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STATE FUNDING AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Don L. Ipson
House Sponsor: Robert M. Spendlove

LONG TITLE

General Description:

This bill modifies provisions related to state funding.

Highlighted Provisions:

This bill:

- ▶ changes the Brain Injury Fund to a restricted account and renames it the Brain Injury Account;
- ▶ clarifies how carry forward funds are deposited into the Division of Services for People with Disabilities Restricted Account;
- ▶ changes the Alternative Eligibility Expendable Revenue Fund to a restricted account and renames it the Alternative Eligibility Account;
- ▶ creates the State Armory Fund;
- ▶ increases the amount the Legislature may appropriate from the Uninsured Motorist Identification Restricted Account to the Peace Officer Standards and Training Division for certain law enforcement training;
- ▶ modifies the Department of Government Operations' authority to transfer money appropriated for certain costs;
- ▶ allows the Division of Finance to transfer money from the Income Tax Fund to the Uniform School Fund under certain circumstances;
- ▶ increases the amount of revenue bonds the Utah Board of Higher Education may issue to finance the West Valley Health and Community Center;
- ▶ changes the Transient Room Tax Fund to a fiduciary fund;
- ▶ repeals:
 - the Invasive Species Mitigation Account; and
 - the Prison Project Fund; and

28 ▸ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 This bill provides a coordination clause.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **4-17-115 (Effective 07/01/24)**, as last amended by Laws of Utah 2018, Chapter 355

37 **26B-1-318 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 335 and
38 renumbered and amended by Laws of Utah 2023, Chapter 305

39 **26B-1-335 (Effective 07/01/24)**, as enacted by Laws of Utah 2023, Chapter 325

40 **26B-3-910 (Effective 07/01/24)**, as enacted by Laws of Utah 2023, Chapter 332

41 **39A-2-102 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2022,
42 Chapter 373

43 **41-12a-806 (Effective 07/01/24)**, as last amended by Laws of Utah 2020, Fifth Special
44 Session, Chapter 20

45 **53F-9-201 (Effective 07/01/24) (Superseded 01/01/25)**, as last amended by Laws of Utah
46 2022, Chapter 456

47 **53F-9-201 (Effective 01/01/25)**, as last amended by Laws of Utah 2023, Chapter 293

48 **63B-32-101 (Effective 07/01/24)**, as enacted by Laws of Utah 2022, Chapter 315

49 **63J-1-206 (Effective 07/01/24)**, as last amended by Laws of Utah 2022, Chapters 40, 425

50 **63J-1-207 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2009,
51 Chapter 183

52 **63N-3-403 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2015,
53 Chapter 283

54 REPEALS:

55 **4-17-114 (Effective 07/01/24)**, as last amended by Laws of Utah 2018, Chapter 355

56 **63A-5b-1107 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 534

57 **63B-25-101 (Effective 07/01/24)**, as last amended by Laws of Utah 2020, Chapter 152

58 **Utah Code Sections affected by Coordination Clause:**

59 **26B-1-318**, as last amended by Laws of Utah 2023, Chapter 335 and renumbered and
60 amended by Laws of Utah 2023, Chapter 305

61

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

63 Section 1. Section **4-17-115** is amended to read:

64 **4-17-115 (Effective 07/01/24). Cooperative agreements and grants to rehabilitate**
 65 **areas infested with or threatened by invasive species.**

66 The department may:

67 (1) enter into a cooperative agreement with a political subdivision, a state agency, a federal
 68 agency, a tribe, a county weed board, a cooperative weed management area, a nonprofit
 69 organization, a university, or a private landowner to:

70 (a) rehabilitate or treat an area infested with, or threatened by, an invasive species; or

71 (b) conduct research related to invasive species; and

72 [~~(2) expend money from the Invasive Species Mitigation Account created in Section~~
 73 ~~4-17-114; and]~~

74 [~~(3)~~] (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 75 make rules to~~[:]~~ award grants and administer this section.

76 [~~(a) administer this section; and]~~

77 [~~(b) give grants from the Invasive Species Mitigation Account.]~~

78 *The following section is affected by a coordination clause at the end of this bill.*

79 Section 2. Section **26B-1-318** is amended to read:

80 **26B-1-318 (Effective 07/01/24). Brain Injury Account.**

81 (1) There is created [~~an expendable special revenue fund]~~ a restricted account within the
 82 General Fund known as the "~~[-]~~Brain Injury [~~Fund]~~ Account."

