amateur sports competitions to be held  
2227 in the state and sports tourism throughout the state, to include advertising, marketing, branding,  
2228 and promoting Utah for the purpose of attracting sporting events into the state.



2229 (7) [~~(a) Monies set aside~~] Money deposited into the account [~~shall be as follows: (i)~~  
2230 ~~for the fiscal year beginning July 1, 2005 only, an amount appropriated in Section 7 of this bill;~~  
2231 ~~(ii) for the fiscal year beginning July 1, 2006: (A) the beginning nonlapsing appropriation~~  
2232 ~~balances, if any, in the Tourism Marketing Performance Account; (B) any legislative~~  
2233 ~~appropriation from the sales and use tax revenue increases identified in Subsection (8); and (C)~~  
2234 ~~any appropriation made by the Legislature from the General Fund to the account in an~~  
2235 ~~appropriations bill; and (iii) for the fiscal year beginning July 1, 2007, and for each fiscal year~~  
2236 ~~thereafter, a \$1,000,000 reduction in the prior year's appropriation sources other than the] shall  
2237 consist of a legislative appropriation from the cumulative sales and use tax revenue increases  
2238 identified in Subsection (8)[, plus a legislative appropriation from the cumulative sales and use  
2239 tax revenue increases identified in Subsection (8)] plus any appropriation made by the  
2240 Legislature.~~

2241 [~~(b) Monies in the account are nonlapsing.~~]

2242 (8) (a) In fiscal years 2006 through 2015, a portion of the state sales and use tax  
2243 revenues determined under this Subsection (8) shall be certified as a set-aside for the account  
2244 by the State Tax Commission and reported to the Office of Legislative Fiscal Analyst.

2245 (b) The State Tax Commission shall determine the set-aside under this Subsection (8)  
2246 in each fiscal year by applying the following formula: if the increase in the state sales and use  
2247 tax revenues derived from the retail sales of tourist-oriented goods and services in the fiscal  
2248 year two years prior to the fiscal year in which the set-aside is to be made for the account is at  
2249 least 3% over the state sales and use tax revenues derived from the retail sales of  
2250 tourist-oriented goods and services generated in the fiscal year three years prior to the fiscal  
2251 year in which the set-aside is to be made, an amount equal to 1/2 of the state sales and use tax  
2252 revenues generated above the 3% increase shall be calculated by the commission and set aside  
2253 by the state treasurer for appropriation to the account.

2254 (c) Total monies to be appropriated to the account in any fiscal year under Subsections  
2255 (8)(a) and (b) may not exceed the amount in the account under this section in the fiscal year  
2256 immediately preceding the current fiscal year by more than \$3,000,000.

2257 (d) As used in this Subsection (8), "sales of tourism-oriented goods and services" are  
2258 those sales by businesses registered with the State Tax Commission under the following codes  
2259 of the 1997 North American Industry Classification System of the federal Executive Office of

2260 the President, Office of Management and Budget:

- 2261 (i) NAICS Code 453 Miscellaneous Store Retailers;
- 2262 (ii) NAICS Code 481 Passenger Air Transportation;
- 2263 (iii) NAICS Code 487 Scenic and Sightseeing Transportation;
- 2264 (iv) NAICS Code 711 Performing Arts, Spectator Sports and Related Industries;
- 2265 (v) NAICS Code 712 Museums, Historical Sites and Similar Institutions;
- 2266 (vi) NAICS Code 713 Amusement, Gambling and Recreation Industries;
- 2267 (vii) NAICS Code 721 Accommodations;
- 2268 (viii) NAICS Code 722 Food Services and Drinking Places;
- 2269 (ix) NAICS Code 4483 Jewelry, Luggage, and Leather Goods Stores;
- 2270 (x) NAICS Code 4853 Taxi and Limousine Service;
- 2271 (xi) NAICS Code 4855 Charter Bus;
- 2272 (xii) NAICS Code 5615 Travel Arrangement and Reservation Services;
- 2273 (xiii) NAICS Code 44611 Pharmacies and Drug Stores;
- 2274 (xiv) NAICS Code 45111 Sporting Goods Stores;
- 2275 (xv) NAICS Code 45112 Hobby Toy and Game Stores;
- 2276 (xvi) NAICS Code 45121 Book Stores and News Dealers;
- 2277 (xvii) NAICS Code 445120 Convenience Stores without Gas Pumps;
- 2278 (xviii) NAICS Code 447110 Gasoline Stations with Convenience Stores;
- 2279 (xix) NAICS Code 447190 Other Gasoline Stations;
- 2280 (xx) NAICS Code 532111 Passenger Car Rental; and
- 2281 (xxi) NAICS Code 532292 Recreational Goods Rental.

2282 (e) [~~For the fiscal year beginning on July 1, 2009,~~] The Division of Finance shall for  
 2283 each fiscal year transfer the first \$6,000,000 of ongoing [monies] money in the account [shall  
 2284 be transferred] to the General Fund.

