

1 **NONLAPSING DEDICATED CREDIT AMENDMENTS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ron Bigelow**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill makes modifications to the Budgetary Procedures Act and eliminates certain
10 nonlapsing dedicated credits.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that certain dedicated credits that were classified as nonlapsing are now
14 subject to lapsing requirements;

15 ▶ clarifies that, unless otherwise specifically provided, revenues in a restricted
16 account or fund do not lapse to another account or fund unless otherwise
17 specifically provided for by law or legislative appropriation;

18 ▶ removes the modified dedicated credits from the list of nonlapsing funds and
19 accounts in the Budgetary Procedures Act;

20 ▶ makes technical cross-reference corrections; and

21 ▶ makes technical changes.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill takes effect on July 1, 2010.

26 This bill coordinates with S.B. 167, Alcoholic Beverage Control Act Recodification,
27 by providing conforming and substantive amendments.

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **4-2-2**, as last amended by Laws of Utah 2009, Chapter 183
- 31 **4-14-3**, as last amended by Laws of Utah 2009, Chapter 183
- 32 **4-14-13**, as last amended by Laws of Utah 2009, Chapter 183
- 33 **4-35-6**, as last amended by Laws of Utah 1997, Chapter 82
- 34 **19-6-120**, as last amended by Laws of Utah 1992, Chapter 282
- 35 **26-8a-208**, as enacted by Laws of Utah 1999, Chapter 141
- 36 **26-18-3**, as last amended by Laws of Utah 2008, Chapters 62 and 382
- 37 **26-40-108**, as last amended by Laws of Utah 2008, Chapter 386
- 38 **31A-2-208**, as last amended by Laws of Utah 1987, Chapter 95
- 39 **31A-31-108**, as last amended by Laws of Utah 2008, Chapter 382
- 40 **31A-31-109**, as enacted by Laws of Utah 2004, Chapter 104
- 41 **32A-1-115**, as last amended by Laws of Utah 2009, Chapter 383
- 42 **35A-3-114**, as last amended by Laws of Utah 2001, Chapters 46 and 143
- 43 **41-1a-1201**, as last amended by Laws of Utah 2009, First Special Session, Chapter 6
- 44 **41-1a-1221**, as last amended by Laws of Utah 2009, Chapter 183
- 45 **41-3-601**, as last amended by Laws of Utah 2009, Chapter 183
- 46 **41-3-604**, as last amended by Laws of Utah 2009, Chapter 183
- 47 **41-22-36**, as last amended by Laws of Utah 2009, Chapter 183
- 48 **46-1-23**, as enacted by Laws of Utah 2003, Chapter 136
- 49 **53-7-314**, as last amended by Laws of Utah 2009, Chapter 183
- 50 **58-37-7.7**, as last amended by Laws of Utah 2006, Chapter 46
- 51 **58-56-9**, as last amended by Laws of Utah 2002, Chapter 75
- 52 **61-2c-401**, as last amended by Laws of Utah 2007, Chapter 325
- 53 **63J-1-104**, as renumbered and amended by Laws of Utah 2009, Chapters 183 and 368
- 54 **63J-1-602**, as enacted by Laws of Utah 2009, Chapter 368
- 55 **63M-1-1604**, as last amended by Laws of Utah 2008, Chapter 381 and renumbered
- 56 and amended by Laws of Utah 2008, Chapter 382
- 57 **63M-1-2408**, as last amended by Laws of Utah 2009, Chapter 183

- 58 **64-13-21.2**, as enacted by Laws of Utah 1993, Chapter 220
- 59 **72-2-107**, as last amended by Laws of Utah 2008, Chapters 109 and 389
- 60 **72-2-118**, as last amended by Laws of Utah 2007, Chapter 206
- 61 **72-2-124**, as last amended by Laws of Utah 2009, First Special Session, Chapter 6
- 62 **72-3-207**, as last amended by Laws of Utah 2008, Chapter 382
- 63 **73-18-25**, as last amended by Laws of Utah 2009, Chapter 183
- 64 **78A-9-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 65 **78B-1-146**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 66 **79-4-403**, as renumbered and amended by Laws of Utah 2009, Chapter 344
- 67 **79-4-1001**, as renumbered and amended by Laws of Utah 2009, Chapter 344

68 **Utah Code Sections Affected by Coordination Clause:**

- 69 **32B-2-405**, Utah Code Annotated 1953
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71 *Be it enacted by the Legislature of the state of Utah:*

72 Section 1. Section **4-2-2** is amended to read:

73 **4-2-2. Functions, powers, and duties of department -- Fees for services --**

74 **Marketing orders -- Procedure.**

75 (1) The department shall:

76 (a) inquire into and promote the interests and products of agriculture and its allied
77 industries;

78 (b) promote methods for increasing the production and facilitating the distribution of
79 the agricultural products of the state;

80 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases
81 among livestock and the means for their prevention and cure; and

82 (ii) initiate, implement, and administer plans and programs to prevent the spread of
83 diseases among livestock;

84 (d) encourage experiments designed to determine the best means and methods for the
85 control of diseases among domestic and wild animals;

- 86 (e) issue marketing orders for any designated agricultural product to:
- 87 (i) promote orderly market conditions for any product;
- 88 (ii) give the producer a fair return on the producer's investment at the marketplace; and
- 89 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
- 90 commodities;
- 91 (f) administer and enforce all laws assigned to the department by the Legislature;
- 92 (g) establish standards and grades for agricultural products and fix and collect
- 93 reasonable fees for services performed by the department in conjunction with the grading of
- 94 agricultural products;
- 95 (h) establish operational standards for any establishment that manufactures, processes,
- 96 produces, distributes, stores, sells, or offers for sale any agricultural product;
- 97 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 98 rules necessary for the effective administration of the agricultural laws of the state;
- 99 (j) when necessary, make investigations, subpoena witnesses and records, conduct
- 100 hearings, issue orders, and make recommendations concerning all matters related to
- 101 agriculture;
- 102 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
- 103 private or public place that may become infested or infected with harmful insects, plant
- 104 diseases, noxious or poisonous weeds, or other agricultural pests;
- 105 (ii) establish and enforce quarantines;
- 106 (iii) issue and enforce orders and rules for the control and eradication of pests,
- 107 wherever they may exist within the state; and
- 108 (iv) perform other duties relating to plants and plant products considered advisable
- 109 and not contrary to law;
- 110 (l) inspect apiaries for diseases inimical to bees and beekeeping;
- 111 (m) take charge of any agricultural exhibit within the state, if considered necessary by
- 112 the department, and award premiums at that exhibit;
- 113 (n) assist the Conservation Commission in the administration of Title 4, Chapter 18,

114 Conservation Commission Act, and administer and disburse any funds available to assist
115 conservation districts in the state in the conservation of the state's soil and water resources;
116 and

117 (o) perform any additional functions, powers, and duties provided by law.

118 (2) The department, by following the procedures and requirements of Section
119 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.

120 (3) (a) No marketing order issued under Subsection (1)(e) shall take effect until:

121 (i) the department gives notice of the proposed order to the producers and handlers of
122 the affected product;

123 (ii) the commissioner conducts a hearing on the proposed order; and

124 (iii) at least 50% of the registered producers and handlers of the affected products vote
125 in favor of the proposed order.

126 (b) (i) The department may establish boards of control to administer marketing orders
127 and the proceeds derived from any order.

128 (ii) The board of control shall:

129 (A) ensure that all proceeds are placed in an account in the board of control's name in
130 a depository institution; and

131 (B) ensure that the account is annually audited by an accountant approved by the
132 commissioner.

133 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be
134 deposited in the General Fund as ~~nonlapsing~~ dedicated credits for the grain grading program.

135 Section 2. Section **4-14-3** is amended to read:

136 **4-14-3. Registration required for distribution -- Application -- Fees -- Renewal --**
137 **Local needs registration -- Distributor or applicator license -- Fees -- Renewal.**

138 (1) (a) No person may distribute a pesticide in this state that is not registered with the
139 department.

140 (b) Application for registration shall be made to the department upon forms prescribed
141 and furnished by it accompanied with an annual registration fee determined by the department

142 pursuant to Subsection 4-2-2(2) for each pesticide registered.

143 (c) Upon receipt by the department of a proper application and payment of the
144 appropriate fee, the commissioner shall issue a registration to the applicant allowing
145 distribution of the registered pesticide in this state through June 30 of each year, subject to
146 suspension or revocation for cause.

147 (d) (i) Each registration is renewable for a period of one year upon the payment of an
148 annual registration renewal fee in an amount equal to the current applicable original
149 registration fee.

150 (ii) Each renewal fee shall be paid on or before June 30 of each year.

151 (2) The application shall include the following information:

152 (a) the name and address of the applicant and the name and address of the person
153 whose name will appear on the label, if other than the applicant's name;

154 (b) the name of the pesticide;

155 (c) a complete copy of the label which will appear on the pesticide; and

156 (d) any information prescribed by rule of the department considered necessary for the
157 safe and effective use of the pesticide.

158 (3) (a) Forms for the renewal of registration shall be mailed to registrants at least 30
159 days before their registration expires.

160 (b) A registration in effect on June 30 for which a renewal application has been filed
161 and the registration fee tendered shall continue in effect until the applicant is notified either
162 that the registration is renewed or that it is suspended or revoked pursuant to Section 4-14-8.

163 (4) The department may, before approval of any registration, require the applicant to
164 submit the complete formula of any pesticide including active and inert ingredients and may
165 also, for any pesticide not registered according to 7 U.S.C. Sec. 136a or for any pesticide on
166 which restrictions are being considered, require a complete description of all tests and test
167 results that support the claims made by the applicant or the manufacturer of the pesticide.

168 (5) A registrant who desires to register a pesticide to meet special local needs
169 according to 7 U.S.C. Sec. 136v(c) shall, in addition to complying with Subsections (1) and

- 170 (2), satisfy the department that:
- 171 (a) a special local need exists;
- 172 (b) the pesticide warrants the claims made for it;
- 173 (c) the pesticide, if used in accordance with commonly accepted practices, will not
174 cause unreasonable adverse effects on the environment; and
- 175 (d) the proposed classification for use conforms with 7 U.S.C. Sec. 136a(d).
- 176 (6) No registration is required for a pesticide distributed in this state pursuant to an
177 experimental use permit issued by the EPA or under Section 4-14-5.
- 178 (7) No pesticide dealer may distribute a restricted use pesticide in this state without a
179 license.
- 180 (8) A person must receive a license before applying:
- 181 (a) a restricted use pesticide; or
- 182 (b) a general use pesticide for hire or in exchange for compensation.
- 183 (9) (a) A license to engage in an activity listed in Subsection (7) or (8) may be
184 obtained by:
- 185 (i) submitting an application on a form provided by the department;
- 186 (ii) paying the license fee determined by the department according to Subsection
187 4-2-2(2); and
- 188 (iii) complying with the rules adopted as authorized by this chapter.
- 189 (b) A person may apply for a license that expires on December 31:
- 190 (i) of the calendar year in which the license is issued; or
- 191 (ii) of the second calendar year after the calendar year in which the license is issued.
- 192 (c) ~~[(f)]~~ Notwithstanding Section 63J-1-504, the department shall retain the fees as
193 dedicated credits and may only use the fees to administer and enforce this chapter.
- 194 ~~[(ii) The Legislature may annually designate the revenue generated from the fee as~~
195 ~~nonlapsing in an appropriations act.]~~
- 196 Section 3. Section **4-14-13** is amended to read:
- 197 **4-14-13. Registration required for a pesticide business.**

- 198 (1) A pesticide applicator business shall register with the department by:
- 199 (a) submitting an application on a form provided by the department;
- 200 (b) paying the registration fee; and
- 201 (c) certifying that the business is in compliance with this chapter and departmental
- 202 rules authorized by this chapter.
- 203 (2) (a) By following the procedures and requirements of Section 63J-1-504, the
- 204 department shall establish a registration fee based on the number of pesticide applicators
- 205 employed by the pesticide applicator business.
- 206 (b) (i) Notwithstanding Section 63J-1-504, the department shall [~~retain~~] deposit the
- 207 fees as dedicated credits and may only use the fees to administer and enforce this chapter.
- 208 (ii) The Legislature may annually designate the revenue generated from the fee as
- 209 nonlapsing in an appropriations act.
- 210 (3) (a) The department shall issue a pesticide applicator business a registration
- 211 certificate if the pesticide applicator business:
- 212 (i) has complied with the requirements of this section; and
- 213 (ii) meets the qualifications established by rule.
- 214 (b) The department shall notify the pesticide applicator business in writing that the
- 215 registration is denied if the pesticide applicator business does not meet the registration
- 216 qualifications.
- 217 (4) A registration certificate expires on December 31 of the second calendar year after
- 218 the calendar year in which the registration certificate is issued.
- 219 (5) (a) The department may suspend a registration certificate if the pesticide applicator
- 220 business violates this chapter or any rules authorized by it.
- 221 (b) A pesticide applicator business whose registration certificate has been suspended
- 222 may apply to the department for reinstatement of the registration certificate by demonstrating
- 223 compliance with this chapter and rules authorized by it.
- 224 (6) A pesticide applicator business shall:
- 225 (a) only employ a pesticide applicator who has received a license from the department,

226 as required by Section 4-14-3; and

227 (b) ensure that all employees comply with this chapter and the rules authorized by it.