83 (2) The [~~fund]~~ account shall consist of:

84 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
 85 fund from private sources; and

86 (b) additional amounts as appropriated by the Legislature.

87 [~~(3) The fund shall be administered by the executive director.]~~

88 [~~(4) Fund]~~

89 (3) Upon appropriation by the Legislature, account money may be used to:

90 (a) educate the general public and professionals regarding understanding, treatment, and
 91 prevention of brain injury;

92 (b) provide access to evaluations and coordinate short-term care to assist an individual in
 93 identifying services or support needs, resources, and benefits for which the individual
 94 may be eligible;

95 (c) develop and support an information and referral system for persons with a brain

- 96 injury and their families; and
- 97 (d) provide grants to persons or organizations to provide the services described in
- 98 Subsections ~~[(4)(a), (b), and (c)]~~ (3)(a) through (c).
- 99 ~~[(5)]~~ (4) Not less than 50% of the ~~[fund]~~ account shall be used each fiscal year to directly
- 100 assist individuals who meet the qualifications described in Subsection ~~[(6)]~~ (5).
- 101 ~~[(6)]~~ (5) An individual who receives services either paid for from the ~~[fund]~~ account, or
- 102 through an organization under contract with the ~~[fund]~~ account, shall:
- 103 (a) be a resident of Utah;
- 104 (b) have been diagnosed by a qualified professional as having a brain injury which
- 105 results in impairment of cognitive or physical function; and
- 106 (c) have a need that can be met within the requirements of this section.
- 107 ~~[(7)]~~ (6) The ~~[fund]~~ account may not duplicate any services or support mechanisms being
- 108 provided to an individual by any other government or private agency.
- 109 ~~[(8)]~~ (7) All actual and necessary operating expenses for the Brain Injury Advisory
- 110 Committee created in Section 26B-1-417 and staff shall be paid by the ~~[fund]~~ account.
- 111 ~~[(9)]~~ (8) The ~~[fund]~~ account may not be used for medical treatment, long-term care, or acute
- 112 care.
- 113 Section 3. Section **26B-1-335** is amended to read:
- 114 **26B-1-335 (Effective 07/01/24). Division of Services for People with Disabilities**
- 115 **Restricted Account.**
- 116 (1) As used in this section, "account" means the Division of Services for People with
- 117 Disabilities Restricted Account created in Subsection (2).
- 118 (2) There is created ~~[in the General Fund an account]~~ a restricted account within the General
- 119 Fund known as the "Division of Services for People with Disabilities Restricted
- 120 Account."
- 121 (3) The account consists of:
- 122 (a) carry forward funds from the division's budget; and
- 123 (b) unexpended balances lapsed to the account from the division's budget.
- 124 (4) At the close of a fiscal year, the division may, without an appropriation, deposit into the
- 125 account carry forward funds described in Subsection (3).
- 126 ~~[(4)]~~ (5) Subject to appropriation, the Department of Health and Human Services may
- 127 expend funds from the account to serve individuals eligible for division services
- 128 statewide.
- 129 Section 4. Section **26B-3-910** is amended to read:

- 130 **26B-3-910 (Effective 07/01/24). Alternative eligibility -- Report -- Alternative**
131 **Eligibility Account.**
- 132 (1) A child who is not a traditionally eligible child may enroll in the program if:
- 133 (a) the child:
- 134 (i) has been living in the state for at least 180 days before the day on which the child
135 applies for the program; and
- 136 (ii) meets the requirements described in Subsections 26B-3-903(1)(a) through (e); and
- 137 (b) the child's parent has unsubsidized employment.
- 138 (2) (a) Enrollment under Subsection (1) is subject to funds in the Alternative Eligibility [
139 ~~Expendable Revenue Fund~~] Account.
- 140 (b) The department may create a waiting list for enrollment under Subsection (2)(a) if
141 eligible applicants exceed funds in the Alternative Eligibility [~~Expendable Revenue~~
142 ~~Fund~~] Account.
- 143 (3) Notwithstanding Section 26B-3-904, the program benefits, coverage, and cost sharing
144 for a child enrolled under this section shall be equal to the benefits, coverage, and cost
145 sharing provided to a child who:
- 146 (a) is eligible under Subsection 26B-3-903(1); and
- 147 (b) resides in a household that has a gross family income equal to 200% of the federal
148 poverty level.
- 149 (4) Notwithstanding Section 26B-3-906, program services provided to a child enrolled
150 under this section shall be funded by the Alternative Eligibility [~~Expendable Revenue~~
151 ~~Fund~~] Account.
- 152 (5) Each year the department enrolls a child in the program under this section, the
153 department shall submit a report to the Health and Human Services Interim Committee
154 before November 30 detailing:
- 155 (a) the number of individuals served under the program;
- 156 (b) average duration of coverage for individuals served under the program;
- 157 (c) the cost of the program; and
- 158 (d) any benefits of the program, including data showing:
- 159 (i) percentage of enrolled individuals who had well-child visits with a primary care
160 practitioner at recommended ages;
- 161 (ii) percentage of enrolled individuals who received a comprehensive or periodic oral
162 evaluation;
- 163 (iii) percentage of enrolled individuals who received recommended immunizations at