2285 Section 48. Section **63M-1-2003** is amended to read:

2286 **63M-1-2003. Creation of Business Development for Disadvantaged Rural**  
 2287 **Communities Restricted Account -- Interest -- Costs of administering the restricted**  
 2288 **account -- Deposit of certain money and interest into the General Fund.**

2289 (1) There is created within the General Fund the Business Development for  
 2290 Disadvantaged Rural Communities Restricted Account.

- 2291 (2) The restricted account shall be funded by:
- 2292 (a) money appropriated to the account by the Legislature;
- 2293 (b) money received by the office as:
- 2294 (i) repayment of a loan that the board grants to an eligible county under this part; and
- 2295 (ii) interest on a loan described in Subsection (2)(b)(i); and
- 2296 (c) the interest described in Subsection (3).

- 2297 (3) (a) The restricted account shall earn interest.
- 2298 (b) The interest described in Subsection (3)(a) shall be deposited into the account.
- 2299 (4) Upon appropriation by the Legislature, the money and interest deposited into the
- 2300 restricted account in accordance with this section may be expended:

- 2301 (a) by the board to award grants or loans to eligible counties as provided in this part;
- 2302 and
- 2303 (b) to cover the costs of administering this part:
- 2304 (i) in an amount not to exceed \$5,000 in any fiscal year; and
- 2305 (ii) including the costs of providing staff support to administer this part.

2306 ~~[(5)(a) Except as provided in Subsection (5)(b), the money and interest deposited into~~

2307 ~~the restricted account in accordance with this section are nonlapsing.]~~

2308 ~~[(b) Notwithstanding Subsection (5)(a), the]~~

2309 (5) The Division of Finance shall deposit any money and interest in the restricted

2310 account on July 1, 2015, into the General Fund.

2311 Section 49. Section **63M-1-2303** is amended to read:

2312 **63M-1-2303. Rural Broadband Service Account created -- Interest -- Costs.**

2313 (1) There is created a restricted account within the General Fund known as the "Rural

2314 Broadband Service Account."

2315 (2) The restricted account shall be funded by money appropriated by the Legislature.

2316 (3) (a) The state treasurer shall invest money in the account according to Title 51,

2317 Chapter 7, State Money Management Act.

2318 (b) The Division of Finance shall deposit interest or other earnings derived from

2319 investment of account money into the General Fund.

2320 (4) Upon appropriation by the Legislature, the money deposited into the restricted

2321 account in accordance with this section may be expended:

2322 (a) by the director with the advice of the board to award grants to providers as provided  
2323 in this part; and

2324 (b) to cover the costs of administering this part in an amount during any fiscal year not  
2325 to exceed 2% of the restricted account balance at the start of any fiscal year.

2326 ~~[(5)(a) Except as provided in Subsection (5)(b), the money deposited into the~~  
2327 ~~restricted account in accordance with this section are nonlapsing.]~~

2328 ~~[(b) Notwithstanding Subsection (5)(a), the Division of Finance shall deposit any~~  
2329 ~~money in the restricted account into the General Fund on July 1, 2010.]~~

2330 Section 50. Section **65A-5-1** is amended to read:

2331 **65A-5-1. Sovereign Lands Management Account -- Creation -- Contents --**  
2332 **Appropriation to fund division expenses -- Balance.**

2333 (1) There is created within the General Fund a restricted account known as the  
2334 Sovereign Lands Management Account.

2335 (2) The account shall consist of the following:

2336 (a) all revenues derived from sovereign lands; and

2337 (b) that portion of all revenues derived from mineral leases on other lands managed by  
2338 the division necessary to recover management costs.

2339 (3) All expenditures of the division relating directly to the management of state lands  
2340 shall be funded by appropriation by the Legislature from the Sovereign Lands Management  
2341 Account or other sources.

2342 ~~[(4) As of June 30 of each calendar year, the unappropriated portion of the Sovereign~~  
2343 ~~Lands Management Account from the fiscal year ending June 30 of that calendar year shall be~~  
2344 ~~nonlapsing and available for appropriation by the Legislature.]~~

2345 Section 51. Section **72-2-117** is amended to read:

2346 **72-2-117. Transportation Corridor Preservation Revolving Loan Fund --**  
2347 **Distribution -- Repayment -- Rulemaking.**

2348 (1) There is created the Transportation Corridor Preservation Revolving Loan Fund  
2349 within the Transportation Fund.

2350 (2) The fund shall be funded from the following sources:

2351 (a) motor vehicle rental tax imposed under Section 59-12-1201;

2352 (b) appropriations made to the fund by the Legislature;

2353 (c) contributions from other public and private sources for deposit into the fund;

2354 (d) interest earnings on cash balances;

2355 (e) all monies collected for repayments and interest on fund monies;

2356 (f) all monies collected from rents and sales of real property acquired with fund

2357 monies; and

2358 (g) proceeds from general obligation bonds, revenue bonds, or other obligations as

2359 authorized by Title 63B, Bonds.

