

Senator Jerry W. Stevenson proposes the following substitute bill:

DEDICATED CREDITS AND NONLAPSING AUTHORITY

REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley G. Last

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This bill modifies provisions in the Budgetary Procedures Act and other provisions relating to dedicated credits and nonlapsing authority.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies use of the terms "item of appropriation" and "line item";
- ▶ modifies provisions related to the treatment and expenditure of dedicated credits;
- ▶ provides procedures for submitting and revising budget execution plans;
- ▶ modifies provisions relating to nonlapsing appropriations;
- ▶ reorganizes existing classifications of:
 - nonlapsing appropriations from accounts and funds; and
 - appropriations to programs; and
- ▶ adds a public safety answering point emergency telecommunications service fund to

the list of non-lapsing programs.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 This bill provides coordination clauses.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-1-6**, as last amended by Laws of Utah 2009, Chapter 183

32 **41-1a-121**, as enacted by Laws of Utah 2011, Chapter 189

33 **41-1a-1221**, as last amended by Laws of Utah 2012, Chapter 397

34 **41-3-601**, as last amended by Laws of Utah 2015, Chapter 93

35 **41-3-604**, as last amended by Laws of Utah 2011, Chapter 189

36 **41-22-36**, as last amended by Laws of Utah 2011, Chapter 189

37 **53C-1-201**, as last amended by Laws of Utah 2016, Chapter 193

38 **54-5-1.5**, as last amended by Laws of Utah 2017, Chapter 396

39 **62A-1-111.5**, as enacted by Laws of Utah 2017, Chapter 330 and further amended by
40 Revisor Instructions, Laws of Utah 2017, Chapter 330

41 **62A-1-202**, as enacted by Laws of Utah 2014, Chapter 37

42 **63I-1-263**, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469,
43 and 470

44 **63I-2-263**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1

45 **63J-1-102**, as last amended by Laws of Utah 2015, Chapter 175

46 **63J-1-104**, as last amended by Laws of Utah 2013, Chapter 310

47 **63J-1-206**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1

48 **63J-1-209**, as renumbered and amended by Laws of Utah 2009, Chapters 183 and 368

49 **63J-1-217**, as last amended by Laws of Utah 2013, Chapter 310

50 **63J-1-601**, as last amended by Laws of Utah 2016, Chapter 271

51 **63J-1-602**, as last amended by Laws of Utah 2010, Chapters 9, 10, 218, 265, 277, 278,
52 287, 324, 379, 391, 399 and last amended by Coordination Clause, Laws of Utah
53 2010, Chapter 265

54 **63J-2-102**, as last amended by Laws of Utah 2017, Chapter 363

55 **63J-2-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382

56 **63J-2-202**, as last amended by Laws of Utah 2012, Chapter 102

57 **63J-4-301**, as last amended by Laws of Utah 2013, Chapter 310

58 **63N-8-103**, as last amended by Laws of Utah 2016, Chapter 51

59 **73-18-25**, as last amended by Laws of Utah 2011, Chapter 189

60 ENACTS:

61 **63J-1-105**, Utah Code Annotated 1953

62 REPEALS AND REENACTS:

63 **63J-1-602.1 (Superseded 09/30/18)**, as last amended by Laws of Utah 2017, Chapters
64 88, 194, and 383

65 **63J-1-602.1 (Effective 09/30/18)**, as last amended by Laws of Utah 2017, Chapters 88,
66 107, 194, and 383

67 **63J-1-602.2**, as last amended by Laws of Utah 2015, Chapters 86, 93, and 189

68 REPEALS:

69 **63J-1-602.3**, as last amended by Laws of Utah 2017, Chapters 396 and 423

70 **63J-1-602.4**, as last amended by Laws of Utah 2017, Chapters 253, 430, and 470

71 **63J-1-602.5**, as last amended by Laws of Utah 2016, Chapter 177

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

73 **63J-1-602.2**, as last amended by Laws of Utah 2015, Chapters 86, 93, and 189

74 **63J-1-602.3**, as last amended by Laws of Utah 2017, Chapters 396 and 423

75 **63J-1-602.4**, as last amended by Laws of Utah 2017, Chapters 253, 430, and 470

76 **63J-1-602.1 (Superseded 09/30/18)**, as last amended by Laws of Utah 2017, Chapters
77 88, 194, and 383

78 **63J-1-602.1 (Effective 09/30/18)**, as last amended by Laws of Utah 2017, Chapters 88,
79 107, 194, and 383

80

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

82 Section 1. Section **26-1-6** is amended to read:

83 **26-1-6. Fee schedule adopted by department.**

84 (1) The department may adopt a schedule of fees that may be assessed for services
85 rendered by the department, provided that the fees are:

86 (a) reasonable and fair; and

87 (b) submitted to the Legislature as part of the department's annual appropriations

88 request.

89 (2) When the department submits a fee schedule to the Legislature, the Legislature, in
90 accordance with Section [63J-1-504](#), may:

91 (a) approve the fee;

92 (b) increase or decrease and approve the fee; or

93 (c) reject any fee submitted to it.

94 (3) Fees approved by the Legislature pursuant to this section shall be paid into the state
95 treasury [~~in accordance with Section [63J-1-104](#)~~].

96 Section 2. Section **41-1a-121** is amended to read:

97 **41-1a-121. Electronic Payment Fee Restricted Account.**

98 (1) As used in this section, "account" means the Electronic Payment Fee Restricted
99 Account created by this section.

100 (2) There is created within the General Fund a restricted account known as the
101 Electronic Payment Fee Restricted Account.

102 (3) (a) The account shall be funded from the fees imposed and collected under Sections
103 [41-1a-1221](#), [41-3-604](#), [41-22-36](#), and [73-18-25](#).

104 (b) The fees described in Subsection (3)(a) shall be paid to the division, which shall
105 deposit them in the account.

106 (4) The Legislature shall appropriate the funds in the account to the commission to
107 cover the costs of electronic payments.

108 (5) In accordance with Section [~~[63J-1-602.2](#)~~] [63J-1-602.1](#), appropriations made to the
109 division from the account are nonlapsing.

110 Section 3. Section **41-1a-1221** is amended to read:

111 **41-1a-1221. Fees to cover the cost of electronic payments.**

112 (1) As used in this section:

113 (a) "Electronic payment" means use of any form of payment processed through
114 electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.

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

116 (i) the charge, discount fee, or processing fee charged by credit card companies or
117 processing agents to process an electronic payment; or

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

119 payments.

120 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
121 registrations and renewals of registration under Subsections [41-1a-1206](#)(1)(a), (1)(b), (2)(a),
122 (2)(b), and (3).

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

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

126 (ii) need not be separately identified from the fees imposed for registration and
127 renewals of registration under Subsections [41-1a-1206](#)(1)(a), (1)(b), (2)(a), (2)(b), and (3).

128 (3) The division shall establish the fee according to the procedures and requirements of
129 Section [63J-1-504](#).

130 (4) A fee imposed under this section:

131 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
132 Section [41-1a-121](#); and

133 (b) is not subject to Subsection [~~[63J-2-202](#)(2)] [63J-1-105](#)(3) or (4).~~

134 Section 4. Section **41-3-601** is amended to read:

135 **41-3-601. Fees.**

136 (1) The administrator shall collect fees determined by the commission under Section
137 [63J-1-504](#) for each of the following:

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

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

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

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

142 (e) motor vehicle salesperson's license;

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

144 (g) motor vehicle manufacturer's license;

145 (h) motor vehicle transporter's license;

146 (i) motor vehicle dismantler's license;

147 (j) motor vehicle crusher's license;

148 (k) motor vehicle remanufacturer's license;

149 (l) body shop's license;

- 150 (m) distributor or factory branch and distributor branch's license;
- 151 (n) representative's license;
- 152 (o) dealer plates;
- 153 (p) dismantler plates;
- 154 (q) manufacturer plates;
- 155 (r) transporter plates;
- 156 (s) damaged plate replacement;
- 157 (t) in-transit permits;
- 158 (u) loaded demonstration permits;
- 159 (v) additional place of business;
- 160 (w) special equipment dealer's license;
- 161 (x) temporary permits; and
- 162 (y) temporary sports event registration certificates.

163 (2) (a) To pay for training certified vehicle inspectors and enforcement under Sections
164 [41-1a-1001](#) through [41-1a-1008](#), the State Tax Commission shall establish and the
165 administrator shall collect inspection fees determined by the commission under Section
166 [63J-1-504](#).

167 (b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to
168 be used toward the costs of the division.

169 (3) (a) At the time of application, the administrator shall collect a fee of \$200 for each
170 salvage vehicle buyer license.

171 (b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset
172 the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.

173 (4) A fee imposed under Subsection (1)(x) or (y):

174 (a) shall be deposited into the Motor Vehicle Enforcement Division Temporary Permit
175 Restricted Account created by Section [41-3-110](#); and

176 (b) is not subject to Subsection [~~[63J-2-202\(2\)](#)~~ [63J-1-105\(3\)](#) or (4).

177 Section 5. Section **41-3-604** is amended to read:

178 **41-3-604. Fee to cover the cost of electronic payments.**

179 (1) As used in this section:

180 (a) "Electronic payment" has the same meaning as defined in Section [41-1a-1221](#).

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

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

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

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

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

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

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

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

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

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

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

193 and

194 (ii) need not be separately identified from the fees and penalty described in Subsections
195 (2)(a)(i) through (vii).

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

198 (4) A fee imposed under this section:

199 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
200 Section 41-1a-121; and

201 (b) is not subject to Subsection [~~63J-2-202(2)~~] 63J-1-105(3) or (4).

202 Section 6. Section 41-22-36 is amended to read:

203 **41-22-36. Fees to cover the costs of electronic payments.**

204 (1) As used in this section:

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

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

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

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

211 (3) The division shall establish the fee according to the procedures and requirements of

212 Section [63J-1-504](#).

213 (4) A fee imposed under this section:

214 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
215 Section [41-1a-121](#);

216 (b) is not subject to Subsection [~~[63J-2-202\(2\)](#)~~] [63J-1-105\(3\)](#) or (4); and

217 (c) need not be separately identified from the fees imposed on registrations and
218 renewals of registration under Section [41-22-8](#).

219 Section 7. Section **53C-1-201** is amended to read:

220 **53C-1-201. Creation of administration -- Purpose -- Director -- Participation in**
221 **Risk Management Fund.**

222 (1) (a) There is established within state government the School and Institutional Trust
223 Lands Administration.

224 (b) The administration shall manage all school and institutional trust lands and assets
225 within the state, except as otherwise provided in Title 53C, Chapter 3, Deposit and Allocation
226 of Revenue from Trust Lands, and Title 53D, Chapter 1, School and Institutional Trust Fund
227 Management Act.

228 (2) The administration is an independent state agency and not a division of any other
229 department.

230 (3) (a) It is subject to the usual legislative and executive department controls except as
231 provided in this Subsection (3).

232 (b) (i) The director may make rules as approved by the board that allow the
233 administration to classify a business proposal submitted to the administration as protected
234 under Section [63G-2-305](#), for as long as is necessary to evaluate the proposal.

235 (ii) The administration shall return the proposal to the party who submitted the
236 proposal, and incur no further duties under Title 63G, Chapter 2, Government Records Access
237 and Management Act, if the administration determines not to proceed with the proposal.

