

BUDGETARY PROCEDURE AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

4-2-8.7, as last amended by Laws of Utah 2010, Chapters 278 and 378

4-20-2, as last amended by Laws of Utah 2010, Chapter 278

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

- 58 **62A-15-103**, as last amended by Laws of Utah 2009, Chapter 75
- 59 **63A-4-201**, as renumbered and amended by Laws of Utah 1993, Chapter 212
- 60 **63A-5-211**, as last amended by Laws of Utah 2000, Chapter 231
- 61 **63A-11-203**, as last amended by Laws of Utah 2006, Chapter 76
- 62 **63C-4-103**, as last amended by Laws of Utah 2010, Chapter 262
- 63 **63I-2-253**, as last amended by Laws of Utah 2010, Chapter 11
- 64 **63J-1-312**, as renumbered and amended by Laws of Utah 2009, Chapter 183
- 65 **63J-1-313**, as renumbered and amended by Laws of Utah 2009, Chapter 183
- 66 **63J-1-314**, as last amended by Laws of Utah 2009, Chapter 389 and renumbered and
- 67 amended by Laws of Utah 2009, Chapter 183
- 68 **63J-1-602.1**, as enacted by Laws of Utah 2010, Chapter 265
- 69 **63J-1-602.2**, as enacted by Laws of Utah 2010, Chapter 265 and last amended by
- 70 Coordination Clause, Laws of Utah 2010, Chapter 265
- 71 **63J-1-602.3**, as enacted by Laws of Utah 2010, Chapter 265
- 72 **63J-1-602.4**, as enacted by Laws of Utah 2010, Chapter 265
- 73 **63J-1-602.5**, as enacted by Laws of Utah 2010, Chapter 265
- 74 **63M-1-905**, as last amended by Laws of Utah 2010, Chapters 245 and 278
- 75 **63M-1-1406**, as last amended by Laws of Utah 2009, Chapter 394
- 76 **63M-1-2003**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 77 **63M-1-2303**, as last amended by Laws of Utah 2010, Chapter 278
- 78 **65A-5-1**, as last amended by Laws of Utah 1995, Chapter 267
- 79 **72-2-117**, as last amended by Laws of Utah 2008, Chapter 382
- 80 **72-2-117.5**, as last amended by Laws of Utah 2010, Chapter 263
- 81 **72-2-120**, as last amended by Laws of Utah 2010, Chapter 278
- 82 **72-2-122**, as last amended by Laws of Utah 2008, Chapter 382
- 83 **72-3-109**, as last amended by Laws of Utah 2008, Chapter 382
- 84 **73-28-404**, as last amended by Laws of Utah 2009, Chapter 183
- 85 **77-32-601**, as last amended by Laws of Utah 2007, Chapter 275

86 77-32-701, as last amended by Laws of Utah 2002, Chapter 256

87 79-3-401, as renumbered and amended by Laws of Utah 2009, Chapter 344

88 REPEALS:

89 9-8-604, as enacted by Laws of Utah 1991, Chapter 30

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



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

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

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

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

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

102 (b) The fund shall consist of:

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

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

106 (iii) grants from private entities; and

107 (iv) interest on fund monies.

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

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

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

114 River; and

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

117 (A) a project funding application process;

118 (B) project funding requirements;

119 (C) project approval criteria; and

120 (D) standards for evaluating the effectiveness of funded projects in reducing salinity in
121 the Colorado River.

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

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

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

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

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

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

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

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

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

136 (b) The restricted account shall consist of:

137 (i) money appropriated by the Legislature;

138 (ii) grants from the federal government; and

139 (iii) grants or donations from a person.

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

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

144 (i) on a project implemented by:

145 (A) the department; or

146 (B) the Conservation Commission; or

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

148 (A) a state agency;

149 (B) a federal agency; or

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

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

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

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

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

158 (i) air pollution;

159 (ii) flooding; and

160 (iii) reduced visibility on a highway;

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

162 (i) soil erosion;

163 (ii) degraded water quality; and

164 (iii) release of carbon; and

165 (c) third, damage to:

166 (i) a local economy; and

167 (ii) habitat for wildlife or livestock.

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

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

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

172 (b) The restricted account shall consist of:

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

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

176 (iii) grants from private foundations.

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

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

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

181 (a) administer the restricted account;

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

183 (i) fees in each grazing district; and

184 (ii) the receipts collected from the sale or lease of public lands; and

185 (c) distribute restricted account money in accordance with Section 4-20-3.

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

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

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

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

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

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

193 As used in this part:

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

196 [~~1~~] (2) "Contaminated by methamphetamine" means that a residence is:

197 (a) polluted by hazardous materials as a result of the use, production, or presence of

198 methamphetamine in excess of decontamination standards adopted by the Department of
199 Health under Section 26-51-201; and

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

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

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

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

208 (b) operates on a worldwide basis;

209 (c) has the primary purposes of:

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

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

213 (B) financed with loans that are not subject to interest as determined by the
214 organization in accordance with any rules the division makes as authorized by Section
215 9-4-1503; and

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

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

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

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

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

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

- 226 (b) "Residence" includes:
- 227 (i) a condominium;
- 228 (ii) a garage;
- 229 (iii) real property appurtenant to a residence:
- 230 (A) as determined by the division in accordance with any rules the division makes as
- 231 authorized by Section 9-4-1503; and
- 232 (B) if that real property is contaminated by methamphetamine;
- 233 (iv) a shed; or
- 234 (v) a town home.

- 235 (c) "Residence" does not include:
- 236 (i) an apartment or other rental unit as determined by the division in accordance with
- 237 any rules the division makes as authorized by Section 9-4-1503; or
- 238 (ii) an outbuilding except for a garage or shed.

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

240 **9-4-1503. Methamphetamine Housing Reconstruction and Rehabilitation**
241 **Account -- Creation -- Interest -- Use of contributions and interest.**

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

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

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

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

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

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

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

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

254 distribution to:

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

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

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

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

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

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

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

271 (i) on or before November 1; and

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

273 (c) The application:

274 (i) shall include information required by the division establishing that the qualified
275 housing organization owns each residence with respect to which the qualified housing
276 organization plans to expend a distribution under Subsection (4);

277 (ii) shall include information required by the division establishing the qualified housing
278 organization's plan to expend the distribution for a purpose described in Subsection (4)(b)(i);

279 (iii) shall include information required by the division establishing that the qualified
280 housing organization's plan to expend the distribution meets conditions established in
281 accordance with Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and

282 Decontamination Act, for a local health department to remove the residence from the local
283 health department's decontamination list; and

284 (iv) may include other information the division requires by rule.

285 (d) The division shall determine on or before the November 30 immediately following
286 the November 1 described in Subsection (5)(b)(i) whether a qualified housing organization's
287 application to the division meets the requirements of Subsection (5)(c).

288 (e) (i) The division shall distribute money credited to the [~~fund~~] account to each
289 qualified housing organization that meets the requirements of Subsection (5)(c) as determined
290 by the division:

291 (A) on or before the December 31 immediately following the November 1 described in
292 Subsection (5)(b)(i); and

293 (B) in accordance with this Subsection (5)(e).

294 (ii) The division shall determine:

295 (A) the population of the county in which a qualified housing organization that meets
296 the requirements of Subsection (5)(c) is headquartered; and

297 (B) the total population of all of the counties in which the qualified housing
298 organizations that meet the requirements of Subsection (5)(c) are headquartered.

299 (iii) Except as provided in Subsection (5)(e)(iv), the division shall determine a
300 qualified housing organization's distribution by making the following calculation:

301 (A) calculating a percentage determined by dividing the population of the county in
302 which the qualified housing organization that meets the requirements of Subsection (5)(c) is
303 headquartered by the population calculated under Subsection (5)(e)(ii)(B); and

304 (B) multiplying the percentage determined under Subsection (5)(e)(iii)(A) by the [~~fund~~]
305 account balance.

306 (iv) If two or more qualified housing organizations that meet the requirements of
307 Subsection (5)(c) as determined by the division are headquartered within one county, the
308 division shall determine each qualified housing organization's distribution by:

309 (A) making the calculation required by Subsection (5)(e)(iii); and

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

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

315 (a) to define what constitutes:

- 316 (i) a low-income person;
- 317 (ii) a loan that is not subject to interest; or
- 318 (iii) an apartment or other rental unit;

319 (b) for determining the circumstances under which real property is appurtenant to a
320 residence;

321 (c) prescribing information a qualified housing organization is required to include with
322 an application under Subsection (5);

323 (d) for purposes of Subsection (5)(e), for determining the population of a county; or

324 (e) for determining the county in which a qualified housing organization is
325 headquartered.

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

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

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

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

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

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

338 ~~nonlapsing-]~~

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

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

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

343 (b) The revitalization fund shall consist of:

- 344 (i) money deposited to the revitalization fund under this chapter;
- 345 (ii) money deposited to the revitalization fund under Section 59-5-119; and
- 346 (iii) any loan repayment or interest on a loan issued under this chapter.

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

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

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

350 ~~nonlapsing-]~~

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

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

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

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

359 (2) The account shall be funded by:

- 360 (a) contributions deposited into the account in accordance with Section 41-1a-422;
- 361 (b) private contributions; and
- 362 (c) donations or grants from public or private entities.

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

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

- 366 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- 367 (b) have a national parent organization which:
 - 368 (i) provides international humanitarian service projects; and
 - 369 (ii) has youth programs including programs to foster leadership in high school students,
 - 370 humanitarian service in high school and college, and conducts and promotes community
 - 371 service projects;
- 372 (c) have a non-profit youth exchange program that does not compensate those who
- 373 administer the program within the state;
- 374 (d) have an annual leadership conference, which does not compensate those who
- 375 administer the program within the state;
- 376 (e) have high school service clubs, which promote humanitarian services on a state
- 377 level, a national level, and an international level; and
- 378 (f) have college service clubs, which promote humanitarian service on a state level, a
- 379 national level, and an international level.
- 380 [~~5~~] (4) (a) An organization described in Subsection [~~4~~] (3) may apply to the
- 381 department to receive a distribution in accordance with Subsection [~~4~~] (3).
- 382 (b) An organization that receives a distribution from the department in accordance with
- 383 Subsection [~~4~~] (3) shall expend the distribution only to:
 - 384 (i) pay the costs of supporting the following programs within the state:
 - 385 (A) youth programs including programs to foster leadership in high school students and
 - 386 humanitarian service in high school and college;
 - 387 (B) community service projects;
 - 388 (C) a non-profit youth exchange program;
 - 389 (D) an annual leadership conference;
 - 390 (E) high school service clubs, which promote humanitarian service on a state level, a
 - 391 national level, and an international level; and
 - 392 (F) college service clubs, which promote humanitarian service on a state level, a
 - 393 national level, and an international level; and

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

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

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

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

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

404 (b) The fund consists of:

405 (i) appropriations to the fund;

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

407 (iii) interest earnings on cash balances; and

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

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

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

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

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

416 (ii) the purchase of:

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

418 or

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

421 (iii) the retrofit, certified by the Air Quality Board under Subsection 19-1-405(1)(d), of

422 a private sector business vehicle or government vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

452 (4) The department may:

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

454 (i) the fund; or

455 (ii) application fees; and

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

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

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

461 (6) (a) Loans made from money in the fund shall be supported by loan documents
462 evidencing the intent of the borrower to repay the loan.

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

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

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

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

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

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

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

477 (i) to provide staff support; and

- 478 (ii) for other expenses incurred in:
- 479 (A) administration of grant funds; and
- 480 (B) other department administrative costs under this chapter.

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

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

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

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

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

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

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

502 (3) The account shall be funded by:

- 503 (a) contributions deposited into the account in accordance with Section 41-1a-422;
- 504 (b) private contributions;
- 505 (c) donations or grants from public or private entities; and

506 (d) interest and earnings on fund money.
507 [~~(4)~~ Funds in the account are nonlapsing.]

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

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

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

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

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

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

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

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

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

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

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

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

530 (1) The Department of Workforce Services may:

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

- 534 (i) a contract with a licensed insurance company authorized to do business in the state;
 535 (ii) through any other arrangement acceptable under the Trade Reform Act; or
 536 (iii) a self-insurance program through a third party administrator as provided in

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

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

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

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

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

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

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

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

550 **35A-4-506. Special Administrative Expense Account.**

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

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

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

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

561 (3) Nothing in this section shall prevent the money from being used as a revolving fund

562 to cover expenditures, necessary and proper under this chapter, for which federal funds have
563 been duly requested but not yet received subject to the charging of those expenditures against
564 the funds when received.