- 164 recommended ages;
- 165 (iv) rate of emergency department visits per 1,000 member months;
- 166 (v) rate of medication adherence to treat chronic conditions; and
- 167 (vi) a comparison of utilization patterns before and after enrollment.
- 168 (6) (a) There is created ~~[an expendable special revenue fund]~~ a restricted account within
 169 the General Fund known as the "Alternative Eligibility ~~[Expendable Revenue Fund]~~
 170 Account."
- 171 (b) The Alternative Eligibility ~~[Expendable Revenue Fund]~~ Account shall consist of:
- 172 (i) appropriations by the Legislature;
- 173 (ii) any other funds received as donations for the ~~[fund]~~ account; and
- 174 (iii) interest earned on the account.
- 175 (c) If the balance of the Alternative Eligibility ~~[Expendable Revenue Fund]~~ Account
 176 exceeds \$4,500,000, state funds shall be transferred from the Alternative Eligibility [
 177 ~~Expendable Revenue Fund]~~ Account to the General Fund in an amount equal to the
 178 amount needed to reduce the balance of the Alternative Eligibility ~~[Expendable~~
 179 ~~Revenue Fund]~~ Account to \$4,500,000.
- 180 (d) ~~[Money]~~ The Legislature may appropriate money in the Alternative Eligibility [
 181 ~~Expendable Revenue Fund shall be used]~~ Account to provide benefits to a child
 182 enrolled in the program under this section.

183 Section 5. Section **39A-2-102** is amended to read:

184 **39A-2-102 (Effective 07/01/24). Responsibilities of State Armory Board.**

- 185 (1) The board shall supervise and control all facilities, ranges, training lands, and all real
 186 property held or acquired for the military purposes of the state.
- 187 (2) The board may:
- 188 (a) provide suitable facilities, ranges, and training lands for the different organizations of
 189 the National Guard;
- 190 (b) lease real property throughout the state wherever necessary for the use of
 191 organizations of the National Guard and for the storage of state and government
 192 property at a rental that the board considers reasonable;
- 193 (c) erect facilities and ranges at places within the state that it considers necessary upon
 194 lands to which it has acquired the legal title;
- 195 (d) expend military funds to acquire legal title to lands and to construct facilities and
 196 ranges;
- 197 (e) sell and lease property that the board holds under Subsection (1) for purposes

- 198 consistent with the mission of the Utah National Guard; and
- 199 (f) conduct meetings and take official action in person or as necessary via electronic
200 means, including telephone or video teleconferencing, or a combination of these
201 methods.
- 202 (3) (a) Subject to Subsection (3)(b), the board may take options for the purchase of any
203 premises under lease to the state for National Guard purposes:
- 204 (i) at any time during the life of the lease; and
205 (ii) when the purchase is in the state's interest.
- 206 (b) An option is not binding upon the board until it is approved by the Legislature.
- 207 (4) (a) Before legally binding the state to sell or lease any real property owned by the
208 National Guard, the board shall submit a description of the proposed sale to the
209 Legislative Management Committee for its review and recommendations.
- 210 (b) Before legally binding the state to purchase any interest in real property, the board
211 shall submit a description of the proposed sale to the Legislative Management
212 Committee for its review and recommendations.
- 213 (c) The Legislative Management Committee shall review each proposal and may
214 approve or disapprove the sale.
- 215 [~~(5) The proceeds from the sales and leases of real property authorized by this section shall
216 be appropriated to the State Armory Board to be applied toward the acquisition and sale
217 of real property, and the construction of new armories.]~~
- 218 [~~(6) Funds may be deposited into a public treasury investment fund to earn interest until
219 use.]~~
- 220 (5) (a) There is created an expendable special revenue fund known as the "State Armory
221 Fund."
- 222 (b) The State Armory Fund shall consist of:
- 223 (i) proceeds from the sales and leases of real property authorized by this section;
224 (ii) appropriations by the Legislature; and
225 (iii) interest earned on the fund.
- 226 (c) Subject to the Legislative Management Committee's review and recommendation,
227 the State Armory Board may expend money in the State Armory Fund to pay for the
228 acquisition and sale of real property and the construction of new armories.
- 229 Section 6. Section **41-12a-806** is amended to read:
- 230 **41-12a-806 (Effective 07/01/24). Restricted account -- Creation -- Funding --**
231 **Interest -- Purposes.**