238 (iii) The administration shall classify the proposal pursuant to law if it decides to
239 proceed with the proposal.

240 (iv) Section [63G-2-403](#) does not apply during the review period.

241 (c) The director shall make rules in compliance with Title 63G, Chapter 3, Utah
242 Administrative Rulemaking Act, except that the administration is not subject to Subsections

243 63G-3-301(6) and (7) and Section 63G-3-601, and the director, with the board's approval, may
244 establish a procedure for the expedited approval of rules, based on written findings by the
245 director showing:

- 246 (i) the changes in business opportunities affecting the assets of the trust;
- 247 (ii) the specific business opportunity arising out of those changes which may be lost
248 without the rule or changes to the rule;
- 249 (iii) the reasons the normal procedures under Section 63G-3-301 cannot be met without
250 causing the loss of the specific opportunity;
- 251 (iv) approval by at least five board members; and
- 252 (v) that the director has filed a copy of the rule and a rule analysis, stating the specific
253 reasons and justifications for its findings, with the Office of Administrative Rules and notified
254 interested parties as provided in Subsection 63G-3-301(10).

255 (d) (i) The administration shall comply with Title 67, Chapter 19, Utah State Personnel
256 Management Act, except as provided in this Subsection (3)(d).

257 (ii) The board may approve, upon recommendation of the director, that exemption for
258 specific positions under Subsections 67-19-12(2) and 67-19-15(1) is required in order to enable
259 the administration to efficiently fulfill its responsibilities under the law. The director shall
260 consult with the executive director of the Department of Human Resource Management prior
261 to making such a recommendation.

262 (iii) The positions of director, deputy director, associate director, assistant director,
263 legal counsel appointed under Section 53C-1-305, administrative assistant, and public affairs
264 officer are exempt under Subsections 67-19-12(2) and 67-19-15(1).

265 (iv) Salaries for exempted positions, except for the director, shall be set by the director,
266 after consultation with the executive director of the Department of Human Resource
267 Management, within ranges approved by the board. The board and director shall consider
268 salaries for similar positions in private enterprise and other public employment when setting
269 salary ranges.

270 (v) The board may create an annual incentive and bonus plan for the director and other
271 administration employees designated by the board, based upon the attainment of financial
272 performance goals and other measurable criteria defined and budgeted in advance by the board.

273 (e) The administration shall comply with Title 63G, Chapter 6a, Utah Procurement

274 Code, except where the board approves, upon recommendation of the director, exemption from
275 the Utah Procurement Code, and simultaneous adoption of rules under Title 63G, Chapter 3,
276 Utah Administrative Rulemaking Act, for procurement, which enable the administration to
277 efficiently fulfill its responsibilities under the law.

278 (f) (i) Except as provided in Subsection (3)(f)(ii), the administration is not subject to
279 the fee agency requirements of Section [63J-1-504](#).

280 (ii) The following fees of the administration are subject to the requirements of Section
281 [63J-1-504](#): application, assignment, amendment, affidavit for lost documents, name change,
282 reinstatement, grazing nonuse, extension of time, partial conveyance, patent reissue, collateral
283 assignment, electronic payment, and processing.

284 [~~(g) (i) The administration is not subject to Subsection [63J-1-206](#)(3)(f).]~~

285 (g) (i) Notwithstanding Subsection [63J-1-206](#)(2)(c), the administration may transfer
286 funds between its line items.

287 (ii) Before transferring appropriated funds between line items, the administration shall
288 submit a proposal to the board for its approval.

289 (iii) If the board gives approval to a proposal to transfer appropriated funds between
290 line items, the administration shall submit the proposal to the Legislative Executive
291 Appropriations Committee for its review and recommendations.

292 (iv) The Legislative Executive Appropriations Committee may recommend:

293 (A) that the administration transfer the appropriated funds between line items;

294 (B) that the administration not transfer the appropriated funds between line items; or

295 (C) to the governor that the governor call a special session of the Legislature to
296 supplement the appropriated budget for the administration.

297 (4) The administration is managed by a director of school and institutional trust lands
298 appointed by a majority vote of the board of trustees with the consent of the governor.

299 (5) (a) The board of trustees shall provide policies for the management of the
300 administration and for the management of trust lands and assets.

301 (b) The board shall provide policies for the ownership and control of Native American
302 remains that are discovered or excavated on school and institutional trust lands in consultation
303 with the Division of Indian Affairs and giving due consideration to Title 9, Chapter 9, Part 4,
304 Native American Grave Protection and Repatriation Act. The director may make rules in

305 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement
306 policies provided by the board regarding Native American remains.

307 (6) In connection with joint ventures and other transactions involving trust lands and
308 minerals approved under Sections 53C-1-303 and 53C-2-401, the administration, with board
309 approval, may become a member of a limited liability company under Title 48, Chapter 3a,
310 Utah Revised Uniform Limited Liability Company Act, as appropriate pursuant to Section
311 48-3a-1405 and is considered a person under Section 48-3a-102.

312 (7) Subject to the requirements of Subsection 63E-1-304(2), the administration may
313 participate in coverage under the Risk Management Fund created by Section 63A-4-201.

314 Section 8. Section 54-5-1.5 is amended to read:

315 **54-5-1.5. Special regulation fee -- Supplemental Levy Committee -- Supplemental**
316 **fee -- Fee for electrical cooperatives.**

317 (1) (a) A special fee to defray the cost of regulation is imposed upon all public utilities
318 subject to the jurisdiction of the Public Service Commission.

319 (b) The special fee is in addition to any charge now assessed, levied, or required by
320 law.

321 (2) (a) The executive director of the Department of Commerce shall determine the
322 special fee for the Department of Commerce.

323 (b) The chair of the Public Service Commission shall determine the special fee for the
324 Public Service Commission.

325 (c) The fee shall be assessed as a uniform percentage of the gross operating revenue for
326 the preceding calendar year derived from each public utility's business and operations during
327 that period within this state, excluding income derived from interstate business. Gross
328 operating revenue shall not include income to a wholesale electric cooperative derived from the
329 sale of power to a rural electric cooperative which resells that power within the state.

330 (3) (a) The executive director of the Department of Commerce shall notify each public
331 utility subject to the provisions of this chapter of the amount of the fee.

332 (b) The fee is due and payable on or before July 1 of each year.

333 (4) (a) There is created a restricted account within the General Fund known as the
334 Public Utility Regulatory Restricted Account.

335 (b) Notwithstanding Subsection 13-1-2(3)(c), the Department of Commerce shall

336 deposit a fee assessed under this section into the Public Utility Regulatory Restricted Account.

337 (c) Within appropriations by the Legislature:

338 (i) the Department of Commerce may use the funds in the Public Utility Regulatory
339 Restricted Account to administer:

340 (A) the Division of Public Utilities; and

341 (B) the Office of Consumer Services; and

342 (ii) the Public Service Commission may use the funds in the Public Utility Regulatory
343 Restricted Account to administer the Public Service Commission.

344 (d) At the end of each fiscal year, the director of the Division of Finance shall transfer
345 into the General Fund any balance in the Public Utility Regulatory Restricted Account in
346 excess of \$3,000,000.

347 (5) (a) The Legislature intends that the public utilities provide all of the funds for the
348 administration, support, and maintenance of:

349 (i) the Public Service Commission;

350 (ii) state agencies within the Department of Commerce involved in the regulation of
351 public utilities; and

352 (iii) expenditures by the attorney general for utility regulation.

353 (b) Notwithstanding Subsection (5)(a), the fee imposed by Subsection (1) shall not
354 exceed the greater of:

355 (i) (A) for a public utility other than an electrical cooperative, .3% of the public utility's
356 gross operating revenues for the preceding calendar year; or

357 (B) for an electrical cooperative, .15% of the electrical cooperative's gross operating
358 revenues for the preceding calendar year; or

359 (ii) \$50.

360 (6) (a) There is created a Supplemental Levy Committee to levy additional assessments
361 on public utilities when unanticipated costs of regulation occur in any fiscal year.

362 (b) The Supplemental Levy Committee shall consist of:

363 (i) one member selected by the executive director of the Department of Commerce;

364 (ii) one member selected by the chairman of the Public Service Commission;

365 (iii) two members selected by the three public utilities that paid the largest percent of
366 the current regulatory fee; and

367 (iv) one member selected by the four appointed members.

368 (c) (i) The members of the Supplemental Levy Committee shall be selected within 10
369 working days after the executive director of the Department of Commerce gives written notice
370 to the Public Service Commission and the public utilities that a supplemental levy committee is
371 needed.

372 (ii) If the members of the Supplemental Levy Committee have not been appointed
373 within the time prescribed, the governor shall appoint the members of the Supplemental Levy
374 Committee.

375 (d) (i) During any state fiscal year, the Supplemental Levy Committee, by a majority
376 vote and subject to audit by the state auditor, may impose a supplemental fee on the regulated
377 utilities for the purpose of defraying any increased cost of regulation.

378 (ii) The supplemental fee imposed upon the utilities shall equal a percentage of their
379 gross operating revenue for the preceding calendar year.

380 (iii) The aggregate of all fees, including any supplemental fees assessed, shall not
381 exceed .3% of the gross operating revenue of the utilities assessed for the preceding calendar
382 year.

383 (iv) Payment of the supplemental fee is due within 30 days after receipt of the
384 assessment.

385 (v) The utility may, within 10 days after receipt of assessment, request a hearing before
386 the Public Service Commission if it questions the need for, or the reasonableness of, the
387 supplemental fee.

388 (e) (i) Any supplemental fee collected to defray the cost of regulation shall be
389 transferred to the state treasurer as a departmental collection [~~according to the provisions of~~
390 ~~Section 63J-1-104~~].

391 (ii) Supplemental fees are excess collections, credited according to the procedures of
392 Section [~~63J-1-104~~] [63J-1-105](#).

393 (iii) Charges billed to the Department of Commerce by any other state department,
394 institution, or agency for services rendered in connection with regulation of a utility shall be
395 credited by the state treasurer from the special or supplemental fees collected to the
396 appropriations account of the entity providing that service according to the procedures provided
397 in Title 63J, Chapter 1, Budgetary Procedures Act.

398 (7) (a) For purposes of this section, "electrical cooperative" means:

399 (i) a distribution electrical cooperative; or

400 (ii) a wholesale electrical cooperative.

401 (b) Subject to Subsection (7)(c), if the regulation of one or more electrical cooperatives
402 causes unanticipated costs of regulation in a fiscal year, the commission may impose a
403 supplemental fee on the one or more electrical cooperatives in this state responsible for the
404 increased cost of regulation.

405 (c) The aggregate of all fees imposed under this section on an electrical cooperative in
406 a calendar year shall not exceed the greater of:

407 (i) .3% of the electrical cooperative's gross operating revenues for the preceding
408 calendar year; or

409 (ii) \$50.

410 Section 9. Section **62A-1-111.5** is amended to read:

411 **62A-1-111.5. Duties of the department for fiscal year 2018.**

412 Notwithstanding [~~Section~~] Subsection 63J-1-206(2)(c), for fiscal year 2018 only, the
413 department may transfer money from savings related to implementation of Laws of Utah 2017,
414 Chapter 330, and nonlapsing balances from fiscal year 2017 between appropriation line items
415 to allocate resources between the Division of Juvenile Justice Services, the Division of Child
416 and Family Services, and the Division of Substance Abuse and Mental Health to facilitate the
417 department's implementation of Laws of Utah 2017, Chapter 330.