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

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

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

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

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

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

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

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

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

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

590 (2) The account shall be funded by:
591 (a) contributions deposited into the Off-highway Access and Education Restricted
592 Account in accordance with Section 41-1a-230.6;
593 (b) private contributions; and
594 (c) donations or grants from public or private entities.
595 [~~(3)~~ Funds in the account are nonlapsing.]
596 [~~(4)~~ (3) The Legislature shall appropriate money in the account to the board.
597 [~~(5)~~ (4) (a) The state treasurer shall invest money in the account according to Title 51,
598 Chapter 7, State Money Management Act.
599 (b) The Division of Finance shall deposit interest or other earnings derived from
600 investment of account money into the General Fund.
601 [~~(6)~~ (5) The board may expend up to 10% of the money appropriated under Subsection
602 [~~(4)~~ (3) to:
603 (a) administer account distributions in accordance with Subsections [~~(7)~~ (6) through
604 [~~(10)~~ (9); and
605 (b) administer off-highway vehicle provisions under this chapter.
606 [~~(7)~~ (6) The board shall distribute the funds to a charitable organization that:
607 (a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue
608 Code;
609 (b) has at least one full-time employee; and
610 (c) has as a primary part of its mission to:
611 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;
612 and
613 (ii) educate the public about appropriate off-highway vehicle use.
614 [~~(8)~~ (7) The board may only consider proposals that are:
615 (a) proposed by a charitable organization under Subsection [~~(7)~~ (6); and
616 (b) designed to:
617 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;

618 and

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

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

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

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

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

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

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

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

633 (b) The account shall be funded by:

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

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

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

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

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

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

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

646 (2) The account shall be funded by:
 647 (a) contributions deposited into the Public Safety Honoring Heroes Restricted Account
 648 in accordance with Section 41-1a-422;
 649 (b) private contributions; and
 650 (c) donations or grants from public or private entities.

651 [~~(3)~~ Funds in the account are nonlapsing.]
 652 [~~(4)~~] (3) The Legislature shall appropriate money in the account to the commissioner.
 653 [~~(5)~~] (4) The commissioner shall distribute the funds to one or more charitable
 654 organizations that:

655 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
 656 and
 657 (b) have as a primary part of their mission to support the families of fallen Utah
 658 Highway Patrol troopers and other Department of Public Safety employees.

659 [~~(6)~~] (5) The commissioner may only consider proposals that are:
 660 (a) proposed by a charitable organization under Subsection [~~(5)~~] (4); and
 661 (b) designed to support families of fallen Utah Highway Patrol troopers and other
 662 Department of Public Safety employees.

663 [~~(7)~~] (6) (a) An organization described in Subsection [~~(5)~~] (4) may apply to the
 664 commissioner to receive a distribution in accordance with Subsection [~~(5)~~] (4).

665 (b) An organization that receives a distribution from the commissioner in accordance
 666 with Subsection [~~(5)~~] (4) shall expend the distribution only to support the families of fallen
 667 Utah Highway Patrol troopers and other Department of Public Safety employees.

668 [~~(8)~~] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 669 Act, the commissioner shall make rules providing procedures for an organization to apply to
 670 receive funds under this section.

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

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

674 (1) In this section:
675 (a) "Account" means the Fire Academy Support Account created in Subsection (4).
676 (b) "Property insurance premium" means premium paid as consideration for property
677 insurance as defined in Section 31A-1-301.

678 (2) The board shall:
679 (a) establish a fire academy that:
680 (i) provides instruction and training for paid, volunteer, institutional, and industrial
681 firefighters;
682 (ii) develops new methods of firefighting and fire prevention;
683 (iii) provides training for fire and arson detection and investigation;
684 (iv) provides public education programs to promote fire safety;
685 (v) provides for certification of firefighters, pump operators, instructors, and officers;
686 and
687 (vi) provides facilities for teaching fire-fighting skills;
688 (b) establish a cost recovery fee in accordance with Section 63J-1-504 for training
689 commercially employed firefighters; and
690 (c) request funding for the academy.

691 (3) The board may:
692 (a) accept gifts, donations, and grants of property and services on behalf of the fire
693 academy; and
694 (b) enter into contractual agreements necessary to facilitate establishment of the school.

695 (4) (a) To provide a funding source for the academy and for the general operation of
696 the State Fire Marshal Division, there is created in the General Fund a restricted account
697 known as the Fire Academy Support Account.
698 (b) The following revenue shall be deposited in the account to implement this section:
699 (i) the percentage specified in Subsection (5) of the annual tax for each year that is
700 levied, assessed, and collected under Title 59, Chapter 9, Taxation of Admitted Insurers, upon
701 property insurance premiums and as applied to fire and allied lines insurance collected by

702 insurance companies within the state;

703 (ii) the percentage specified in Subsection (6) of all money assessed and collected upon
704 life insurance premiums within the state;

705 (iii) the cost recovery fees established by the board;

706 (iv) gifts, donations, and grants of property on behalf of the fire academy; [~~and~~]

707 (v) appropriations made by the Legislature[~~;~~]; and

708 (vi) money collected from civil penalties in accordance with Section 53-7-504.

709 (5) The percentage of the tax specified in Subsection (4)(b)(i) to be deposited in the
710 account each fiscal year is 25%.

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

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

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

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

717 (2) The account shall be funded by:

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

719 (b) private contributions; and

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

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

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

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

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

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

- 730 (d) includes representation of:
- 731 (i) national and local autism advocacy groups, as available; and
- 732 (ii) interested parents and professionals; and
- 733 (e) does not endorse any specific treatment, therapy, or intervention used for autism.

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

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

- 738 (i) pay for autism education and public awareness of programs and related services in
 739 the state;
- 740 (ii) enhance programs designed to serve individuals with autism;
- 741 (iii) provide support to caregivers providing services for individuals with autism;
- 742 (iv) pay for academic scholarships and research efforts in the area of autism spectrum
 743 disorder; and

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

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

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

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

- 752 (1) There is created:
- 753 (a) the "Capital Outlay Loan Program" to provide:
- 754 (i) short-term help to school districts to meet district needs for school building
 755 construction and renovation; and
- 756 (ii) assistance to charter schools to meet school building construction and renovation
 757 needs; and

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

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

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

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

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

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

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

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

775 (i) review requests by school districts for loans under this section; and

776 (ii) make recommendations regarding approval or disapproval of the loan applications
777 to the state superintendent.

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

780 (i) the recommended amount of the loan;

781 (ii) the payback schedule; and

782 (iii) the interest rate to be charged.

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

786 Education.

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

788 (i) money appropriated to the subaccount by the Legislature;

789 (ii) money received from the repayment of loans made from the subaccount; and

790 (iii) interest earned on money in the subaccount.

791 (c) The state superintendent of public instruction shall make loans to charter schools

792 from the Charter School Building Subaccount to pay for the costs of:

793 (i) planning expenses;

794 (ii) constructing or renovating charter school buildings;

795 (iii) equipment and supplies; or

796 (iv) other start-up or expansion expenses.

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

798 given priority.

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

800 (i) review requests by charter schools for loans under this section; and

801 (ii) make recommendations regarding approval or disapproval of the loan applications

802 to the State Charter School Board and the State Board of Education.

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

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

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

807 (B) the remaining members shall be selected from a list of nominees submitted by the

808 State Charter School Board.

809 (c) If the committee recommends approval of a loan application under Subsection

810 (6)(a)(ii), the committee's recommendation shall include:

811 (i) the recommended amount of the loan;

812 (ii) the payback schedule; and

813 (iii) the interest rate to be charged.

814 (d) The committee members may not:
815 (i) be a relative, as defined in Section 53A-1a-518, of a loan applicant; or
816 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person
817 or entity that contracts with a loan applicant.

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

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

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

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

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

825 The office may:

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

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

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

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

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

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

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

840 (8) assist individuals with severe disabilities to establish and operate vending machine
841 services and other small businesses, and perform services authorized under Title 55, [Chapters

842 ~~5 and 5a]~~ Chapter 5, Blind Persons Operating Vending Stands, and Chapter 5a, Blind Product
843 Sales;

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

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

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

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

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

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

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

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

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

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

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

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

869 (3) (a) The state treasurer shall invest money in the account according to Title 51,

870 Chapter 7, State Money Management Act.

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

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

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

876 (i) fiscal year 2010-11;

877 (ii) fiscal year 2011-12; and

878 (iii) fiscal year 2012-13; and

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

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

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

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

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

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

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

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

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

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

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

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

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

912 (a) administrative penalties imposed under Section 58-31b-503; and

913 (b) interest earned on money in the account.

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

916 (a) education and training of licensees or potential licensees under this chapter;

917 (b) enforcement of this chapter by:

918 (i) investigating unprofessional or unlawful conduct;

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

921 (iii) monitoring compliance of renewal requirements;

922 (c) survey nursing education programs throughout the state;

923 (d) education and training of board members; and

924 (e) review and approve nursing education programs and medication aide certified
925 training programs.

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

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

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

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

931 (a) administrative penalties imposed under Section 58-44a-402; and

932 (b) interest earned on money in the account.

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

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

936 (b) enforcement of this chapter by:

937 (i) investigating unprofessional or unlawful conduct;

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

940 (iii) monitoring compliance of renewal requirements; and

941 (c) education and training of board members.

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

943 **58-63-103. Use of monies for education and enforcement.**

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

946 [~~(a)~~] (1) educating and training licensees under this chapter;

947 [~~(b)~~] (2) educating and training the general public or other interested persons in matters
948 concerning the laws that govern the practices licensed under this chapter; and

949 [~~(c)~~] (3) enforcing this chapter by:

950 [~~(i)~~] (a) investigating unprofessional or unlawful conduct; and

951 [~~(ii)~~] (b) providing legal representation to the division when it takes legal action against
952 a person charged with unprofessional or unlawful conduct.

953 [~~(2)~~] ~~The monies collected under Section 58-63-503 and used for the purposes listed in~~

954 Subsection (1) ~~are nonlapsing.~~]

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

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

957 (1) There is created a restricted account within the General Fund known as the
958 "Professional Geologist Education and Enforcement Account."

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

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

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

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

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

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

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

970 (c) enforcement of this chapter by:

971 (i) investigating unprofessional or unlawful conduct;

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

974 (iii) monitoring compliance of renewal requirements; and

975 (d) education and training of board members.

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

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

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

982 individual income tax return a contribution as provided in this section to be:

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

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

986 (2) The commission shall:

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

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

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

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

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

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

997 (b) amounts paid for:

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

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

1003 (iii) an ancillary service associated with a:

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

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

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

1007 (i) gas;

1008 (ii) electricity;

1009 (iii) heat;

- 1010 (iv) coal;
- 1011 (v) fuel oil; or
- 1012 (vi) other fuels;
- 1013 (d) sales of the following for residential use:
- 1014 (i) gas;
- 1015 (ii) electricity;
- 1016 (iii) heat;
- 1017 (iv) coal;
- 1018 (v) fuel oil; or
- 1019 (vi) other fuels;
- 1020 (e) sales of prepared food;
- 1021 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1022 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1023 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1024 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1025 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1026 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1027 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1028 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1029 exhibition, cultural, or athletic activity;
- 1030 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1031 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
- 1032 (i) the tangible personal property; and
- 1033 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1034 in Subsection (1)(g)(i), whether or not any parts are actually used in the repairs or renovations
- 1035 of that tangible personal property;
- 1036 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
- 1037 assisted cleaning or washing of tangible personal property;

- 1038 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
- 1039 accommodations and services that are regularly rented for less than 30 consecutive days;
- 1040 (j) amounts paid or charged for laundry or dry cleaning services;
- 1041 (k) amounts paid or charged for leases or rentals of tangible personal property if within
- 1042 this state the tangible personal property is:
 - 1043 (i) stored;
 - 1044 (ii) used; or
 - 1045 (iii) otherwise consumed;
- 1046 (l) amounts paid or charged for tangible personal property if within this state the
- 1047 tangible personal property is:
 - 1048 (i) stored;
 - 1049 (ii) used; or
 - 1050 (iii) consumed; and
- 1051 (m) amounts paid or charged for a sale:
 - 1052 (i) (A) of a product that:
 - 1053 (I) is transferred electronically; and
 - 1054 (II) would be subject to a tax under this chapter if the product was transferred in a
 - 1055 manner other than electronically; or
 - 1056 (B) of a repair or renovation of a product that:
 - 1057 (I) is transferred electronically; and
 - 1058 (II) would be subject to a tax under this chapter if the product was transferred in a
 - 1059 manner other than electronically; and
 - 1060 (ii) regardless of whether the sale provides:
 - 1061 (A) a right of permanent use of the product; or
 - 1062 (B) a right to use the product that is less than a permanent use, including a right:
 - 1063 (I) for a definite or specified length of time; and
 - 1064 (II) that terminates upon the occurrence of a condition.
- 1065 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax

1066 is imposed on a transaction described in Subsection (1) equal to the sum of:

1067 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

1068 (A) 4.70%; and

1069 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
1070 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
1071 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
1072 State Sales and Use Tax Act; and

1073 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
1074 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
1075 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
1076 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1077 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1078 transaction under this chapter other than this part.