228 Section 4. Section **4-35-6** is amended to read:

229 **4-35-6. Money deposited as dedicated credits -- Balance nonlapsing -- Matching**
230 **funds allowed.**

231 (1) All money received by the state under this chapter is deposited by the Department
232 of Agriculture and Food as dedicated credits for the purpose of insect control with the state.

233 [~~Any unexpended balance at the end of a fiscal year is nonlapsing. This money]~~

234 (2) The dedicated credits may be used as matching funds for:

235 [(+) (a) participation in programs of the United States Department of Agriculture; and

236 [(2) (b) in contracts with private property owners who own croplands contiguous to
237 infested public rangelands.

238 Section 5. Section **19-6-120** is amended to read:

239 **19-6-120. New hazardous waste operation plans -- Designation of hazardous**
240 **waste facilities -- Fees for filing and plan review.**

241 (1) For purposes of this section, the following items shall be treated as submission of a
242 new hazardous waste operation plan:

243 (a) the submission of a revised hazardous waste operation plan specifying a different
244 geographic site than a previously submitted plan;

245 (b) an application for modification of a commercial hazardous waste incinerator if the
246 construction or the modification would increase the commercial hazardous waste incinerator
247 capacity above the capacity specified in the operation plan as of January 1, 1990, or the
248 capacity specified in the operation plan application as of January 1, 1990, if no operation plan
249 approval has been issued as of January 1, 1990; or

250 (c) an application for modification of a commercial hazardous waste treatment,
251 storage, or disposal facility, other than an incinerator, if the modification would be outside the
252 boundaries of the property owned or controlled by the applicant, as shown in the application or
253 approved operation plan as of January 1, 1990, or the initial approved operation plan if initial

254 approval is subsequent to January 1, 1990.

255 (2) Capacity under Subsection (1)(b) shall be calculated based on the throughput
256 tonnage specified for the trial burn in the operation plan or the operation plan application if no
257 operation plan approval has been issued as of January 1, 1990, and on annual operations of
258 7,000 hours.

259 (3) (a) Hazardous waste facilities that are subject to payment of fees under this section
260 or Section 19-1-201 for plan reviews under Section 19-6-108 shall be designated by the
261 department as either class I, class II, class III, or class IV facilities.

262 (b) The department shall designate commercial hazardous waste facilities containing
263 either landfills, surface impoundments, land treatment units, thermal treatment units,
264 incinerators, or underground injection wells, which primarily receive wastes generated by
265 off-site sources not owned, controlled, or operated by the facility owner or operator, as class I
266 facilities.

267 (4) The maximum fee for filing and review of each class I facility operation plan is
268 \$200,000, and is due and payable as follows:

269 (a) The owner or operator of a class I facility shall, at the time of filing for plan review,
270 pay to the department the nonrefundable sum of \$50,000.

271 (b) Upon issuance by the executive secretary of a notice of completeness under
272 Section 19-6-108, the owner or operator of the facility shall pay to the department an
273 additional nonrefundable sum of \$50,000.

274 (c) The department shall bill the owner or operator of the facility for any additional
275 actual costs of plan review, up to an additional \$100,000.

276 (5) (a) The department shall designate hazardous waste incinerators that primarily
277 receive wastes generated by sources owned, controlled, or operated by the facility owner or
278 operator as class II facilities.

279 (b) The maximum fee for filing and review of each class II facility operation plan is
280 \$150,000, and shall be due and payable as follows:

281 (i) The owner or operator of a class II facility shall, at the time of filing for plan review

282 under Section 19-6-108, pay to the department the nonrefundable sum of \$50,000.

283 (ii) The department shall bill the owner or operator of the facility for any additional
284 actual costs of plan review, up to an additional \$100,000.

285 (6) (a) The department shall designate hazardous waste facilities containing either
286 landfills, surface impoundments, land treatment units, thermal treatment units, or underground
287 injection wells, that primarily receive wastes generated by sources owned, controlled, or
288 operated by the facility owner or operator, as class III facilities.

289 (b) The maximum fee for filing and review of each class III facility operation plan is
290 \$100,000 and is due and payable as follows:

291 (i) The owner or operator shall, at the time of filing for plan review, pay to the
292 department the nonrefundable sum of \$1,000.

293 (ii) The department shall bill the owner or operator of each class III facility for actual
294 costs of operation plan review, up to an additional \$99,000.

295 (7) (a) All other hazardous waste facilities are designated as class IV facilities.

296 (b) The maximum fee for filing and review of each class IV facility operation plan is
297 \$50,000 and is due and payable as follows:

298 (i) The owner or operator shall, at the time of filing for plan review, pay to the
299 department the nonrefundable sum of \$1,000.

300 (ii) The department shall bill the owner or operator of each class IV facility for actual
301 costs of operation plan review, up to an additional \$49,000.

302 (8) (a) The maximum fee for filing and review of each major modification plan and
303 major closure plan for a class I, class II, or class III facility is \$50,000 and is due and payable
304 as follows:

305 (i) The owner or operator shall, at the time of filing for that review, pay to the
306 department the nonrefundable sum of \$1,000.

307 (ii) The department shall bill the owner or operator of the hazardous waste facility for
308 actual costs of the review, up to an additional \$49,000.

309 (b) The maximum fee for filing and review of each minor modification and minor

310 closure plan for a class I, class II, or class III facility, and of any modification or closure plan
311 for a class IV facility, is \$20,000, and is due and payable as follows:

312 (i) The owner or operator shall, at the time of filing for that review, pay to the
313 department the nonrefundable sum of \$1,000.

314 (ii) The department shall bill the owner or operator of the hazardous waste facility for
315 actual costs of review up to an additional \$19,000.

316 (c) The owner or operator of a thermal treatment unit shall submit a trial or test burn
317 schedule 90 days prior to any planned trial or test burn. At the time the schedule is submitted,
318 the owner or operator shall pay to the department the nonrefundable fee of \$25,000. The
319 department shall apply the fee to the costs of the review and processing of each trial or test
320 burn plan, trial or test burn, and trial or test burn data report. The department shall bill the
321 owner or operator of the facility for any additional actual costs of review and preparation.

322 (9) (a) The owner or operator of a class III facility may obtain a plan review within the
323 time periods for a class II facility operation plan by paying, at the time of filing for plan
324 review, the maximum fee for a class II facility operation plan.

325 (b) The owner or operator of a class IV facility may obtain a plan review within the
326 time periods for a class II facility operation plan by paying, at the time of filing for plan
327 review, the maximum fee for a class III facility operation plan.

328 (c) An owner or operator of a class I, class II, or class III facility who submits a major
329 modification plan or a major closure plan may obtain a plan review within the time periods for
330 a class II facility operation plan by paying, at the time of filing for plan review, the maximum
331 fee for a class II facility operation plan.

332 (d) An owner or operator of a class I, class II, or class III facility who submits a minor
333 modification plan or a minor closure plan, and an owner or operator of a class IV facility who
334 submits a modification plan or a closure plan, may obtain a plan review within the time
335 periods for a class II facility operation plan by paying, at the time of filing for plan review, the
336 maximum fee for a class III facility operation plan.

337 (10) All fees received by the department under this section shall be deposited in the

338 General Fund as dedicated credits for hazardous waste plan reviews in accordance with
339 Subsection (12) and Section 19-6-108. [~~All funding of the hazardous waste plan review~~
340 ~~program is nonlapsing.~~]

341 (11) (a) (i) The executive secretary shall establish an accounting procedure that
342 separately accounts for fees paid by each owner or operator who submits a hazardous waste
343 operation plan for approval under Section 19-6-108 and pays fees for hazardous waste plan
344 reviews under this section or Section 19-1-201.

345 (ii) The executive secretary shall credit all fees paid by the owner or operator to that
346 owner or operator.

347 (iii) The executive secretary shall account for costs actually incurred in reviewing each
348 operation plan and may only use the fees of each owner or operator for review of that owner or
349 operator's plan.

350 (b) If the costs actually incurred by the department in reviewing a hazardous waste
351 operation plan of any facility are less than the nonrefundable fee paid by the owner or operator
352 under this section, the department may, upon approval or disapproval of the plan by the board
353 or upon withdrawal of the plan by the owner or operator, use any remaining funds that have
354 been credited to that owner or operator for the purposes of administering provisions of the
355 hazardous waste programs and activities authorized by this part.

356 (12) (a) With regard to any review of a hazardous waste operation plan, modification
357 plan, or closure plan that is pending on April 25, 1988 the executive secretary may assess fees
358 for that plan review.

359 (b) The total amount of fees paid by an owner or operator of a hazardous waste facility
360 whose plan review is affected by this subsection may not exceed the maximum fees allowable
361 under this section for the appropriate class of facility.

362 (13) (a) The department shall maintain accurate records of its actual costs for each
363 plan review under this section.

364 (b) Those records shall be available for public inspection.

365 Section 6. Section **26-8a-208** is amended to read:

366 **26-8a-208. Fees for training equipment rental, testing, and quality assurance**
367 **reviews.**

368 (1) The department may charge fees, established pursuant to Section 26-1-6:

369 (a) for the use of department-owned training equipment;

370 (b) to administer tests and conduct quality assurance reviews; and

371 (c) to process an application for a certificate, designation, permit, or license.

372 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated
373 credits.

374 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.

375 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality
376 assurance reviews.

377 ~~[(3) Fees and other funding available to purchase training equipment and to administer~~
378 ~~tests and conduct quality assurance reviews shall be nonlapsing.]~~

379 Section 7. Section **26-18-3** is amended to read:

380 **26-18-3. Administration of Medicaid program by department -- Reporting to the**
381 **Legislature -- Disciplinary measures and sanctions -- Funds collected -- Eligibility**
382 **standards.**

383 (1) The department shall be the single state agency responsible for the administration
384 of the Medicaid program in connection with the United States Department of Health and
385 Human Services pursuant to Title XIX of the Social Security Act.

386 (2) (a) The department shall implement the Medicaid program through administrative
387 rules in conformity with this chapter, Title 63G, Chapter 3, Utah Administrative Rulemaking
388 Act, the requirements of Title XIX, and applicable federal regulations.

389 (b) The rules adopted under Subsection (2)(a) shall include, in addition to other rules
390 necessary to implement the program:

391 (i) the standards used by the department for determining eligibility for Medicaid
392 services;

393 (ii) the services and benefits to be covered by the Medicaid program; and

394 (iii) reimbursement methodologies for providers under the Medicaid program.
395 (3) (a) The department shall, in accordance with Subsection (3)(b), report to either the
396 Legislative Executive Appropriations Committee or the Legislative Health and Human
397 Services Appropriations Subcommittee when the department:
398 (i) implements a change in the Medicaid State Plan;
399 (ii) initiates a new Medicaid waiver;
400 (iii) initiates an amendment to an existing Medicaid waiver; or
401 (iv) initiates a rate change that requires public notice under state or federal law.
402 (b) The report required by Subsection (3)(a) shall:
403 (i) be submitted to the Legislature's Executive Appropriations Committee or the
404 legislative Health and Human Services Appropriations Subcommittee prior to the department
405 implementing the proposed change; and
406 (ii) shall include:
407 (A) a description of the department's current practice or policy that the department is
408 proposing to change;
409 (B) an explanation of why the department is proposing the change;
410 (C) the proposed change in services or reimbursement, including a description of the
411 effect of the change;
412 (D) the effect of an increase or decrease in services or benefits on individuals and
413 families;
414 (E) the degree to which any proposed cut may result in cost-shifting to more expensive
415 services in health or human service programs; and
416 (F) the fiscal impact of the proposed change, including:
417 (I) the effect of the proposed change on current or future appropriations from the
418 Legislature to the department;
419 (II) the effect the proposed change may have on federal matching dollars received by
420 the state Medicaid program;
421 (III) any cost shifting or cost savings within the department's budget that may result

422 from the proposed change; and

423 (IV) identification of the funds that will be used for the proposed change, including
424 any transfer of funds within the department's budget.

425 (4) Any rules adopted by the department under Subsection (2) are subject to review
426 and reauthorization by the Legislature in accordance with Section 63G-3-502.

427 (5) The department may, in its discretion, contract with the Department of Human
428 Services or other qualified agencies for services in connection with the administration of the
429 Medicaid program, including:

430 (a) the determination of the eligibility of individuals for the program;

431 (b) recovery of overpayments; and

432 (c) consistent with Section 26-20-13, and to the extent permitted by law and quality
433 control services, enforcement of fraud and abuse laws.

434 (6) The department shall provide, by rule, disciplinary measures and sanctions for
435 Medicaid providers who fail to comply with the rules and procedures of the program, provided
436 that sanctions imposed administratively may not extend beyond:

437 (a) termination from the program;

438 (b) recovery of claim reimbursements incorrectly paid; and

439 (c) those specified in Section 1919 of Title XIX of the federal Social Security Act.

