

SPENDING LIMITS AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ron Bigelow

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill modifies provisions in the State Appropriations and Tax Limitation Act.

Highlighted Provisions:

This bill:

- ▶ modifies the list of monies considered "appropriations" that are used in the formula that determines the state appropriations limit for each fiscal year; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2010.

Utah Code Sections Affected:

AMENDS:

63J-3-103, as last amended by Laws of Utah 2009, Chapter 183

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

Section 1. Section 63J-3-103 is amended to read:

63J-3-103. Definitions.

As used in this chapter:

(1) (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Education Fund sources [and from non-Uniform School Fund income tax revenues as presented in the governor's executive

30 budgets].

31 (b) "Appropriations" includes appropriations that are contingent upon available
32 surpluses in the General Fund and Education Fund.

33 (c) "Appropriations" does not mean:

34 (i) public education expenditures;

35 (ii) Utah Education Network expenditures in support of public education;

36 (iii) Utah College of Applied Technology expenditures in support of public education;

37 (iv) Tax Commission expenditures related to collection of income taxes in support of
38 public education;

39 [(†)] (v) debt service expenditures;

40 [(††)] (vi) emergency expenditures;

41 [(†††)] (vii) expenditures from all other fund or subfund sources [presented in the
42 executive budgets];

43 [(††††)] (viii) transfers or appropriations from the Education Fund to the Uniform School
44 Fund;

45 [(†††††)] (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
46 Account established in Section 63J-1-312;

47 [(††††††)] (x) transfers into, or appropriations made to, the Education Budget Reserve
48 Account established in Section 63J-1-313;

49 [(†††††††)] (xi) transfers in accordance with Section 63J-1-314 into, or appropriations
50 made to the State Disaster Recovery Restricted Account created in Section 53-2-403;

51 [(††††††††)] (xii) monies appropriated to fund the total one-time project costs for the
52 construction of capital developments as defined in Section 63A-5-104;

53 [(†††††††††)] (xiii) transfers or deposits into or appropriations made to the Centennial
54 Highway Fund Restricted Account created by Section 72-2-118;

55 [(††††††††††)] (xiv) transfers or deposits into or appropriations made to the Transportation
56 Investment Fund of 2005 created by Section 72-2-124;

57 [(†††††††††††)] (xv) transfers or deposits into or appropriations made to:

58 (A) the Department of Transportation from any source; or
59 (B) any transportation-related account or fund from any source; or
60 [~~(xii)~~] (xvi) supplemental appropriations from the General Fund to the Division of
61 Forestry, Fire, and State Lands to provide monies for wildland fire control expenses incurred
62 during the current or previous fire years.

63 (2) "Base year real per capita appropriations" means the result obtained for the state by
64 dividing the fiscal year 1985 actual appropriations of the state less debt monies by:

- 65 (a) the state's July 1, 1983 population; and
- 66 (b) the fiscal year 1983 inflation index divided by 100.

67 (3) "Calendar year" means the time period beginning on January 1 of any given year
68 and ending on December 31 of the same year.

69 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
70 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,
71 Chapter 4.

72 (5) "Fiscal year" means the time period beginning on July 1 of any given year and
73 ending on June 30 of the subsequent year.

74 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
75 capital and operations appropriations from General Fund and non-Uniform School Fund
76 income tax revenue sources, less debt monies.

77 (7) "Inflation index" means the change in the general price level of goods and services
78 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
79 Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

80 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could
81 be, or could have been, spent in any given year under the limitations of this chapter.

82 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
83 spent or actual expenditures.

84 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
85 fiscal years previous to the fiscal year for which the maximum allowable inflation and

86 population appropriations limit is being computed under this chapter.

87 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal
88 years previous to the fiscal year for which the maximum allowable inflation and population
89 appropriations limit is being computed under this chapter.

90 (11) "Population" means the number of residents of the state as of July 1 of each year
91 as calculated by the Governor's Office of Planning and Budget according to the procedures
92 and requirements of Section 63J-3-202.

93 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and
94 other monetary exaction and interest connected with it that are recorded as unrestricted
95 revenue of the General Fund and from non-Uniform School Fund income tax revenues, except
96 as specifically exempted by this chapter.

97 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,
98 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
99 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

100 Section 2. **Effective date.**

101 This bill takes effect on July 1, 2010.