2360 [~~(3)~~] All monies appropriated to the Transportation Corridor Preservation Revolving

2361 Loan Fund are nonlapsing.]

2362 [~~(4)~~] (3) (a) The commission shall authorize the expenditure of fund monies to allow

2363 the department to acquire real property or any interests in real property for state, county, and

2364 municipal transportation corridors subject to:

2365 (i) monies available in the fund;

2366 (ii) rules made under Subsection [~~(7)~~] (6); and

2367 (iii) Subsection [~~(9)~~] (8).

2368 (b) Fund monies may be used to pay interest on debts incurred in accordance with this

2369 section.

2370 [~~(5)~~] (4) Administrative costs for transportation corridor preservation shall be paid

2371 from the fund.

2372 [~~(6)~~] (5) The department:

2373 (a) may apply to the commission under this section for monies from the Transportation

2374 Corridor Preservation Revolving Loan Fund for a specified transportation corridor project,

2375 including for county and municipal projects; and

2376 (b) shall repay the fund monies authorized for the project to the fund as required under

2377 Subsection [~~(7)~~] (6).

2378 [~~(7)~~] (6) The commission shall:

2379 (a) administer the Transportation Corridor Preservation Revolving Loan Fund to:

2380 (i) preserve transportation corridors;

2381 (ii) promote long-term statewide transportation planning;

2382 (iii) save on acquisition costs; and

2383 (iv) promote the best interests of the state in a manner which minimizes impact on

2384 prime agricultural land;

2385 (b) prioritize fund monies based on considerations, including:

2386 (i) areas with rapidly expanding population;

2387 (ii) the willingness of local governments to complete studies and impact statements

2388 that meet department standards;

2389 (iii) the preservation of corridors by the use of local planning and zoning processes;

2390 (iv) the availability of other public and private matching funds for a project; and

2391 (v) the cost-effectiveness of the preservation projects;

2392 (c) designate high priority corridor preservation projects in cooperation with a

2393 metropolitan planning organization;

2394 (d) administer the program for the purposes provided in this section;

2395 (e) prioritize fund monies in accordance with this section; and

2396 (f) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

2397 Rulemaking Act, establishing:

2398 (i) the procedures for the awarding of fund monies;

2399 (ii) the procedures for the department to apply for transportation corridor preservation

2400 monies for projects; and

2401 (iii) repayment conditions of the monies to the fund from the specified project funds.

2402 [~~8~~] (7) (a) The proceeds from any bonds or other obligations secured by revenues of

2403 the Transportation Corridor Preservation Revolving Loan Fund shall be used for:

2404 (i) the acquisition of real property in hardship cases; and

2405 (ii) any of the purposes authorized for funds in the Transportation Corridor

2406 Preservation Revolving Loan Fund under this section.

2407 (b) The commission shall pledge the necessary part of the revenues of the

2408 Transportation Corridor Preservation Revolving Loan Fund to the payment of principal of and

2409 interest on the bonds or other obligations.

2410 [~~9~~] (8) (a) The department may not apply for monies under this section unless the

2411 highway authority has an access management policy or ordinance in effect that meets the

2412 requirements under Subsection [~~9~~] (8)(b).

2413 (b) The access management policy or ordinance shall:

2414 (i) be for the purpose of balancing the need for reasonable access to land uses with the

2415 need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity,  
2416 and speed; and

2417 (ii) include provisions:

2418 (A) limiting the number of conflict points at driveway locations;

2419 (B) separating conflict areas;

2420 (C) reducing the interference of through traffic;

2421 (D) spacing at-grade signalized intersections; and

2422 (E) providing for adequate on-site circulation and storage.

2423 (c) The department shall develop a model access management policy or ordinance that  
2424 meets the requirements of this Subsection [~~(9)~~] (8) for the benefit of a county or municipality  
2425 under this section.

2426 [~~(10)~~] (9) (a) In accordance with Title 63G, Chapter 3, Utah Administrative  
2427 Rulemaking Act, the commission shall make rules establishing a corridor preservation advisory  
2428 council.

2429 (b) The corridor preservation advisory council shall:

2430 (i) assist with and help coordinate the corridor preservation efforts of the department  
2431 and local governments;

2432 (ii) provide recommendations and priorities concerning corridor preservation and the  
2433 use of fund monies to the department and to the commission; and

2434 (iii) include members designated by each metropolitan planning organization in the  
2435 state to represent local governments that are involved with corridor preservation through  
2436 official maps and planning.

2437 Section 52. Section **72-2-117.5** is amended to read:

2438 **72-2-117.5. Definitions -- Local Transportation Corridor Preservation Fund --**

2439 **Disposition of fund monies.**

2440 (1) As used in this section:

2441 (a) "Council of governments" means a decision-making body in each county composed  
2442 of the county governing body and the mayors of each municipality in the county.

2443 (b) "Metropolitan planning organization" has the same meaning as defined in Section  
2444 72-1-208.5.