- 232 (1) There is created within the Transportation Fund a restricted account known as the
233 "Uninsured Motorist Identification Restricted Account."
- 234 (2) The account consists of money generated from the following revenue sources:
235 (a) money received by the state under Section 41-1a-1218, the uninsured motorist
236 identification fee;
237 (b) money received by the state under Section 41-1a-1220, the registration reinstatement
238 fee; and
239 (c) appropriations made to the account by the Legislature.
- 240 (3) (a) The account shall earn interest.
241 (b) All interest earned on account money shall be deposited into the account.
- 242 (4) The Legislature shall appropriate money from the account to:
243 (a) the department to fund the contract with the designated agent;
244 (b) the department to offset the costs to state and local law enforcement agencies of
245 using the information for the purposes authorized under this part;
246 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
247 and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii); and
248 (d) the department to reimburse a person for the costs of towing and storing the person's
249 vehicle if:
250 (i) the person's vehicle was impounded in accordance with Subsection 41-1a-1101(2);
251 (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle
252 at the time of the impoundment;
253 (iii) the database indicated that owner's or operator's security was not in effect for the
254 impounded vehicle; and
255 (iv) the department determines that the person's vehicle was wrongfully impounded.
- 256 (5) The Legislature may appropriate not more than [~~\$1,500,000~~] \$2,000,000 annually from
257 the account to the Peace Officer Standards and Training Division, created under Section
258 53-6-103, for use in law enforcement training, including training on the use of the
259 Uninsured Motorist Identification Database Program created under Title 41, Chapter
260 12a, Part 8, Uninsured Motorist Identification Database Program.
- 261 (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
262 Act, the department shall hold a hearing to determine whether a person's vehicle was
263 wrongfully impounded under Subsection 41-1a-1101(2).
264 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
265 division shall make rules establishing procedures for a person to apply for a

266 reimbursement under Subsection (4)(d).
267 (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the
268 person applies for the reimbursement within six months from the date that the motor
269 vehicle was impounded.

270 Section 7. Section **53F-9-201** is amended to read:

271 **53F-9-201 (Effective 07/01/24) (Superseded 01/01/25). Uniform School Fund --**
272 **Contents -- Trust Distribution Account.**

273 (1) As used in this section:

274 (a) "Annual distribution calculation" means, for a given fiscal year, the average of:

275 (i) 4% of the average market value of the State School Fund for that fiscal year; and

276 (ii) the distribution amount for the prior fiscal year, multiplied by the sum of:

277 (A) one;

278 (B) the percent change in student enrollment from the school year two years prior
279 to the prior school year; and

280 (C) the actual total percent change of the consumer price index during the last 12
281 months as measured in June of the prior fiscal year.

282 (b) "Average market value of the State School Fund" means the results of a calculation
283 completed by the SITFO director each fiscal year that averages the value of the State
284 School Fund for the past 20 consecutive quarters ending in the prior fiscal year.

285 (c) "Consumer price index" means the Consumer Price Index for All Urban Consumers:
286 All Items Less Food & Energy, as published by the Bureau of Labor Statistics of the
287 United States Department of Labor.

288 (d) "SITFO director" means the director of the School and Institutional Trust Fund
289 Office appointed under Section 53D-1-401.

290 (e) "State School Fund investment earnings distribution amount" or "distribution
291 amount" means, for a fiscal year, the lesser of:

292 (i) the annual distribution calculation; or

293 (ii) 4% of the average market value of the State School Fund.