418 Section 10. Section **62A-1-202** is amended to read:

419 **62A-1-202. National Professional Men's Basketball Team Support of Women and**
420 **Children Issues Restricted Account.**

421 (1) There is created in the General Fund a restricted account known as the "National
422 Professional Men's Basketball Team Support of Women and Children Issues Restricted
423 Account."

424 (2) The account shall be funded by:

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

426 (b) private contributions; and

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

428 (3) Upon appropriation by the Legislature, the department shall distribute funds in the

429 account to one or more charitable organizations that:

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

431 (b) have a board that is appointed by the owners that, either on an individual or joint

432 basis, own a controlling interest in a legal entity that is a franchised member of the

433 internationally recognized national governing body for professional men's basketball in the

434 United States;

435 (c) are headquartered within the state;

436 (d) create or support programs that focus on issues affecting women and children

437 within the state, with an emphasis on health and education; and

438 (e) have a board of directors that disperses all funds of the organization.

439 (4) (a) An organization described in Subsection (3) may apply to the department to

440 receive a distribution in accordance with Subsection (3).

441 (b) An organization that receives a distribution from the department in accordance with

442 Subsection (3) shall expend the distribution only to:

443 (i) create or support programs that focus on issues affecting women and children, with

444 an emphasis on health and education;

445 (ii) create or sponsor programs that will benefit residents within the state; and

446 (iii) pay the costs of issuing or reordering National Professional Men's Basketball

447 Team Support of Women and Children Issues support special group license plate decals.

448 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

449 department may make rules providing procedures for an organization to apply to the

450 department to receive a distribution under this Subsection (4).

451 (5) In accordance with Section [~~63J-1-602.4~~] 63J-1-602.1, appropriations from the

452 account are nonlapsing.

453 Section 11. Section **63I-1-263** is amended to read:

454 **63I-1-263. Repeal dates, Titles 63A to 63N.**

455 (1) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

456 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

457 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July

458 1, 2018.

459 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is

460 repealed November 30, 2019.

461 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
462 2020.

463 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
464 repealed July 1, 2021.

465 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
466 2018.

467 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
468 2023.

469 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
470 2020.

471 (10) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

472 (11) On July 1, 2025:

473 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
474 Development Coordinating Committee," is repealed;

475 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
476 sites for the transplant of species to local government officials having jurisdiction over areas
477 that may be affected by a transplant.";

478 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
479 Coordinating Committee" is repealed;

480 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
481 Coordinating Committee created in Section 63J-4-501 and" is repealed;

482 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
483 Coordinating Committee and" is repealed;

484 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
485 accordingly;

486 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

487 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
488 word "and" is inserted immediately after the semicolon;

489 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

490 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;

491 and

492 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
493 renumbered accordingly.

494 (12) (a) Subsection [~~63J-1-602.4(15)~~] 63J-1-602.1(50), relating to the Utah Statewide
495 Radio System Restricted Account, is repealed July 1, 2022.

496 (b) When repealing Subsection [~~63J-1-602.4(15)~~] 63J-1-602.1(50), the Office of
497 Legislative Research and General Counsel shall, in addition to the office's authority under
498 Subsection 36-12-12(3), make necessary changes to subsection numbering and cross
499 references.

500 (13) The Crime Victim Reparations and Assistance Board, created in Section
501 63M-7-504, is repealed July 1, 2027.

502 (14) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2027.

503 (15) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

504 (16) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is
505 repealed January 1, 2021.

506 (b) Subject to Subsection (16)(c), Sections 59-7-610 and 59-10-1007 regarding tax
507 credits for certain persons in recycling market development zones, are repealed for taxable
508 years beginning on or after January 1, 2021.

509 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

510 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
511 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

512 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
513 the expenditure is made on or after January 1, 2021.

514 (d) Notwithstanding Subsections (16)(b) and (c), a person may carry forward a tax
515 credit in accordance with Section 59-7-610 or 59-10-1007 if:

516 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

517 (ii) (A) for the purchase price of machinery or equipment described in Section
518 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
519 2020; or

520 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
521 expenditure is made on or before December 31, 2020.

522 (17) Section 63N-2-512 is repealed on July 1, 2021.

523 (18) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
524 January 1, 2021.

525 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
526 calendar years beginning on or after January 1, 2021.

527 (c) Notwithstanding Subsection (18)(b), an entity may carry forward a tax credit in
528 accordance with Section 59-9-107 if:

529 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
530 31, 2020; and

531 (ii) the qualified equity investment that is the basis of the tax credit is certified under
532 Section 63N-2-603 on or before December 31, 2023.

533 (19) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
534 is repealed January 1, 2023.

535 (20) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed July
536 1, 2018.

537 (21) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is repealed
538 July 1, 2018.

539 Section 12. Section 63I-2-263 is amended to read:

540 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

541 (1) Section 63A-5-227 is repealed on January 1, 2018.

542 (2) Section 63H-7a-303 is repealed on July 1, 2022.

543 (3) On July 1, 2019:

544 (a) in Subsection 63J-1-206~~(3)~~(2)(c)(i), the language that states "~~(i) Except as~~
545 ~~provided in~~ Subsection ~~(3)~~(2)(c)(ii) and" is repealed; and

546 (b) Subsection 63J-1-206~~(3)~~(2)(c)(ii) is repealed.

547 (4) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.

548 (5) Section 63N-3-110 is repealed July 1, 2020.

549 Section 13. Section 63J-1-102 is amended to read:

550 **63J-1-102. Definitions.**

551 As used in this chapter:

552 (1) "Agency" means a unit of accounting, typically associated with a department,

553 division, board, council, committee, institution, office, bureau, or other similar administrative
 554 unit of state government, that includes line items and programs.

555 (2) "Budget execution plan" means a proposal submitted by an administrative unit of
 556 state government to the Division of Finance enumerating expected revenues and authorized
 557 expenditures within line items and among programs.

558 ~~[(1)]~~ (3) "Debt service" means the money that is required annually to cover the
 559 repayment of interest and principal on state debt.

560 ~~[(2)]~~ (4) (a) "Dedicated credits" means collections by an agency that are deposited
 561 directly into an account for expenditure [on a separate line item and program] by the agency.

562 (b) "Dedicated credits" includes collections from assessments, contributions,
 563 donations, fees, fines, licenses, penalties, rental, sales, non-federal grants, or other collections
 564 not:

565 (i) otherwise designated by law for deposit into another fund or account; or

566 (ii) specifically excluded from the definition.

567 (c) "Dedicated credits" does not mean:

568 (i) federal revenues and the related pass through or the related state match paid by one
 569 agency to another;

570 (ii) revenues that are not deposited in governmental funds; or

571 (iii) revenues from any contracts.

572 ~~[(3)]~~ (5) "Federal revenues" means collections by an agency from a federal source that
 573 are deposited into an account for expenditure [on a separate line item and program] by the
 574 agency.

575 ~~[(4) "Fixed collections" means collections that are:]~~

576 ~~[(a) fixed at a specific amount by law or by an appropriation act; and]~~

577 ~~[(b) required to be deposited into a separate line item and program.]~~

578 ~~[(5)]~~ (6) "Free revenue" includes:

579 (a) collections that are required by law to be deposited in:

580 (i) the General Fund;

581 (ii) the Education Fund;

582 (iii) the Uniform School Fund; or

583 (iv) the Transportation Fund;

- 584 (b) collections that are not otherwise designated by law;
- 585 (c) collections that are not externally restricted; and
- 586 (d) collections that are not included in an approved work program.

587 (7) (a) "Item of appropriation" means an authorization of expenditure contained in
588 legislation that appropriates funds and includes the following:

- 589 (i) the name of the agency and line item to which authorization is granted; and
- 590 (ii) sources of finance from which authorization is granted and associated amounts
591 authorized.

592 (b) "Item of appropriation" also includes:

- 593 (i) a schedule of programs;
- 594 (ii) intent language;
- 595 (iii) approved full-time equivalent employment;
- 596 (iv) authorized capital outlay; and
- 597 (v) other conditions of appropriation.

598 (8) "Line item" means a unit of accounting, typically representing an administrative
599 unit of state government within an agency, that contains one or more programs.

600 ~~[(6)]~~ (9) "Major revenue types" means:

- 601 (a) free revenue;
- 602 (b) restricted revenue; and
- 603 (c) dedicated credits~~[-and]~~.
- 604 ~~[(d) fixed collections.]~~

605 (10) "Program" means a unit of accounting included on a schedule of programs within
606 a line item used to track budget authorizations, collections, and expenditures on specific
607 purposes or functions.

608 ~~[(7)]~~ (11) "Restricted revenue" means collections that are:

- 609 (a) deposited, by law, into a separate fund, subfund, or account; and
- 610 (b) designated for a specific program or purpose.

611 (12) "Schedule of programs" means a list of programs and associated authorization
612 amounts within an item of appropriation.

613 Section 14. Section **63J-1-104** is amended to read:

614 **63J-1-104. Revenue types -- Disposition of free revenue and restricted revenue.**

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

616 (i) account for revenues in accordance with generally accepted accounting principles;

617 and

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

619 (b) Each agency shall:

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

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

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

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

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

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

630 (3) (a) Each agency shall deposit its restricted revenues into the applicable restricted
631 account or fund.

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

634 (c) The Legislature may appropriate restricted revenues from a restricted account or
635 fund for the specific purpose or program designated by law.

636 (d) If the fund equity of a restricted account or fund is insufficient to provide the
637 accounts appropriated from it by the Legislature, the Division of Finance may reduce the
638 appropriation to a level that ensures that the fund equity is not less than zero.

639 (e) Any restricted revenues appropriated by the Legislature to an agency that remain
640 unexpended at the end of the fiscal year lapse to the applicable restricted account or fund unless
641 the Legislature provides by law that those appropriations, or the program or line item financed
642 by those appropriations, are nonlapsing.