2445 (2) There is created the Local Transportation Corridor Preservation Fund within the

2446 Transportation Fund.

2447 (3) The fund shall be funded from the following sources:

2448 (a) a local option highway construction and transportation corridor preservation fee  
2449 imposed under Section 41-1a-1222;

2450 (b) appropriations made to the fund by the Legislature;

2451 (c) contributions from other public and private sources for deposit into the fund;

2452 (d) all monies collected from rents and sales of real property acquired with fund  
2453 monies;

2454 (e) proceeds from general obligation bonds, revenue bonds, or other obligations issued  
2455 as authorized by Title 63B, Bonds;

2456 (f) the portion of the sales and use tax described in Subsection 59-12-2217(2)(b) and  
2457 required by Subsection 59-12-2217(8)(a) to be deposited into the fund; and

2458 (g) sales and use tax revenues deposited into the fund in accordance with Section  
2459 59-12-2218.

2460 (4) (a) The fund shall earn interest.

2461 (b) All interest earned on fund monies shall be deposited into the fund.

2462 [~~(c)~~] All monies appropriated to the Local Transportation Corridor Preservation Fund  
2463 are nonlapsing.]

2464 [~~(d)~~] (c) The State Tax Commission shall provide the department with sufficient data  
2465 for the department to allocate the revenues:

2466 (i) provided under Subsection (3)(a) to each county imposing a local option highway  
2467 construction and transportation corridor preservation fee under Section 41-1a-1222;

2468 (ii) provided under Subsection 59-12-2217(2)(b) to each county imposing a county  
2469 option sales and use tax for transportation; and

2470 (iii) provided under Subsection (3)(g) to each county of the second class or city or town  
2471 within a county of the second class that imposes the sales and use tax authorized by Section  
2472 59-12-2218.

2473 [~~(e)~~] (d) (i) The department shall annually allocate the interest earned on fund monies  
2474 to each county based on the proportionate amount of interest earned on each county's allocation  
2475 of funds under Subsection (4)[~~(d)~~](c) on an average monthly balance basis.

2476 (ii) The initial annual allocation of fund interest shall include all interest earned on



2477 fund monies since the creation of the fund.

2478 ~~(f)~~ (e) The monies allocated under Subsection (4)~~(d)~~(c):

2479 (i) shall be used for the purposes provided in this section for each county, city, or town;

2480 and

2481 (ii) are allocated to each county, city or town as provided in this section:

2482 (A) with the condition that the state will not be charged for any asset purchased with

2483 the monies allocated under Subsections (4)~~(d)~~(c) and ~~(e)~~ (d); and

2484 (B) are considered a local matching contribution for the purposes described under

2485 Section 72-2-123 if used on a state highway.

2486 ~~(g)~~ (f) Administrative costs of the department to implement this section shall be paid

2487 from the fund.

2488 (5) (a) The department shall authorize the expenditure of fund monies to allow a

2489 highway authority to acquire real property or any interests in real property for state, county, and

2490 municipal highway corridors subject to:

2491 (i) monies available in the fund to each county under Subsections (4)~~(d)~~(c) and ~~(e)~~

2492 (d); and

2493 (ii) the provisions of this section.

2494 (b) Fund monies may be used to pay interest on debts incurred in accordance with this

2495 section.

2496 (c) (i) (A) Fund monies may be used to pay maintenance costs of properties acquired

2497 under this section but limited to a total of 5% of the purchase price of the property.

2498 (B) Any additional maintenance cost shall be paid from funds other than under this

2499 section.

2500 (C) Revenue generated by any property acquired under this section is excluded from

2501 the limitations under this Subsection (5)(c)(i).

2502 (ii) Fund monies may be used to pay direct costs of acquisition of properties acquired

2503 under this section.

2504 (d) Fund monies allocated under Subsections (4)~~(d)~~(c) and ~~(e)~~ (d) may be used by a

2505 county highway authority for countywide transportation planning if:

2506 (i) the county is not included in a metropolitan planning organization;

2507 (ii) the transportation planning is part of the county's continuing, cooperative, and

2508 comprehensive process for transportation planning, corridor preservation, right-of-way  
2509 acquisition, and project programming;

2510 (iii) no more than four years allocation every 20 years to each county is used for  
2511 transportation planning under this Subsection (5)(d); and

2512 (iv) the county otherwise qualifies to use the fund monies as provided under this  
2513 section.

2514 (e) (i) Subject to Subsection (11), fund monies allocated under Subsections (4)~~(c)~~(c)  
2515 and ~~(e)~~ (d) may be used by a county highway authority for transportation corridor planning  
2516 that is part of the corridor elements of an ongoing work program of transportation projects.

2517 (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the  
2518 direction of:

2519 (A) the metropolitan planning organization if the county is within the boundaries of a  
2520 metropolitan planning organization; or

2521 (B) the department if the county is not within the boundaries of a metropolitan  
2522 planning organization.

2523 (6) (a) (i) The Local Transportation Corridor Preservation Fund shall be used to  
2524 preserve highway corridors, promote long-term statewide transportation planning, save on  
2525 acquisition costs, and promote the best interests of the state in a manner which minimizes  
2526 impact on prime agricultural land.