294 (2) The Uniform School Fund, a special revenue fund, established by Utah Constitution,
295 Article X, Section 5, consists of:

296 (a) distributions derived from the investment of money in the permanent State School
297 Fund established by Utah Constitution, Article X, Section 5;

298 (b) money transferred to the fund [~~pursuant to~~] under Title 67, Chapter 4a, Revised
299 Uniform Unclaimed Property Act; [~~and~~]

- 300 (c) money transferred to the fund under Section 63J-1-207; and
301 [~~e~~] (d) all other constitutional or legislative allocations to the fund, including:
- 302 (i) appropriations for the Minimum School Program, enrollment growth, and inflation
303 under Section 53F-9-201.1; and
304 (ii) revenues received by donation.
- 305 (3) (a) There is created within the Uniform School Fund a restricted account known as
306 the Trust Distribution Account.
- 307 (b) The Trust Distribution Account consists of:
- 308 (i) in accordance with Subsection (4), quarterly deposits of the State School Fund
309 investment earnings distribution amount from the prior fiscal year;
310 (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and
311 (iii) any unused appropriation for the administration of the School LAND Trust
312 Program, as described in Subsection 53F-2-404(1)(c).
- 313 (4) If, at the end of a fiscal year, the Trust Distribution Account has a balance remaining
314 after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a) for
315 the next fiscal year, the SITFO director shall, during the next fiscal year, apply the
316 amount of the remaining balance from the prior fiscal year toward the current fiscal
317 year's distribution amount by reducing a quarterly deposit to the Trust Distribution
318 Account by the amount of the remaining balance from the prior fiscal year.
- 319 (5) On or before October 1 of each year, the SITFO director shall:
- 320 (a) in accordance with this section, determine the distribution amount for the following
321 fiscal year; and
322 (b) report the amount described in Subsection (5)(a) as the funding amount, described in
323 Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:
- 324 (i) the State Treasurer;
325 (ii) the Legislative Fiscal Analyst;
326 (iii) the Division of Finance;
327 (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under
328 Section 53D-2-203;
329 (v) the School and Institutional Trust Lands Administration created in Section
330 53C-1-201;
331 (vi) the state board; and
332 (vii) the Governor's Office of Planning and Budget.
- 333 (6) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301

- 334 shall:
- 335 (a) annually review the distribution amount; and
- 336 (b) make recommendations, if necessary, to the Legislature for changes to the formula
- 337 for calculating the distribution amount.
- 338 (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust
- 339 Distribution Account funds for the School LAND Trust Program as described in
- 340 Subsections 53F-2-404(1)(a) and (c).
- 341 Section 8. Section **53F-9-201** is amended to read:
- 342 **53F-9-201 (Effective 01/01/25). Uniform School Fund -- Contents -- Trust**
- 343 **Distribution Account.**
- 344 (1) As used in this section:
- 345 (a) "Annual distribution calculation" means, for a given fiscal year, the average of:
- 346 (i) 5% of the average market value of the State School Fund for that fiscal year; and
- 347 (ii) the distribution amount for the prior fiscal year, multiplied by the sum of:
- 348 (A) one;
- 349 (B) the percent change in student enrollment from the school year two years prior
- 350 to the prior school year; and
- 351 (C) the actual total percent change of the consumer price index during the last 12
- 352 months as measured in June of the prior fiscal year.
- 353 (b) "Average market value of the State School Fund" means the results of a calculation
- 354 completed by the SITFO director each fiscal year that averages the value of the State
- 355 School Fund for the past 20 consecutive quarters ending in the prior fiscal year.
- 356 (c) "Consumer price index" means the Consumer Price Index for All Urban Consumers:
- 357 All Items Less Food & Energy, as published by the Bureau of Labor Statistics of the
- 358 United States Department of Labor.
- 359 (d) "SITFO director" means the director of the School and Institutional Trust Fund
- 360 Office appointed under Section 53D-1-401.
- 361 (e) "State School Fund investment earnings distribution amount" or "distribution
- 362 amount" means, for a fiscal year, the lesser of:
- 363 (i) the annual distribution calculation; or
- 364 (ii) 5% of the average market value of the State School Fund.
- 365 (2) The Uniform School Fund, a special revenue fund, established by Utah Constitution,
- 366 Article X, Section 5, consists of:
- 367 (a) distributions derived from the investment of money in the permanent State School