1079 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
1080 on a transaction described in Subsection (1)(d) equal to the sum of:

1081 (i) a state tax imposed on the transaction at a tax rate of 2%; and

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

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

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

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

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

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

1094 (I) the tax rate described in Subsection (2)(a)(i)(A); and
1095 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
1096 Sales and Use Tax Act, if the location of the transaction as determined under Sections
1097 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
1098 Additional State Sales and Use Tax Act; and
1099 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
1100 Sales and Use Tax Act, if the location of the transaction as determined under Sections
1101 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
1102 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
1103 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
1104 described in Subsection (2)(a)(ii).
1105 (ii) Subject to Subsection (2)(d)(iii), for a bundled transaction other than a bundled
1106 transaction described in Subsection (2)(d)(i):
1107 (A) if the sales price of the bundled transaction is attributable to tangible personal
1108 property, a product, or a service that is subject to taxation under this chapter and tangible
1109 personal property, a product, or service that is not subject to taxation under this chapter, the
1110 entire bundled transaction is subject to taxation under this chapter unless:
1111 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1112 personal property, product, or service that is not subject to taxation under this chapter from the
1113 books and records the seller keeps in the seller's regular course of business; or
1114 (II) state or federal law provides otherwise; or
1115 (B) if the sales price of a bundled transaction is attributable to two or more items of
1116 tangible personal property, products, or services that are subject to taxation under this chapter
1117 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
1118 higher tax rate unless:
1119 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1120 personal property, product, or service that is subject to taxation under this chapter at the lower
1121 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1122 (II) state or federal law provides otherwise.

1123 (iii) For purposes of Subsection (2)(d)(ii), books and records that a seller keeps in the
1124 seller's regular course of business includes books and records the seller keeps in the regular
1125 course of business for nontax purposes.

1126 (e) Subject to Subsections (2)(f) and (g), a tax rate repeal or tax rate change for a tax
1127 rate imposed under the following shall take effect on the first day of a calendar quarter:

- 1128 (i) Subsection (2)(a)(i)(A);
- 1129 (ii) Subsection (2)(b)(i);
- 1130 (iii) Subsection (2)(c)(i); or
- 1131 (iv) Subsection (2)(d)(i)(A)(I).

1132 (f) (i) A tax rate increase shall take effect on the first day of the first billing period that
1133 begins after the effective date of the tax rate increase if the billing period for the transaction
1134 begins before the effective date of a tax rate increase imposed under:

- 1135 (A) Subsection (2)(a)(i)(A);
- 1136 (B) Subsection (2)(b)(i);
- 1137 (C) Subsection (2)(c)(i); or
- 1138 (D) Subsection (2)(d)(i)(A)(I).

1139 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last
1140 billing period that began before the effective date of the repeal of the tax or the tax rate
1141 decrease if the billing period for the transaction begins before the effective date of the repeal of
1142 the tax or the tax rate decrease imposed under:

- 1143 (A) Subsection (2)(a)(i)(A);
- 1144 (B) Subsection (2)(b)(i);
- 1145 (C) Subsection (2)(c)(i); or
- 1146 (D) Subsection (2)(d)(i)(A)(I).

1147 (g) (i) For a tax rate described in Subsection (2)(g)(ii), if a tax due on a catalogue sale
1148 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
1149 or change in a tax rate takes effect:

- 1150 (A) on the first day of a calendar quarter; and
- 1151 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1152 (ii) Subsection (2)(g)(i) applies to the tax rates described in the following:
- 1153 (A) Subsection (2)(a)(i)(A);
- 1154 (B) Subsection (2)(b)(i);
- 1155 (C) Subsection (2)(c)(i); or
- 1156 (D) Subsection (2)(d)(i)(A)(I).
- 1157 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1158 the commission may by rule define the term "catalogue sale."
- 1159 (3) (a) The following state taxes shall be deposited into the General Fund:
- 1160 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1161 (ii) the tax imposed by Subsection (2)(b)(i);
- 1162 (iii) the tax imposed by Subsection (2)(c)(i); or
- 1163 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).
- 1164 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1165 in this chapter:
- 1166 (i) the tax imposed by Subsection (2)(a)(ii);
- 1167 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1168 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 1169 (iv) the tax imposed by Subsection (2)(d)(i)(B).
- 1170 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1171 2003, the lesser of the following amounts shall be used as provided in Subsections (4)(b)
- 1172 through (g):
- 1173 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1174 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1175 (B) for the fiscal year; or
- 1176 (ii) \$17,500,000.
- 1177 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount

1178 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
1179 Department of Natural Resources to:

1180 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
1181 protect sensitive plant and animal species; or

1182 (B) award grants, up to the amount authorized by the Legislature in an appropriations
1183 act, to political subdivisions of the state to implement the measures described in Subsections
1184 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

1185 (ii) Money transferred to the Department of Natural Resources under Subsection
1186 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
1187 person to list or attempt to have listed a species as threatened or endangered under the
1188 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1189 (iii) At the end of each fiscal year:

1190 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1191 Conservation and Development Fund created in Section 73-10-24;

1192 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
1193 Program Subaccount created in Section 73-10c-5; and

1194 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
1195 Program Subaccount created in Section 73-10c-5.

1196 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1197 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
1198 created in Section 4-18-6.

1199 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
1200 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water
1201 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
1202 water rights.

1203 (ii) At the end of each fiscal year:

1204 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1205 Conservation and Development Fund created in Section 73-10-24;

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

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

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

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

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

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

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

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

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

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

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

1233 (iii) develop surface water sources.

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

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

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

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

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

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

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

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

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

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

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

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

1261 (i) preconstruction costs:

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

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

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

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

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

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

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

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

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

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

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

1297 (8) (a) Notwithstanding Subsection (3)(a) and in addition to the amount deposited in
1298 Subsection (7)(a), for the 2010-11 fiscal year only, the Division of Finance shall deposit into
1299 the Centennial Highway Fund Restricted Account created by Section 72-2-118 a portion of the
1300 taxes listed under Subsection (3)(a) equal to 1.93% of the revenues collected from the
1301 following taxes, which represents a portion of the approximately 17% of sales and use tax
1302 revenues generated annually by the sales and use tax on vehicles and vehicle-related products:

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

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

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

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

- 1327 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1328 (ii) the tax imposed by Subsection (2)(b)(i);
- 1329 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1330 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

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

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

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

1345 (10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year

1346 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1347 created by Section 9-4-1409 and expended as provided in Section 9-4-1409.

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

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

1358 (b) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b)(ii),
1359 and in addition to any amounts deposited under Subsections (7), (9), and (10), when the general
1360 obligation bonds authorized by Section 63B-16-101 have been paid off and the highway
1361 projects completed that are included in the prioritized project list under Subsection 72-2-125(4)
1362 as determined in accordance with Subsection 72-2-125(6), the Division of Finance shall
1363 deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the
1364 amount of tax revenue generated by a .025% tax rate on the transactions described in
1365 Subsection (1).

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

1371 (12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection
1372 (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the
1373 Transportation Fund created by Section 72-2-102 the amount of tax revenue generated by a

1374 .025% tax rate on the transactions described in Subsection (1) to be expended to address
1375 chokepoints in construction management.

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

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

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

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

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

1390 (2) The investment incentive allowed in Subsection (1) shall be paid from the Ski
1391 Resort Capital Investment Restricted Account created in Subsection (5). The investment
1392 incentive shall be allowed only to the extent that for each dollar of investment incentive
1393 allowed, three dollars shall be expended for the purchase or lease of property described in
1394 Subsection (1) by a person operating a ski resort. The investment incentive paid out of the
1395 account shall be allocated among ski resorts based on the relation between the total sales tax
1396 collected from the sale of ski lift tickets in Utah to the total sales tax collected from the sale of
1397 ski lift tickets in Utah by each ski resort.

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

1402 or before June 30, 1993.

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

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

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

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

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

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

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

1420 (3) The account shall be funded by:

- 1421 (a) contributions deposited into the account in accordance with Section 41-1a-422;
- 1422 (b) private contributions; and
- 1423 (c) donations or grants from public or private entities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1448 **62A-1-119. Respite Care Assistance Fund -- Use of money -- Restrictions --**
1449 **Annual report.**

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

1452 (2) The fund shall consist of:

1453 (a) gifts, grants, devises, donations, and bequests of real property, personal property, or
1454 services, from any source, made to the fund; and

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

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

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

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

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

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

1462 (c) to provide grants to caregivers.

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

1464 (a) be a resident of Utah; and

1465 (b) be a primary care giver for:

1466 (i) an aging individual; or

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

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

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

1470 or

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

1472 another government or private agency.

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

1474 deposited into the fund.

1475 [~~(9)~~] (8) The state treasurer shall invest the monies in the fund under Title 51, Chapter

1476 7, State Money Management Act.

1477 [~~(10)~~] (9) The Department of Human Services shall make an annual report to the

1478 appropriate appropriations subcommittee of the Legislature regarding the status of the fund,

1479 including a report on the contributions received, expenditures made, and programs and services

1480 funded.

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

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

1483 (1) There is created the Division of Substance Abuse and Mental Health within the

1484 department, under the administration and general supervision of the executive director. The

1485 division is the substance abuse authority and the mental health authority for this state.

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

- 1514 working on substance abuse and mental health issues;
- 1515 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
1516 medical and social agencies, public health authorities, law enforcement agencies, education and
1517 research organizations, and other related groups;
- 1518 (iv) promote or conduct research on substance abuse and mental health issues, and
1519 submit to the governor and the Legislature recommendations for changes in policy and
1520 legislation;
- 1521 (v) receive, distribute, and provide direction over public funds for substance abuse and
1522 mental health services;
- 1523 (vi) monitor and evaluate programs provided by local substance abuse authorities and
1524 local mental health authorities;
- 1525 (vii) examine expenditures of any local, state, and federal funds;
- 1526 (viii) monitor the expenditure of public funds by:
- 1527 (A) local substance abuse authorities;
- 1528 (B) local mental health authorities; and
- 1529 (C) in counties where they exist, the private contract provider that has an annual or
1530 otherwise ongoing contract to provide comprehensive substance abuse or mental health
1531 programs or services for the local substance abuse authority or local mental health authorities;
- 1532 (ix) contract with local substance abuse authorities and local mental health authorities
1533 to provide a comprehensive continuum of services in accordance with division policy, contract
1534 provisions, and the local plan;
- 1535 (x) contract with private and public entities for special statewide or nonclinical services
1536 according to division rules;
- 1537 (xi) review and approve each local substance abuse authority's plan and each local
1538 mental health authority's plan in order to ensure:
- 1539 (A) a statewide comprehensive continuum of substance abuse services;
- 1540 (B) a statewide comprehensive continuum of mental health services; and
- 1541 (C) appropriate expenditure of public funds;

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

1546 (xiii) monitor and ensure compliance with division rules and contract requirements;
1547 and

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

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

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

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

1559 (i) a review and determination regarding whether:

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

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

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

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

1570 (i) the annual audit and review;
1571 (ii) the financial expenditures of each local substance abuse authority and its contract
1572 provider and each local mental health authority and its contract provider;

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

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

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

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

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

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

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

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

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

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

1609 (a) the use of public funds;

1610 (b) oversight responsibilities regarding public funds; and

1611 (c) governance of substance abuse and mental health programs and services.

1612 (8) The Legislature may refuse to appropriate funds to the division upon the division's
1613 failure to comply with the provisions of this part.

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

1617 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
1618 capacity to provide the treatment services; or

1619 (b) otherwise ensure that treatment services are made available to the pregnant woman
1620 or pregnant minor.

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

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

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

1625 (b) The fund shall cover property, liability, fidelity, and other risks as determined by

1626 the risk manager in consultation with the executive director.

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

1628 (a) insurance or reinsurance premiums;

1629 (b) costs of administering the fund;

1630 (c) loss adjustment expenses;

1631 (d) risk control and related educational and training expenses; and

1632 (e) loss costs which at the time of loss were eligible for payment under rules previously
1633 issued by the executive director under the authority of Section 63A-4-101.