440 (7) Funds collected as a result of a sanction imposed under Section 1919 of Title XIX
441 of the federal Social Security Act shall be deposited in the General Fund as ~~nonlapsing~~
442 dedicated credits to be used by the division in accordance with the requirements of Section
443 1919 of Title XIX of the federal Social Security Act.

444 (8) (a) In determining whether an applicant or recipient is eligible for a service or
445 benefit under this part or Chapter 40, Utah Children's Health Insurance Act, the department
446 shall, if Subsection (8)(b) is satisfied, exclude from consideration one passenger vehicle
447 designated by the applicant or recipient.

448 (b) Before Subsection (8)(a) may be applied:

449 (i) the federal government must:

450 (A) determine that Subsection (8)(a) may be implemented within the state's existing
451 public assistance-related waivers as of January 1, 1999;

452 (B) extend a waiver to the state permitting the implementation of Subsection (8)(a); or

453 (C) determine that the state's waivers that permit dual eligibility determinations for
454 cash assistance and Medicaid are no longer valid; and

455 (ii) the department must determine that Subsection (8)(a) can be implemented within
456 existing funding.

457 (9) (a) For purposes of this Subsection (9):

458 (i) "aged, blind, or disabled" shall be defined by administrative rule; and

459 (ii) "spend down" means an amount of income in excess of the allowable income
460 standard that must be paid in cash to the department or incurred through the medical services
461 not paid by Medicaid.

462 (b) In determining whether an applicant or recipient who is aged, blind, or disabled is
463 eligible for a service or benefit under this chapter, the department shall use 100% of the
464 federal poverty level as:

465 (i) the allowable income standard for eligibility for services or benefits; and

466 (ii) the allowable income standard for eligibility as a result of spend down.

467 Section 8. Section **26-40-108** is amended to read:

468 **26-40-108. Funding.**

469 (1) The program shall be funded by federal matching funds received under, together
470 with state matching funds required by, 42 U.S.C. Sec. 1397ee.

471 (2) Program expenditures in the following categories may not exceed 10% in the
472 aggregate of all federal payments pursuant to 42 U.S.C. Sec. 1397ee:

473 (a) other forms of child health assistance for children with gross family incomes below
474 200% of the federal poverty level;

475 (b) other health services initiatives to improve low-income children's health;

476 (c) outreach program expenditures; and

477 (d) administrative costs.

478 [~~(3) Appropriations to the program are non-lapsing.~~]

479 Section 9. Section **31A-2-208** is amended to read:

480 **31A-2-208. Publications.**

481 (1) The commissioner may prepare and distribute books, pamphlets, and other
482 publications relating to insurance. Except as otherwise provided under this title, the insurance
483 commissioner may charge the cost of producing the publications to those desiring to receive
484 them. Money collected from subscription fees charged for these publications shall be
485 deposited as [~~nonlapsing~~] dedicated credits to be used solely for the production and mailing
486 costs of the publications.

487 (2) The commissioner shall have the annual report required in Subsection
488 31A-2-207(5) printed in a form determined by him and in sufficient numbers to meet all
489 requests for copies.

490 (3) The commissioner shall publish in his annual report an up-to-date chart and
491 explanation of the organization of his office, making clear the allocation of responsibility and
492 authority among the staff. This document shall be printed in sufficient numbers sufficient to
493 meet all requests for copies.

494 Section 10. Section **31A-31-108** is amended to read:

495 **31A-31-108. Assessment of insurers.**

496 (1) For purposes of this section:

497 (a) The commissioner shall by rule made in accordance with Title 63G, Chapter 3,
498 Utah Administrative Rulemaking Act, define:

- 499 (i) "annuity consideration";
- 500 (ii) "membership fees";
- 501 (iii) "other fees";
- 502 (iv) "deposit-type contract funds"; and
- 503 (v) "other considerations in Utah."

504 (b) "Utah consideration" means:

- 505 (i) the total premiums written for Utah risks;

- 506 (ii) annuity consideration;
- 507 (iii) membership fees collected by the insurer;
- 508 (iv) other fees collected by the insurer;
- 509 (v) deposit-type contract funds; and
- 510 (vi) other considerations in Utah.

511 (c) "Utah risks" means insurance coverage on the lives, health, or against the liability
512 of persons residing in Utah, or on property located in Utah, other than property temporarily in
513 transit through Utah.

514 (2) To implement this chapter, Section 34A-2-110, and Section 76-6-521, the
515 commissioner may assess each admitted insurer and each nonadmitted insurer transacting
516 insurance under Chapter 15, Parts 1, Unauthorized Insurers and Surplus Lines, and 2,
517 Unauthorized Insurers Risk Retention Groups Act, an annual fee as follows:

518 (a) \$150 for an insurer if the sum of the Utah consideration for that insurer is less than
519 or equal to \$1,000,000;

520 (b) \$400 for an insurer if the sum of the Utah consideration for that insurer is greater
521 than \$1,000,000 but is less than or equal to \$2,500,000;

522 (c) \$700 for an insurer if the sum of the Utah consideration for that insurer is greater
523 than \$2,500,000 but is less than or equal to \$5,000,000;

524 (d) \$1,350 for an insurer if the sum of the Utah consideration for that insurer is greater
525 than \$5,000,000 but less than or equal to \$10,000,000;

526 (e) \$5,150 for an insurer if the sum of the Utah consideration for that insurer is greater
527 than \$10,000,000 but less than \$50,000,000; and

528 (f) \$12,350 for an insurer if the sum of the Utah consideration for that insurer equals
529 or exceeds \$50,000,000.

530 (3) [~~(a)~~] All money received by the state under this section shall be deposited in the
531 General Fund as a dedicated credit of the department for the purpose of providing funds to pay
532 for any costs and expenses incurred by the department in the administration, investigation, and
533 enforcement of this chapter, Section 34A-2-110, and Section 76-6-521.

534 ~~[(b) All monies received by the department to pay for the costs and expenses incurred~~
535 ~~by the department in the administration, investigation, and enforcement of this chapter,~~
536 ~~Section 34A-2-110, and Section 76-6-521 shall be nonlapsing.]~~

537 Section 11. Section **31A-31-109** is amended to read:

538 **31A-31-109. Civil penalties.**

539 (1) In addition to other penalties provided by law, a person who violates this chapter:

540 (a) is subject to the following civil penalties:

541 (i) the person shall make full restitution; and

542 (ii) the person shall pay the costs of enforcement of this chapter for the case in which
543 the person is found to have violated this chapter:

544 (A) as determined by the one or more authorized agencies involved; and

545 (B) including costs of:

546 (I) investigators;

547 (II) attorneys; and

548 (III) other public employees; and

549 (b) in the discretion of the court, may be required to pay to the state a civil penalty not
550 to exceed three times that amount of value improperly sought or received from the fraudulent
551 insurance act.

552 (2) (a) Monies paid under Subsection (1)(a)(i) shall be paid to the person damaged by
553 the fraudulent insurance act.

554 (b) Monies paid under Subsection (1)(a)(ii) shall be paid to each applicable authorized
555 agency in the following order:

556 (i) to the General Fund as a dedicated credit of the department for the costs of
557 enforcement incurred by the department;

558 (ii) to the General Fund for the costs of enforcement incurred by a state agency other
559 than the department;

560 (iii) to the applicable political subdivision for the costs of enforcement incurred by the
561 political subdivision; and

562 (iv) to the applicable criminal investigative department or agency of the United States
563 for the costs of enforcement incurred by the department or agency.

564 (c) Monies paid under Subsection (1)(b) shall be paid into the General Fund.

565 [~~(d) Monies received by the department under this Subsection (2) are nonlapsing in~~
566 ~~accordance with Subsection 31A-31-108(3).]~~

567 (3) (a) A civil penalty assessed under Subsection (1) shall be awarded by the court as
568 part of its judgment in both criminal and civil actions.

569 (b) A criminal action need not be brought against a person in order for that person to
570 be civilly liable under this section.

571 Section 12. Section **32A-1-115** is amended to read:

572 **32A-1-115. Alcoholic Beverage Enforcement and Treatment Restricted Account**
573 **-- Distribution.**

574 (1) As used in this section:

575 (a) "Account" means the Alcoholic Beverage Enforcement and Treatment Restricted
576 Account created in this section.

577 (b) "Alcohol-related offense" means:

578 (i) a violation of:

579 (A) Section 41-6a-502; or

580 (B) an ordinance that complies with the requirements of:

581 (I) Subsection 41-6a-510(1); or

582 (II) Section 76-5-207; or

583 (ii) an offense involving the:

584 (A) illegal sale of alcohol;

585 (B) illegal distribution of alcohol;

586 (C) illegal transportation of alcohol;

587 (D) illegal possession of alcohol; or

588 (E) illegal consumption of alcohol.

589 (c) "Annual conviction time period" means the time period that:

- 590 (i) begins on July 1 and ends on June 30; and
591 (ii) immediately precedes the fiscal year for which an appropriation under this section
592 is made.
- 593 (d) "Coordinating council" means the Utah Substance Abuse and Anti-Violence
594 Coordinating Council created in Section 63M-7-301.
- 595 (e) "Municipality" means:
596 (i) a city; or
597 (ii) a town.
- 598 (2) (a) There is created in the General Fund a restricted account called the "Alcoholic
599 Beverage Enforcement and Treatment Restricted Account."
- 600 (b) The account shall be funded from:
601 (i) amounts deposited by the state treasurer in accordance with Section 59-15-109;
602 (ii) any appropriations made to the account by the Legislature; and
603 (iii) interest described in Subsection (2)(c).
- 604 (c) Interest earned on the account shall be deposited into the account.
- 605 (d) (i) Consistent with the policies provided in Subsection 32A-1-104(4)(b), the
606 revenues in the account shall be used for statewide public purposes including promoting the
607 reduction of the harmful effects of over consumption of alcoholic beverages by adults and
608 alcohol consumption by minors by funding exclusively programs or projects related to
609 prevention, treatment, detection, prosecution, and control of violations of this title and other
610 offenses in which alcohol is a contributing factor except as provided in Subsection (2)(d)(ii).
- 611 (ii) The portion distributed under this section to counties may also be used for the
612 confinement or treatment of persons arrested for or convicted of offenses in which alcohol is a
613 contributing factor.
- 614 (iii) A municipality or county entitled to receive monies shall use the monies
615 exclusively as required by this Subsection (2)(d).
- 616 (iv) The appropriations provided for under Subsection (3) are:
617 (A) intended to supplement the budget of the appropriate agencies of each

618 municipality and county within the state to enable the municipalities and counties to more
619 effectively fund the programs and projects described in this Subsection (2)(d); and

620 (B) not intended to replace monies that would otherwise be allocated for the programs
621 and projects in this Subsection (2)(d).

622 (3) (a) The revenues deposited into the account shall be distributed to municipalities
623 and counties:

624 (i) to the extent appropriated by the Legislature except that the Legislature shall
625 appropriate each fiscal year an amount equal to at least the amount deposited in the account in
626 accordance with Section 59-15-109; and

627 (ii) as provided in this Subsection (3).

628 (b) The amount appropriated from the account shall be distributed as follows:

629 (i) 25% to municipalities and counties based upon the percentage of the state
630 population residing in each municipality and county;

631 (ii) 30% to municipalities and counties based upon each municipality's and county's
632 percentage of the statewide convictions for all alcohol-related offenses;

633 (iii) 20% to municipalities and counties based upon the percentage of all state stores,
634 package agencies, liquor licensees, and beer licensees in the state that are located in each
635 municipality and county; and

636 (iv) 25% to the counties for confinement and treatment purposes authorized by this
637 section based upon the percentage of the state population located in each county.

638 (c) (i) Except as provided in Subsection (3)(c)(iii), a municipality that does not have a
639 law enforcement agency may not receive monies under this section.

640 (ii) The State Tax Commission:

641 (A) may not distribute the monies the municipality would receive but for the
642 municipality not having a law enforcement agency to that municipality; and

643 (B) shall distribute the monies that the municipality would have received but for it not
644 having a law enforcement agency to the county in which the municipality is located for use by
645 the county in accordance with this section.

646 (iii) Notwithstanding Subsections (3)(c)(i) and (ii), if the coordinating council finds
647 that a municipality described in Subsection (3)(c)(i) demonstrates that the municipality can
648 use the monies that the municipality is otherwise eligible to receive in accordance with this
649 section, the coordinating council may direct the State Tax Commission to distribute the money
650 to the municipality.

651 (4) To determine the distributions required by Subsection (3)(b)(ii), the State Tax
652 Commission shall annually:

653 (a) for an annual conviction time period:

654 (i) multiply by two the total number of convictions in the state obtained during the
655 annual conviction time period for violation of:

656 (A) Section 41-6a-502; or

657 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or
658 Section 76-5-207; and

659 (ii) add to the number calculated under Subsection (4)(a)(i) the number of convictions
660 obtained during the annual conviction time period for all alcohol-related offenses other than
661 the alcohol-related offenses described in Subsection (4)(a)(i);

662 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum
663 obtained in Subsection (4)(a); and

664 (c) multiply the amount calculated under Subsection (4)(b), by the number of
665 convictions obtained in each municipality and county during the annual conviction time
666 period for alcohol-related offenses.