- 368 Fund established by Utah Constitution, Article X, Section 5;
- 369 (b) money transferred to the fund [~~pursuant to~~] under Title 67, Chapter 4a, Revised
- 370 Uniform Unclaimed Property Act; [~~and~~]
- 371 (c) money transferred to the fund under Section 63J-1-207; and
- 372 [(e)] (d) all other constitutional or legislative allocations to the fund, including:
- 373 (i) appropriations for the Minimum School Program, enrollment growth, and inflation
- 374 under Section 53F-9-201.1; and
- 375 (ii) revenues received by donation.
- 376 (3) (a) There is created within the Uniform School Fund a restricted account known as
- 377 the Trust Distribution Account.
- 378 (b) The Trust Distribution Account consists of:
- 379 (i) in accordance with Subsection (4), quarterly deposits of the State School Fund
- 380 investment earnings distribution amount from the prior fiscal year;
- 381 (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and
- 382 (iii) any unused appropriation for the administration of the School LAND Trust
- 383 Program, as described in Subsection 53F-2-404(1)(c).
- 384 (4) If, at the end of a fiscal year, the Trust Distribution Account has a balance remaining
- 385 after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a) for
- 386 the next fiscal year, the SITFO director shall, during the next fiscal year, apply the
- 387 amount of the remaining balance from the prior fiscal year toward the current fiscal
- 388 year's distribution amount by reducing a quarterly deposit to the Trust Distribution
- 389 Account by the amount of the remaining balance from the prior fiscal year.
- 390 (5) On or before October 1 of each year, the SITFO director shall:
- 391 (a) in accordance with this section, determine the distribution amount for the following
- 392 fiscal year; and
- 393 (b) report the amount described in Subsection (5)(a) as the funding amount, described in
- 394 Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:
- 395 (i) the State Treasurer;
- 396 (ii) the Legislative Fiscal Analyst;
- 397 (iii) the Division of Finance;
- 398 (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under
- 399 Section 53D-2-203;
- 400 (v) the School and Institutional Trust Lands Administration created in Section
- 401 53C-1-201;

402 (vi) the state board; and
403 (vii) the Governor's Office of Planning and Budget.

404 (6) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301
405 shall:

406 (a) annually review the distribution amount; and
407 (b) make recommendations, if necessary, to the Legislature for changes to the formula
408 for calculating the distribution amount.

409 (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust
410 Distribution Account funds for the School LAND Trust Program as described in
411 Subsections 53F-2-404(1)(a) and (c).

412 Section 9. Section **63B-32-101** is amended to read:

413 **63B-32-101 (Effective 07/01/24). Revenue bond authorizations -- Utah Board of**
414 **Higher Education.**

415 (1) The Legislature intends that:

416 (a) the Utah Board of Higher Education, on behalf of the University of Utah, may issue,
417 sell, and deliver revenue bonds or other evidences of indebtedness of the University
418 of Utah to borrow money on the credit, revenues, and reserves of the university, other
419 than appropriations of the Legislature, to finance the cost of constructing the fourth
420 wing of Kahlert Village;

421 (b) the University of Utah use student housing rental fees and other auxiliary revenues as
422 the primary revenue sources for repayment of any obligation created under authority
423 of this Subsection (1);

424 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
425 Subsection (1) may not exceed \$47,600,000 for acquisition and construction
426 proceeds, together with other amounts necessary to pay costs of issuance, pay
427 capitalized interest, and fund any debt service reserve requirements;

428 (d) the university may plan, design, and construct the fourth wing of Kahlert Village
429 subject to the requirements of Title 63A, Chapter 5b, Administration of State
430 Facilities; and

431 (e) the university may not request state funds for operation and maintenance costs or
432 capital improvements.

433 (2) The Legislature intends that:

434 (a) the Utah Board of Higher Education, on behalf of the University of Utah, may issue,
435 sell, and deliver revenue bonds or other evidences of indebtedness of the University

436 of Utah to borrow money on the credit, revenues, and reserves of the university, other
437 than appropriations of the Legislature, to finance the cost of constructing the West
438 Valley Health and Community Center;

439 (b) the University of Utah use clinical revenues and other non-state revenues of the
440 University of Utah Health Sciences as the primary revenue sources for repayment of
441 any obligation created under authority of this Subsection (2);

442 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
443 Subsection (2) may not exceed [~~\$400,000,000~~] \$800,000,000 for acquisition and
444 construction proceeds, together with other amounts necessary to pay costs of
445 issuance, pay capitalized interest, and fund any debt service reserve requirements;

446 (d) the university may plan, design, and construct the West Valley Health and
447 Community Center subject to the requirements of Title 63A, Chapter 5b,
448 Administration of State Facilities; and

449 (e) the university may not request state funds for operation and maintenance costs or
450 capital improvements.