2527 (ii) The Local Transportation Corridor Preservation Fund shall only be used to preserve  
2528 a highway corridor that is right-of-way:

2529 (A) in a county of the first or second class for a:

2530 (I) state highway;

2531 (II) a principal arterial highway as defined in Section 72-4-102.5;

2532 (III) a minor arterial highway as defined in Section 72-4-102.5; or

2533 (IV) a collector highway in an urban area as defined in Section 72-4-102.5; or

2534 (B) in a county of the third, fourth, fifth, or sixth class for a:

2535 (I) state highway;

2536 (II) a principal arterial highway as defined in Section 72-4-102.5;

2537 (III) a minor arterial highway as defined in Section 72-4-102.5;

2538 (IV) a major collector highway as defined in Section 72-4-102.5; or

2539 (V) a minor collector road as defined in Section 72-4-102.5.  
2540 (iii) The Local Transportation Corridor Preservation Fund may not be used for a  
2541 highway corridor that is primarily a recreational trail as defined under Section 79-5-102.  
2542 (b) (i) The department shall develop and implement a program to educate highway  
2543 authorities on the objectives, application process, use, and responsibilities of the Local  
2544 Transportation Corridor Preservation Fund as provided under this section to promote the most  
2545 efficient and effective use of fund monies including priority use on designated high priority  
2546 corridor preservation projects.  
2547 (ii) The department shall develop a model transportation corridor property acquisition  
2548 policy or ordinance that meets federal requirements for the benefit of a highway authority to  
2549 acquire real property or any interests in real property under this section.  
2550 (c) The department shall authorize the expenditure of fund monies after determining  
2551 that the expenditure is being made in accordance with this section from applications that are:  
2552 (i) made by a highway authority;  
2553 (ii) endorsed by the council of governments; and  
2554 (iii) for a right-of-way purchase for a highway authorized under Subsection (6)(a)(ii).  
2555 (7) (a) (i) A council of governments shall establish a council of governments  
2556 endorsement process which includes prioritization and application procedures for use of the  
2557 monies allocated to each county under this section.  
2558 (ii) The endorsement process under Subsection (7)(a)(i) may include review or  
2559 endorsement of the preservation project by the:  
2560 (A) metropolitan planning organization if the county is within the boundaries of a  
2561 metropolitan planning organization; or  
2562 (B) the department if the county is not within the boundaries of a metropolitan  
2563 planning organization.  
2564 (b) All fund monies shall be prioritized by each highway authority and council of  
2565 governments based on considerations, including:  
2566 (i) areas with rapidly expanding population;  
2567 (ii) the willingness of local governments to complete studies and impact statements  
2568 that meet department standards;  
2569 (iii) the preservation of corridors by the use of local planning and zoning processes;

- 2570 (iv) the availability of other public and private matching funds for a project;
- 2571 (v) the cost-effectiveness of the preservation projects;
- 2572 (vi) long and short-term maintenance costs for property acquired; and
- 2573 (vii) whether the transportation corridor is included as part of:
  - 2574 (A) the county and municipal master plan; and
  - 2575 (B) (I) the statewide long range plan; or
  - 2576 (II) the regional transportation plan of the area metropolitan planning organization if
  - 2577 one exists for the area.
- 2578 (c) The council of governments shall:
  - 2579 (i) establish a priority list of highway corridor preservation projects within the county;
  - 2580 (ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body for
  - 2581 approval; and
  - 2582 (iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the
  - 2583 members of the county legislative body.
- 2584 (d) A county's council of governments may only submit one priority list described in
- 2585 Subsection (7)(c)(i) per calendar year.
- 2586 (e) A county legislative body may only consider and approve one priority list described
- 2587 in Subsection (7)(c)(i) per calendar year.
- 2588 (8) (a) Unless otherwise provided by written agreement with another highway
- 2589 authority, the highway authority that holds the deed to the property is responsible for
- 2590 maintenance of the property.
- 2591 (b) The transfer of ownership for property acquired under this section from one
- 2592 highway authority to another shall include a recorded deed for the property and a written
- 2593 agreement between the highway authorities.
- 2594 (9) (a) The proceeds from any bonds or other obligations secured by revenues of the
- 2595 Local Transportation Corridor Preservation Fund shall be used for the purposes authorized for
- 2596 funds under this section.
- 2597 (b) The highway authority shall pledge the necessary part of the revenues of the Local
- 2598 Transportation Corridor Preservation Fund to the payment of principal and interest on the
- 2599 bonds or other obligations.
- 2600 (10) (a) A highway authority may not apply for monies under this section to purchase a

2601 right-of-way for a state highway unless the highway authority has:

2602 (i) a transportation corridor property acquisition policy or ordinance in effect that  
2603 meets federal requirements for the acquisition of real property or any interests in real property  
2604 under this section; and

2605 (ii) an access management policy or ordinance in effect that meets the requirements  
2606 under Subsection 72-2-117~~(9)~~(8).

2607 (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a  
2608 written agreement with the department for the acquisition of real property or any interests in  
2609 real property under this section.