643 ~~[(4) (a) An agency may expend dedicated credits for any purpose within the program or~~
644 ~~line item.]~~

645 ~~[(b) (i) Except as provided in Subsection (4)(b)(ii), an agency may not expend~~

646 ~~dedicated credits in excess of the amount appropriated as dedicated credits by the Legislature.]~~

647 ~~[(ii) In order to expend dedicated credits in excess of the amount appropriated as~~

648 ~~dedicated credits by the Legislature, the following procedure shall be followed:]~~

649 ~~[(A) The agency seeking to make the excess expenditure shall:]~~

650 ~~[(F) develop a new work program that:]~~

651 ~~[(Aa) consists of the currently approved work program and the excess expenditure~~

652 ~~sought to be made; and]~~

653 ~~[(Bb) complies with the requirements of Section [63J-2-202](#)];]~~

654 ~~[(H) prepare a written justification for the new work program that sets forth the purpose~~

655 ~~and necessity of the excess expenditure; and]~~

656 ~~[(Hh) submit the new work program and the written justification for the new work~~

657 ~~program to the Division of Finance.]~~

658 ~~[(B) The Division of Finance shall process the new work program with written~~

659 ~~justification and make this information available to the Governor's Office of Management and~~

660 ~~Budget and the legislative fiscal analyst.]~~

661 ~~[(iii) An expenditure of dedicated credits in excess of amounts appropriated as~~

662 ~~dedicated credits by the Legislature may not be used to permanently increase personnel within~~
663 ~~the agency unless:]~~

664 ~~[(A) the increase is approved by the Legislature; or]~~

665 ~~[(B) the money is deposited as a dedicated credit in a line item covering tuition or~~

666 ~~federal vocational funds at an institution of higher education.]~~

667 ~~[(c) (i) All excess dedicated credits lapse to the appropriate fund at the end of the fiscal~~

668 ~~year unless the Legislature has designated the entire program or line item that is partially or~~

669 ~~fully funded from dedicated credits as nonlapsing:]~~

670 ~~[(ii) The Division of Finance shall determine the appropriate fund into which the~~

671 ~~dedicated credits lapse.]~~

672 ~~[(5) (a) The Legislature may establish by law the maximum amount of fixed collections~~

673 ~~that an agency may expend.]~~

674 ~~[(b) If an agency receives less than the maximum amount of expendable fixed~~

675 ~~collections established by law, the agency's authority to expend is limited to the amount of~~

676 ~~fixed collections that it receives.]~~

677 ~~[(c) If an agency receives fixed collections greater than the maximum amount of~~
678 ~~expendable fixed collections established by law, those excess amounts lapse to the General~~
679 ~~Fund, the Education Fund, the Transportation Fund, or the Transportation Investment Fund of~~
680 ~~2005 as designated by the director of the Division of Finance at the end of the fiscal year.]~~

681 ~~[(6)] (4) Unless otherwise specifically provided by law, when an agency has a program~~
682 ~~or line item that is funded by [more than one major revenue type: (a) the agency shall expend~~
683 ~~its dedicated credits and fixed collections first; and (b) if the program or line item includes]~~
684 ~~both free revenue and restricted revenue, an agency shall expend those revenues based upon a~~
685 ~~proration of the amounts appropriated from each of those major revenue types.~~

686 Section 15. Section **63J-1-105** is enacted to read:

687 **63J-1-105. Revenue types -- Disposition of dedicated credits.**

688 (1) An agency may expend dedicated credits for any purpose within the program or line
689 item.

690 (2) Except as provided in Subsections (3) and (4), an agency may not expend dedicated
691 credits in excess of the amount appropriated to a line item as dedicated credits by the
692 Legislature.

693 (3) Each agency that receives dedicated credits revenue greater than the amount
694 appropriated to a line item by the Legislature in the annual appropriations acts may expend the
695 excess up to 25% of the amount appropriated if the expenditure is included in a revised budget
696 execution plan approved as provided in Section [63J-1-209](#).

697 (4) Notwithstanding the requirements of Subsection (3), when an agency's dedicated
698 credits revenue represents over 90% of the budget of the line item for which the dedicated
699 credits are collected, the agency may expend 100% of the excess of the amount appropriated if
700 the expenditure is authorized by an amended budget execution plan approved as provided in
701 Subsection (3) and Section [63J-1-209](#).

702 (5) An expenditure of dedicated credits in excess of amounts appropriated to a line
703 item as dedicated credits by the Legislature may not be used to permanently increase personnel
704 within the agency unless:

705 (a) the increase is approved by the Legislature; or

706 (b) the money is deposited as a dedicated credit in a line item covering tuition or
707 federal vocational funds at an institution of higher education.

708 (6) (a) All excess dedicated credits not received or expended in compliance with
709 Subsection (3), (4), or (7) lapse to the General Fund or other appropriate fund as free or
710 restricted revenue at the end of the fiscal year.

711 (b) The Division of Finance shall determine the appropriate fund into which the
712 dedicated credits lapse.

713 (7) (a) When an agency has a line item that is funded by more than one major revenue
714 type, one of which is dedicated credits, the agency shall completely expend authorized
715 dedicated credits within the current fiscal year and allocate unused spending authorization
716 among other funding sources based upon a proration of the amounts appropriated from each of
717 those major revenue types not attributable to dedicated credits, unless the Legislature has
718 designated a portion of the dedicated credits as nonlapsing, in which case the agency shall
719 completely expend within the current fiscal year authorized dedicated credits minus the portion
720 of dedicated credits designated as nonlapsing, and allocate unused spending authorization
721 among the other funding sources based upon a proration of the amounts appropriated from each
722 of those major revenue types not attributable to dedicated credits.

723 (b) Nothing in Subsection (7)(a) shall be construed to allow an agency to receive and
724 expend dedicated credits in excess of legislative appropriations to a line item without
725 complying with Subsection (3) or (4).

726 (c) Each agency that receives dedicated credits shall report, to the Division of Finance,
727 any balances remaining in those funds at the conclusion of each fiscal year.

728 (8) Each agency shall include in its annual budget request estimates of dedicated
729 credits revenue that is identified by, collected for, or set by the agency.

730 Section 16. Section **63J-1-206** is amended to read:

731 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**
732 **Transfer of funds -- Exclusion.**

733 ~~[(1) As used in this section, "work program" means a budget that contains revenues~~
734 ~~and expenditures for specific purposes or functions within an item of appropriation.]~~

735 ~~[(2)]~~ (1) (a) Except as provided in Subsection (2)(b), (3)(e), or where expressly
736 exempted in the appropriating act:

737 (i) all money appropriated by the Legislature is appropriated upon the terms and
738 conditions set forth in this chapter; and

739 (ii) any department, agency, or institution that accepts money appropriated by the
740 Legislature does so subject to the requirements of this chapter.

741 (b) This section does not apply to:

742 (i) the Legislature and its committees; and

743 (ii) the Investigation Account of the Water Resources Construction Fund, which is
744 governed by Section [73-10-8](#).

745 ~~[(3)]~~ (2) (a) Each item of appropriation ~~[item]~~ is to be expended subject to any
746 schedule of programs and any restriction attached to the item of appropriation ~~[item]~~, as
747 designated by the Legislature.

748 (b) Each schedule of programs or restriction attached to an appropriation item:

749 (i) is a restriction or limitation upon the expenditure of the respective appropriation
750 made;

751 (ii) does not itself appropriate any money; and

752 (iii) is not itself an item of appropriation.

753 (c) (i) Except as provided in Subsection ~~[(3)]~~ (2)(c)(ii) and Subsection (2)(c)(iii), an
754 appropriation or any surplus of any appropriation may not be diverted from any department,
755 agency, institution, ~~[or] division, or line item~~ to any other department, agency, institution, ~~[or]~~
756 division, or line item.

757 (ii) Until July 1, 2019, the Department of Workforce Services may transfer or divert
758 money to another department, agency, institution, ~~[or] division, or line item~~ only for the
759 purposes of law enforcement, adjudication, corrections, and providing and addressing services
760 for homeless individuals and families.

761 (iii) The state superintendent may transfer money appropriated for the Minimum
762 School Program between line items in accordance with Section [53F-2-205](#).

763 (d) The money appropriated subject to a schedule ~~[or] of~~ programs or restriction may
764 be used only for the purposes authorized.

765 (e) In order for a department, agency, or institution to transfer money appropriated to it
766 from one program to another program within ~~[an item of appropriation, the following~~
767 ~~procedure shall be followed:]~~ a line item, the department, agency, or institution shall revise its
768 budget execution plan as provided in Section [63J-1-209](#).

769 ~~[(i) The department, agency, or institution seeking to make the transfer shall prepare:]~~

770 [~~(A) a new work program for the fiscal year involved that consists of the currently~~
771 ~~approved work program and the transfer sought to be made; and]~~

772 [~~(B) a written justification for the new work program that sets forth the purpose and~~
773 ~~necessity for the transfer.]~~

774 [~~(ii) The Division of Finance shall process the new work program with written~~
775 ~~justification and make this information available to the Governor's Office of Management and~~
776 ~~Budget and the legislative fiscal analyst.]~~

777 [~~(f) (i) Except as provided in Subsection (3)(f)(ii), money may not be transferred from~~
778 ~~one item of appropriation to any other item of appropriation.]~~

779 [~~(ii) The state superintendent may transfer money appropriated for the Minimum~~
780 ~~School Program between line items of appropriation in accordance with Section [53A-17a-105](#).]~~

781 [~~(g)~~] (f) (i) The procedures for transferring money between programs within [~~an item of~~
782 ~~appropriation]~~ a line item as provided by Subsection [~~(3)~~] (2)(e) do not apply to money
783 appropriated to the State Board of Education for the Minimum School Program or capital
784 outlay programs created in Title 53A, Chapter 21, Public Education Capital Outlay Act.

785 (ii) The state superintendent may transfer money appropriated for the programs
786 specified in Subsection [~~(3)(g)(i)~~] (2)(f)(i) only as provided by Section [53A-17a-105](#).

787 Section 17. Section **63J-1-209** is amended to read:

788 **63J-1-209. Director of finance to exercise accounting control -- Budget execution**
789 **plans -- Allotments and expenditures.**

790 (1) The director of finance shall exercise accounting control over all state departments,
791 institutions, and agencies other than the Legislature and legislative committees.

792 (2) (a) The director shall require the head of each department to submit, by May 15 of
793 each year, a [~~work program~~] budget execution plan for the next fiscal year.

794 (b) The director may require any department to submit a [~~work program~~] budget
795 execution plan for any other period.

796 (3) The [~~work program~~] budget execution plan shall include appropriations and all
797 other funds from any source made available to the department for its operation and
798 maintenance for the period and program authorized by [~~the appropriation act~~] legislation that
799 appropriates funds.

800 [~~(4) Subject to the requirements of Subsection [63J-1-206](#)(3)(c), the Division of Finance~~

801 ~~shall, upon request from the governor, revise, alter, decrease, or change work programs.]~~

802 (4) (a) In order to revise a budget execution plan, the department, agency, or institution
803 seeking to revise the budget execution plan shall:

804 (i) develop a new budget execution plan that consists of the currently approved budget
805 execution plan and the revision sought to be made;

806 (ii) prepare a written justification for the new budget execution plan that sets forth the
807 purpose and necessity of the revision; and

808 (iii) submit the new budget execution plan and the written justification for the new
809 budget execution plan to the Division of Finance.

810 (b) The Division of Finance shall process the new budget execution plan with written
811 justification and make this information available to the Governor's Office of Management and
812 Budget and the legislative fiscal analyst.

813 (5) Upon request from the Governor's Office of Management and Budget, the Division
814 of Finance shall revise budget execution plans.

815 ~~[(5)]~~ (6) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue
816 Procedures and Control Act, the aggregate of the [work program changes] budget execution
817 plan revisions may not exceed the total appropriations or other funds from any source that are
818 available to the [department] agency line item for the fiscal year in question.

819 ~~[(6) The Division of Finance shall transmit a copy of the changes, when approved by~~
820 ~~the governor, to:]~~

821 ~~[(a) the head of the department concerned; and]~~

822 ~~[(b) the legislative analyst.]~~

823 (7) Upon [request, review, and approval by the governor] transmittal of the new budget
824 execution plan to the entities in Subsection (4), the Division of Finance shall permit all
825 expenditures to be made from the appropriations or other funds from any source on the basis of
826 those [work programs] budget execution plans.

827 (8) The Division of Finance shall, through statistical sampling methods or other means,
828 audit all claims against the state for which an appropriation has been made.