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

1636 (a) any insured loss or loss expenses paid by insurance or reinsurance companies;

1637 (b) the gross amount of all premiums and surcharges received under Section
1638 63A-4-202;

1639 (c) the net refunds from cancelled insurance policies necessary to self-insure previously
1640 insured risks, with the balance of the proceeds to be refunded to the previously insured
1641 agencies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1670 (b) However, upon approval of such financing, the money spent for architectural and
1671 engineering services shall be returned as a reimbursement to the Planning Fund.

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

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

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

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

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

1680 (a) to pay for the representation, costs, expert witness fees, and expenses of contracted
1681 parental defense attorneys who are under contract with the office to provide parental defense in

1682 child welfare cases for the indigent parent or parents that are the subject of a petition alleging
1683 abuse, neglect, or dependency;

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

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

1687 (3) The fund consists of:

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

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

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

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

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

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

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

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

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

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

1701 **63C-4-103. Creation of Constitutional Defense Restricted Account -- Sources of**
1702 **funds -- Uses of funds -- Reports.**

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

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

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

1707 (b) voluntary contributions;

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

1709 and

1710 (d) appropriations made by the Legislature.
1711 [~~(3)~~ Funds in the account shall be nonlapsing.]
1712 [~~(4)~~ (3) The account balance may not exceed \$5,000,000.
1713 [~~(5)~~ (4) Subject to Subsection [~~(6)~~ (5), the Legislature may annually appropriate
1714 money from the Constitutional Defense Restricted Account to one or more of the following:
1715 (a) the Constitutional Defense Council to carry out its duties in Section 63C-4-102;
1716 (b) the Public Lands Policy Coordinating Office to carry out its duties in Section
1717 63J-4-603;
1718 (c) the Office of the Governor, to be used only for the purpose of asserting, defending,
1719 or litigating state and local government rights under R.S. 2477, in accordance with a plan
1720 developed and approved as provided in Section 63C-4-104;
1721 (d) a county or association of counties to assist counties, consistent with the purposes
1722 of the council, in pursuing issues affecting the counties; or
1723 (e) the Office of the Attorney General, to be used only for:
1724 (i) public lands counsel and assistance and litigation to the state or local governments
1725 including asserting, defending, or litigating state and local government rights under R.S. 2477
1726 in accordance with a plan developed and approved as provided in Section 63C-4-104; or
1727 (ii) an action filed in accordance with Section 67-5-29.
1728 [~~(6)~~ (5) Money appropriated to the Constitutional Defense Restricted Account in
1729 accordance with Subsection 53C-3-203(4)(a), if appropriated by the Legislature, may only be
1730 expended by the agency to which it was appropriated to pay:
1731 (a) the costs of an action filed in accordance with Section 67-5-29; and
1732 (b) expenses associated with an action described in Subsection [~~(6)~~ (5)(a).
1733 [~~(7)~~ (6) (a) The Constitutional Defense Council shall require that any entity that
1734 receives money from the Constitutional Defense Restricted Account provide financial reports
1735 and litigation reports to the Council.
1736 (b) Nothing in this Subsection [~~(7)~~ (6) prohibits the council from closing a meeting
1737 under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from

1738 complying with Title 63G, Chapter 2, Government Records Access and Management Act.

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

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

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

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

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

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

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

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

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

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

1751 (1) As used in this section:

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

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

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

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

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

1763 (d) "General Fund revenue surplus" means a situation where actual General Fund
1764 revenues collected in a completed fiscal year exceed the estimated revenues for the General
1765 Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the

1766 Legislature.

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

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

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

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

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

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

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

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

1794 replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall
1795 transfer up to 25% more of the General Fund revenue surplus to the General Fund Budget
1796 Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if
1797 any, and transfers from the General Fund revenue surplus under this Subsection (3)(b) have
1798 replaced the appropriations from the account.

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

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

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

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

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

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

1821 (b) The Division of Finance may not spend the hold back amount for debt service

1822 under Subsection (4)(a) unless and until it is appropriated by the Legislature.

1823 (c) If, after calculating the amount for transfers to the General Fund Budget Reserve
1824 Account, the remaining General Fund revenue surplus is insufficient to cover the hold back for
1825 debt service required by Subsection (4)(a), the Division of Finance shall reduce the transfer to
1826 the General Fund Budget Reserve Account by the amount necessary to cover the debt service
1827 hold back.

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

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

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

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

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

1843 (c) pay retroactive tax refunds; or

1844 (d) resolve an Education Fund budget deficit.

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

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

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

1850 **account.**

1851 (1) As used in this section:

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

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

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

1856 (b) "Education Fund budget deficit" means a situation where appropriations made by
1857 the Legislature from the Education Fund for a fiscal year exceed the estimated revenues
1858 adopted by the Executive Appropriations Committee of the Legislature for the Education Fund
1859 in that fiscal year.

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

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

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

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

1875 (ii) If the transfer of 25% of the Education Fund revenue surplus to the Education Fund
1876 Budget Reserve Account under Subsection (3)(a)(i) would cause the balance in the account to
1877 exceed 7% of Education Fund appropriations for the fiscal year in which the Education Fund

1878 revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to
1879 ensure that the balance in the account equals 7% of the Education Fund appropriations for the
1880 fiscal year in which the Education Fund revenue surplus occurred.

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

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

1886 (B) [~~excluding the investment earnings for the fiscal year and~~] excluding any direct
1887 legislative appropriation made to the Education Fund Budget Reserve Account for the fiscal
1888 year.

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

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

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

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

1906 and

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

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

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

1918 (5) The Legislature may appropriate money from the Education Fund Budget Reserve
1919 Account only to resolve an Education Fund budget deficit.

1920 (6) Interest generated from investments of money in the Education Fund Budget
1921 Reserve Account shall be deposited into the Education Fund.

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

1923 **63J-1-314. Deposits related to the State Disaster Recovery Restricted Account.**

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

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

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

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

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

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

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

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

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

1947 (A) a surplus exists; and

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

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

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

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

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

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

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

- 1962 [~~(3)~~ ~~The Invasive Species Mitigation Account created in Section 4-2-8.7.~~]
- 1963 [~~(4)~~ ~~The Rangeland Improvement Account created in Section 4-20-2.~~]
- 1964 [~~(5)~~] (2) The Percent-for-Art Program created in Section 9-6-404.
- 1965 [~~(6)~~ ~~The Centennial History Fund created in Section 9-8-604.~~]
- 1966 [~~(7)~~ ~~The Uintah Basin Revitalization Fund, as provided in Section 9-10-108.~~]
- 1967 [~~(8)~~ ~~The Navajo Revitalization Fund created in Section 9-11-104.~~]
- 1968 [~~(9)~~] (3) The LeRay McAllister Critical Land Conservation Program created in Section
1969 11-38-301.
- 1970 [~~(10)~~ ~~The Clean Fuels and Vehicle Technology Fund created in Section 19-1-403.~~]
- 1971 [~~(11)~~] (4) An appropriation made to the Division of Wildlife Resources for the
1972 appraisal and purchase of lands under the Pelican Management Act, as provided in Section
1973 23-21a-6.
- 1974 [~~(12)~~] (5) Award money under the Crime Reduction Assistance Program, as provided
1975 under Section 24-1-19.
- 1976 [~~(13)~~] (6) Funds collected from the emergency medical services grant program, as
1977 provided in Section 26-8a-207.
- 1978 (7) State funds appropriated for matching federal funds in the Children's Health
1979 Insurance Program as provided in Section 26-40-108.
- 1980 [~~(14)~~] (8) The Utah Health Care Workforce Financial Assistance Program created in
1981 Section 26-46-102.
- 1982 Section 42. Section **63J-1-602.2** is amended to read:
- 1983 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**
- 1984 (1) Appropriations from the Technology Development Restricted Account created in
1985 Section 31A-3-104.
- 1986 (2) Appropriations from the Criminal Background Check Restricted Account created in
1987 Section 31A-3-105.
- 1988 (3) Appropriations from the Captive Insurance Restricted Account created in Section
1989 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that

1990 section free revenue.

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

1992 Section 31A-23a-415.

1993 [~~(5) The fund for operating the state's Federal Health Care Tax Credit Program, as~~

1994 ~~provided in Section 31A-38-104.~~]

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

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

1997 Section 36-24-101.

1998 [~~(8) The~~] (6) Appropriations from the Oil and Gas Conservation Account created in

1999 Section 40-6-14.5.

2000 [~~(9) The Off-Highway Access and Education Restricted Account created in Section~~

2001 ~~41-22-19.5.~~]

2002 Section 43. Section **63J-1-602.3** is amended to read:

2003 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

2004 [~~(1) Certain funds associated with the Law Enforcement Operations Account, as~~

2005 ~~provided in Section 51-9-411.~~]

2006 [~~(2) The Public Safety Honoring Heroes Restricted Account created in Section~~

2007 ~~53-1-118.~~]

2008 [~~(3)~~ (1) Funding for the Search and Rescue Financial Assistance Program, as provided

2009 in Section 53-2-107.

2010 [~~(4)~~ (2) Appropriations made to the Department of Public Safety from the Department

2011 of Public Safety Restricted Account, as provided in Section 53-3-106.

2012 [~~(5)~~ (3) Appropriations to the Motorcycle Rider Education Program, as provided in

2013 Section 53-3-905.

2014 [~~(6) The~~] (4) Appropriations from the DNA Specimen Restricted Account created in

2015 Section 53-10-407.

2016 [~~(7)~~ (5) Appropriations to the State Board of Education, as provided in Section

2017 53A-17a-105.

2018 ~~[(8)]~~ (6) Certain funds appropriated from the Uniform School Fund to the State Board
2019 of Education for new teacher bonus and performance-based compensation plans, as provided in
2020 Section 53A-17a-148.

2021 ~~[(9) Certain funds appropriated from the Uniform School Fund to the State Board of
2022 Education for implementation of proposals to improve mathematics achievement test scores, as
2023 provided in Section 53A-17a-152.]~~

2024 ~~[(10) The School Building Revolving Account created in Section 53A-21-401.]~~

2025 ~~[(11)]~~ (7) Money received by the State Office of Rehabilitation for the sale of certain
2026 products or services, as provided in Section 53A-24-105.

2027 ~~[(12)]~~ (8) The State Board of Regents, as provided in Section 53B-6-104.

2028 ~~[(13)]~~ (9) Certain funds appropriated from the General Fund to the State Board of
2029 Regents for teacher preparation programs, as provided in Section 53B-6-104.

2030 ~~[(14)]~~ (10) A certain portion of money collected for administrative costs under the
2031 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

2032 ~~[(15)]~~ (11) Certain surcharges on residence and business telecommunications access
2033 lines imposed by the Public Service Commission, as provided in Section 54-8b-10.

2034 ~~[(16)]~~ (12) Certain fines collected by the Division of Occupational and Professional
2035 Licensing for violation of unlawful or unprofessional conduct that are used for education and
2036 enforcement purposes, as provided in Section 58-17b-505.

2037 ~~[(17) The Nurse Education and Enforcement Account created in Section 58-31b-103.]~~

2038 ~~[(18) The Certified Nurse Midwife Education and Enforcement Account created in
2039 Section 58-44a-103.]~~

2040 ~~[(19)]~~ (13) Certain fines collected by the Division of Occupational and Professional
2041 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
2042 provided in Section 58-63-103.

2043 ~~[(20) The Professional Geologist Education and Enforcement Account created in
2044 Section 58-76-103.]~~

2045 ~~[(21) Certain money in the Water Resources Conservation and Development Fund, as~~

2046 ~~provided in Section 59-12-103.]~~

2047 Section 44. Section **63J-1-602.4** is amended to read:

2048 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

2049 ~~[(1) The Utah Housing Opportunity Restricted Account created in Section 61-2-204.]~~

2050 ~~[(2)]~~ (1) Funds paid to the Division of Real Estate for the cost of a criminal
2051 background check for a mortgage loan license, as provided in Section 61-2c-202.

2052 ~~[(3)]~~ (2) Funds paid to the Division of Real Estate for the cost of a criminal
2053 background check for principal broker, associate broker, and sales agent licenses, as provided
2054 in Section 61-2f-204.

2055 ~~[(4)]~~ (3) Certain funds donated to the Department of Human Services, as provided in
2056 Section 62A-1-111.

2057 ~~[(5)]~~ (4) Certain funds donated to the Division of Child and Family Services, as
2058 provided in Section 62A-4a-110.

2059 ~~[(6)]~~ (5) Appropriations to the Division of Services for People with Disabilities, as
2060 provided in Section 62A-5-102.