667 (5) For purposes of this section:

668 (a) the number of state stores, package agencies, and licensees located within the
669 limits of each municipality and county:

670 (i) is the number determined by the department to be so located;

671 (ii) includes all:

672 (A) club licenses;

673 (B) restaurants;

674 (C) limited restaurants;
675 (D) on-premise banquet licenses;
676 (E) airport lounges;
677 (F) resort licenses;
678 (G) package agencies; and
679 (H) state stores; and
680 (iii) does not include on-premise beer retailer licensees;
681 (b) the number of state stores, package agencies, and licensees in a county consists
682 only of that number located within unincorporated areas of the county;
683 (c) population figures shall be determined according to the most current population
684 estimates prepared by the Utah Population Estimates Committee;
685 (d) a county's population figure for the 25% distribution to municipalities and counties
686 under Subsection (3)(b)(i) shall be determined only with reference to the population in the
687 unincorporated areas of the county;
688 (e) a county's population figure under Subsection (3)(b)(iv) for the 25% distribution to
689 counties only shall be determined with reference to the total population in the county,
690 including that of municipalities;
691 (f) a conviction occurs in the municipality or county that actually prosecutes the
692 offense to judgment; and
693 (g) in the case of a conviction based upon a guilty plea, the conviction is considered to
694 occur in the municipality or county that, except for the guilty plea, would have prosecuted the
695 offense.
696 (6) By not later than September 1 each year:
697 (a) the state court administrator shall certify to the State Tax Commission the number
698 of convictions obtained for alcohol-related offenses in each municipality or county in the state
699 during the annual conviction time period; and
700 (b) the coordinating council shall notify the State Tax Commission of any
701 municipality that does not have a law enforcement agency.

702 (7) By not later than December 1 of each year, the coordinating council shall notify
703 the State Tax Commission for the fiscal year of appropriation of:

- 704 (a) any municipality that may receive a distribution under Subsection (3)(c)(iii);
- 705 (b) any county that may receive a distribution allocated to a municipality described in
706 Subsection (3)(c)(ii);
- 707 (c) any municipality or county that may not receive a distribution because the
708 coordinating council has suspended the payment under Subsection (10)(a)(i); and
- 709 (d) any municipality or county that receives a distribution because the suspension of
710 payment has been cancelled under Subsection (10)(a)(ii).

711 (8) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
712 Commission shall annually distribute to each municipality and county the portion of the
713 appropriation that the municipality or county is eligible to receive under this section, except
714 for any municipality or county that the coordinating council notifies the State Tax
715 Commission in accordance with Subsection (7) may not receive a distribution in that fiscal
716 year.

717 (b) (i) The State Tax Commission shall prepare forms for use by municipalities and
718 counties in applying for distributions under this section.

719 (ii) The forms described in this Subsection (8) may require the submission of
720 information the State Tax Commission considers necessary to enable the State Tax
721 Commission to comply with this section.

722 (9) A municipality or county that receives any monies under this section during a
723 fiscal year shall by no later than October 1 following the fiscal year:

- 724 (a) report to the coordinating council:
 - 725 (i) the programs or projects of the municipality or county that receive monies under
726 this section;
 - 727 (ii) if the monies for programs or projects were exclusively used as required by
728 Subsection (2)(d);
 - 729 (iii) indicators of whether the programs or projects that receive monies under this

730 section are effective; and

731 (iv) if monies received under this section were not expended by the municipality or
732 county; and

733 (b) provide the coordinating council a statement signed by the chief executive officer
734 of the county or municipality attesting that the monies received under this section were used in
735 addition to monies appropriated or otherwise available for the county's or municipality's law
736 enforcement and were not used to supplant those monies.

737 (10) (a) The coordinating council may, by a majority vote:

738 (i) suspend future payments under Subsection (8) to a municipality or county that:

739 (A) does not file a report that meets the requirements of Subsection (9); or

740 (B) the coordinating council finds does not use the monies as required by Subsection
741 (2)(d) on the basis of the report filed by the municipality or county under Subsection (9); and

742 (ii) cancel a suspension under Subsection (10)(a)(i).

743 (b) The State Tax Commission shall [~~:(i) retain monies that a municipality or county~~
744 ~~does not receive under Subsection (10)(a); and (ii)] notify the coordinating council of the
745 balance of [~~retained~~] any undistributed monies [~~under this Subsection (10)(b)]~~ after the annual
746 distribution under Subsection (8).~~

747 (11) (a) Subject to the requirements of this Subsection (11), the coordinating council
748 shall award the balance of [~~retained~~] undistributed monies under Subsection (10)(b):

749 (i) as prioritized by majority vote of the coordinating council; and

750 (ii) as grants to:

751 (A) a county;

752 (B) a municipality;

753 (C) the Department of Alcoholic Beverage Control;

754 (D) the Department of Human Services;

755 (E) the Department of Public Safety; or

756 (F) the Utah State Office of Education.

757 (b) By not later than May 30 of the fiscal year of the appropriation, the coordinating

758 council shall notify the State Tax Commission of grants awarded under this Subsection (11).

759 (c) The State Tax Commission shall make payments of a grant:

760 (i) upon receiving notice as provided under Subsection (11)(b); and

761 (ii) by not later than June 30 of the fiscal year of the appropriation.

762 (d) An entity that receives a grant under this Subsection (11) shall use the grant

763 monies exclusively for programs or projects described in Subsection (2)(d).

764 Section 13. Section **35A-3-114** is amended to read:

765 **35A-3-114. Programs for displaced homemakers.**

766 (1) For purposes of this section, "displaced homemaker" means an individual:

767 (a) who has been a homemaker for a period of eight or more years without significant
768 gainful employment outside the home;

769 (b) whose primary occupation during the period of time described in Subsection (1)(a)
770 was the provision of unpaid household services for family members;

771 (c) who has found it necessary to enter the job market;

772 (d) who is not reasonably capable of obtaining employment sufficient to provide
773 self-support or necessary support for dependents, due to a lack of marketable job skills or other
774 skills necessary for self-sufficiency; and

775 (e) who has depended on:

776 (i) the income of a family member and lost that income; or

777 (ii) governmental assistance as the parent of dependent children and is no longer
778 eligible for that assistance.

779 (2) The department shall establish, in cooperation with state and local governmental
780 agencies, community-based organizations, and private employers, a program for the education,
781 training, and transitional counseling of displaced homemakers, which includes referral
782 services and the following services:

783 (a) employment and skills training, career counseling, and placement services
784 specifically designed to address the needs of displaced homemakers;

785 (b) assistance in obtaining access to existing public and private employment training

786 programs;

787 (c) educational services, including information on high school or college programs, or
788 assistance in gaining access to existing educational programs;

789 (d) health education and counseling, or assistance in gaining access to existing health
790 education and counseling services;

791 (e) financial management services which provide information on insurance, taxes,
792 estate and probate matters, mortgages, loans, and other financial issues; and

793 (f) prevocational self-esteem and assertiveness training.

794 (3) The department shall:

795 (a) (i) contract with existing governmental or private agencies or community-based
796 organizations that have demonstrated effectiveness in serving displaced homemakers to
797 provide a program for displaced homemakers in each county or group of counties, as the
798 population demands; or

799 (ii) establish a program for displaced homemakers in that area;

800 (b) coordinate its program for displaced homemakers with existing state or federal
801 programs of a similar nature and, where possible, utilize existing physical resources;

802 (c) establish rules to implement this section, and may form an advisory committee for
803 recommendations on the establishment and improvement of a program for displaced
804 homemakers;

805 (d) encourage the placement of displaced homemakers in programs established under:
806 (i) the Workforce Investment Act of 1998; and
807 (ii) the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C.
808 Section 2301, et seq.; and

809 (e) prepare an evaluation of its program for displaced homemakers, including the
810 success of placement of displaced homemakers in programs described in this section, and
811 annually submit a written report of that evaluation to the Legislature.

812 (4) Displaced homemakers may act as peer counselors in programs for displaced
813 homemakers.

814 (5) ~~[(a) Appropriate funds]~~ Funds received by the state under Section 17-16-21 shall
815 be deposited as ~~[nonlapsing]~~ dedicated credits and used for the purposes of this section.

816 ~~[(b) Notwithstanding Subsection (5)(a), if the nonlapsing amount exceeds \$300,000 at~~
817 ~~the end of any fiscal year, the excess shall lapse into the General Fund.]~~

818 (6) The department shall establish procedures for payment and repayment, when
819 possible, by clients to the department of the costs of services provided to displaced
820 homemakers under this section.

821 Section 14. Section **41-1a-1201** is amended to read:

822 **41-1a-1201. Disposition of fees.**

823 (1) All fees received and collected under this part shall be transmitted daily to the state
824 treasurer.

825 (2) Except as provided in Subsections (3), ~~[(4), (6), and (7)]~~ (5), and (6) and Sections
826 41-1a-422, 41-1a-1220, and 41-1a-1221, all fees collected under this part shall be deposited in
827 the Transportation Fund.

828 (3) (a) Funds generated under Subsections 41-1a-1211(1)(b)(i), (6)(b)(i), and (7) and
829 Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs
830 incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

831 (b) Fees for statehood centennial license plates shall be collected and deposited in the
832 Transportation Fund, less production and administrative costs incurred by the commission.

833 ~~[(4) All funds available to the commission for purchase and distribution of license~~
834 ~~plates and decals are nonlapsing.]~~

835 ~~[(5)]~~ (4) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses
836 of the commission in enforcing and administering this part shall be provided for by legislative
837 appropriation from the revenues of the Transportation Fund.

838 ~~[(6)]~~ (5) (a) Except as provided in Subsection ~~[(6)]~~ (5)(b), the following portions of
839 the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in
840 the Centennial Highway Fund Restricted Account created under Section 72-2-118:

841 (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),

842 (2), and (5);

843 (ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i),

844 (1)(c)(ii), and (1)(d)(ii);

845 (iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

846 (iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

847 (v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

848 (b) When the highway general obligation bonds have been paid off and the highway

849 projects completed that are intended to be paid from revenues deposited in the Centennial

850 Highway Fund Restricted Account as determined by the Executive Appropriations Committee

851 under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under

852 Subsection [~~(6)~~] (5)(a) for each vehicle shall be deposited in the Transportation Investment

853 Fund of 2005 created by Section 72-2-124.

854 [~~(7)~~] (6) The following portions of the registration fees imposed under Section

855 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005

856 created by Section 72-2-124:

857 (a) \$20 of each registration fee collected under Subsections 41-1a-1206(1)(a), (1)(b),

858 (1)(c), (1)(d)(i), (1)(e)(i), (2)(a), and (5); and

859 (b) 50 cents of each registration fee collected under Subsection 41-1a-1206(1)(e)(ii).

860 Section 15. Section **41-1a-1221** is amended to read:

861 **41-1a-1221. Fees to cover the cost of electronic payments.**

862 (1) As used in this section:

863 (a) "Electronic payment" means use of any form of payment processed through

864 electronic means, including credit cards, debit cards, and automatic clearinghouse

865 transactions.

866 (b) "Electronic payment fee" means the fee assessed to defray:

867 (i) the charge, discount fee, or processing fee charged by credit card companies or

868 processing agents to process an electronic payment; or

869 (ii) costs associated with the purchase of equipment necessary for processing

870 electronic payments.

871 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
872 registrations and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), and (2).

873 (b) The fee described in Subsection (2)(a):

874 (i) shall be imposed regardless of the method of payment for a particular transaction;

875 and

876 (ii) need not be separately identified from the fees imposed for registration and
877 renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), and (2).

878 (3) The division shall establish the fee according to the procedures and requirements
879 of Section 63J-1-504.

880 (4) A fee imposed under this section:

881 (a) shall be used by the division as a dedicated credit to cover the costs of electronic
882 payments; and

883 [~~(b) is nonlapsing; and~~]

884 [~~(c)~~] (b) is not subject to Subsection 63J-2-202(2).