829 Section 18. Section **63J-1-217** is amended to read:

830 **63J-1-217. Overexpenditure of budget by agency -- Prorating budget income**
831 **shortfall.**

832 (1) Expenditures of departments, agencies, and institutions of state government shall be
833 kept within revenues available for such expenditures.

834 (2) (a) Line items of appropriation shall not be overexpended.

835 (b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the
836 close of a fiscal year:

837 (i) the director of the Division of Finance may make payments from the line item to
838 vendors for goods or services that were received on or before June 30; and

839 (ii) the director of the Division of Finance shall immediately reduce the agency's line
840 item budget in the current year by the amount of the overexpenditure.

841 (c) Each agency with an overexpended line item shall:

842 (i) prepare a written report explaining the reasons for the overexpenditure; and

843 (ii) present the report to:

844 (A) the Board of Examiners as required by Section 63G-9-301; and

845 (B) the Office of the Legislative Fiscal Analyst.

846 (3) (a) As used in this Subsection (3):

847 (i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and

848 (ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.

849 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the
850 adopted estimated revenues were prepared in consensus with the Governor's Office of
851 Management and Budget, the governor shall:

852 (i) direct state agencies to reduce commitments and expenditures by an amount
853 proportionate to the amount of the deficiency; and

854 (ii) direct the Division of Finance to reduce allotments to institutions of higher
855 education by an amount proportionate to the amount of the deficiency.

856 (c) The governor's directions under Subsection (3)(b) are rescinded when the
857 Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.

858 (4) (a) A department may not receive an advance of funds that cannot be covered by
859 anticipated revenue within the ~~[work program]~~ budget execution plan of the fiscal year, unless
860 the governor allocates money from the governor's emergency appropriations.

861 (b) All allocations made from the governor's emergency appropriations shall be
862 reported to the budget subcommittee of the Legislative Management Committee by notifying

863 the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the
864 allocation.

865 (c) Emergency appropriations shall be allocated only to support activities having
866 existing legislative approval and appropriation, and may not be allocated to any activity or
867 function rejected directly or indirectly by the Legislature.

868 Section 19. Section **63J-1-601** is amended to read:

869 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
870 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
871 **accounts and funds -- Institutions of higher education to report unexpended balances.**

872 (1) As used in this section, "transaction control number" means the unique numerical
873 identifier established by the Department of Health to track each medical claim and indicates the
874 date on which the claim is entered.

875 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
876 shall close out to the proper fund or account all remaining unexpended and unencumbered
877 balances of appropriations made by the Legislature, except:

878 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

879 (i) enterprise funds;

880 (ii) internal service funds;

881 (iii) trust and agency funds;

882 (iv) capital projects funds;

883 (v) discrete component unit funds;

884 (vi) debt service funds; and

885 (vii) permanent funds;

886 (b) those [~~revenue collections,~~] appropriations from a fund or account[;] or

887 appropriations to a program that are designated as nonlapsing under [~~Sections~~] Section

888 63J-1-602.1 [~~through 63J-1-602.5~~] or 63J-1-602.2;

889 (c) expendable special revenue funds, unless specifically directed to close out the fund
890 in the fund's enabling legislation;

891 (d) acquisition and development funds appropriated to the Division of Parks and
892 Recreation;

893 (e) funds encumbered to pay purchase orders issued prior to May 1 for capital

894 equipment if delivery is expected before June 30; and

895 (f) unexpended and unencumbered balances of appropriations that meet the
896 requirements of Section 63J-1-603.

897 (3) (a) Liabilities and related expenses for goods and services received on or before
898 June 30 shall be recognized as expenses due and payable from appropriations made prior to
899 June 30.

900 (b) The liability and related expense shall be recognized within time periods
901 established by the Division of Finance but shall be recognized not later than August 31.

902 (c) Liabilities and expenses not so recognized may be paid from regular departmental
903 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
904 unencumbered balances of appropriations for the years in which the obligation was incurred.

905 (d) No amounts may be transferred from an item of appropriation of any department,
906 institution, or agency into the Capital Projects Fund or any other fund without the prior express
907 approval of the Legislature.

908 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
909 Chapter 18, Medical Assistance Act:

910 (i) is not a liability or an expense to the state for budgetary purposes, unless the
911 Division of Health Care Financing receives the claim within the time periods established by the
912 Division of Finance under Subsection (3)(b); and

913 (ii) is not subject to Subsection (3)(c).

914 (b) The transaction control number that the Division of Health Care Financing records
915 on each claim invoice is the date of receipt.

916 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
917 Chapter 13, Utah State Office of Rehabilitation Act:

918 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
919 State Office of Rehabilitation receives the claim within the time periods established by the
920 Division of Finance under Subsection (3)(b); and

921 (ii) is not subject to Subsection (3)(c).

922 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
923 date on which the Utah State Office of Rehabilitation receives the claim invoice.

924 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this

925 section.

926 (6) Any balance from an appropriation to a state institution of higher education that
927 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
928 the September 1 following the close of the fiscal year.

929 Section 20. Section **63J-1-602** is amended to read:

930 **63J-1-602. Nonlapsing appropriations.**

931 (1) The [~~revenue collections,~~] appropriations from a fund or account[;] and
932 appropriations to a program that are listed in [~~Sections~~] Section 63J-1-602.1 [~~through~~
933 63J-1-602.5] or 63J-1-602.2 are nonlapsing.

934 (2) No [~~revenue collection,~~] appropriation from a fund or account[;] or appropriation to
935 a program may be treated as nonlapsing unless:

- 936 (a) it is listed in [~~Sections~~] Section 63J-1-602.1 [~~through 63J-1-602.5~~] or 63J-1-602.2;
937 (b) it is designated in a condition of appropriation in the appropriations bill; or
938 (c) nonlapsing authority is granted under Section 63J-1-603.

939 (3) Each legislative appropriations subcommittee shall review the accounts and funds
940 that have been granted nonlapsing authority under the provisions of this section or Section
941 63J-1-603.

942 Section 21. Section **63J-1-602.1 (Superseded 09/30/18)** is repealed and reenacted to
943 read:

944 **63J-1-602.1 (Superseded 09/30/18). List of nonlapsing appropriations from**
945 **accounts and funds.**

946 Appropriations made from the following accounts or funds are nonlapsing:

947 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
948 and Leadership Restricted Account created in Section 4-42-102.

949 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

950 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
951 Section 9-18-102.

952 (4) The National Professional Men's Soccer Team Support of Building Communities
953 Restricted Account created in Section 9-19-102.

954 (5) Funds collected for directing and administering the C-PACE district created in
955 Section 11-42a-302.

956 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
957 Section [24-4-117](#).

958 (7) Funds collected from the program fund for local health department expenses
959 incurred in responding to a local health emergency under Section [26-1-38](#).

960 (8) Funds collected from the emergency medical services grant program, as provided in
961 Section [26-8a-207](#).

962 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

963 (10) The Children with Cancer Support Restricted Account created in Section
964 [26-21a-304](#).

965 (11) State funds for matching federal funds in the Children's Health Insurance Program
966 as provided in Section [26-40-108](#).

967 (12) The Children with Heart Disease Support Restricted Account created in Section
968 [26-58-102](#).

969 (13) The Technology Development Restricted Account created in Section [31A-3-104](#).

970 (14) The Criminal Background Check Restricted Account created in Section
971 [31A-3-105](#).

972 (15) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
973 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.

974 (16) The Title Licensee Enforcement Restricted Account created in Section
975 [31A-23a-415](#).

976 (17) The Health Insurance Actuarial Review Restricted Account created in Section
977 [31A-30-115](#).

978 (18) The Insurance Fraud Investigation Restricted Account created in Section
979 [31A-31-108](#).

980 (19) The Underage Drinking Prevention Media and Education Campaign Restricted
981 Account created in Section [32B-2-306](#).

982 (20) The Youth Development Organization Restricted Account created in Section
983 [35A-8-1903](#).

984 (21) The Youth Character Organization Restricted Account created in Section
985 [35A-8-2003](#).

986 (22) Money received by the Utah State Office of Rehabilitation for the sale of certain

- 987 products or services, as provided in Section [35A-13-202](#).
- 988 (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 989 (24) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
990 the Motor Vehicle Division.
- 991 (25) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
992 created by Section [41-3-110](#) to the State Tax Commission.
- 993 (26) The Utah Law Enforcement Memorial Support Restricted Account created in
994 Section [53-1-120](#).
- 995 (27) The State Disaster Recovery Restricted Account to the Division of Emergency
996 Management, as provided in Section [53-2a-603](#).
- 997 (28) The Department of Public Safety Restricted Account to the Department of Public
998 Safety, as provided in Section [53-3-106](#).
- 999 (29) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
1000 [53-8-303](#).
- 1001 (30) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 1002 (31) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 1003 (32) A certain portion of money collected for administrative costs under the School
1004 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 1005 (33) The School Readiness Restricted Account created in Section [53F-9-402](#).
- 1006 (34) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
1007 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 1008 (35) Certain fines collected by the Division of Occupational and Professional Licensing
1009 for violation of unlawful or unprofessional conduct that are used for education and enforcement
1010 purposes, as provided in Section [58-17b-505](#).
- 1011 (36) Certain fines collected by the Division of Occupational and Professional Licensing
1012 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
1013 Section [58-63-103](#).
- 1014 (37) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 1015 (38) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 1016 (39) Funds paid to the Division of Real Estate for the cost of a criminal background
1017 check for a mortgage loan license, as provided in Section [61-2c-202](#).

- 1018 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
1019 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1020 61-2f-204.
- 1021 (41) Certain funds donated to the Department of Human Services, as provided in
1022 Section 62A-1-111.
- 1023 (42) The National Professional Men's Basketball Team Support of Women and
1024 Children Issues Restricted Account created in Section 62A-1-202.
- 1025 (43) Certain funds donated to the Division of Child and Family Services, as provided
1026 in Section 62A-4a-110.
- 1027 (44) The Choose Life Adoption Support Restricted Account created in Section
1028 62A-4a-608.
- 1029 (45) Funds collected by the Office of Administrative Rules for publishing, as provided
1030 in Section 63G-3-402.
- 1031 (46) The Immigration Act Restricted Account created in Section 63G-12-103.
- 1032 (47) Money received by the military installation development authority, as provided in
1033 Section 63H-1-504.
- 1034 (48) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.
- 1035 (49) The Unified Statewide 911 Emergency Service Account created in Section
1036 63H-7a-304.
- 1037 (50) The Utah Statewide Radio System Restricted Account created in Section
1038 63H-7a-403.
- 1039 (51) The Employability to Careers Program Restricted Account created in Section
1040 63J-4-703.
- 1041 (52) The Motion Picture Incentive Account created in Section 63N-8-103.
- 1042 (53) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1043 as provided under Section 63N-10-301.
- 1044 (54) Funds collected by the housing of state probationary inmates or state parole
1045 inmates, as provided in Subsection 64-13e-104(2).
- 1046 (55) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1047 and State Lands, as provided in Section 65A-8-103.
- 1048 (56) Certain funds received by the Office of the State Engineer for well drilling fines or

1049 bonds, as provided in Section [73-3-25](#).

1050 (57) The Water Resources Conservation and Development Fund, as provided in
1051 Section [73-23-2](#).