2061 ~~[(7) Certain donations to the Division of Substance Abuse and Mental Health, as
2062 provided in Section 62A-15-103.]~~

2063 ~~[(8) Assessments for DUI violations that are forwarded to an account created by a
2064 county treasurer, as provided in Section 62A-15-503.]~~

2065 ~~[(9) The Risk Management Fund created under Section 63A-4-201.]~~

2066 ~~[(10) The Child Welfare Parental Defense Fund created in Section 63A-11-203.]~~

2067 ~~[(11) The Constitutional Defense Restricted Account created in Section 63C-4-103.]~~

2068 ~~[(12)]~~ (6) A portion of the funds appropriated to the Utah Seismic Safety Commission,
2069 as provided in Section 63C-6-104.

2070 ~~[(13)]~~ (7) Funding for the Medical Education Program administered by the Medical
2071 Education Council, as provided in Section 63C-8-102.

2072 ~~[(14)]~~ (8) Certain money payable for commission expenses of the Pete Suazo Utah
2073 Athletic Commission, as provided under Section 63C-11-301.

2074 ~~[(15)]~~ (9) Funds appropriated or collected for publishing the Division of
2075 Administrative Rules' publications, as provided in Section 63G-3-402.

2076 ~~[(16)]~~ (10) Money received by the military installation development authority, as
2077 provided in Section 63H-1-504.

2078 ~~[(17)]~~ (11) The appropriation to fund the Governor's Office of Economic
2079 Development's Enterprise Zone Act, as provided in Section 63M-1-416.

2080 ~~[(18) The Tourism Marketing Performance Account, as provided in Section~~
2081 ~~63M-1-1406.]~~

2082 ~~[(19) Certain money in the Development for Disadvantaged Rural Communities~~
2083 ~~Restricted Account, as provided in Section 63M-1-2003.]~~

2084 ~~[(20)]~~ (12) Appropriations to the Utah Science Technology and Research Governing
2085 Authority, created under Section 63M-2-301, as provided under Section 63M-2-302.

2086 ~~[(21) Certain money in the Rural Broadband Service Account, as provided in Section~~
2087 ~~63M-1-2303.]~~

2088 Section 45. Section **63J-1-602.5** is amended to read:

2089 **63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

2090 (1) Funds collected by the housing of state probationary inmates or state parole
2091 inmates, as provided in Subsection 64-13e-104(2).

2092 ~~[(2) The Sovereign Lands Management account created in Section 65A-5-1.]~~

2093 ~~[(3)]~~ (2) Certain forestry and fire control funds utilized by the Division of Forestry,
2094 Fire, and State Lands, as provided in Section 65A-8-103.

2095 ~~[(4)]~~ (3) The Department of Human Resource Management user training program, as
2096 provided in Section 67-19-6.

2097 ~~[(5)]~~ (4) Funds for the University of Utah Poison Control Center program, as provided
2098 in Section 69-2-5.5.

2099 ~~[(6) Appropriations to the Transportation Corridor Preservation Revolving Loan Fund,~~
2100 ~~as provided in Section 72-2-117.]~~

2101 ~~[(7) Appropriations to the Local Transportation Corridor Preservation Fund, as~~

2102 provided in Section 72-2-117.5.]

2103 ~~[(8) Appropriations to the Tollway Special Revenue Fund, as provided in Section~~
2104 ~~72-2-120.]~~

2105 ~~[(9) Appropriations to the Aeronautics Construction Revolving Loan Fund, as provided~~
2106 ~~in Section 72-2-122.]~~

2107 ~~[(10)]~~ (5) The Traffic Noise Abatement Program created in Section 72-6-112.

2108 ~~[(11)]~~ (6) Certain funds received by the Office of the State Engineer for well drilling
2109 fines or bonds, as provided in Section 73-3-25.

2110 ~~[(12) Certain monies appropriated to increase the carrying capacity of the Jordan River~~
2111 ~~that are transferred to the Division of Parks and Recreation, as provided in Section 73-10e-1.]~~

2112 ~~[(13) Certain funds in the Water Development and Flood Mitigation Reserve Account,~~
2113 ~~as provided in Section 73-10e-1.]~~

2114 ~~[(14)]~~ (7) Certain monies appropriated from the Water Resources Conservation and
2115 Development Fund, as provided in Section 73-23-2.

2116 ~~[(15) The Lake Powell Pipeline Project Operation and Maintenance Fund created in~~
2117 ~~Section 73-28-404.]~~

2118 ~~[(16)]~~ (8) Certain funds appropriated for compensation for special prosecutors, as
2119 provided in Section 77-10a-19.

2120 ~~[(17) The Indigent Aggravated Murder Defense Trust Fund created in Section~~
2121 ~~77-32-601.]~~

2122 ~~[(18) The Indigent Felony Defense Trust Fund created in Section 77-32-701.]~~

2123 ~~[(19)]~~ (9) Funds donated or paid to a juvenile court by private sources, as provided in
2124 Subsection 78A-6-203(1)(c).

2125 ~~[(20)]~~ (10) A state rehabilitative employment program, as provided in Section
2126 78A-6-210.

2127 ~~[(21)]~~ (11) The ~~[account]~~ money for the Utah Geological Survey, as provided in
2128 Section 79-3-401.

2129 ~~[(22)]~~ (12) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades

2130 State Park, Jordan River State Park, and Green River State Park, as provided under Section
2131 79-4-403.

2132 ~~[(23)]~~ (13) Certain funds received by the Division of Parks and Recreation from the
2133 sale or disposal of buffalo, as provided under Section 79-4-1001.

2134 ~~[(24)]~~ (14) The Bonneville Shoreline Trail Program created under Section 79-5-503.
2135 Section 46. Section **63M-1-905** is amended to read:

2136 **63M-1-905. Loans, grants, and assistance -- Repayment -- Earned credits.**

2137 (1) (a) A company that qualifies under Section 63M-1-906 may receive loans, grants,
2138 or other financial assistance from the Industrial Assistance Account for expenses related to
2139 establishment, relocation, or development of industry in Utah.

2140 (b) A company creating an economic impediment that qualifies under Section
2141 63M-1-908 may in accordance with this part receive loans, grants, or other financial assistance
2142 from the restricted account for the expenses of the company creating an economic impediment
2143 related to:

2144 (i) relocation to a rural area in Utah of the company creating an economic impediment;
2145 and

2146 (ii) the siting of a replacement company.

2147 (c) An entity offering an economic opportunity that qualifies under Section 63M-1-909
2148 may:

2149 (i) receive loans, grants, or other financial assistance from the restricted account for
2150 expenses related to the establishment, relocation, retention, or development of industry in the
2151 state; and

2152 (ii) include infrastructure or other economic development precursor activities that act
2153 as a catalyst and stimulus for economic activity likely to lead to the maintenance or
2154 enlargement of the state's tax base.

2155 (2) (a) Subject to Subsection (2)(b), the administrator has authority to determine the
2156 structure, amount, and nature of any loan, grant, or other financial assistance from the restricted
2157 account.

2158 (b) Loans made under Subsection (2)(a) shall be structured so the intended repayment
2159 or return to the state, including cash or credit, equals at least the amount of the assistance
2160 together with an annual interest charge as negotiated by the administrator.

2161 (c) Payments resulting from grants awarded from the restricted account shall be made
2162 only after the administrator has determined that the company has satisfied the conditions upon
2163 which the payment or earned credit was based.

2164 (3) (a) (i) Except as provided in Subsection (3)(b), the administrator may provide for a
2165 system of earned credits that may be used to support grant payments or in lieu of cash
2166 repayment of a restricted account loan obligation.

2167 (ii) The value of the credits described in Subsection (3)(a)(i) shall be based on factors
2168 determined by the administrator, including:

2169 (A) the number of Utah jobs created;

2170 (B) the increased economic activity in Utah; or

2171 (C) other events and activities that occur as a result of the restricted account assistance.

2172 (b) (i) The administrator shall provide for a system of credits to be used to support
2173 grant payments or in lieu of cash repayment of a restricted account loan when loans are made to
2174 a company creating an economic impediment.

2175 (ii) The value of the credits described in Subsection (3)(b)(i) shall be based on factors
2176 determined by the administrator, including:

2177 (A) the number of Utah jobs created;

2178 (B) the increased economic activity in Utah; or

2179 (C) other events and activities that occur as a result of the restricted account assistance.

2180 (4) (a) A cash loan repayment or other cash recovery from a company receiving
2181 assistance under this section, including interest, shall be deposited into the restricted account.

2182 (b) The administrator and the Division of Finance shall determine the manner of
2183 recognizing and accounting for the earned credits used in lieu of loan repayments or to support
2184 grant payments as provided in Subsection (3).

2185 (5) (a) (i) At the end of each fiscal year, [~~the unrestricted, undesignated~~] the Division of

2186 Finance shall set aside the balance of the General Fund [balance] revenue surplus as defined in
2187 Section 63J-1-312 after the transfers [~~of surplus~~] of General Fund [~~revenues~~] revenue surplus
2188 described in [~~this~~] Subsection [~~(5)(a) shall be earmarked~~] (5)(b) to the Industrial Assistance
2189 Account in an amount equal to any credit that has accrued under this part.

2190 (ii) The [~~earmark~~] set aside under Subsection (5)(a)(i) shall be capped at \$50,000,000,
2191 at which time no subsequent contributions may be made and any interest accrued above the
2192 \$50,000,000 cap shall be deposited into the General Fund.

2193 (b) The [~~earmark~~] set aside required by Subsection (5)(a) shall be made after the
2194 transfer of [~~surplus~~] General Fund [~~revenues~~] revenue surplus is made:

2195 (i) to the General Fund Budget Reserve Account as provided in Section 63J-1-312; and

2196 (ii) [~~beginning with the fiscal year ending June 30, 2007,~~] to the State Disaster
2197 Recovery Restricted Account as provided in Section 63J-1-314.

2198 (c) These credit amounts may not be used for purposes of the restricted account as
2199 provided in this part until appropriated by the Legislature.

2200 Section 47. Section **63M-1-1406** is amended to read:

2201 **63M-1-1406. Tourism Marketing Performance Account.**

2202 (1) There is created within the General Fund a restricted account known as the Tourism
2203 Marketing Performance Account.

2204 (2) The account shall be administered by the office for the purposes listed in
2205 Subsection (5).

2206 (3) (a) The account shall earn interest.

2207 (b) All interest earned on account monies shall be deposited into the account.

2208 [~~(c) Monies in the account are nonlapsing.~~]

2209 (4) The account shall be funded by appropriations made to the account by the
2210 Legislature in accordance with this section.

2211 (5) The director may use account monies appropriated to the office to pay for the
2212 statewide advertising, marketing, and branding campaign for promotion of the state as
2213 conducted by the office.

2214 (6) (a) For the fiscal year beginning July 1, 2007, the director shall allocate 10% of the
2215 account monies appropriated to the office to be distributed to a sports organization for
2216 advertising, marketing, branding, and promoting Utah in attracting sporting events into the
2217 state as determined by the office.

2218 (b) For a fiscal year beginning on or after July 1, 2008, the amount distributed under
2219 Subsection (6)(a) shall be indexed from the July 1, 2007 fiscal year to reflect a percent increase
2220 or decrease of monies set aside into the account as compared to the previous fiscal year.

2221 [~~(c) The monies distributed under Subsections (6)(a) and (b) are nonlapsing.~~]

2222 [~~(c)~~] (c) The office shall provide for an annual accounting to the office by a sports
2223 organization of the use of monies it receives under Subsection (6)(a) or (b).

2224 [~~(d)~~] (d) For purposes of this Subsection (6), "sports organization" means an
2225 organization that is:

2226 (i) exempt from federal income taxation in accordance with Section 501(c)(3), Internal
2227 Revenue Code; and

2228 (ii) created to foster national and international amateur sports competitions to be held
2229 in the state and sports tourism throughout the state, to include advertising, marketing, branding,
2230 and promoting Utah for the purpose of attracting sporting events into the state.

2231 (7) [~~(a) Monies set aside~~] Money deposited into the account [~~shall be as follows: (i)~~
2232 ~~for the fiscal year beginning July 1, 2005 only, an amount appropriated in Section 7 of this bill;~~
2233 ~~(ii) for the fiscal year beginning July 1, 2006: (A) the beginning nonlapsing appropriation~~
2234 ~~balances, if any, in the Tourism Marketing Performance Account; (B) any legislative~~
2235 ~~appropriation from the sales and use tax revenue increases identified in Subsection (8); and (C)~~
2236 ~~any appropriation made by the Legislature from the General Fund to the account in an~~
2237 ~~appropriations bill; and (iii) for the fiscal year beginning July 1, 2007, and for each fiscal year~~
2238 ~~thereafter, a \$1,000,000 reduction in the prior year's appropriation sources other than the] shall
2239 consist of a legislative appropriation from the cumulative sales and use tax revenue increases
2240 identified in Subsection (8); [~~plus a legislative appropriation from the cumulative sales and use~~
2241 ~~tax revenue increases identified in Subsection (8)] , plus any appropriation made by the~~~~

2242 Legislature.

2243 [~~(b) Monies in the account are nonlapsing.~~]

2244 (8) (a) In fiscal years 2006 through 2015, a portion of the state sales and use tax
2245 revenues determined under this Subsection (8) shall be certified as a set-aside for the account
2246 by the State Tax Commission and reported to the Office of Legislative Fiscal Analyst.