2610 (11) (a) The department shall, in expending or authorizing the expenditure of fund  
2611 monies, ensure to the extent possible that the fund monies allocated to a city or town in  
2612 accordance with Subsection (4) are expended:

2613 (i) to fund a project or service as allowed by this section within the city or town to  
2614 which the fund monies are allocated;

2615 (ii) to pay debt service, principal, or interest on a bond or other obligation as allowed  
2616 by this section if that bond or other obligation is:

2617 (A) secured by monies allocated to the city or town; and

2618 (B) issued to finance a project or service as allowed by this section within the city or  
2619 town to which the fund monies are allocated;

2620 (iii) to fund transportation planning as allowed by this section within the city or town  
2621 to which the fund monies are allocated; or

2622 (iv) for another purpose allowed by this section within the city or town to which the  
2623 fund monies are allocated.

2624 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2625 department may make rules to implement the requirements of Subsection (11)(a).

2626 Section 53. Section **72-2-120** is amended to read:

2627 **72-2-120. Tollway Special Revenue Fund -- Revenue.**

2628 (1) There is created a special revenue fund within the Transportation Fund known as  
2629 the "Tollway Special Revenue Fund."

2630 (2) The fund shall be funded from the following sources:

2631 (a) tolls collected by the department under Section 72-6-118;

- 2632 (b) funds received by the department through a tollway development agreement under
- 2633 Section 72-6-203;
- 2634 (c) appropriations made to the fund by the Legislature;
- 2635 (d) contributions from other public and private sources for deposit into the fund;
- 2636 (e) interest earnings on cash balances; and
- 2637 (f) money collected for repayments and interest on fund money.

2638 [~~(3) Money appropriated to the fund is nonlapsing.~~]

2639 [~~(4)~~] (3) The Division of Finance shall create a subaccount for each tollway as defined  
2640 in Section 72-6-118.

2641 [~~(5)~~] (4) The commission may authorize the money deposited into the fund to be spent  
2642 by the department to establish and operate tollways and related facilities, including design,  
2643 construction, reconstruction, operation, maintenance, enforcement, impacts from tollways, and  
2644 the acquisition of right-of-way.

2645 Section 54. Section **72-2-122** is amended to read:

2646 **72-2-122. Aeronautics Construction Revolving Loan Fund -- Distribution --**  
2647 **Repayment -- Rulemaking.**

2648 (1) There is created the Aeronautics Construction Revolving Loan Fund within the  
2649 Transportation Fund.

2650 (2) The fund shall include monies from the following sources:

- 2651 (a) appropriations made to the fund by the Legislature;
- 2652 (b) contributions from other public and private sources for deposit into the fund;
- 2653 (c) interest earnings on cash balances;
- 2654 (d) all monies collected for repayments and interest on fund monies; and
- 2655 (e) proceeds from revenue bonds or other obligations issued in accordance with Title  
2656 63B, Chapter 1, Part 3, State Building Ownership Authority Act, and Title 63B, Bonds.

2657 [~~(3) All monies appropriated to the Aeronautics Construction Revolving Loan Fund are~~  
2658 ~~nonlapsing.~~]

2659 [~~(4)~~] (3) (a) The commission shall authorize the expenditure of fund monies for  
2660 construction, major reconstruction, major renovation, or property acquisition of airports and  
2661 airport runways for state, county, and municipal airports subject to:

- 2662 (i) monies available in the fund; and

2663 (ii) rules made under Subsection [~~(7)~~] (6).  
2664 (b) Fund monies may be used to pay interest on debts incurred in accordance with this  
2665 section.  
2666 [~~(5)~~] (4) Administrative costs of the Aeronautics Construction Revolving Loan Fund  
2667 shall be paid from the fund.  
2668 [~~(6)~~] (5) The Operations Division:  
2669 (a) may apply to the commission under this section for monies from the Aeronautics  
2670 Construction Revolving Loan Fund for a specified aeronautics project, including for county  
2671 and municipal projects; and  
2672 (b) shall repay the fund monies authorized for the project to the fund as required under  
2673 Subsection [~~(7)~~] (6).  
2674 [~~(7)~~] (6) The commission shall:  
2675 (a) administer the Aeronautics Construction Revolving Loan Fund to promote  
2676 long-term statewide aeronautics transportation;  
2677 (b) prioritize fund monies based on considerations, including:  
2678 (i) areas with rapidly expanding population;  
2679 (ii) the willingness of local governments to:  
2680 (A) complete studies and impact statements that meet department standards; and  
2681 (B) preserve long-term airport operations by the use of local planning and zoning  
2682 processes;  
2683 (iii) the availability of other public and private matching funds for a project; and  
2684 (iv) the cost-effectiveness of the projects; and  
2685 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
2686 Rulemaking Act, establishing:  
2687 (i) the procedures for the awarding of fund monies;  
2688 (ii) the procedures for the Operations Division to apply for Aeronautics Construction  
2689 Revolving Loan Fund monies for projects; and  
2690 (iii) repayment schedules and conditions of replacing the monies back into the fund.  
2691 [~~(8)~~] (7) For loans made under this section to a county or municipal airport, the  
2692 Division of Finance shall:  
2693 (a) collect and account for a loan made in accordance with this section; and

2694 (b) have custody of all loan documents evidencing indebtedness of the Aeronautics  
2695 Construction Revolving Loan Fund, including all:

- 2696 (i) notes; and
- 2697 (ii) contracts.