1052 (58) Funds donated or paid to a juvenile court by private sources, as provided in
1053 Subsection [78A-6-203\(1\)\(c\)](#).

1054 (59) Fees for certificate of admission created under Section [78A-9-102](#).

1055 (60) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
1056 [78B-6-144](#), and [78B-6-144.5](#).

1057 (61) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1058 Park, Jordan River State Park, and Green River State Park, as provided under Section
1059 [79-4-403](#).

1060 (62) Certain funds received by the Division of Parks and Recreation from the sale or
1061 disposal of buffalo, as provided under Section [79-4-1001](#).

1062 (63) Funds collected for indigent defense as provided in Title 77, Chapter 32, Part 8,
1063 Utah Indigent Defense Commission.

1064 Section 22. Section **[63J-1-602.1 \(Effective 09/30/18\)](#)** is repealed and reenacted to read:

1065 **[63J-1-602.1 \(Effective 09/30/18\)](#). List of nonlapsing appropriations from accounts**
1066 **and funds.**

1067 Appropriations made from the following accounts or funds are nonlapsing:

1068 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
1069 and Leadership Restricted Account created in Section [4-42-102](#).

1070 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1071 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
1072 Section [9-18-102](#).

1073 (4) The National Professional Men's Soccer Team Support of Building Communities
1074 Restricted Account created in Section [9-19-102](#).

1075 (5) Funds collected for directing and administering the C-PACE district created in
1076 Section [11-42a-302](#).

1077 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
1078 Section [24-4-117](#).

1079 (7) Funds collected from the program fund for local health department expenses

- 1080 incurred in responding to a local health emergency under Section [26-1-38](#).
- 1081 (8) Funds collected from the emergency medical services grant program, as provided in
- 1082 Section [26-8a-207](#).
- 1083 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).
- 1084 (10) The Children with Cancer Support Restricted Account created in Section
- 1085 [26-21a-304](#).
- 1086 (11) State funds for matching federal funds in the Children's Health Insurance Program
- 1087 as provided in Section [26-40-108](#).
- 1088 (12) The Children with Heart Disease Support Restricted Account created in Section
- 1089 [26-58-102](#).
- 1090 (13) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 1091 (14) The Criminal Background Check Restricted Account created in Section
- 1092 [31A-3-105](#).
- 1093 (15) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
- 1094 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 1095 (16) The Title Licensee Enforcement Restricted Account created in Section
- 1096 [31A-23a-415](#).
- 1097 (17) The Health Insurance Actuarial Review Restricted Account created in Section
- 1098 [31A-30-115](#).
- 1099 (18) The Insurance Fraud Investigation Restricted Account created in Section
- 1100 [31A-31-108](#).
- 1101 (19) The Underage Drinking Prevention Media and Education Campaign Restricted
- 1102 Account created in Section [32B-2-306](#).
- 1103 (20) The Youth Development Organization Restricted Account created in Section
- 1104 [35A-8-1903](#).
- 1105 (21) The Youth Character Organization Restricted Account created in Section
- 1106 [35A-8-2003](#).
- 1107 (22) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 1108 products or services, as provided in Section [35A-13-202](#).
- 1109 (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1110 (24) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to

1111 the Motor Vehicle Division.

1112 (25) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
1113 created by Section [41-3-110](#) to the State Tax Commission.

1114 (26) The Utah Law Enforcement Memorial Support Restricted Account created in
1115 Section [53-1-120](#).

1116 (27) The State Disaster Recovery Restricted Account to the Division of Emergency
1117 Management, as provided in Section [53-2a-603](#).

1118 (28) The Department of Public Safety Restricted Account to the Department of Public
1119 Safety, as provided in Section [53-3-106](#).

1120 (29) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
1121 [53-8-303](#).

1122 (30) The DNA Specimen Restricted Account created in Section [53-10-407](#).

1123 (31) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

1124 (32) A certain portion of money collected for administrative costs under the School
1125 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

1126 (33) The School Readiness Restricted Account created in Section [53F-9-402](#).

1127 (34) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
1128 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

1129 (35) Certain fines collected by the Division of Occupational and Professional Licensing
1130 for violation of unlawful or unprofessional conduct that are used for education and enforcement
1131 purposes, as provided in Section [58-17b-505](#).

1132 (36) Certain fines collected by the Division of Occupational and Professional Licensing
1133 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
1134 Section [58-63-103](#).

1135 (37) The Relative Value Study Restricted Account created in Section [59-9-105](#).

1136 (38) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

1137 (39) Funds paid to the Division of Real Estate for the cost of a criminal background
1138 check for a mortgage loan license, as provided in Section [61-2c-202](#).

1139 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
1140 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1141 [61-2f-204](#).

- 1142 (41) Certain funds donated to the Department of Human Services, as provided in
1143 Section [62A-1-111](#).
- 1144 (42) The National Professional Men's Basketball Team Support of Women and
1145 Children Issues Restricted Account created in Section [62A-1-202](#).
- 1146 (43) Certain funds donated to the Division of Child and Family Services, as provided
1147 in Section [62A-4a-110](#).
- 1148 (44) The Choose Life Adoption Support Restricted Account created in Section
1149 [62A-4a-608](#).
- 1150 (45) Funds collected by the Office of Administrative Rules for publishing, as provided
1151 in Section [63G-3-402](#).
- 1152 (46) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 1153 (47) Money received by the military installation development authority, as provided in
1154 Section [63H-1-504](#).
- 1155 (48) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 1156 (49) The Unified Statewide 911 Emergency Service Account created in Section
1157 [63H-7a-304](#).
- 1158 (50) The Utah Statewide Radio System Restricted Account created in Section
1159 [63H-7a-403](#).
- 1160 (51) The Employability to Careers Program Restricted Account created in Section
1161 [63J-4-703](#).
- 1162 (52) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1163 (53) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1164 as provided under Section [63N-10-301](#).
- 1165 (54) Funds collected by the housing of state probationary inmates or state parole
1166 inmates, as provided in Subsection [64-13e-104](#)(2).
- 1167 (55) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1168 and State Lands, as provided in Section [65A-8-103](#).
- 1169 (56) Certain funds received by the Office of the State Engineer for well drilling fines or
1170 bonds, as provided in Section [73-3-25](#).
- 1171 (57) The Water Resources Conservation and Development Fund, as provided in
1172 Section [73-23-2](#).

- 1173 (58) Funds donated or paid to a juvenile court by private sources, as provided in
1174 Subsection [78A-6-203\(1\)\(c\)](#).
- 1175 (59) Fees for certificate of admission created under Section [78A-9-102](#).
- 1176 (60) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
1177 [78B-6-144](#), and [78B-6-144.5](#).
- 1178 (61) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1179 Park, Jordan River State Park, and Green River State Park, as provided under Section
1180 [79-4-403](#).
- 1181 (62) Certain funds received by the Division of Parks and Recreation from the sale or
1182 disposal of buffalo, as provided under Section [79-4-1001](#).
- 1183 (63) Funds collected for indigent defense as provided in Title 77, Chapter 32, Part 8,
1184 Utah Indigent Defense Commission.
- 1185 Section 23. Section [63J-1-602.2](#) is repealed and reenacted to read:
- 1186 **[63J-1-602.2](#). List of nonlapsing appropriations to programs.**
- 1187 Appropriations made to the following programs are nonlapsing:
- 1188 (1) The Legislature and its committees.
- 1189 (2) The Percent-for-Art Program created in Section [9-6-404](#).
- 1190 (3) The LeRay McAllister Critical Land Conservation Program created in Section
1191 [11-38-301](#).
- 1192 (4) The Division of Wildlife Resources for the appraisal and purchase of lands under
1193 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 1194 (5) The primary care grant program created in Section [26-10b-102](#).
- 1195 (6) The Utah Health Care Workforce Financial Assistance Program created in Section
1196 [26-46-102](#).
- 1197 (7) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 1198 (8) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 1199 (9) The General Assistance program administered by the Department of Workforce
1200 Services, as provided in Section [35A-3-401](#).
- 1201 (10) A new program or agency that is designated as nonlapsing under Section
1202 [36-24-101](#).
- 1203 (11) The Utah National Guard, created in Title 39, Militia and Armories.

- 1204 (12) The State Tax Commission under Section [41-1a-1201](#) for the:
1205 (a) purchase and distribution of license plates and decals; and
1206 (b) administration and enforcement of motor vehicle registration requirements.
1207 (13) The Search and Rescue Financial Assistance Program, as provided in Section
1208 [53-2a-1102](#).
1209 (14) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
1210 (15) The State Board of Education, as provided in Section [53F-2-205](#).
1211 (16) The State Board of Regents for teacher preparation programs, as provided in
1212 Section [53B-6-104](#).
1213 (17) The Medical Education Program administered by the Medical Education Council,
1214 as provided in Section [53B-24-202](#).
1215 (18) The Division of Services for People with Disabilities, as provided in Section
1216 [62A-5-102](#).
1217 (19) The Division of Fleet Operations for the purpose of upgrading underground
1218 storage tanks under Section [63A-9-401](#).
1219 (20) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
1220 (21) The Office of Administrative Rules for publishing, as provided in Section
1221 [63G-3-402](#).
1222 (22) The Utah Science Technology and Research Initiative created in Section
1223 [63M-2-301](#).
1224 (23) The Governor's Office of Economic Development to fund the Enterprise Zone
1225 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
1226 (24) The Department of Human Resource Management user training program, as
1227 provided in Section [67-19-6](#).
1228 (25) The University of Utah Poison Control Center program, as provided in Section
1229 [69-2-5.5](#).
1230 (26) A public safety answering point's emergency telecommunications service fund, as
1231 provided in Section [69-2-301](#).
1232 (27) The Traffic Noise Abatement Program created in Section [72-6-112](#).
1233 (28) The Judicial Council for compensation for special prosecutors, as provided in
1234 Section [77-10a-19](#).

1235 (29) A state rehabilitative employment program, as provided in Section [78A-6-210](#).

1236 (30) The Utah Geological Survey, as provided in Section [79-3-401](#).

1237 (31) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

1238 (32) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and

1239 [78B-6-144.5](#).

1240 (33) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent

1241 Defense Commission.

1242 Section 24. Section **63J-2-102** is amended to read:

1243 **63J-2-102. Definitions.**

1244 As used in this chapter:

1245 (1) (a) "Agency" means each department, commission, board, council, agency,
1246 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
1247 unit, bureau, panel, or other administrative unit of the state.

1248 (b) "Agency" does not include the legislative branch, the board of regents, the Utah
1249 Higher Education Assistance Authority, the board of trustees of each higher education
1250 institution, each higher education institution and its associated branches, centers, divisions,
1251 institutes, foundations, hospitals, colleges, schools, or departments, a public education entity,
1252 or an independent agency.

1253 (2) ~~[(a)] "Dedicated credits [revenues]" means [revenues from collections by an agency~~
1254 ~~that are deposited directly into an account for expenditure on a separate line item and program]~~
1255 the same as that term is defined in Section [63J-1-102](#).

1256 ~~[(b) "Dedicated credits revenues" does not mean:]~~

1257 ~~[(i) federal revenues and the related pass through or the related state match paid by one~~
1258 ~~agency to another;]~~

1259 ~~[(ii) revenues that are not deposited in governmental funds; or]~~

1260 ~~[(iii) revenues from any contracts.]~~

1261 (3) "Fees" means revenue collected by an agency for performing a service or providing
1262 a function that the agency deposits or accounts for as dedicated credits ~~[or fixed collections]~~.