2247 (b) The State Tax Commission shall determine the set-aside under this Subsection (8)
2248 in each fiscal year by applying the following formula: if the increase in the state sales and use
2249 tax revenues derived from the retail sales of tourist-oriented goods and services in the fiscal
2250 year two years prior to the fiscal year in which the set-aside is to be made for the account is at
2251 least 3% over the state sales and use tax revenues derived from the retail sales of
2252 tourist-oriented goods and services generated in the fiscal year three years prior to the fiscal
2253 year in which the set-aside is to be made, an amount equal to 1/2 of the state sales and use tax
2254 revenues generated above the 3% increase shall be calculated by the commission and set aside
2255 by the state treasurer for appropriation to the account.

2256 (c) Total monies to be appropriated to the account in any fiscal year under Subsections
2257 (8)(a) and (b) may not exceed the amount in the account under this section in the fiscal year
2258 immediately preceding the current fiscal year by more than \$3,000,000.

2259 (d) As used in this Subsection (8), "sales of tourism-oriented goods and services" are
2260 those sales by businesses registered with the State Tax Commission under the following codes
2261 of the 1997 North American Industry Classification System of the federal Executive Office of
2262 the President, Office of Management and Budget:

- 2263 (i) NAICS Code 453 Miscellaneous Store Retailers;
- 2264 (ii) NAICS Code 481 Passenger Air Transportation;
- 2265 (iii) NAICS Code 487 Scenic and Sightseeing Transportation;
- 2266 (iv) NAICS Code 711 Performing Arts, Spectator Sports and Related Industries;
- 2267 (v) NAICS Code 712 Museums, Historical Sites and Similar Institutions;
- 2268 (vi) NAICS Code 713 Amusement, Gambling and Recreation Industries;
- 2269 (vii) NAICS Code 721 Accommodations;

- 2270 (viii) NAICS Code 722 Food Services and Drinking Places;
- 2271 (ix) NAICS Code 4483 Jewelry, Luggage, and Leather Goods Stores;
- 2272 (x) NAICS Code 4853 Taxi and Limousine Service;
- 2273 (xi) NAICS Code 4855 Charter Bus;
- 2274 (xii) NAICS Code 5615 Travel Arrangement and Reservation Services;
- 2275 (xiii) NAICS Code 44611 Pharmacies and Drug Stores;
- 2276 (xiv) NAICS Code 45111 Sporting Goods Stores;
- 2277 (xv) NAICS Code 45112 Hobby Toy and Game Stores;
- 2278 (xvi) NAICS Code 45121 Book Stores and News Dealers;
- 2279 (xvii) NAICS Code 445120 Convenience Stores without Gas Pumps;
- 2280 (xviii) NAICS Code 447110 Gasoline Stations with Convenience Stores;
- 2281 (xix) NAICS Code 447190 Other Gasoline Stations;
- 2282 (xx) NAICS Code 532111 Passenger Car Rental; and
- 2283 (xxi) NAICS Code 532292 Recreational Goods Rental.

2284 (e) ~~[For the fiscal year beginning on July 1, 2009;]~~ The Division of Finance shall for
2285 each fiscal year transfer the first \$6,000,000 of ongoing [monies] money in the account [shall
2286 be transferred] to the General Fund.

2287 Section 48. Section **63M-1-2003** is amended to read:

2288 **63M-1-2003. Creation of Business Development for Disadvantaged Rural**
2289 **Communities Restricted Account -- Interest -- Costs of administering the restricted**
2290 **account -- Deposit of certain money and interest into the General Fund.**

2291 (1) There is created within the General Fund the Business Development for
2292 Disadvantaged Rural Communities Restricted Account.

2293 (2) The restricted account shall be funded by:

2294 (a) money appropriated to the account by the Legislature;

2295 (b) money received by the office as:

2296 (i) repayment of a loan that the board grants to an eligible county under this part; and

2297 (ii) interest on a loan described in Subsection (2)(b)(i); and

2298 (c) the interest described in Subsection (3).
2299 (3) (a) The restricted account shall earn interest.
2300 (b) The interest described in Subsection (3)(a) shall be deposited into the account.
2301 (4) Upon appropriation by the Legislature, the money and interest deposited into the
2302 restricted account in accordance with this section may be expended:
2303 (a) by the board to award grants or loans to eligible counties as provided in this part;
2304 and
2305 (b) to cover the costs of administering this part:
2306 (i) in an amount not to exceed \$5,000 in any fiscal year; and
2307 (ii) including the costs of providing staff support to administer this part.
2308 ~~[(5) (a) Except as provided in Subsection (5)(b), the money and interest deposited into~~
2309 ~~the restricted account in accordance with this section are nonlapsing.]~~
2310 ~~[(b) Notwithstanding Subsection (5)(a), the]~~
2311 (5) The Division of Finance shall deposit any money and interest in the restricted
2312 account on July 1, 2015, into the General Fund.
2313 Section 49. Section **63M-1-2303** is amended to read:
2314 **63M-1-2303. Rural Broadband Service Account created -- Interest -- Costs.**
2315 (1) There is created a restricted account within the General Fund known as the "Rural
2316 Broadband Service Account."
2317 (2) The restricted account shall be funded by money appropriated by the Legislature.
2318 (3) (a) The state treasurer shall invest money in the account according to Title 51,
2319 Chapter 7, State Money Management Act.
2320 (b) The Division of Finance shall deposit interest or other earnings derived from
2321 investment of account money into the General Fund.
2322 (4) Upon appropriation by the Legislature, the money deposited into the restricted
2323 account in accordance with this section may be expended:
2324 (a) by the director with the advice of the board to award grants to providers as provided
2325 in this part; and

2326 (b) to cover the costs of administering this part in an amount during any fiscal year not
2327 to exceed 2% of the restricted account balance at the start of any fiscal year.

2328 [~~(5) (a) Except as provided in Subsection (5)(b), the money deposited into the~~
2329 ~~restricted account in accordance with this section are nonlapsing.]~~

2330 [~~(b) Notwithstanding Subsection (5)(a), the Division of Finance shall deposit any~~
2331 ~~money in the restricted account into the General Fund on July 1, 2010.]~~

2332 Section 50. Section **65A-5-1** is amended to read:

2333 **65A-5-1. Sovereign Lands Management Account -- Creation -- Contents --**
2334 **Appropriation to fund division expenses.**

2335 (1) There is created within the General Fund a restricted account known as the
2336 Sovereign Lands Management Account.

2337 (2) The account shall consist of the following:

2338 (a) all revenues derived from sovereign lands; and

2339 (b) that portion of all revenues derived from mineral leases on other lands managed by
2340 the division necessary to recover management costs.

2341 (3) All expenditures of the division relating directly to the management of state lands
2342 shall be funded by appropriation by the Legislature from the Sovereign Lands Management
2343 Account or other sources.

2344 [~~(4) As of June 30 of each calendar year, the unappropriated portion of the Sovereign~~
2345 ~~Lands Management Account from the fiscal year ending June 30 of that calendar year shall be~~
2346 ~~nonlapsing and available for appropriation by the Legislature.]~~

2347 Section 51. Section **72-2-117** is amended to read:

2348 **72-2-117. Transportation Corridor Preservation Revolving Loan Fund --**
2349 **Distribution -- Repayment -- Rulemaking.**

2350 (1) There is created the Transportation Corridor Preservation Revolving Loan Fund
2351 within the Transportation Fund.

2352 (2) The fund shall be funded from the following sources:

2353 (a) motor vehicle rental tax imposed under Section 59-12-1201;

- 2354 (b) appropriations made to the fund by the Legislature;
- 2355 (c) contributions from other public and private sources for deposit into the fund;
- 2356 (d) interest earnings on cash balances;
- 2357 (e) all monies collected for repayments and interest on fund monies;
- 2358 (f) all monies collected from rents and sales of real property acquired with fund
- 2359 monies; and
- 2360 (g) proceeds from general obligation bonds, revenue bonds, or other obligations as
- 2361 authorized by Title 63B, Bonds.
- 2362 [~~(3)~~] All monies appropriated to the Transportation Corridor Preservation Revolving
- 2363 Loan Fund are nonlapsing.
- 2364 [~~(4)~~] (3) (a) The commission shall authorize the expenditure of fund monies to allow
- 2365 the department to acquire real property or any interests in real property for state, county, and
- 2366 municipal transportation corridors subject to:
- 2367 (i) monies available in the fund;
- 2368 (ii) rules made under Subsection [~~(7)~~] (6); and
- 2369 (iii) Subsection [~~(9)~~] (8).
- 2370 (b) Fund monies may be used to pay interest on debts incurred in accordance with this
- 2371 section.
- 2372 [~~(5)~~] (4) Administrative costs for transportation corridor preservation shall be paid
- 2373 from the fund.
- 2374 [~~(6)~~] (5) The department:
- 2375 (a) may apply to the commission under this section for monies from the Transportation
- 2376 Corridor Preservation Revolving Loan Fund for a specified transportation corridor project,
- 2377 including for county and municipal projects; and
- 2378 (b) shall repay the fund monies authorized for the project to the fund as required under
- 2379 Subsection [~~(7)~~] (6).
- 2380 [~~(7)~~] (6) The commission shall:
- 2381 (a) administer the Transportation Corridor Preservation Revolving Loan Fund to:

- 2382 (i) preserve transportation corridors;
- 2383 (ii) promote long-term statewide transportation planning;
- 2384 (iii) save on acquisition costs; and
- 2385 (iv) promote the best interests of the state in a manner which minimizes impact on
- 2386 prime agricultural land;
- 2387 (b) prioritize fund monies based on considerations, including:
- 2388 (i) areas with rapidly expanding population;
- 2389 (ii) the willingness of local governments to complete studies and impact statements
- 2390 that meet department standards;
- 2391 (iii) the preservation of corridors by the use of local planning and zoning processes;
- 2392 (iv) the availability of other public and private matching funds for a project; and
- 2393 (v) the cost-effectiveness of the preservation projects;
- 2394 (c) designate high priority corridor preservation projects in cooperation with a
- 2395 metropolitan planning organization;
- 2396 (d) administer the program for the purposes provided in this section;
- 2397 (e) prioritize fund monies in accordance with this section; and
- 2398 (f) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 2399 Rulemaking Act, establishing:
- 2400 (i) the procedures for the awarding of fund monies;
- 2401 (ii) the procedures for the department to apply for transportation corridor preservation
- 2402 monies for projects; and
- 2403 (iii) repayment conditions of the monies to the fund from the specified project funds.
- 2404 [~~8~~] (7) (a) The proceeds from any bonds or other obligations secured by revenues of
- 2405 the Transportation Corridor Preservation Revolving Loan Fund shall be used for:
- 2406 (i) the acquisition of real property in hardship cases; and
- 2407 (ii) any of the purposes authorized for funds in the Transportation Corridor
- 2408 Preservation Revolving Loan Fund under this section.
- 2409 (b) The commission shall pledge the necessary part of the revenues of the

2410 Transportation Corridor Preservation Revolving Loan Fund to the payment of principal of and
2411 interest on the bonds or other obligations.

2412 ~~[(9)]~~ (8) (a) The department may not apply for monies under this section unless the
2413 highway authority has an access management policy or ordinance in effect that meets the
2414 requirements under Subsection ~~[(9)]~~ (8)(b).

2415 (b) The access management policy or ordinance shall:

2416 (i) be for the purpose of balancing the need for reasonable access to land uses with the
2417 need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity,
2418 and speed; and

2419 (ii) include provisions:

2420 (A) limiting the number of conflict points at driveway locations;

2421 (B) separating conflict areas;

2422 (C) reducing the interference of through traffic;

2423 (D) spacing at-grade signalized intersections; and

2424 (E) providing for adequate on-site circulation and storage.

2425 (c) The department shall develop a model access management policy or ordinance that
2426 meets the requirements of this Subsection ~~[(9)]~~ (8) for the benefit of a county or municipality
2427 under this section.