885 Section 16. Section **41-3-601** is amended to read:

886 **41-3-601. Fees.**

887 (1) To pay for administering and enforcing this chapter, the administrator shall collect
888 fees determined by the commission under Section 63J-1-504 for each of the following:

889 (a) new motor vehicle dealer's license;

890 (b) used motor vehicle dealer's license;

891 (c) new motorcycle, off-highway vehicle, and small trailer dealer;

892 (d) used motorcycle, off-highway vehicle, and small trailer dealer;

893 (e) motor vehicle salesperson's license;

894 (f) motor vehicle salesperson's transfer or reissue fee;

895 (g) motor vehicle manufacturer's license;

896 (h) motor vehicle transporter's license;

897 (i) motor vehicle dismantler's license;

- 898 (j) motor vehicle crusher's license;
 - 899 (k) motor vehicle remanufacturer's license;
 - 900 (l) body shop's license;
 - 901 (m) distributor or factory branch and distributor branch's license;
 - 902 (n) representative's license;
 - 903 (o) dealer plates;
 - 904 (p) dismantler plates;
 - 905 (q) manufacturer plates;
 - 906 (r) transporter plates;
 - 907 (s) damaged plate replacement;
 - 908 (t) in-transit permits;
 - 909 (u) loaded demonstration permits;
 - 910 (v) additional place of business;
 - 911 (w) special equipment dealer's license;
 - 912 (x) temporary permits; and
 - 913 (y) temporary sports event registration certificates.
- 914 (2) (a) To pay for training certified vehicle inspectors and enforcement under Sections
915 41-1a-1001 through 41-1a-1008, the State Tax Commission shall establish and the
916 administrator shall collect inspection fees determined by the commission under Section
917 63J-1-504.
- 918 (b) The division shall use fees collected under Subsection (2)(a) as [~~nonlapsing~~]
919 dedicated credits to be used toward the costs of the division.
- 920 (3) (a) At the time of application, the administrator shall collect a fee of \$200 for each
921 salvage vehicle buyer license.
- 922 (b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset
923 the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.
- 924 (4) The division shall use fees collected under Subsections (1)(x) and (y) as
925 [~~nonlapsing~~] dedicated credits to be used toward the costs of the division.

926 Section 17. Section **41-3-604** is amended to read:

927 **41-3-604. Fee to cover the cost of electronic payments.**

928 (1) As used in this section:

929 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

930 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

931 (2) (a) The division may collect a fee to cover the cost of electronic payments on the
932 following transactions:

933 (i) each purchase or renewal of a license under Section 41-3-202;

934 (ii) each purchase of a book of temporary permits under Section 41-3-302;

935 (iii) each penalty issued for a delinquent temporary permit under Section 41-3-302;

936 (iv) each purchase of an in-transit permit under Section 41-3-305;

937 (v) each purchase of a loaded demonstration permit under Section 41-3-502;

938 (vi) each purchase of a license plate under Section 41-3-503; and

939 (vii) each purchase of a salvage vehicle buyer license under Section 41-3-202.

940 (b) The fee described in Subsection (2)(a):

941 (i) shall be imposed regardless of the method of payment for a particular transaction;

942 and

943 (ii) need not be separately identified from the fees and penalty described in

944 Subsections (2)(a)(i) through (vii).

945 (3) The division shall establish the fee under Subsection (2)(a) according to the
946 procedures and requirements of Section 63J-1-504.

947 (4) A fee imposed under this section:

948 (a) shall be used by the division as a dedicated credit to cover the costs of electronic
949 payments; and

950 [~~(b) is nonlapsing; and~~]

951 [~~(c)~~] (b) is not subject to Subsection 63J-2-202(2).

952 Section 18. Section **41-22-36** is amended to read:

953 **41-22-36. Fees to cover the costs of electronic payments.**

954 (1) As used in this section:

955 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

956 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

957 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
958 registrations and renewals of registration under Section 41-22-8.

959 (b) The fee described in Subsection (2)(a) shall be imposed regardless of the method
960 of payment for a particular transaction.

961 (3) The division shall establish the fee according to the procedures and requirements
962 of Section 63J-1-504.

963 (4) A fee imposed under this section:

964 (a) shall be used by the Motor Vehicle Division as a dedicated credit to cover the costs
965 of electronic payments;

966 [~~(b) is nonlapsing;~~]

967 [~~(c)~~] (b) is not subject to Subsection 63J-2-202(2); and

968 [~~(d)~~] (c) need not be separately identified from the fees imposed on registrations and
969 renewals of registration under Section 41-22-8.

970 Section 19. Section **46-1-23** is amended to read:

971 **46-1-23. Dedication of fees.**

972 [~~(1)~~] The lieutenant governor shall deposit all money collected under this chapter into
973 the General Fund as a dedicated credit to be used by the lieutenant governor to administer this
974 chapter.

975 [~~(2) All funding for the administration of this chapter shall be nonlapsing.~~]

976 Section 20. Section **53-7-314** is amended to read:

977 **53-7-314. Fees -- Setting -- Deposit -- Use.**

978 (1) The board shall establish fees authorized in this part in accordance with the
979 procedures specified in Section 63J-1-504, but the fees shall be deposited as provided in
980 Subsection (2).

981 (2) Fees collected by the division under this part, shall be deposited with the state

982 treasurer as a ~~nonlapsing~~ dedicated credit, to be used for the implementation of this part.

983 Section 21. Section **58-37-7.7** is amended to read:

984 **58-37-7.7. Use of dedicated credits -- Controlled Substance Database --**

985 **Collection of penalties.**

986 (1) The director may use the monies deposited in the General Fund as a dedicated
987 credit under Subsections 58-37-6(8)(a), 58-37-7.5(11)(c), and 58-37-7.5(12)(b) for the
988 following purposes:

989 (a) maintenance and replacement of the database equipment, including hardware and
990 software;

991 (b) training of staff; and

992 (c) pursuit of external grants and matching funds.

993 (2) The director of the division may collect any penalty imposed under Subsections
994 58-37-6(8)(a), 58-37-7.5(11)(c), and 58-37-7.5(12)(b) and which is not paid by:

995 (a) referring the matter to the Office of State Debt Collection or a collection agency; or

996 (b) bringing an action in the district court of the county in which the person owing the
997 debt resides or in the county where the office of the director is located.

998 (3) The director may seek legal assistance from the attorney general or the county or
999 district attorney of the district in which the action is brought to collect the fine.

1000 (4) The court shall award reasonable attorney's fees and costs to the division for
1001 successful collection actions under Subsection (2)(b).

1002 ~~[(5) All funding of the controlled substance database as defined under Section~~
1003 ~~58-37-7.5 is nonlapsing.]~~

1004 Section 22. Section **58-56-9** is amended to read:

1005 **58-56-9. Qualifications of inspectors -- Contract for inspection services.**

1006 (1) All inspectors employed by a local regulator, state regulator, or compliance agency
1007 to enforce provisions of the codes adopted or approved pursuant to this chapter shall:

1008 (a) meet minimum qualifications as established by the division in collaboration with
1009 the commission or be certified by a nationally recognized organization which promulgates

1010 codes adopted under this chapter, or pass an examination developed by the division in
1011 collaboration with the commission;

1012 (b) be currently licensed by the division as meeting those minimum qualifications; and

1013 (c) be subject to revocation or suspension of their license or may be placed on
1014 probation if found guilty of unlawful or unprofessional conduct.

1015 (2) A local regulator, state regulator, or compliance agency may contract for the
1016 services of a licensed inspector not regularly employed by the regulator or agency.

1017 (3) ~~(a)~~ The division shall use the monies received in Subsection (4) to provide
1018 education regarding the codes and code amendments adopted or approved under Section
1019 58-56-4 to:

1020 ~~(i)~~ (a) building inspectors; and

1021 ~~(ii)~~ (b) individuals engaged in construction-related trades or professions.

1022 ~~(b) All funding available for the building inspector's education program shall be~~
1023 ~~nonlapsing.]~~

1024 (4) Each compliance agency shall charge a 1% surcharge on all building permits
1025 issued and shall transmit 80% of the amount collected to the division to be utilized by the
1026 division to fulfill the requirements of Subsection (3). The surcharge shall be deposited as a
1027 dedicated credit.

1028 Section 23. Section **61-2c-401** is amended to read:

1029 **61-2c-401. Investigations.**

1030 (1) The division may investigate or cause to be investigated the actions of:

1031 (a) (i) a licensee;

1032 (ii) a person required to be licensed under this chapter; or

1033 (iii) the following with respect to an entity that is a licensee or an entity required to be
1034 licensed under this chapter:

1035 (A) a manager;

1036 (B) a managing partner;

1037 (C) a director;

- 1038 (D) an executive officer; or
- 1039 (E) an individual who performs a function similar to an individual listed in this
- 1040 Subsection (1)(a)(iii);
- 1041 (b) (i) an applicant for licensure or renewal of licensure under this chapter; or
- 1042 (ii) the following with respect to an entity that has applied for a license or renewal of
- 1043 licensure under this chapter:
- 1044 (A) a manager;
- 1045 (B) a managing partner;
- 1046 (C) a director;
- 1047 (D) an executive officer; or
- 1048 (E) an individual who performs a function similar to an individual listed in this
- 1049 Subsection (1)(b)(ii); or
- 1050 (c) any individual or entity that transacts the business of residential mortgage loans
- 1051 within this state.
- 1052 (2) In conducting investigations, records inspections, and adjudicative proceedings,
- 1053 the division may:
- 1054 (a) administer an oath or affirmation;
- 1055 (b) subpoena witnesses;
- 1056 (c) take evidence;
- 1057 (d) require the production of books, papers, contracts, records, other documents, or
- 1058 information relevant to an investigation; and
- 1059 (e) serve a subpoena by certified mail.
- 1060 (3) A failure to respond to a request by the division in an investigation authorized
- 1061 under this chapter is considered as a separate violation of this chapter, including:
- 1062 (a) failing to respond to a subpoena;
- 1063 (b) withholding evidence; or
- 1064 (c) failing to produce documents or records.
- 1065 (4) The division may inspect and copy all records related to the business of residential

1066 mortgage loans by a licensee under this chapter, regardless of whether the records are
1067 maintained at a business location in Utah, in conducting:

- 1068 (a) investigations of complaints; or
- 1069 (b) inspections of the records required to be maintained under:
 - 1070 (i) this chapter; or
 - 1071 (ii) rules adopted by the division under this chapter.
- 1072 (5) (a) If a licensee maintains the records required by this chapter and the rules
1073 adopted by the division under this chapter outside Utah, the licensee is responsible for all
1074 reasonable costs, including reasonable travel costs, incurred by the division in inspecting those
1075 records.
 - 1076 (b) Upon receipt of notification from the division that records maintained outside Utah
1077 are to be examined in connection with an investigation or an examination, the licensee shall
1078 deposit with the division a deposit of \$500 to cover the division's expenses in connection with
1079 the examination of the records.
 - 1080 (c) If the deposit described in Subsection (5)(b) is insufficient to meet the estimated
1081 costs and expenses of examination of the records, the licensee shall make an additional deposit
1082 to cover the estimated costs and expenses of the division.
 - 1083 (d) (i) All deposits under this Subsection (5) shall be deposited in the General Fund as
1084 a dedicated credit to be used by the division under Subsection (5)(a).
 - 1085 (ii) The division, with the concurrence of the executive director, may use the deposit
1086 monies deposited in the General Fund under this Subsection (5)(d) as a dedicated credit for the
1087 records inspection costs under Subsection (5)(a).
 - 1088 (iii) A deposit under this Subsection (5) shall be refunded to the licensee to the extent
1089 it is not used, together with an itemized statement from the division of all amounts it has used.
 - 1090 ~~[(e) All deposits under this Subsection (5) shall be nonlapsing.]~~
 - 1091 (6) Failure to deposit with the division a deposit required to cover the costs of
1092 examination of records that are maintained outside Utah shall result in automatic suspension
1093 of a license until the deposit is made.

1094 Section 24. Section **63J-1-104** is amended to read:

1095 **63J-1-104. Revenue types -- Disposition of funds collected or credited by a state**
1096 **agency.**

1097 (1) (a) The Division of Finance shall:

1098 (i) account for revenues in accordance with generally accepted accounting principles;
1099 and

1100 (ii) use the major revenue types in internal accounting.

1101 (b) Each agency shall:

1102 (i) use the major revenue types to account for revenues;

1103 (ii) deposit revenues and other public funds received by them by following the
1104 procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

1105 (iii) expend revenues and public funds as required by this chapter.

1106 (2) (a) Each agency shall deposit its free revenues into the appropriate fund.

1107 (b) An agency may expend free revenues up to the amount specifically appropriated by
1108 the Legislature.

1109 (c) Any free revenue funds appropriated by the Legislature to an agency that remain
1110 unexpended at the end of the fiscal year lapse to the source fund unless the Legislature
1111 provides by law that those funds are nonlapsing.

1112 (3) (a) Each agency shall deposit its restricted revenues into ~~[a]~~ the applicable
1113 restricted account or fund.

1114 (b) Revenues in a restricted account or fund do not lapse to another account or fund
1115 unless otherwise specifically provided for by law or legislative appropriation.

1116 ~~[(b)]~~ (c) The Legislature may appropriate restricted revenues from a restricted account
1117 or fund for the specific purpose or program designated by law.

1118 ~~[(c)]~~ (d) If the fund equity of a restricted account or fund is insufficient to provide the
1119 funds appropriated from it by the Legislature, the Division of Finance may reduce the
1120 appropriation to a level that ensures that the fund equity is not less than zero.

1121 ~~[(d)]~~ (e) Any restricted revenue funds appropriated by the Legislature to an agency

1122 that remain unexpended at the end of the fiscal year lapse to the restricted fund unless the
1123 Legislature provides by law that those funds, or the program or line item financed by those
1124 funds, are nonlapsing.