1263 ~~[(4) (a) "Fixed collections revenues" means revenue from collections:]~~

1264 ~~[(i) fixed by law or by the appropriation act at a specific amount; and]~~

1265 ~~[(ii) required by law to be deposited into a separate line item and program.]~~

1266 ~~[(b) "Fixed collections revenues" does not mean:]~~
1267 ~~[(i) federal revenues and the related pass through or the related state match paid by one~~
1268 ~~agency to another;]~~
1269 ~~[(ii) revenues that are not deposited in governmental funds;]~~
1270 ~~[(iii) revenues from any contracts; and]~~
1271 ~~[(iv) revenues received by the Attorney General's Office from billings for professional~~
1272 ~~services.]~~

1273 ~~[(5)]~~ (4) (a) "Governmental fund" means funds used to account for the acquisition, use,
1274 and balances of expendable financial resources and related liabilities using a measurement
1275 focus that emphasizes the flow of financial resources.

1276 (b) "Governmental fund" does not include internal service funds, enterprise funds,
1277 capital projects funds, debt service funds, or trust and agency funds as established in Section
1278 [51-5-4](#).

1279 ~~[(6)]~~ (5) "Independent agency" means the Utah State Retirement Office and the Utah
1280 Housing Corporation.

1281 ~~[(7)]~~ (6) "Program" means the ~~[function or service provided by an agency for which the~~
1282 ~~agency collects fees]~~ same as that term is defined in Section [63J-1-102](#).

1283 ~~[(8)]~~ (7) "Revenue types" means the categories established by the Division of Finance
1284 under the authority of this chapter that classify revenue according to the purpose for which it is
1285 collected.

1286 Section 25. Section **63J-2-201** is amended to read:

1287 **63J-2-201. Accounting for fee revenues.**

1288 (1) The Division of Finance shall:

1289 (a) establish revenue types;

1290 (b) develop a computerized master file of revenue types containing, for each revenue
1291 type:

1292 (i) the definition of each revenue type;

1293 (ii) if available, a historical record of the amount collected for the revenue type for
1294 each of the five years;

1295 (iii) the agency that collected the revenue;

1296 (iv) the program, organization, and fund into which the revenue was originally

1297 recorded each year;

1298 (v) a general description of the function where the largest portion of the revenue was
1299 spent each year;

1300 (vi) the specific legal authority that authorizes the agency to collect the revenue;

1301 (vii) the rates charged to the individuals or entities that pay the revenue;

1302 (viii) the general methodology used to determine the rate charged to individuals or
1303 entities that pay the revenue;

1304 (ix) for dedicated credits [~~revenues and fixed collections revenues~~], the revenue
1305 estimate used by the agency to prepare their budget;

1306 (x) the amount appropriated as dedicated credits [~~revenues and fixed collections~~
1307 ~~revenues~~] in the annual appropriation act; and

1308 (xi) for revenues other than dedicated credits [~~revenues and fixed collections~~
1309 ~~revenues~~], an estimate of the amount of revenue, if available or reasonably calculable; and

1310 (c) make the computerized file available to the Budget Office and the Office of
1311 Legislative Fiscal Analyst upon request.

1312 (2) Each agency shall provide the Division of Finance with the information required by
1313 this section.

1314 Section 26. Section **63J-2-202** is amended to read:

1315 **63J-2-202. Disposition of revenues.**

1316 [~~(1) (a) Each agency shall include in its annual budget request estimates of dedicated~~
1317 ~~credits revenues and fixed collections revenues that are identified by, collected for, or set by the~~
1318 ~~agency.~~]

1319 [~~(b)~~] (1) If the Legislature or the Division of Finance establishes a new revenue type by
1320 law, the agency shall include that new revenue type in its budget request for the next fiscal
1321 year.

1322 [~~(c)(i)~~] (2)(a) Except as provided in Subsection [~~(1)(c)(ii)~~] (2)(b), if any agency fails
1323 to include the estimates of a revenue type in its annual budget request, the Division of Finance
1324 shall deposit the money collected in that revenue type into the General Fund or other
1325 appropriate fund as free or restricted revenue.

1326 [~~(ii)~~] (b) The Division of Finance may not deposit the money collected from a revenue
1327 type not included in an agency's annual budget request into the General Fund or other

1328 appropriate fund if the agency did not include the estimates of the revenue type in its annual
1329 budget request because the Legislature had not yet established or authorized the new revenue
1330 type by law.

1331 ~~[(2) (a) (i) (A) Except as provided in Subsection (2)(a)(i)(B) or (2)(b), each agency that~~
1332 ~~receives dedicated credits and fixed collections revenues greater than the amount appropriated~~
1333 ~~to them by the Legislature in the annual appropriations act may expend the excess up to 25% of~~
1334 ~~the amount appropriated if the expenditure is authorized by an amended work program~~
1335 ~~approved as provided in Section 63J-1-209.]~~

1336 ~~[(B) Except for line items covering tuition and federal vocational funds at institutions~~
1337 ~~of higher learning, any expenditure of dedicated credits in excess of amounts appropriated by~~
1338 ~~the Legislature may not be used to permanently increase personnel within the agency unless~~
1339 ~~approved by the Legislature.]~~

1340 ~~[(ii) The Division of Finance shall deposit the balance of that excess into the General~~
1341 ~~Fund or other appropriate fund as free or restricted revenue.]~~

1342 ~~[(b) Notwithstanding the requirements of Subsection (2)(a), when an agency's~~
1343 ~~dedicated credits and fixed collections revenues represent over 90% of the budget of the~~
1344 ~~program for which they are collected, the agency may expend 100% of the excess of the~~
1345 ~~amount appropriated if the expenditure is authorized by an amended work program approved as~~
1346 ~~provided in Section 63J-1-209.]~~

1347 ~~[(3) Each agency that receives dedicated credits or fixed collections shall report, to the~~
1348 ~~Division of Finance, any balances remaining in those funds at the conclusion of each fiscal~~
1349 ~~year.]~~

1350 Section 27. Section **63J-4-301** is amended to read:

1351 **63J-4-301. Duties of the executive director and office.**

1352 (1) The executive director and the office shall:

1353 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary
1354 Procedures Act;

1355 (b) under the direct supervision of the governor, assist the governor in the preparation
1356 of the governor's budget recommendations;

1357 (c) ~~[advise the governor with regard to approval or revision of agency work programs]~~
1358 review agency budget execution plans as specified in Section 63J-1-209;

- 1359 (d) establish benchmarking practices for measuring operational costs, quality of
1360 service, and effectiveness across all state agencies and programs;
- 1361 (e) assist agencies with the development of an operational plan that uses continuous
1362 improvement tools and operational metrics to increase statewide capacity and improve
1363 interagency integration;
- 1364 (f) review and assess agency budget requests and expenditures using a clear set of goals
1365 and measures;
- 1366 (g) develop and maintain enterprise portfolio and electronic information systems to
1367 select and oversee the execution of projects, ensure a return on investment, and trace and report
1368 performance metrics; and
- 1369 (h) perform other duties and responsibilities as assigned by the governor.
- 1370 (2) (a) The executive director of the Governor's Office of Management and Budget or
1371 the executive director's designee is the Federal Assistance Management Officer.
- 1372 (b) In acting as the Federal Assistance Management Officer, the executive director or
1373 designee shall:
- 1374 (i) study the administration and effect of federal assistance programs in the state and
1375 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and
1376 the Executive Appropriations Committee, of alternative recommended methods and procedures
1377 for the administration of these programs;
- 1378 (ii) assist in the coordination of federal assistance programs that involve or are
1379 administered by more than one state agency; and
- 1380 (iii) analyze and advise on applications for new federal assistance programs submitted
1381 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.
- 1382 Section 28. Section **63N-8-103** is amended to read:
- 1383 **63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives --**
1384 **Refundable tax credit incentives.**
- 1385 (1) (a) There is created within the General Fund a restricted account known as the
1386 Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives
1387 for state-approved productions by a motion picture company.
- 1388 (b) All interest generated from investment of money in the restricted account shall be
1389 deposited in the restricted account.

1390 (c) The restricted account shall consist of an annual appropriation by the Legislature.

1391 (d) The office shall:

1392 (i) with the advice of the board, administer the restricted account; and

1393 (ii) make payments from the restricted account as required under this section.

1394 (e) The cost of administering the restricted account shall be paid from money in the
1395 restricted account.

1396 (2) (a) A motion picture company or digital media company seeking disbursement of
1397 an incentive allowed under an agreement with the office shall follow the procedures and
1398 requirements of this Subsection (2).

1399 (b) The motion picture company or digital media company shall provide the office with
1400 a report identifying and documenting the dollars left in the state and new state revenues
1401 generated by the motion picture company or digital media company for its state-approved
1402 production, including any related tax returns by the motion picture company, payroll company,
1403 digital media company, or loan-out corporation under Subsection (2)(d).

1404 (c) For a motion picture company, an independent certified public accountant shall:

1405 (i) review the report submitted by the motion picture company; and

1406 (ii) attest to the accuracy and validity of the report, including the amount of dollars left
1407 in the state.

1408 (d) The motion picture company, digital media company, payroll company, or loan-out
1409 corporation shall provide the office with a document that expressly directs and authorizes the
1410 State Tax Commission to disclose the entity's tax returns and other information concerning the
1411 entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section
1412 6103, Internal Revenue Code, to the office.

1413 (e) The office shall submit the document described in Subsection (2)(d) to the State
1414 Tax Commission.

1415 (f) Upon receipt of the document described in Subsection (2)(d), the State Tax
1416 Commission shall provide the office with the information requested by the office that the
1417 motion picture company, digital media company, payroll company, or loan-out corporation
1418 directed or authorized the State Tax Commission to provide to the office in the document
1419 described in Subsection (2)(d).

1420 (g) Subject to Subsection (3), for a motion picture company the office shall:

1421 (i) review the report from the motion picture company described in Subsection (2)(b)
1422 and verify that it was reviewed by an independent certified public accountant as described in
1423 Subsection (2)(c); and

1424 (ii) based upon the certified public accountant's attestation under Subsection (2)(c),
1425 determine the amount of the incentive that the motion picture company is entitled to under its
1426 agreement with the office.

1427 (h) Subject to Subsection (3), for a digital media company, the office shall:

1428 (i) ensure the digital media project results in new state revenue; and

1429 (ii) based upon review of new state revenue, determine the amount of the incentive that
1430 a digital media company is entitled to under its agreement with the office.

1431 (i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office
1432 shall pay the incentive from the restricted account to the motion picture company,
1433 notwithstanding Subsections 51-5-3(23)(b) and [~~63J-1-104(4)(c)~~] 63J-1-105(6).

1434 (j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or
1435 59-10-1108, the office shall:

1436 (i) issue a tax credit certificate to the motion picture company or digital media
1437 company; and

1438 (ii) provide a duplicate copy of the tax credit certificate to the State Tax Commission.

1439 (k) A motion picture company or digital media company may not claim a motion
1440 picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company
1441 or digital media company has received a tax credit certificate for the claim issued by the office
1442 under Subsection (2)(j)(i).