2428 ~~[(10)]~~ (9) (a) In accordance with Title 63G, Chapter 3, Utah Administrative
2429 Rulemaking Act, the commission shall make rules establishing a corridor preservation advisory
2430 council.

2431 (b) The corridor preservation advisory council shall:

2432 (i) assist with and help coordinate the corridor preservation efforts of the department
2433 and local governments;

2434 (ii) provide recommendations and priorities concerning corridor preservation and the
2435 use of fund monies to the department and to the commission; and

2436 (iii) include members designated by each metropolitan planning organization in the
2437 state to represent local governments that are involved with corridor preservation through

2438 official maps and planning.

2439 Section 52. Section **72-2-117.5** is amended to read:

2440 **72-2-117.5. Definitions -- Local Transportation Corridor Preservation Fund --**

2441 **Disposition of fund monies.**

2442 (1) As used in this section:

2443 (a) "Council of governments" means a decision-making body in each county composed
2444 of the county governing body and the mayors of each municipality in the county.

2445 (b) "Metropolitan planning organization" has the same meaning as defined in Section
2446 72-1-208.5.

2447 (2) There is created the Local Transportation Corridor Preservation Fund within the
2448 Transportation Fund.

2449 (3) The fund shall be funded from the following sources:

2450 (a) a local option highway construction and transportation corridor preservation fee
2451 imposed under Section 41-1a-1222;

2452 (b) appropriations made to the fund by the Legislature;

2453 (c) contributions from other public and private sources for deposit into the fund;

2454 (d) all monies collected from rents and sales of real property acquired with fund
2455 monies;

2456 (e) proceeds from general obligation bonds, revenue bonds, or other obligations issued
2457 as authorized by Title 63B, Bonds;

2458 (f) the portion of the sales and use tax described in Subsection 59-12-2217(2)(b) and
2459 required by Subsection 59-12-2217(8)(a) to be deposited into the fund; and

2460 (g) sales and use tax revenues deposited into the fund in accordance with Section
2461 59-12-2218.

2462 (4) (a) The fund shall earn interest.

2463 (b) All interest earned on fund monies shall be deposited into the fund.

2464 [~~(c) All monies appropriated to the Local Transportation Corridor Preservation Fund~~
2465 ~~are nonlapsing.~~]

2466 ~~(c)~~ (c) The State Tax Commission shall provide the department with sufficient data
2467 for the department to allocate the revenues:

2468 (i) provided under Subsection (3)(a) to each county imposing a local option highway
2469 construction and transportation corridor preservation fee under Section 41-1a-1222;

2470 (ii) provided under Subsection 59-12-2217(2)(b) to each county imposing a county
2471 option sales and use tax for transportation; and

2472 (iii) provided under Subsection (3)(g) to each county of the second class or city or town
2473 within a county of the second class that imposes the sales and use tax authorized by Section
2474 59-12-2218.

2475 ~~(d)~~ (d) (i) The department shall annually allocate the interest earned on fund monies
2476 to each county based on the proportionate amount of interest earned on each county's allocation
2477 of funds under Subsection (4)~~(c)~~(c) on an average monthly balance basis.

2478 (ii) The initial annual allocation of fund interest shall include all interest earned on
2479 fund monies since the creation of the fund.

2480 ~~(e)~~ (e) The monies allocated under Subsection (4)~~(c)~~(c):

2481 (i) shall be used for the purposes provided in this section for each county, city, or town;
2482 and

2483 (ii) are allocated to each county, city or town as provided in this section:

2484 (A) with the condition that the state will not be charged for any asset purchased with
2485 the monies allocated under Subsections (4)~~(c)~~(c) and ~~(d)~~ (d); and

2486 (B) are considered a local matching contribution for the purposes described under
2487 Section 72-2-123 if used on a state highway.

2488 ~~(f)~~ (f) Administrative costs of the department to implement this section shall be paid
2489 from the fund.

2490 (5) (a) The department shall authorize the expenditure of fund monies to allow a
2491 highway authority to acquire real property or any interests in real property for state, county, and
2492 municipal highway corridors subject to:

2493 (i) monies available in the fund to each county under Subsections (4)~~(c)~~(c) and ~~(e)~~

2494 (d); and
2495 (ii) the provisions of this section.
2496 (b) Fund monies may be used to pay interest on debts incurred in accordance with this
2497 section.
2498 (c) (i) (A) Fund monies may be used to pay maintenance costs of properties acquired
2499 under this section but limited to a total of 5% of the purchase price of the property.
2500 (B) Any additional maintenance cost shall be paid from funds other than under this
2501 section.
2502 (C) Revenue generated by any property acquired under this section is excluded from
2503 the limitations under this Subsection (5)(c)(i).
2504 (ii) Fund monies may be used to pay direct costs of acquisition of properties acquired
2505 under this section.
2506 (d) Fund monies allocated under Subsections (4)~~(c)~~ and ~~(e)~~ (d) may be used by a
2507 county highway authority for countywide transportation planning if:
2508 (i) the county is not included in a metropolitan planning organization;
2509 (ii) the transportation planning is part of the county's continuing, cooperative, and
2510 comprehensive process for transportation planning, corridor preservation, right-of-way
2511 acquisition, and project programming;
2512 (iii) no more than four years allocation every 20 years to each county is used for
2513 transportation planning under this Subsection (5)(d); and
2514 (iv) the county otherwise qualifies to use the fund monies as provided under this
2515 section.
2516 (e) (i) Subject to Subsection (11), fund monies allocated under Subsections (4)~~(c)~~
2517 and ~~(e)~~ (d) may be used by a county highway authority for transportation corridor planning
2518 that is part of the corridor elements of an ongoing work program of transportation projects.
2519 (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the
2520 direction of:
2521 (A) the metropolitan planning organization if the county is within the boundaries of a

2522 metropolitan planning organization; or

2523 (B) the department if the county is not within the boundaries of a metropolitan
2524 planning organization.

2525 (6) (a) (i) The Local Transportation Corridor Preservation Fund shall be used to
2526 preserve highway corridors, promote long-term statewide transportation planning, save on
2527 acquisition costs, and promote the best interests of the state in a manner which minimizes
2528 impact on prime agricultural land.

2529 (ii) The Local Transportation Corridor Preservation Fund shall only be used to preserve
2530 a highway corridor that is right-of-way:

2531 (A) in a county of the first or second class for a:

2532 (I) state highway;

2533 (II) a principal arterial highway as defined in Section 72-4-102.5;

2534 (III) a minor arterial highway as defined in Section 72-4-102.5; or

2535 (IV) a collector highway in an urban area as defined in Section 72-4-102.5; or

2536 (B) in a county of the third, fourth, fifth, or sixth class for a:

2537 (I) state highway;

2538 (II) a principal arterial highway as defined in Section 72-4-102.5;

2539 (III) a minor arterial highway as defined in Section 72-4-102.5;

2540 (IV) a major collector highway as defined in Section 72-4-102.5; or

2541 (V) a minor collector road as defined in Section 72-4-102.5.

2542 (iii) The Local Transportation Corridor Preservation Fund may not be used for a
2543 highway corridor that is primarily a recreational trail as defined under Section 79-5-102.

2544 (b) (i) The department shall develop and implement a program to educate highway
2545 authorities on the objectives, application process, use, and responsibilities of the Local
2546 Transportation Corridor Preservation Fund as provided under this section to promote the most
2547 efficient and effective use of fund monies including priority use on designated high priority
2548 corridor preservation projects.

2549 (ii) The department shall develop a model transportation corridor property acquisition

2550 policy or ordinance that meets federal requirements for the benefit of a highway authority to
2551 acquire real property or any interests in real property under this section.

2552 (c) The department shall authorize the expenditure of fund monies after determining
2553 that the expenditure is being made in accordance with this section from applications that are:

2554 (i) made by a highway authority;

2555 (ii) endorsed by the council of governments; and

2556 (iii) for a right-of-way purchase for a highway authorized under Subsection (6)(a)(ii).

2557 (7) (a) (i) A council of governments shall establish a council of governments
2558 endorsement process which includes prioritization and application procedures for use of the
2559 monies allocated to each county under this section.

2560 (ii) The endorsement process under Subsection (7)(a)(i) may include review or
2561 endorsement of the preservation project by the:

2562 (A) metropolitan planning organization if the county is within the boundaries of a
2563 metropolitan planning organization; or

2564 (B) the department if the county is not within the boundaries of a metropolitan
2565 planning organization.

2566 (b) All fund monies shall be prioritized by each highway authority and council of
2567 governments based on considerations, including:

2568 (i) areas with rapidly expanding population;

2569 (ii) the willingness of local governments to complete studies and impact statements
2570 that meet department standards;

2571 (iii) the preservation of corridors by the use of local planning and zoning processes;

2572 (iv) the availability of other public and private matching funds for a project;

2573 (v) the cost-effectiveness of the preservation projects;

2574 (vi) long and short-term maintenance costs for property acquired; and

2575 (vii) whether the transportation corridor is included as part of:

2576 (A) the county and municipal master plan; and

2577 (B) (I) the statewide long range plan; or

2578 (II) the regional transportation plan of the area metropolitan planning organization if
2579 one exists for the area.

2580 (c) The council of governments shall:

2581 (i) establish a priority list of highway corridor preservation projects within the county;

2582 (ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body for
2583 approval; and

2584 (iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the
2585 members of the county legislative body.

2586 (d) A county's council of governments may only submit one priority list described in
2587 Subsection (7)(c)(i) per calendar year.

2588 (e) A county legislative body may only consider and approve one priority list described
2589 in Subsection (7)(c)(i) per calendar year.

2590 (8) (a) Unless otherwise provided by written agreement with another highway
2591 authority, the highway authority that holds the deed to the property is responsible for
2592 maintenance of the property.

2593 (b) The transfer of ownership for property acquired under this section from one
2594 highway authority to another shall include a recorded deed for the property and a written
2595 agreement between the highway authorities.

2596 (9) (a) The proceeds from any bonds or other obligations secured by revenues of the
2597 Local Transportation Corridor Preservation Fund shall be used for the purposes authorized for
2598 funds under this section.

2599 (b) The highway authority shall pledge the necessary part of the revenues of the Local
2600 Transportation Corridor Preservation Fund to the payment of principal and interest on the
2601 bonds or other obligations.

2602 (10) (a) A highway authority may not apply for monies under this section to purchase a
2603 right-of-way for a state highway unless the highway authority has:

2604 (i) a transportation corridor property acquisition policy or ordinance in effect that
2605 meets federal requirements for the acquisition of real property or any interests in real property

2606 under this section; and

2607 (ii) an access management policy or ordinance in effect that meets the requirements
2608 under Subsection 72-2-117~~[(9)]~~(8).

2609 (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a
2610 written agreement with the department for the acquisition of real property or any interests in
2611 real property under this section.

2612 (11) (a) The department shall, in expending or authorizing the expenditure of fund
2613 monies, ensure to the extent possible that the fund monies allocated to a city or town in
2614 accordance with Subsection (4) are expended:

2615 (i) to fund a project or service as allowed by this section within the city or town to
2616 which the fund monies are allocated;

2617 (ii) to pay debt service, principal, or interest on a bond or other obligation as allowed
2618 by this section if that bond or other obligation is:

2619 (A) secured by monies allocated to the city or town; and

2620 (B) issued to finance a project or service as allowed by this section within the city or
2621 town to which the fund monies are allocated;

2622 (iii) to fund transportation planning as allowed by this section within the city or town
2623 to which the fund monies are allocated; or

2624 (iv) for another purpose allowed by this section within the city or town to which the
2625 fund monies are allocated.

2626 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2627 department may make rules to implement the requirements of Subsection (11)(a).

2628 Section 53. Section **72-2-120** is amended to read:

2629 **72-2-120. Tollway Special Revenue Fund -- Revenue.**

2630 (1) There is created a special revenue fund within the Transportation Fund known as
2631 the "Tollway Special Revenue Fund."

2632 (2) The fund shall be funded from the following sources:

2633 (a) tolls collected by the department under Section 72-6-118;

- 2634 (b) funds received by the department through a tollway development agreement under
- 2635 Section 72-6-203;
- 2636 (c) appropriations made to the fund by the Legislature;
- 2637 (d) contributions from other public and private sources for deposit into the fund;
- 2638 (e) interest earnings on cash balances; and
- 2639 (f) money collected for repayments and interest on fund money.

2640 [~~(3)~~ Money appropriated to the fund is nonlapsing.]

2641 [~~(4)~~ (3) The Division of Finance shall create a subaccount for each tollway as defined
2642 in Section 72-6-118.