2698 [~~9~~] (8) (a) The proceeds from the revenue bonds or other obligations issued on  
2699 revenues of the Aeronautics Construction Revolving Loan Fund shall be used for the purposes  
2700 authorized for funds under this section.

2701 (b) The commission shall pledge the necessary part of the revenues of the Aeronautics  
2702 Construction Revolving Loan Fund to the payment of principal of and interest on the revenue  
2703 bonds or other obligations.

2704 Section 55. Section **72-3-109** is amended to read:

2705 **72-3-109. Division of responsibility with respect to state highways in cities and**  
2706 **towns.**

2707 (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the  
2708 department and the municipalities for state highways within municipalities is as follows:

2709 (a) The department has jurisdiction over and is responsible for the construction and  
2710 maintenance of:

2711 (i) the portion of the state highway located between the back of the curb on either side  
2712 of the state highway; or

2713 (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.

2714 (b) The department may widen or improve state highways within municipalities.

2715 (c) (i) A municipality has jurisdiction over all other portions of the right-of-way and is  
2716 responsible for construction and maintenance of the right-of-way.

2717 (ii) If a municipality grants permission for the installation of any pole, pipeline,  
2718 conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any  
2719 kind or character within the portion of the right-of-way under its jurisdiction:

2720 (A) the permission shall contain the condition that any installation will be removed  
2721 from the right-of-way at the request of the municipality; and

2722 (B) the municipality shall cause any installation to be removed at the request of the  
2723 department when the department finds the removal necessary:

2724 (I) to eliminate a hazard to traffic safety;



2725 (II) for the construction and maintenance of the state highway; or

2726 (III) to meet the requirements of federal regulations.

2727 (d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated,  
2728 reimbursement shall be made for the relocation as provided for in Section 72-6-116.

2729 (e) (i) The department shall construct curbs, gutters, and sidewalks on the state  
2730 highways if necessary for the proper control of traffic, driveway entrances, or drainage.

2731 (ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are  
2732 removed, the department shall replace the curbs, gutters, or sidewalks.

2733 (f) The department may furnish and install street lighting systems for state highways,  
2734 but their operation and maintenance is the responsibility of the municipality.

2735 (g) If new storm sewer facilities are necessary in the construction and maintenance of  
2736 the state highways, the cost of the storm sewer facilities shall be borne by the state and the  
2737 municipality in a proportion mutually agreed upon between the department and the  
2738 municipality.

2739 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2740 the department shall make rules governing the location and construction of approach roads and  
2741 driveways entering the state highway. The rules shall:

2742 (i) include criteria for the design, location, and spacing of approach roads and  
2743 driveways based on the functional classification of the adjacent highway, including the urban  
2744 or rural nature of the area;

2745 (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the model  
2746 access management policy or ordinance developed by the department under Subsection  
2747 72-2-117~~(9)~~(8);

2748 (iii) include procedures for:

2749 (A) the application and review of a permit for approach roads and driveways including  
2750 review of related site plans that have been recommended according to local ordinances; and

2751 (B) approving, modifying, denying, or appealing the modification or denial of a permit  
2752 for approach roads and driveways within 45 days of receipt of the application; and

2753 (iv) require written justifications for modifying or denying a permit.

2754 (b) The department may delegate the administration of the rules to the highway  
2755 authorities of a municipality.

2756 (c) In accordance with this section and Section 72-7-104, an approach road or driveway  
2757 may not be constructed on a state highway without a permit issued under this section.

2758 (3) The department has jurisdiction and control over the entire right-of-way of  
2759 interstate highways within municipalities and is responsible for the construction, maintenance,  
2760 and regulation of the interstate highways within municipalities.

2761 Section 56. Section **73-28-404** is amended to read:

2762 **73-28-404. Repayments returned to Water Resources Conservation and**  
2763 **Development Fund -- Establishment of an enterprise fund.**

2764 (1) The board shall deposit, in accordance with Section 51-4-1, into the Water  
2765 Resources Conservation and Development Fund:

- 2766 (a) repayments of preconstruction and construction costs; and
- 2767 (b) the interest charged.

2768 (2) (a) There is created an enterprise fund, as defined in Subsection 51-5-4(8), entitled  
2769 the "Lake Powell Pipeline Project Operation and Maintenance Fund."

2770 (b) The fund consists of:

- 2771 (i) revenues received from the sale of developed water that is designated for project  
2772 operation, maintenance, repair, and replacement costs;
- 2773 (ii) revenues received from the sale of electricity that are deposited in the fund in  
2774 accordance with Subsection 73-28-203(3); and
- 2775 (iii) all interest earned by the fund.

2776 [~~(3)(a) Any unexpended monies remaining in the fund at the end of the fiscal year are~~  
2777 ~~nontlapsing.~~]

2778 [~~(b)~~] (3) Notwithstanding Section 63J-1-211, the Legislature may not appropriate any  
2779 monies from the Lake Powell Pipeline Project Operation and Maintenance Fund.