1443 (l) A motion picture company or digital media company may claim a motion picture
1444 tax credit on its tax return for the amount listed on the tax credit certificate issued by the office.

1445 (m) A motion picture company or digital media company that claims a tax credit under
1446 Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in
1447 accordance with Subsection 63N-8-104(6).

1448 (3) (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit
1449 certificates under this part in a fiscal year.

1450 (b) If the office does not issue tax credit certificates in a fiscal year totaling the amount
1451 authorized under Subsection (3)(a), it may carry over that amount for issuance in subsequent

1452 fiscal years.

1453 Section 29. Section **73-18-25** is amended to read:

1454 **73-18-25. Fees to cover the costs of electronic payments.**

1455 (1) As used in this section:

1456 (a) "Electronic payment" has the same meaning as defined in Section [41-1a-1221](#).

1457 (b) "Electronic payment fee" has the same meaning as defined in Section [41-1a-1221](#).

1458 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
1459 registrations and renewals of registration under Section [73-18-7](#).

1460 (b) The fee described under Subsection (2)(a) shall be imposed regardless of the
1461 method of payment for a particular transaction.

1462 (3) The Motor Vehicle Division shall establish the fee according to the procedures and
1463 requirements of Section [63J-1-504](#).

1464 (4) A fee imposed under this section:

1465 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
1466 Section [41-1a-121](#);

1467 (b) is not subject to Subsection [~~[63J-2-202\(2\)](#)~~ [63J-1-105\(3\)](#) or (4); and

1468 (c) need not be separately identified from the fees imposed on registrations and
1469 renewals of registration under Section [73-18-7](#).

1470 Section 30. **Repealer.**

1471 This bill repeals:

1472 Section [63J-1-602.3](#), **List of nonlapsing funds and accounts -- Title 46 through Title**
1473 **60.**

1474 Section [63J-1-602.4](#), **List of nonlapsing funds and accounts -- Title 61 through Title**
1475 **63N.**

1476 Section [63J-1-602.5](#), **List of nonlapsing funds and accounts -- Title 64 and**
1477 **thereafter.**

1478 Section 31. **Effective date.**

1479 This bill takes effect on July 1, 2018, except that the amendments to Section
1480 [63J-1-602.1](#) (Effective 09/30/18) take effect on September 30, 2018.

1481 Section 32. **Coordinating H.B. 475 with H.B. 105 -- Technical amendment.**

1482 If this H.B. 475 and H.B. 105, Medicaid Sanctions Amendments, both pass and become

1483 law, the Legislature intends that:

1484 (1) the amendments to Section 63J-1-602.1 (Superseded 09/30/18) and Section
1485 63J-1-602.1 (Effective 9/30/18) in this bill supersede the amendments to Section 63J-1-602.1
1486 (Superseded 09/30/18) and Section 63J-1-602.1 (Effective 9/30/18) in H.B. 105;

1487 (2) that the language "Sanctions collected as dedicated credits from Medicaid providers
1488 under Subsection 26-18-3(7)." be added as a subsection to Section 63J-1-602.2, numerically
1489 according to title placement; and

1490 (3) the reference to "Section 63J-1-602.1" in Section 26-18-3 in H.B. 105 be changed
1491 to "Section 63J-1-602.2" when the Office of Legislative Research and General Counsel
1492 prepares the Utah Code database for publication.

1493 **Section 33. Coordinating H.B. 475 with H.B. 149 -- Technical amendment.**

1494 If this H.B. 475 and H.B. 149, Department of Alcoholic Beverage Control Funding
1495 Amendments, both pass and become law, the Legislature intends that the amendments to
1496 Section 63J-1-602.2 in this bill supersede the amendments to Section 63J-1-602.2 in H.B. 149,
1497 and that the language "Funds that the Department of Alcoholic Beverage Control retains in
1498 accordance with Subsection 32B-2-301(7)(a)(ii) or (b)." be added as a subsection to Section
1499 63J-1-602.2 in this bill, numerically according to title placement, when the Office of
1500 Legislative Research and General Counsel prepares the Utah Code database for publication.

1501 **Section 34. Coordinating H.B. 475 with H.B. 211 -- Technical amendment.**

1502 If this H.B. 475 and H.B. 211, Freight Switcher Emissions Migration, both pass and
1503 become law, the Legislature intends that the amendments to Section 63J-1-602.1 (Superseded
1504 09/20/18) and Section 63J-1-602.1 (Effective 09/30/18) in this bill supersede the amendments
1505 to Section 63J-1-602.1 (Superseded 09/30/18) and Section 63J-1-602.1 (Effective 09/30/18) in
1506 H.B. 211, and that the language "An appropriation made to the Division of Air Quality for
1507 grants for the reduction of freight switcher locomotive emissions under the Clean Air Retrofit,
1508 Replacement, and Off-road Technology Program, as provided in Section 19-2-203." be added
1509 as a subsection to Section 63J-1-602.2, numerically according to title placement, when the
1510 Office of Legislative Research and General Counsel prepares the Utah Code database for
1511 publication.

1512 **Section 35. Coordinating H.B. 475 with H.B. 247 -- Technical amendment.**

1513 If this H.B. 475 and H.B. 247, Amusement Ride Safety Inspections, both pass and

1514 become law, the Legislature intends that the amendments to Section 63J-1-602.2 in this bill
1515 supersede the amendments to Section 63J-1-602.2 in H.B. 247, and that the language "The
1516 Amusement Ride Safety Account created in Section 34A-12-203." be added as a subsection to
1517 Section 63J-1-602.1 (Superseded 09/30/18) and Section 63J-1-602.1 (Effective 09/30/18),
1518 numerically according to title placement, when the Office of Legislative Research and General
1519 Counsel prepares the Utah Code database for publication.

1520 Section 36. **Coordinating H.B. 475 with H.B. 380 -- Technical amendment.**

1521 If this H.B. 475 and H.B. 380, Utah School Readiness Initiative Amendments, both
1522 pass and become law, the Legislature intends that the amendments to Section 63J-1-602.2 in
1523 this bill supersede the amendments to Section 63J-1-602.2 in H.B. 380, and that the cross
1524 reference to the School Readiness Restricted Account be changed from "53F-9-402" to
1525 "35A-3-210", when the Office of Legislative Research and General Counsel prepares the Utah
1526 Code database for publication.

1527 Section 37. **Coordinating H.B. 475 with H.B. 390 -- Technical amendment.**

1528 If this H.B. 475 and H.B. 390, Rural Economic Development Incentives, both pass and
1529 become law, the Legislature intends that the repeal of Section 63J-1-602.4 in this bill
1530 supersedes the amendments to Section 63J-1-602.4 in H.B. 390, and that the language
1531 "Appropriations to fund the Governor's Office of Economic Development's Rural Employment
1532 Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment
1533 Expansion Program." be added as a subsection to Section 63J-1-602.2, numerically according
1534 to title placement, when the Office of Legislative Research and General Counsel prepares the
1535 Utah Code database for publication.

1536 Section 38. **Coordinating H.B. 475 with H.B. 395 -- Technical amendment.**

1537 If this H.B. 475 and H.B. 395, Technology Innovation Amendments, both pass and
1538 become law, the Legislature intends that the repeal of Section 63J-1-602.4 in this bill
1539 supersedes the amendments to Section 63J-1-602.4 in H.B. 395, and that the language
1540 "Appropriations to the Department of Technology Services for technology innovation as
1541 provided under Section 63F-4-202." be added as a subsection to Section 63J-1-602.2,
1542 numerically according to title placement, when the Office of Legislative Research and General
1543 Counsel prepares the Utah Code database for publication.

1544 Section 39. **Coordinating H.B. 475 with S.B. 54 -- Technical amendment.**

1545 If this H.B. 475 and S.B. 54, Marriage and Premarital Counseling and Education
 1546 Amendments, both pass and become law, the Legislature intends that:

1547 (1) the amendments to Section [63J-1-602.1](#) (Effective 09/30/18) in this bill supersede
 1548 the amendments to Section [63J-1-602.1](#) (Effective 09/30/18) in S.B. 54;

1549 (2) the language "Dedicated credits accrued to the Utah Marriage Commission as
 1550 provided under Subsection [17-16-21\(2\)\(d\)\(ii\)](#)." be added as a subsection to Section
 1551 [63J-1-602.2](#), numerically according to title placement; and

1552 (3) the reference to "Subsection [63J-1-602.1\(8\)](#)" in Section [63I-1-263](#) in S.B.54 be
 1553 updated to the correct citation to the language added to Section [63J-1-602.2](#) in Subsection (2)
 1554 above, and that the language ", referring to dedicated credits accrued to the Utah Marriage
 1555 Commission," be added after the corrected citation, when the Office of Legislative Research
 1556 and General Counsel prepares the Utah Code database for publication.

1557 **Section 40. Coordinating H.B. 475 with S.B. 161 -- Technical amendment.**

1558 If this H.B. 475 and S.B. 161, Nurse Home Visiting Pay-for-success Program, both pass
 1559 and become law, the Legislature intends that the amendments to Section [63J-1-602.1](#)
 1560 (Superseded 09/20/18) and Section [63J-1-602.1](#) (Effective 09/30/18) in this bill supersede the
 1561 amendments to Section [63J-1-602.1](#) (Superseded 09/30/18) and Section [63J-1-602.1](#) (Effective
 1562 09/30/18) in S.B. 161, and that:

1563 (1) the language "The Nurse Home Visiting Restricted Account created in Section
 1564 [26-62-601](#)." be added as a subsection to Section [63J-1-602.1](#) (Superseded 09/30/18) and
 1565 Section [63J-1-602.1](#) (Effective 09/30/18), numerically according to title placement; and

1566 (2) the subsection reference to the fund in Subsection [63I-1-263\(12\)](#) in S.B. 161 be
 1567 updated to reflect the fund's placement in Section [63J-1-602.1](#) (Superseded 09/30/18) and
 1568 Section [63J-1-602.1](#) (Effective 09/30/18), and that the language ", Nurse Home Visiting
 1569 Restricted Account" be added after each updated subsection reference, when the Office of
 1570 Legislative Research and General Counsel prepares the Utah Code database for publication.

1571 **Section 41. Coordinating H.B. 475 with S.B. 174 -- Technical amendment.**

1572 If this H.B. 475 and S.B. 174, Higher Education Capital Facilities, both pass and
 1573 become law, the Legislature intends that the repeal of Section [63J-1-602.3](#) in this bill
 1574 supersedes the amendments to Section [63J-1-602.3](#) in S.B. 174, and that:

1575 (1) the language "The Technical Colleges Capital Projects Fund created in Section

1576 53B-2a-117." be added as a subsection to Section 63J-1-602.1 (Superseded 09/30/18) and
1577 Section 63J-1-602.1 (Effective 09/30/18), numerically according to title placement, when the
1578 Office of Legislative Research and General Counsel prepares the Utah Code database for
1579 publication; and

1580 (2) the language "The Higher Education Capital Projects Fund created in Section
1581 53B-22-202." be added as a subsection to Section 63J-1-602.1 (Superseded 09/30/18) and
1582 Section 63J-1-602.1 (Effective 09/30/18), numerically according to title placement, when the
1583 Office of Legislative Research and General Counsel prepares the Utah Code database for
1584 publication.