2643 [~~(5)~~ (4) The commission may authorize the money deposited into the fund to be spent
2644 by the department to establish and operate tollways and related facilities, including design,
2645 construction, reconstruction, operation, maintenance, enforcement, impacts from tollways, and
2646 the acquisition of right-of-way.

2647 Section 54. Section **72-2-122** is amended to read:

2648 **72-2-122. Aeronautics Construction Revolving Loan Fund -- Distribution --**
2649 **Repayment -- Rulemaking.**

2650 (1) There is created the Aeronautics Construction Revolving Loan Fund within the
2651 Transportation Fund.

2652 (2) The fund shall include monies from the following sources:

- 2653 (a) appropriations made to the fund by the Legislature;
- 2654 (b) contributions from other public and private sources for deposit into the fund;
- 2655 (c) interest earnings on cash balances;
- 2656 (d) all monies collected for repayments and interest on fund monies; and
- 2657 (e) proceeds from revenue bonds or other obligations issued in accordance with Title
2658 63B, Chapter 1, Part 3, State Building Ownership Authority Act, and Title 63B, Bonds.

2659 [~~(3)~~ All monies appropriated to the Aeronautics Construction Revolving Loan Fund are
2660 nonlapsing.]

2661 [~~(4)~~ (3) (a) The commission shall authorize the expenditure of fund monies for

2662 construction, major reconstruction, major renovation, or property acquisition of airports and
2663 airport runways for state, county, and municipal airports subject to:

- 2664 (i) monies available in the fund; and
- 2665 (ii) rules made under Subsection [~~(7)~~] (6).

2666 (b) Fund monies may be used to pay interest on debts incurred in accordance with this
2667 section.

2668 [~~(5)~~] (4) Administrative costs of the Aeronautics Construction Revolving Loan Fund
2669 shall be paid from the fund.

2670 [~~(6)~~] (5) The Operations Division:

2671 (a) may apply to the commission under this section for monies from the Aeronautics
2672 Construction Revolving Loan Fund for a specified aeronautics project, including for county
2673 and municipal projects; and

2674 (b) shall repay the fund monies authorized for the project to the fund as required under
2675 Subsection [~~(7)~~] (6).

2676 [~~(7)~~] (6) The commission shall:

2677 (a) administer the Aeronautics Construction Revolving Loan Fund to promote
2678 long-term statewide aeronautics transportation;

2679 (b) prioritize fund monies based on considerations, including:

- 2680 (i) areas with rapidly expanding population;
- 2681 (ii) the willingness of local governments to:

2682 (A) complete studies and impact statements that meet department standards; and

2683 (B) preserve long-term airport operations by the use of local planning and zoning
2684 processes;

2685 (iii) the availability of other public and private matching funds for a project; and

2686 (iv) the cost-effectiveness of the projects; and

2687 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
2688 Rulemaking Act, establishing:

2689 (i) the procedures for the awarding of fund monies;

2690 (ii) the procedures for the Operations Division to apply for Aeronautics Construction
2691 Revolving Loan Fund monies for projects; and

2692 (iii) repayment schedules and conditions of replacing the monies back into the fund.

2693 [~~8~~] (7) For loans made under this section to a county or municipal airport, the
2694 Division of Finance shall:

2695 (a) collect and account for a loan made in accordance with this section; and

2696 (b) have custody of all loan documents evidencing indebtedness of the Aeronautics
2697 Construction Revolving Loan Fund, including all:

2698 (i) notes; and

2699 (ii) contracts.

2700 [~~9~~] (8) (a) The proceeds from the revenue bonds or other obligations issued on
2701 revenues of the Aeronautics Construction Revolving Loan Fund shall be used for the purposes
2702 authorized for funds under this section.

2703 (b) The commission shall pledge the necessary part of the revenues of the Aeronautics
2704 Construction Revolving Loan Fund to the payment of principal of and interest on the revenue
2705 bonds or other obligations.

2706 Section 55. Section **72-3-109** is amended to read:

2707 **72-3-109. Division of responsibility with respect to state highways in cities and**
2708 **towns.**

2709 (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the
2710 department and the municipalities for state highways within municipalities is as follows:

2711 (a) The department has jurisdiction over and is responsible for the construction and
2712 maintenance of:

2713 (i) the portion of the state highway located between the back of the curb on either side
2714 of the state highway; or

2715 (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.

2716 (b) The department may widen or improve state highways within municipalities.

2717 (c) (i) A municipality has jurisdiction over all other portions of the right-of-way and is

2718 responsible for construction and maintenance of the right-of-way.

2719 (ii) If a municipality grants permission for the installation of any pole, pipeline,
2720 conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any
2721 kind or character within the portion of the right-of-way under its jurisdiction:

2722 (A) the permission shall contain the condition that any installation will be removed
2723 from the right-of-way at the request of the municipality; and

2724 (B) the municipality shall cause any installation to be removed at the request of the
2725 department when the department finds the removal necessary:

2726 (I) to eliminate a hazard to traffic safety;

2727 (II) for the construction and maintenance of the state highway; or

2728 (III) to meet the requirements of federal regulations.

2729 (d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated,
2730 reimbursement shall be made for the relocation as provided for in Section 72-6-116.

2731 (e) (i) The department shall construct curbs, gutters, and sidewalks on the state
2732 highways if necessary for the proper control of traffic, driveway entrances, or drainage.

2733 (ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are
2734 removed, the department shall replace the curbs, gutters, or sidewalks.

2735 (f) The department may furnish and install street lighting systems for state highways,
2736 but their operation and maintenance is the responsibility of the municipality.

2737 (g) If new storm sewer facilities are necessary in the construction and maintenance of
2738 the state highways, the cost of the storm sewer facilities shall be borne by the state and the
2739 municipality in a proportion mutually agreed upon between the department and the
2740 municipality.

2741 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2742 the department shall make rules governing the location and construction of approach roads and
2743 driveways entering the state highway. The rules shall:

2744 (i) include criteria for the design, location, and spacing of approach roads and
2745 driveways based on the functional classification of the adjacent highway, including the urban

2746 or rural nature of the area;

2747 (ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the model
2748 access management policy or ordinance developed by the department under Subsection
2749 72-2-117[(9)](8);

2750 (iii) include procedures for:

2751 (A) the application and review of a permit for approach roads and driveways including
2752 review of related site plans that have been recommended according to local ordinances; and

2753 (B) approving, modifying, denying, or appealing the modification or denial of a permit
2754 for approach roads and driveways within 45 days of receipt of the application; and

2755 (iv) require written justifications for modifying or denying a permit.

2756 (b) The department may delegate the administration of the rules to the highway
2757 authorities of a municipality.

2758 (c) In accordance with this section and Section 72-7-104, an approach road or driveway
2759 may not be constructed on a state highway without a permit issued under this section.

2760 (3) The department has jurisdiction and control over the entire right-of-way of
2761 interstate highways within municipalities and is responsible for the construction, maintenance,
2762 and regulation of the interstate highways within municipalities.

2763 Section 56. Section **73-28-404** is amended to read:

2764 **73-28-404. Repayments returned to Water Resources Conservation and**
2765 **Development Fund -- Establishment of an enterprise fund.**

2766 (1) The board shall deposit, in accordance with Section 51-4-1, into the Water
2767 Resources Conservation and Development Fund:

2768 (a) repayments of preconstruction and construction costs; and

2769 (b) the interest charged.

2770 (2) (a) There is created an enterprise fund, as defined in Subsection 51-5-4(8), entitled
2771 the "Lake Powell Pipeline Project Operation and Maintenance Fund."

2772 (b) The fund consists of:

2773 (i) revenues received from the sale of developed water that is designated for project

2774 operation, maintenance, repair, and replacement costs;

2775 (ii) revenues received from the sale of electricity that are deposited in the fund in
2776 accordance with Subsection 73-28-203(3); and

2777 (iii) all interest earned by the fund.

2778 [~~(3)(a) Any unexpended monies remaining in the fund at the end of the fiscal year are~~
2779 ~~nonlapsing.~~]

2780 [~~(b)~~] (3) Notwithstanding Section 63J-1-211, the Legislature may not appropriate any
2781 monies from the Lake Powell Pipeline Project Operation and Maintenance Fund.

2782 (4) The state treasurer shall:

2783 (a) invest the monies in the enterprise fund by following the procedures and
2784 requirements of Title 51, Chapter 7, State Money Management Act; and

2785 (b) deposit all interest or other earnings derived from those investments into the Lake
2786 Powell Pipeline Operation and Maintenance Fund.

2787 (5) The committee shall approve the expenditure of fund monies to cover the project
2788 operation, maintenance, repair, and replacement costs, subject to:

2789 (a) monies available in the fund; and

2790 (b) rules established by the board under Subsection 73-28-104(2).

2791 (6) If title to the project is transferred under Section 73-28-405, the agreement shall
2792 direct the disposition of the monies remaining in the fund.

2793 Section 57. Section **77-32-601** is amended to read:

2794 **77-32-601. Establishment of Indigent Aggravated Murder Defense Trust Fund --**
2795 **Use of fund -- Compensation for indigent legal defense from fund.**

2796 (1) For purposes of this part, "fund" means the Indigent Aggravated Murder Defense
2797 Trust Fund.

2798 (2) (a) There is established a private-purpose trust fund known as the "Indigent
2799 Aggravated Murder Defense Trust Fund," [~~which shall be nonlapsing and~~]

2800 (b) The fund shall be disbursed by the Division of Finance at the direction of the board
2801 and subject to this chapter.

2802 (3) The fund consists of:
2803 (a) money received from participating counties as provided in Sections 77-32-602 and
2804 77-32-603;
2805 (b) appropriations made to the fund by the Legislature as provided in Section
2806 77-32-603; and
2807 (c) interest and earnings from the investment of fund money.
2808 (4) Fund money shall be invested by the state treasurer with the earnings and interest
2809 accruing to the fund.
2810 (5) The fund shall be used to assist participating counties with financial resources, as
2811 provided in Subsection (6), to fulfill their constitutional and statutory mandates for the
2812 provision of an adequate defense for indigents prosecuted for the violation of state laws in
2813 cases involving aggravated murder.
2814 (6) Money allocated to or deposited in this fund shall be used only:
2815 (a) to reimburse participating counties for expenditures made for an attorney appointed
2816 to represent an indigent, other than a state inmate in a state prison, prosecuted for aggravated
2817 murder in a participating county; and
2818 (b) for administrative costs pursuant to Section 77-32-401.
2819 Section 58. Section **77-32-701** is amended to read:
2820 **77-32-701. Establishment of Indigent Felony Defense Trust Fund -- Use of fund**
2821 **-- Compensation for indigent legal defense from fund.**
2822 (1) For purposes of this part, "fund" means the Indigent Felony Defense Trust Fund.
2823 (2) (a) There is established a private-purpose trust fund known as the "Indigent Felony
2824 Defense Trust Fund." [~~which shall be nonlapsing and~~]
2825 (b) The fund shall be disbursed by the Division of Finance at the direction of the board
2826 and subject to the provisions of this chapter.
2827 (3) The fund consists of:
2828 (a) money received from participating counties as provided in Sections 77-32-702 and
2829 77-32-703;

2830 (b) a one-time appropriation by the Legislature; and

2831 (c) interest and earnings from the investment of fund money.

2832 (4) Fund money shall be invested by the state treasurer with the earnings and interest
2833 accruing to the fund.

2834 (5) The fund shall be used to assist participating counties with the financial resources,
2835 as provided in Subsection (6), to fulfill their constitutional and statutory mandates for the
2836 provision of an adequate defense for indigents prosecuted for the violation of state laws in
2837 cases involving felony offenses.

2838 (6) Money allocated to or deposited in this fund shall be used only:

2839 (a) to reimburse participating counties for expenditures made for an attorney appointed
2840 to represent an indigent, other than a state inmate in a state prison, prosecuted for a felony in a
2841 participating county; and

2842 (b) for administrative costs pursuant to Section 77-32-401.

2843 Section 59. Section **79-3-401** is amended to read:

2844 **79-3-401. Disposition of survey income -- Sources of funds.**

2845 (1) Income to the survey is deposited with the state treasurer and credited by the
2846 treasurer to the General Fund [~~as a nonlapsing restrictive account~~] as dedicated credits for use
2847 by the survey.

2848 (2) In addition to those funds that are available to the survey under Subsection (1), the
2849 Legislature shall provide such funds by appropriation as are reasonably necessary to meet the
2850 requirements of the survey in the performance of its duties and obligations.

2851 Section 60. **Repealer.**

2852 This bill repeals:

2853 Section **9-8-604, Centennial History Fund.**

2854 Section **63M-1-2305, Annual report.**