1125 (4) (a) An agency may expend dedicated credits for any purpose within the program or
1126 line item.

1127 (b) (i) Except as provided in Subsection (4)(b)(ii), an agency may not expend
1128 dedicated credits in excess of the amount appropriated as dedicated credits by the Legislature.

1129 (ii) In order to expend dedicated credits in excess of the amount appropriated as
1130 dedicated credits by the Legislature, the following procedure shall be followed:

1131 (A) The agency seeking to make the excess expenditure shall:

1132 (I) develop a new work program that:

1133 (Aa) consists of the currently approved work program and the excess expenditure
1134 sought to be made; and

1135 (Bb) complies with the requirements of Section 63J-2-202;

1136 (II) prepare a written justification for the new work program that sets forth the purpose
1137 and necessity of the excess expenditure; and

1138 (III) submit the new work program and the written justification for the new work
1139 program to the Division of Finance.

1140 (B) The Division of Finance shall process the new work program with written
1141 justification and make this information available to the Governor's Office of Planning and
1142 Budget and the legislative fiscal analyst.

1143 (iii) An expenditure of dedicated credits in excess of amounts appropriated as
1144 dedicated credits by the Legislature may not be used to permanently increase personnel within
1145 the agency unless:

1146 (A) the increase is approved by the Legislature; or

1147 (B) the monies are deposited as dedicated credits in:

1148 (I) the Drug Stamp Tax Fund under Section 59-19-105; or

1149 (II) a line item covering tuition or federal vocational funds at an institution of higher

1150 education.

1151 (c) (i) All excess dedicated credits lapse to the appropriate fund at the end of the fiscal
1152 year unless the Legislature has designated the entire program or line item that is partially or
1153 fully funded from dedicated credits as nonlapsing.

1154 (ii) The Division of Finance shall determine the appropriate fund into which the
1155 dedicated credits lapse.

1156 (5) (a) The Legislature may establish by law the maximum amount of fixed collections
1157 that an agency may expend.

1158 (b) If an agency receives less than the maximum amount of expendable fixed
1159 collections established by law, the agency's authority to expend is limited to the amount of
1160 fixed collections that it receives.

1161 (c) If an agency receives fixed collections greater than the maximum amount of
1162 expendable fixed collections established by law, those excess amounts lapse to the General
1163 Fund, the Education Fund, the Uniform School Fund, or the Transportation Fund as
1164 designated by the director of the Division of Finance at the end of the fiscal year.

1165 (6) Unless otherwise specifically provided by law, when an agency has a program or
1166 line item that is funded by more than one major revenue type:

1167 (a) the agency shall expend its dedicated credits and fixed collections first; and

1168 (b) if the program or line item includes both free revenue and restricted revenue, an
1169 agency shall expend those revenues based upon a proration of the amounts appropriated from
1170 each of those major revenue types.

1171 Section 25. Section **63J-1-602** is amended to read:

1172 **63J-1-602. Nonlapsing accounts and funds.**

1173 (1) The following revenue collections, appropriations from a fund or account, and
1174 appropriations to a program are nonlapsing:

1175 (a) appropriations made to the Legislature and its committees;

1176 [~~(b) funds collected by the grain grading program, as provided in Section 4-2-2;~~]

1177 [~~(c)~~] (b) the Salinity Offset Fund created in Section 4-2-8.5;

- 1178 [~~(d)~~] (c) the Invasive Species Mitigation Fund created in Section 4-2-8.7;
- 1179 [~~(e)~~] funds collected by pesticide dealer license registration fees, as provided in Section
- 1180 ~~4-14-3;~~]
- 1181 [~~(f)~~] funds collected by pesticide applicator business registration fees, as provided in
- 1182 ~~Section 4-14-13;~~]
- 1183 [~~(g)~~] (d) the Rangeland Improvement Fund created in Section 4-20-2;
- 1184 [~~(h)~~] funds deposited as dedicated credits under the Insect Infestation Emergency
- 1185 ~~Control Act, as provided in Section 4-35-6;~~]
- 1186 [~~(i)~~] (e) the Percent-for-Art Program created in Section 9-6-404;
- 1187 [~~(j)~~] (f) the Centennial History Fund created in Section 9-8-604;
- 1188 [~~(k)~~] (g) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;
- 1189 [~~(l)~~] (h) the Navajo Revitalization Fund created in Section 9-11-104;
- 1190 [~~(m)~~] (i) the LeRay McAllister Critical Land Conservation Program created in Section
- 1191 ~~11-38-301;~~
- 1192 [~~(n)~~] (j) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;
- 1193 [~~(o)~~] fees deposited as dedicated credits for hazardous waste plan reviews, as provided
- 1194 ~~in Section 19-6-120;~~]
- 1195 [~~(p)~~] (k) an appropriation made to the Division of Wildlife Resources for the appraisal
- 1196 and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6;
- 1197 [~~(q)~~] (l) award monies under the Crime Reduction Assistance Program, as provided
- 1198 under Section 24-1-19;
- 1199 [~~(r)~~] (m) funds collected from the emergency medical services grant program, as
- 1200 provided in Section 26-8a-207;
- 1201 [~~(s)~~] fees and other funding available to purchase training equipment and to administer
- 1202 ~~tests and conduct quality assurance reviews, as provided in Section 26-8a-208;~~]
- 1203 [~~(t)~~] funds collected as a result of a sanction under Section 1919 of Title XIX of the
- 1204 ~~federal Social Security Act, as provided in Section 26-18-3;~~]
- 1205 [~~(u)~~] (n) the Utah Health Care Workforce Financial Assistance Program created in

1206 Section 26-46-102;

1207 ~~[(v) monies collected from subscription fees for publications prepared or distributed~~
1208 ~~by the insurance commissioner, as provided in Section 31A-2-208;]~~

1209 ~~[(w) monies received by the Insurance Department for administering, investigating~~
1210 ~~under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;]~~

1211 ~~[(x) certain monies received for penalties paid under the Insurance Fraud Act, as~~
1212 ~~provided in Section 31A-31-109;]~~

1213 ~~[(y)]~~ (o) the fund for operating the state's Federal Health Care Tax Credit Program, as
1214 provided in Section 31A-38-104;

1215 ~~[(z) certain funds in the Department of Workforce Services' program for the education,~~
1216 ~~training, and transitional counseling of displaced homemakers, as provided in Section~~
1217 ~~35A-3-114;]~~

1218 ~~[(aa)]~~ (p) the Employment Security Administration Fund created in Section
1219 35A-4-505;

1220 ~~[(bb)]~~ (q) the Special Administrative Expense Fund created in Section 35A-4-506;

1221 ~~[(cc)]~~ (r) funding for a new program or agency that is designated as nonlapsing under
1222 Section 36-24-101;

1223 ~~[(dd)]~~ (s) the Oil and Gas Conservation Account created in Section 40-6-14.5;

1224 ~~[(ee) funds available to the State Tax Commission for purchase and distribution of~~
1225 ~~license plates and decals, as provided in Section 41-1a-1201;]~~

1226 ~~[(ff) certain fees for the cost of electronic payments under the Motor Vehicle Act, as~~
1227 ~~provided in Section 41-1a-1221;]~~

1228 ~~[(gg) certain fees collected for administering and enforcing the Motor Vehicle~~
1229 ~~Business Regulation Act, as provided in Section 41-3-601;]~~

1230 ~~[(hh) certain fees for the cost of electronic payments under the Motor Vehicle~~
1231 ~~Business Regulation Act, as provided in Section 41-3-604;]~~

1232 ~~[(ii)]~~ (t) the Off-Highway Access and Education Restricted Account created in Section
1233 41-22-19.5;

1234 [~~(jj)~~] certain fees for the cost of electronic payments under the Motor Vehicle Act, as
1235 provided in Section 41-22-36;]

1236 [~~(kk)~~] monies collected under the Notaries Public Reform Act, as provided under
1237 46-1-23;]

1238 [~~(H)~~] (u) certain funds associated with the Law Enforcement Operations Account, as
1239 provided in Section 51-9-411;

1240 [~~(mm)~~] (v) the Public Safety Honoring Heroes Restricted Account created in Section
1241 53-1-118;

1242 [~~(nn)~~] (w) funding for the Search and Rescue Financial Assistance Program, as
1243 provided in Section 53-2-107;

1244 [~~(oo)~~] (x) appropriations made to the Department of Public Safety from the
1245 Department of Public Safety Restricted Account, as provided in Section 53-3-106;

1246 [~~(pp)~~] (y) appropriations to the Motorcycle Rider Education Program, as provided in
1247 Section 53-3-905;

1248 [~~(qq)~~] fees collected by the State Fire Marshal Division under the Utah Fire Prevention
1249 and Safety Act, as provided in Section 53-7-314;]

1250 [~~(rr)~~] (z) the DNA Specimen Restricted Account created in Section 53-10-407;

1251 [~~(ss)~~] (aa) the minimum school program, as provided in Section 53A-17a-105;

1252 [~~(tt)~~] (bb) certain funds appropriated from the Uniform School Fund to the State Board
1253 of Education for new teacher bonus and performance-based compensation plans, as provided
1254 in Section 53A-17a-148;

1255 [~~(uu)~~] (cc) certain funds appropriated from the Uniform School Fund to the State
1256 Board of Education for implementation of proposals to improve mathematics achievement test
1257 scores, as provided in Section 53A-17a-152;

1258 [~~(vv)~~] (dd) the School Building Revolving Account created in Section 53A-21-401;

1259 [~~(ww)~~] (ee) monies received by the State Office of Rehabilitation for the sale of certain
1260 products or services, as provided in Section 53A-24-105;

1261 [~~(xx)~~] (ff) the State Board of Regents, as provided in Section 53B-6-104;

1262 ~~[(yy)]~~ (gg) certain funds appropriated from the General Fund to the State Board of
1263 Regents for teacher preparation programs, as provided in Section 53B-6-104;

1264 ~~[(zz)]~~ (hh) a certain portion of monies collected for administrative costs under the
1265 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202;

1266 ~~[(aaa)]~~ (ii) certain surcharges on residence and business telecommunications access
1267 lines imposed by the Public Service Commission, as provided in Section 54-8b-10;

1268 ~~[(bbb)]~~ (jj) certain fines collected by the Division of Occupational and Professional
1269 Licensing for violation of unlawful or unprofessional conduct that are used for education and
1270 enforcement purposes, as provided in Section 58-17b-505;

1271 ~~[(ccc)]~~ (kk) the Nurse Education and Enforcement Fund created in Section
1272 58-31b-103;

1273 ~~[(ddd) funding of the controlled substance database, as provided in Section~~
1274 ~~58-37-7.7;]~~

1275 ~~[(eee)]~~ (ll) the Certified Nurse Midwife Education and Enforcement Fund created in
1276 Section 58-44a-103;

1277 ~~[(fff) funding for the building inspector's education program, as provided in Section~~
1278 ~~58-56-9;]~~

1279 ~~[(ggg)]~~ (mm) certain fines collected by the Division of Occupational and Professional
1280 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
1281 provided in Section 58-63-103;

1282 ~~[(hhh)]~~ (nn) the Professional Geologist Education and Enforcement Fund created in
1283 Section 58-76-103;

1284 ~~[(iii)]~~ (oo) certain monies in the Water Resources Conservation and Development
1285 Fund, as provided in Section 59-12-103;

1286 ~~[(jjj)]~~ (pp) funds paid to the Division of Real Estate for the cost of a criminal
1287 background check for broker and sales agent licenses, as provided in Section 61-2-9;

1288 ~~[(kkk)]~~ (qq) the Utah Housing Opportunity Restricted Account created in Section
1289 61-2-28;

1290 ~~[(hh)]~~ (rr) funds paid to the Division of Real Estate for the cost of a criminal
1291 background check for a mortgage loan license, as provided in Section 61-2c-202;
1292 ~~[(mmm)]~~ funds paid to the Division of Real Estate in relation to examination of records
1293 ~~in an investigation, as provided in Section 61-2c-401;~~
1294 ~~[(nnn)]~~ (ss) certain funds donated to the Department of Human Services, as provided
1295 in Section 62A-1-111;
1296 ~~[(ooo)]~~ (tt) certain funds donated to the Division of Child and Family Services, as
1297 provided in Section 62A-4a-110;
1298 ~~[(ppp)]~~ (uu) the Mental Health Therapist Grant and Scholarship Program, as provided
1299 in Section 62A-13-109;
1300 ~~[(qqq)]~~ (vv) assessments for DUI violations that are forwarded to an account created
1301 by a county treasurer, as provided in Section 62A-15-503;
1302 ~~[(rrr)]~~ (ww) appropriations to the Division of Services for People with Disabilities, as
1303 provided in Section 62A-5-102;
1304 ~~[(sss)]~~ (xx) certain donations to the Division of Substance Abuse and Mental Health,
1305 as provided in Section 62A-15-103;
1306 ~~[(ttt)]~~ (yy) certain funds received by the Division of Parks and Recreation from the
1307 sale or disposal of buffalo, as provided under Section 63-11-19.2;
1308 ~~[(uuu)]~~ revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1309 Park, or Jordan River State Park, as provided under Section 63-11-19.5;
1310 ~~[(vvv)]~~ revenue for golf user fees at the Green River State Park, as provided under
1311 Section 63-11-19.6;
1312 ~~[(www)]~~ (zz) the Centennial Nonmotorized Paths and Trail Crossings Program created
1313 under Section 63-11a-503;
1314 ~~[(xxx)]~~ (aaa) the Bonneville Shoreline Trail Program created under Section
1315 63-11a-504;
1316 ~~[(yyy)]~~ (bbb) the account for the Utah Geological Survey, as provided in Section
1317 63-73-10;