2780 (4) The state treasurer shall:

- 2781 (a) invest the monies in the enterprise fund by following the procedures and  
2782 requirements of Title 51, Chapter 7, State Money Management Act; and
- 2783 (b) deposit all interest or other earnings derived from those investments into the Lake  
2784 Powell Pipeline Operation and Maintenance Fund.

2785 (5) The committee shall approve the expenditure of fund monies to cover the project  
2786 operation, maintenance, repair, and replacement costs, subject to:

- 2787 (a) monies available in the fund; and
- 2788 (b) rules established by the board under Subsection 73-28-104(2).
- 2789 (6) If title to the project is transferred under Section 73-28-405, the agreement shall
- 2790 direct the disposition of the monies remaining in the fund.
- 2791 Section 57. Section **77-32-601** is amended to read:
- 2792 **77-32-601. Establishment of Indigent Aggravated Murder Defense Trust Fund --**
- 2793 **Use of fund -- Compensation for indigent legal defense from fund.**
- 2794 (1) For purposes of this part, "fund" means the Indigent Aggravated Murder Defense
- 2795 Trust Fund.
- 2796 (2) (a) There is established a private-purpose trust fund known as the "Indigent
- 2797 Aggravated Murder Defense Trust Fund." [~~which shall be nonlapsing and~~]
- 2798 (b) The fund shall be disbursed by the Division of Finance at the direction of the board
- 2799 and subject to this chapter.
- 2800 (3) The fund consists of:
- 2801 (a) money received from participating counties as provided in Sections 77-32-602 and
- 2802 77-32-603;
- 2803 (b) appropriations made to the fund by the Legislature as provided in Section
- 2804 77-32-603; and
- 2805 (c) interest and earnings from the investment of fund money.
- 2806 (4) Fund money shall be invested by the state treasurer with the earnings and interest
- 2807 accruing to the fund.
- 2808 (5) The fund shall be used to assist participating counties with financial resources, as
- 2809 provided in Subsection (6), to fulfill their constitutional and statutory mandates for the
- 2810 provision of an adequate defense for indigents prosecuted for the violation of state laws in
- 2811 cases involving aggravated murder.
- 2812 (6) Money allocated to or deposited in this fund shall be used only:
- 2813 (a) to reimburse participating counties for expenditures made for an attorney appointed
- 2814 to represent an indigent, other than a state inmate in a state prison, prosecuted for aggravated
- 2815 murder in a participating county; and
- 2816 (b) for administrative costs pursuant to Section 77-32-401.
- 2817 Section 58. Section **77-32-701** is amended to read:

2818           **77-32-701. Establishment of Indigent Felony Defense Trust Fund -- Use of fund**  
2819 **-- Compensation for indigent legal defense from fund.**

2820           (1) For purposes of this part, "fund" means the Indigent Felony Defense Trust Fund.

2821           (2) (a) There is established a private-purpose trust fund known as the "Indigent Felony  
2822 Defense Trust Fund." [~~which shall be nonlapsing and~~]

2823           (b) The fund shall be disbursed by the Division of Finance at the direction of the board  
2824 and subject to the provisions of this chapter.

2825           (3) The fund consists of:

2826           (a) money received from participating counties as provided in Sections 77-32-702 and  
2827 77-32-703;

2828           (b) a one-time appropriation by the Legislature; and

2829           (c) interest and earnings from the investment of fund money.

2830           (4) Fund money shall be invested by the state treasurer with the earnings and interest  
2831 accruing to the fund.

2832           (5) The fund shall be used to assist participating counties with the financial resources,  
2833 as provided in Subsection (6), to fulfill their constitutional and statutory mandates for the  
2834 provision of an adequate defense for indigents prosecuted for the violation of state laws in  
2835 cases involving felony offenses.

2836           (6) Money allocated to or deposited in this fund shall be used only:

2837           (a) to reimburse participating counties for expenditures made for an attorney appointed  
2838 to represent an indigent, other than a state inmate in a state prison, prosecuted for a felony in a  
2839 participating county; and

2840           (b) for administrative costs pursuant to Section 77-32-401.

2841           Section 59. Section **79-3-401** is amended to read:

2842           **79-3-401. Disposition of survey income -- Sources of funds.**

2843           (1) Income to the survey is deposited with the state treasurer and credited by the  
2844 treasurer to the General Fund [~~as a nonlapsing restrictive account~~] as dedicated credits for use  
2845 by the survey.

2846           (2) In addition to those funds that are available to the survey under Subsection (1), the  
2847 Legislature shall provide such funds by appropriation as are reasonably necessary to meet the  
2848 requirements of the survey in the performance of its duties and obligations.

- 2849           Section 60. **Repealer.**
- 2850           This bill repeals:
- 2851           Section **9-8-604, Centennial History Fund.**
- 2852           Section **63M-1-2305, Annual report.**

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**Legislative Review Note**  
as of **2-25-11 2:31 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 330

SHORT TITLE: **Budgetary Procedure Amendments**

SPONSOR: **Brown, M.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.