1318 [~~(zzzz)~~] (ccc) the Risk Management Fund created under Section 63A-4-201;
1319 [~~(aaaa)~~] (ddd) the Child Welfare Parental Defense Fund created in Section
1320 63A-11-203;
1321 [~~(bbbb)~~] (eee) the Constitutional Defense Restricted Account created in Section
1322 63C-4-103;
1323 [~~(eeee)~~] (fff) a portion of the funds appropriated to the Utah Seismic Safety
1324 Commission, as provided in Section 63C-6-104;
1325 [~~(dddd)~~] (ggg) funding for the Medical Education Program administered by the
1326 Medical Education Council, as provided in Section 63C-8-102;
1327 [~~(eeee)~~] (hhh) certain monies payable for commission expenses of the Pete Suazo Utah
1328 Athletic Commission, as provided under Section 63C-11-301;
1329 [~~(ffff)~~] (iii) funds collected for publishing the Division of Administrative Rules'
1330 publications, as provided in Section 63G-3-402;
1331 [~~(gggg)~~] (jjj) the appropriation to fund the Governor's Office of Economic
1332 Development's Enterprise Zone Act, as provided in Section 63M-1-416;
1333 [~~(hhhh)~~] (kkk) the Tourism Marketing Performance Account, as provided in Section
1334 63M-1-1406;
1335 [~~(iiii)~~] ~~certain funding for rural development provided to the Office of Rural~~
1336 ~~Development in the Governor's Office of Economic Development, as provided in Section~~
1337 ~~63M-1-1604;~~
1338 [~~(jjjj)~~] (lll) certain monies in the Development for Disadvantaged Rural Communities
1339 Restricted Account, as provided in Section 63M-1-2003;
1340 [~~(kkkk)~~] (mmm) appropriations to the Utah Science Technology and Research
1341 Governing Authority, created under Section 63M-2-301, as provided under Section
1342 [~~63M-3-302~~] 63M-2-302;
1343 [~~(HHH)~~] (nnn) certain monies in the Rural Broadband Service Fund, as provided in
1344 Section 63M-1-2303;
1345 [~~(mmmm)~~] ~~funds collected from monthly offender supervision fees, as provided in~~

1346 ~~Section 64-13-21.2;~~
1347 ~~[(nnnn)]~~ (ooo) funds collected by the housing of state probationary inmates or state
1348 parole inmates, as provided in Subsection 64-13e-104(2);
1349 ~~[(oooo)]~~ (ppp) the Sovereign Lands Management account created in Section 65A-5-1;
1350 ~~[(pppp)]~~ (qqq) certain forestry and fire control funds utilized by the Division of
1351 Forestry, Fire, and State Lands, as provided in Section 65A-8-103;
1352 ~~[(qqqq)]~~ (rrr) the Department of Human Resource Management user training program,
1353 as provided in Section 67-19-6;
1354 ~~[(rrrr)]~~ (sss) funds for the University of Utah Poison Control Center program, as
1355 provided in Section 69-2-5.5;
1356 ~~[(ssss)]~~ (ttt) appropriations to the Transportation Corridor Preservation Revolving
1357 Loan Fund, as provided in Section 72-2-117;
1358 ~~[(tttt)]~~ (uuu) appropriations to the Local Transportation Corridor Preservation Fund, as
1359 provided in Section 72-2-117.5;
1360 ~~[(uuuu)]~~ (vvv) appropriations to the Tollway Restricted Special Revenue Fund, as
1361 provided in Section ~~[77-2-120]~~ 72-2-120;
1362 ~~[(vvvv)]~~ (www) appropriations to the Aeronautics Construction Revolving Loan Fund,
1363 as provided in Section ~~[77-2-122]~~ 72-2-122;
1364 ~~[(wwww)]~~ ~~appropriations to the State Park Access Highways Improvement Program, as~~
1365 ~~provided in Section 72-3-207;~~
1366 ~~[(xxxx)]~~ (xxx) the Traffic Noise Abatement Program created in Section 72-6-112;
1367 ~~[(yyyy)]~~ (yyy) certain funds received by the Office of the State Engineer for well
1368 drilling fines or bonds, as provided in Section 73-3-25;
1369 ~~[(zzzz)]~~ (zzz) certain monies appropriated to increase the carrying capacity of the
1370 Jordan River that are transferred to the Division of Parks and Recreation, as provided in
1371 Section 73-10e-1;
1372 ~~[(aaaa)]~~ ~~certain fees for the cost of electronic payments under the State Boating Act,~~
1373 ~~as provided in Section 73-18-25;~~

1374 [~~(bbbb)~~] (aaaa) certain monies appropriated from the Water Resources Conservation
1375 and Development Fund, as provided in Section 73-23-2;

1376 [~~(cccc)~~] (bbbb) the Lake Powell Pipeline Project Operation and Maintenance Fund
1377 created in Section 73-28-404;

1378 [~~(ddd)~~] (cccc) certain funds in the Water Development and Flood Mitigation
1379 Reserve Account, as provided in Section [~~73-103-1~~] 73-10e-1;

1380 [~~(eeee)~~] (dddd) certain funds appropriated for compensation for special prosecutors,
1381 as provided in Section 77-10a-19;

1382 [~~(ffff)~~] (eeee) the Indigent Aggravated Murder Defense Trust Fund created in Section
1383 77-32-601;

1384 [~~(gggg)~~] (ffff) the Indigent Felony Defense Trust Fund created in Section 77-32-701;

1385 [~~(hhhh)~~] (gggg) funds donated or paid to a juvenile court by private sources, as
1386 provided in Subsection 78A-6-203(1)(c);

1387 [~~(iiii)~~] (hhhh) a state rehabilitative employment program, as provided in Section
1388 78A-6-210; [~~and~~]

1389 [~~(jjjj)~~] ~~fees from the issuance and renewal of licenses for certified court interpreters, as~~
1390 ~~provided in Section 78B-1-146.]~~

1391 (iii) revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1392 Park, Jordan River State Park, and Green River State Park, as provided under Section
1393 79-4-403; and

1394 (jjj) certain funds received by the Division of Parks and Recreation from the sale or
1395 disposal of buffalo, as provided under Section 79-4-1001.

1396 (2) No revenue collection, appropriation from a fund or account, or appropriation to a
1397 program may be treated as nonlapsing unless:

1398 (a) it is expressly referenced by this section;

1399 (b) it is designated in a condition of appropriation in the appropriations bill; or

1400 (c) nonlapsing authority is granted under Section 63J-1-603.

1401 (3) Each legislative appropriations subcommittee shall review the accounts and funds

1402 that have been granted nonlapsing authority under this section or Section 63J-1-603.

1403 Section 26. Section **63M-1-1604** is amended to read:

1404 **63M-1-1604. Duties.**

1405 (1) The Office of Rural Development shall:

1406 (a) provide, in conjunction with the Rural Coordinating Committee, staff support to
1407 the Governor's Rural Partnership Board;

1408 (b) facilitate within the Governor's Office of Economic Development implementation
1409 of the strategic plan prepared under Subsection 63C-10-103(2);

1410 (c) work to enhance the capacity of the Governor's Office of Economic Development
1411 to address rural economic development, planning, and leadership training challenges and
1412 opportunities by establishing partnerships and positive working relationships with appropriate
1413 public and private sector entities, individuals, and institutions;

1414 (d) work with the Rural Coordinating Committee to coordinate and focus available
1415 resources in ways that address the economic development, planning, and leadership training
1416 challenges and priorities in rural Utah; and

1417 (e) in accordance with economic development and planning policies set by state
1418 government, coordinate relations between:

1419 (i) the state;

1420 (ii) rural governments;

1421 (iii) other public and private groups engaged in rural economic planning and
1422 development; and

1423 (iv) federal agencies.

1424 (2) (a) The Office of Rural Development may:

1425 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1426 make rules necessary to carry out its duties;

1427 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of
1428 rural Utah citizens; and

1429 (iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii)

1430 for the use and benefit of rural citizens within the state.

1431 (b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General
1432 Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

1433 [~~(c) All funding for the benefit of rural Utah as defined in this section is nonlapsing.~~]

1434 Section 27. Section **63M-1-2408** is amended to read:

1435 **63M-1-2408. Transition clause -- Renegotiation of agreements -- Payment of**
1436 **partial rebates.**

1437 (1) As used in this section, "partial rebate" means an agreement between the office and
1438 a business entity under which the state agrees to pay back to the business entity a portion of
1439 new state revenues generated by a business entity's new commercial project.

1440 (2) (a) Unless modified or renegotiated as provided in Subsection (2)(b), the Division
1441 of Finance shall make partial rebate payments due under agreements entered into by the office
1442 before May 5, 2008 as provided in this section.

1443 (b) By January 1, 2009, the office shall:

1444 (i) contact each business entity with whom the office entered into an agreement under
1445 former Section 63M-1-1304 or 63M-1-1704; and

1446 (ii) subject to the limits established in Subsection 63M-1-2404(3)(b), seek to modify
1447 those agreements for the sole purpose of providing the incentives in the form of tax credits
1448 under this part rather than partial rebates.

1449 (c) The office shall:

1450 (i) for each modified agreement granting tax credits, follow the procedures and
1451 requirements of Section 63M-1-2405;

1452 (ii) for each agreement that still requires the state to pay partial rebates to the business
1453 entity, follow the procedures and requirements of this section; and

1454 (iii) provide a report to the Executive Appropriations Committee and the Legislative
1455 Fiscal Analyst by December 1, 2008, about the progress of its efforts to modify agreements
1456 reached before May 5, 2008.

1457 (3) (a) There is created a restricted account in the General Fund known as the

1458 Economic Incentive Restricted Account.

1459 (b) The account shall consist of monies transferred into the account by the Division of
1460 Finance from the General Fund as provided in this section.

1461 (c) The Division of Finance shall make payments from the account as required by this
1462 section.

1463 (4) (a) Each business entity seeking a partial rebate shall follow the procedures and
1464 requirements of this Subsection (4) to obtain a partial rebate.

1465 (b) Within 90 days of the end of each calendar year, a business entity seeking a partial
1466 rebate shall:

1467 (i) provide the office with documentation of the new state revenues that the business
1468 entity generated during the preceding calendar year; and

1469 (ii) ensure that the documentation includes:

1470 (A) the types of taxes and corresponding amounts of taxes paid directly to the State
1471 Tax Commission; and

1472 (B) the sales taxes paid to Utah vendors and suppliers that were indirectly paid to the
1473 State Tax Commission.

1474 (c) The office shall:

1475 (i) audit or review the documentation for accuracy;

1476 (ii) based upon its analysis of the documentation, determine the amount of partial
1477 rebates that the business entity earned under the agreement; and

1478 (iii) submit to the Division of Finance:

1479 (A) a request for payment of partial rebates to the business entity;

1480 (B) the name and address of the payee; and

1481 (C) any other information requested by the Division of Finance.

1482 (5) Upon receipt of a request for payment of partial rebates from the office, the
1483 Division of Finance shall:

1484 (a) transfer from the General Fund to the restricted account the amount contained in
1485 the request for payment of partial rebates after reducing the amount transferred by any

1486 unencumbered balances in the restricted account; and

1487 (b) notwithstanding Subsections 51-5-3(23)(b) and 63J-1-104(3)~~(b)~~(c), after
1488 receiving a request for payment of partial rebates and making the transfer required by
1489 Subsection (5)(a), the Division of Finance shall pay the partial rebates from the account.

1490 Section 28. Section **64-13-21.2** is amended to read:

1491 **64-13-21.2. Offender supervision dedicated credits.**

1492 All money received from the monthly supervision fee established in Subsection
1493 64-13-21(3) shall be deposited in the General Fund as a parole and probation dedicated credit
1494 and shall be used to cover costs incurred in the collection of the fee and in the development of
1495 offender supervision programs. [~~These funds shall be nonlapsing.~~]

1496 Section 29. Section **72-2-107** is amended to read:

1497 **72-2-107. Appropriation from Transportation Fund -- Deposit in class B and**
1498 **class C roads account.**

1499 (1) There is appropriated to the department from the Transportation Fund annually an
1500 amount equal to 30% of an amount which the director of finance shall compute in the
1501 following manner: The total revenue deposited into the Transportation Fund during the fiscal
1502 year from state highway-user taxes and fees, minus:

1503 (a) those amounts appropriated or transferred from the Transportation Fund during the
1504 same fiscal year to:

1505 (i) the Department of Public Safety;

1506 (ii) the State Tax Commission;

1507 (iii) the Division of Finance;

1508 (iv) the Utah Travel Council; and

1509 (v) any other amounts appropriated or transferred for any other state agencies not a
1510 part of the department; and

1511 (b) the amount of sales and use tax revenue deposited in the Transportation Fund in
1512 accordance with Section 59-12-103.

1513 (2) (a) Except as provided in Subsection (2)(b), all of this money shall be placed in an

1514 account to be known as the class B and class C roads account to be used as provided in this
1515 title.

1516 (b) The director of finance shall annually transfer \$500,000 of the amount calculated
1517 under Subsection (1) to the department as [~~nonlapsing~~] dedicated credits for the State Park
1518 Access Highways Improvement Program created in Section 72-3-207.

1519 (3) Each quarter of every year the director of finance shall make the necessary
1520 accounting entries to transfer the money appropriated under this section to the class B and
1521 class C roads account.

1522 (4) The funds in the class B and class C roads account shall be expended under the
1523 direction of the department as the Legislature shall provide.

1524 Section 30. Section **72-2-118** is amended to read:

1525 **72-2-118. Centennial Highway Fund Restricted Account.**

1526 (1) There is created a restricted account entitled the Centennial Highway Fund
1527 Restricted Account within the Transportation Investment Fund of 2005 created by Section
1528 72-2-124.

1529 (2) The account consists of monies generated from the following revenue sources:

1530 (a) any voluntary contributions received for the construction, major reconstruction, or
1531 major renovation of state or federal highways;

1532 (b) appropriations made to the fund by the Legislature;

1533 (c) registration fees designated under Subsection 41-1a-1201[~~(6)~~](5)(a); and

1534 (d) the sales and use tax amounts provided for in Section 59-12-103.

1535 (3) (a) The account shall earn interest.

1536 (b) All interest earned on account monies shall be deposited into the account.

1537 (4) The executive director may use account monies, as prioritized by the
1538 Transportation Commission, only to pay the costs of construction, major reconstruction, or
1539 major renovation to state and federal highways.

1540 (5) When the highway general obligation bonds have been paid off and the highway
1541 projects completed that are intended to be paid from revenues deposited in the account as

1542 determined by the Executive Appropriations Committee under Subsection (6)(d), the Division
1543 of Finance shall transfer any existing balance in the account into the Transportation
1544 Investment Fund of 2005 created by Section 72-2-124.

1545 (6) (a) The Division of Finance shall monitor the highway general obligation bonds
1546 that are being paid from revenues deposited in the account.

1547 (b) The department shall monitor the highway construction, major reconstruction, or
1548 major renovation projects that are being paid from revenues deposited in the account.

1549 (c) Upon request by the Executive Appropriations Committee of the Legislature:

1550 (i) the Division of Finance shall report to the committee the status of all highway
1551 general obligation bonds that are being paid from revenues deposited in the account; and

1552 (ii) the department shall report to the committee the status of all highway construction,
1553 major reconstruction, or major renovation projects that are being paid from revenues deposited
1554 in the account.

1555 (d) The Executive Appropriations Committee of the Legislature shall notify the State
1556 Tax Commission, the department, and the Division of Finance when:

1557 (i) all highway general obligation bonds that are intended to be paid from revenues
1558 deposited in the account have been paid off; and

1559 (ii) all highway projects that are intended to be paid from revenues deposited in the
1560 account have been completed.

1561 (7) (a) The Division of Finance shall, from funds that are deposited into the Centennial
1562 Highway Fund Restricted Account, transfer into the Transportation Investment Fund of 2005
1563 created by Section 72-2-124 the amount of funds certified by the Transportation Commission
1564 in accordance with Subsection (7)(b) that are not required to pay:

1565 (i) principal, interest, and issuance costs of bonds issued for projects in the Centennial
1566 Highway Program in the current fiscal year; or

1567 (ii) construction or reconstruction costs for projects in the Centennial Highway
1568 Program in the current fiscal year.

1569 (b) The Division of Finance shall transfer the amount under Subsection (7)(a) when

1570 the Division of Finance receives a written letter from the Transportation Commission
1571 certifying the amount of funds available under Subsection (7)(a).

1572 Section 31. Section **72-2-124** is amended to read:

1573 **72-2-124. Transportation Investment Fund of 2005.**

1574 (1) There is created a special revenue fund entitled the Transportation Investment
1575 Fund of 2005.

1576 (2) The fund consists of monies generated from the following sources:

1577 (a) any voluntary contributions received for the maintenance, construction,
1578 reconstruction, or renovation of state and federal highways;

1579 (b) appropriations made to the fund by the Legislature;

1580 (c) the sales and use tax revenues deposited into the fund in accordance with Section
1581 59-12-103; and

1582 (d) registration fees designated under Subsection 41-1a-1201[~~(7)~~](6).

1583 (3) When the highway general obligation bonds have been paid off and the highway
1584 projects completed that are intended to be paid from revenues deposited in the Centennial
1585 Highway Fund Restricted Account as determined by the Executive Appropriations Committee
1586 under Subsection 72-2-118(6)(d), the fund shall also consist of monies generated from the
1587 following sources:

1588 (a) registration fees designated under Subsection 41-1a-1201[~~(6)~~](5)(a); and

1589 (b) the sales and use tax amounts provided for in Section 59-12-103.

1590 (4) (a) The fund shall earn interest.

1591 (b) All interest earned on fund monies shall be deposited into the fund.

1592 (5) (a) Except as provided in Subsection (5)(b), the executive director may use fund
1593 monies only to pay:

1594 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1595 federal highways prioritized by the Transportation Commission through the prioritization
1596 process for new transportation capacity projects adopted under Section 72-1-304;

1597 (ii) the costs of maintenance, construction, reconstruction, or renovation to the

1598 highway projects described in Subsection 63B-18-401(2); and
1599 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401.
1600 (b) The executive director may use fund monies to exchange for an equal or greater
1601 amount of federal transportation funds to be used as provided in Subsection (5)(a).
1602 (6) (a) Before bonds authorized by Section 63B-18-401 may be issued in any fiscal
1603 year, the department and the commission shall appear before the Executive Appropriations
1604 Committee of the Legislature and present the amount of bond proceeds that the department
1605 needs to provide funding for the projects identified in Subsection 63B-18-401(2) for the next
1606 fiscal year.
1607 (b) The Executive Appropriations Committee of the Legislature shall review and
1608 comment on the amount of bond proceeds needed to fund the projects.
1609 (7) The Division of Finance shall, from monies deposited into the fund, transfer the
1610 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1611 Section 63B-18-401 in the current fiscal year to the appropriate debt service or sinking fund.
1612 Section 32. Section **72-3-207** is amended to read:
1613 **72-3-207. State Park Access Highways Improvement Program -- Distribution --**
1614 **Rulemaking.**
1615 (1) There is created the State Park Access Highways Improvement Program within the
1616 department.
1617 (2) The program shall be funded from the following revenue sources:
1618 (a) any voluntary contributions received for improvements to state park access
1619 highways; and
1620 (b) appropriations made to the program by the Legislature.
1621 (3) The department may use the program monies as matching grants to a county or
1622 municipality for the improvement of class B or class C roads specified as state park access
1623 highways under this part subject to:
1624 (a) monies available in the program;
1625 (b) prioritization of the program monies by the commission;

1626 (c) a county or municipality providing at least 50% of the cost of each improvement
1627 project in matching funds; and

1628 (d) rules made under Subsection (4).

1629 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
1630 Administrative Rulemaking Act, necessary to administer the program and to establish the
1631 procedures for a county or municipality to apply for a grant of program monies.

1632 [~~(5) All appropriations made to the program by the Legislature are nonlapsing.~~]

1633 [~~(6)~~ (5) The department shall commit funds for state park access highway projects for
1634 the amount of funding currently programmed in a funded year in the 2007 Statewide
1635 Transportation Improvement Program.

1636 Section 33. Section **73-18-25** is amended to read:

1637 **73-18-25. Fees to cover the costs of electronic payments.**

1638 (1) As used in this section:

1639 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

1640 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

1641 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
1642 registrations and renewals of registration under Section 73-18-7.

1643 (b) The fee described under Subsection (2)(a) shall be imposed regardless of the
1644 method of payment for a particular transaction.

1645 (3) The Motor Vehicle Division shall establish the fee according to the procedures and
1646 requirements of Section 63J-1-504.

1647 (4) A fee imposed under this section:

1648 (a) shall be used by the Motor Vehicle Division as a dedicated credit to cover the costs
1649 of electronic payments;

1650 [~~(b) is nonlapsing;~~]

1651 [~~(c)~~ (b) is not subject to Subsection 63J-2-202(2); and

1652 [~~(d)~~ (c) need not be separately identified from the fees imposed on registrations and
1653 renewals of registration under Section 73-18-7.

1654 Section 34. Section **78A-9-102** is amended to read:

1655 **78A-9-102. Fees for certificate of admission.**

1656 The appellate courts shall receive a \$50 fee for a certificate of admission as attorney
1657 and counselor, \$30 of which shall be [~~retained~~] distributed by the state treasurer to the Judicial
1658 Council as a dedicated credit for the benefit of the State Law Library[~~,-to be expended by the~~
1659 ~~Judicial Council~~].

1660 Section 35. Section **78B-1-146** is amended to read:

1661 **78B-1-146. Witnesses -- Interpreters -- Subpoena -- Contempt -- Costs.**

1662 (1) When a witness does not understand and speak the English language, an interpreter
1663 shall be sworn in to interpret. Any person may be subpoenaed by any court or judge to appear
1664 before the court or judge to act as an interpreter in any action or proceeding. Any person so
1665 subpoenaed who fails to attend at the time and place named is guilty of a contempt.

1666 (2) The Judicial Council may establish a fee for the issuance and renewal of a license
1667 of a certified court interpreter. Any fee established under this section shall be deposited as a
1668 [~~nonlapsing~~] dedicated credit to the Judicial Council.

1669 (3) If the court appoints an interpreter, the court may assess all or part of the fees and
1670 costs of the interpreter against the person for whom the service is provided. The court may not
1671 assess interpreter fees or costs against a person found to be impecunious.

1672 Section 36. Section **79-4-403** is amended to read:

1673 **79-4-403. User fees for golf -- Wasatch Mountain, Palisade, and Jordan River**
1674 **State Parks.**

1675 (1) The following user fees are assessed in the following parks for playing nine holes
1676 of golf:

1677 (a) \$1.50 at Wasatch Mountain State Park;

1678 (b) \$1.50 at Palisade State Park; and

1679 (c) \$1.50 at Green River State Park.

1680 (2) The fee in Subsection (1) is:

1681 (a) in addition to the fee set by the board; and

1682 (b) to be used at the park where the money is collected for:

1683 (i) the upgrade or development of facilities; or

1684 (ii) the purchase of golf course operation and maintenance equipment.

1685 [~~(3) The revenue from the fees established in Subsection (1) are nonlapsing.~~]

1686 Section 37. Section **79-4-1001** is amended to read:

1687 **79-4-1001. Purchase, trade, sale, or disposal of buffalo -- Proceeds.**

1688 (1) In accordance with a plan, approved by the board, to manage buffalo herds on
1689 Antelope Island, the division may purchase, trade, sell, or dispose of buffalo obtained from
1690 Antelope Island through:

1691 (a) competitive bidding; or

1692 (b) a means as established by rule.

1693 (2) Proceeds received from the sale or disposal of buffalo under this section shall be
1694 deposited as follows:

1695 (a) the first \$75,000 shall accrue to the division for the management of Antelope
1696 Island buffalo herds as [~~nonlapsing~~] dedicated credits; and

1697 (b) proceeds in excess of \$75,000 shall be deposited in the State Park Fees Restricted
1698 Account created under Section 79-4-402.

1699 Section 38. **Effective date.**

1700 This bill takes effect on July 1, 2010.

1701 Section 39. **Coordinating H.B. 353 with S.B. 167 -- Merging conforming and**
1702 **substantive amendments.**

1703 If this H.B. 353 and S.B. 167, Alcoholic Beverage Control Act Recodification, both
1704 pass, it is the intent of the Legislature that the Office of Legislative Research and General
1705 Counsel, in preparing the Utah Code database for publication:

1706 (1) modify Subsection 32B-2-405(3) to read:

1707 "(3) The State Tax Commission shall notify the advisory council of the balance of any
1708 undistributed money after the annual distribution under Subsection 32B-2-404(5)."; and

1709 (2) modify Subsection 32B-2-405(4)(a) to read:

1710 "(4) (a) Subject to the requirements of this Subsection (4), the advisory council shall
1711 award the balance of undistributed money under Subsection (3):
1712 (i) as prioritized by majority vote of the advisory council; and
1713 (ii) as grants to:
1714 (A) a county;
1715 (B) a municipality;
1716 (C) the department;
1717 (D) the Department of Human Services;
1718 (E) the Department of Public Safety; or
1719 (F) the Utah State Office of Education."