451 (3) The Legislature intends that:

452 (a) the Utah Board of Higher Education, on behalf of Utah State University, may issue,
453 sell, and deliver revenue bonds or other evidences of indebtedness of Utah State
454 University to borrow money on the credit, revenues, and reserves of the university,
455 other than appropriations of the Legislature, to finance the cost of constructing
456 improvements to Maverik Stadium;

457 (b) Utah State University use existing student fees as the primary revenue sources for
458 repayment of any obligation created under authority of this Subsection (3);

459 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
460 Subsection (3) may not exceed \$7,000,000 for acquisition and construction proceeds,
461 together with other amounts necessary to pay costs of issuance, pay capitalized
462 interest, and fund any debt service reserve requirements;

463 (d) the university may plan, design, and construct improvements to Maverik Stadium
464 subject to the requirements of Title 63A, Chapter 5b, Administration of State
465 Facilities; and

466 (e) the university may not request state funds for operation and maintenance costs or
467 capital improvements.

468 (4) The Legislature intends that:

469 (a) the Utah Board of Higher Education, on behalf of Dixie State University, may issue,

- 470 sell, and deliver revenue bonds or other evidences of indebtedness of Dixie State
471 University to borrow money on the credit, revenues, and reserves of the university,
472 other than appropriations of the Legislature, to finance the cost of constructing
473 Campus View Suites Phase Three;
- 474 (b) Dixie State University use student housing rental fees and other auxiliary revenues as
475 the primary revenue sources for repayment of any obligation created under authority
476 of this Subsection (4);
- 477 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
478 Subsection (4) may not exceed \$62,500,000 for acquisition and construction
479 proceeds, together with other amounts necessary to pay costs of issuance, pay
480 capitalized interest, and fund any debt service reserve requirements;
- 481 (d) the university may plan, design, and construct Campus View Suites Phase Three
482 subject to the requirements of Title 63A, Chapter 5b, Administration of State
483 Facilities; and
- 484 (e) the university may not request additional state funds for operation and maintenance
485 costs or capital improvements.
- 486 (5) The Legislature intends that:
- 487 (a) the Utah Board of Higher Education, on behalf of Utah Valley University, may issue,
488 sell, and deliver revenue bonds or other evidences of indebtedness of Utah Valley
489 University to borrow money on the credit, revenues, and reserves of the university,
490 other than appropriations of the Legislature, to finance the cost of constructing a
491 parking garage;
- 492 (b) Utah Valley University use parking fees and other auxiliary revenues as the primary
493 revenue sources for repayment of any obligation created under authority of this
494 Subsection (5);
- 495 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
496 Subsection (5) may not exceed \$12,000,000 for acquisition and construction
497 proceeds, together with other amounts necessary to pay costs of issuance, pay
498 capitalized interest, and fund any debt service reserve requirements;
- 499 (d) the university may plan, design, and construct a parking garage subject to the
500 requirements of Title 63A, Chapter 5b, Administration of State Facilities; and
- 501 (e) the university may not request additional state funds for operation and maintenance
502 costs or capital improvements.
- 503 (6) The Legislature intends that:

- 504 (a) the Utah Board of Higher Education, on behalf of the University of Utah, may issue,
505 sell, and deliver revenue bonds or other evidences of indebtedness of the University
506 of Utah to borrow money on the credit, revenues, and reserves of the university, other
507 than appropriations of the Legislature, to finance the university's share of the cost of
508 constructing the Applied Sciences Building;
- 509 (b) the University of Utah use donations and university funds as the primary revenue
510 sources for repayment of any obligation created under authority of this Subsection
511 (6); and
- 512 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
513 Subsection (6) may not exceed \$25,000,000 for acquisition and construction
514 proceeds, together with other amounts necessary to pay costs of issuance, pay
515 capitalized interest, and fund any debt service reserve requirements.
- 516 (7) The Legislature intends that:
- 517 (a) the Utah Board of Higher Education, on behalf of the University of Utah, may issue,
518 sell, and deliver revenue bonds or other evidences of indebtedness of the university
519 of Utah to borrow money on the credit, revenues, and reserves of the university, other
520 than appropriations of the Legislature, to finance the University's share of the cost of
521 constructing a Mental Health Facility;
- 522 (b) the University of Utah use donations as the primary revenue sources for repayment
523 of any obligation created under authority of this Subsection (7); and
- 524 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
525 Subsection (7) may not exceed \$65,000,000 for acquisition and construction
526 proceeds, together with other amounts necessary to pay costs of issuance, pay
527 capitalized interest, and fund any debt service reserve requirements.
- 528 (8) The Legislature intends that:
- 529 (a) the Utah Board of Higher Education, on behalf of Southern Utah University, may
530 issue, sell, and deliver revenue bonds or other evidences of indebtedness of Southern
531 Utah University to borrow money on the credit, revenues, and reserves of the
532 university, other than appropriations of the Legislature, to finance the cost of
533 purchasing The Cottages at Shakespeare Lane apartment complex and adjoining
534 home;
- 535 (b) Southern Utah University use donations, student housing rental fees, and other
536 auxiliary revenues as the primary revenue sources for repayment of any obligation
537 created under authority of this Subsection (8);

- 538 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
 539 Subsection (8) may not exceed \$12,000,000 for acquisition proceeds, together with
 540 other amounts necessary to pay costs of issuance, pay capitalized interest, and fund
 541 any debt service reserve requirements; and
- 542 (d) the university may not request state funds for operation and maintenance costs or
 543 capital improvements.
- 544 (9) The Legislature intends that:
- 545 (a) the Utah Board of Higher Education, on behalf of the University of Utah, may issue,
 546 sell, and deliver revenue bonds or other evidences of indebtedness of the University
 547 of Utah to borrow money on the credit, revenues, and reserves of the university, other
 548 than appropriations of the Legislature, to finance the cost of constructing an indoor
 549 football practice facility;
- 550 (b) the University of Utah use donations and nonstate university funds as the primary
 551 revenue sources for repayment of any obligation created under authority of this
 552 Subsection (9);
- 553 (c) the amount of revenue bonds or evidences of indebtedness authorized by this
 554 Subsection (9) may not exceed \$62,000,000 for acquisition and construction
 555 proceeds, together with other amounts necessary to pay costs of issuance, pay
 556 capitalized interest, and fund any debt service reserve requirements;
- 557 (d) the university may plan, design, and construct the indoor football practice facility,
 558 subject to the requirements of Title 63A, Chapter 5b, Administration of State
 559 Facilities; and
- 560 (e) the university may not request state funds for operation and maintenance costs or
 561 capital improvements.

562 Section 10. Section **63J-1-206** is amended to read:

563 **63J-1-206 (Effective 07/01/24). Appropriations governed by chapter --**

564 **Restrictions on expenditures -- Transfer of funds -- Exclusion.**

- 565 (1) (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly exempted
 566 in the appropriating act:
- 567 (i) all money appropriated by the Legislature is appropriated upon the terms and
 568 conditions set forth in this chapter; and
- 569 (ii) any department, agency, or institution that accepts money appropriated by the
 570 Legislature does so subject to the requirements of this chapter.
- 571 (b) This section does not apply to:

- 572 (i) the Legislature and its committees; and
573 (ii) the Investigation Account of the Water Resources Construction Fund, which is
574 governed by Section 73-10-8.
- 575 (2) (a) Each item of appropriation is to be expended subject to any schedule of programs
576 and any restriction attached to the item of appropriation, as designated by the
577 Legislature.
- 578 (b) Each schedule of programs or restriction attached to an appropriation item:
579 (i) is a restriction or limitation upon the expenditure of the respective appropriation
580 made;
581 (ii) does not itself appropriate any money; and
582 (iii) is not itself an item of appropriation.
- 583 (c) (i) An appropriation or any surplus of any appropriation may not be diverted from
584 any department, agency, institution, division, or line item to any other department,
585 agency, institution, division, or line item.
586 (ii) If the money appropriated to an agency to pay lease payments under the program
587 established in Section 63A-5b-703 exceeds the amount required for the agency's
588 lease payments to the Division of Facilities Construction and Management, the
589 agency may:
590 (A) transfer money from the lease payments line item to other line items within
591 the agency; and
592 (B) retain and use the excess money for other purposes.
- 593 (d) The money appropriated subject to a schedule of programs or restriction may be used
594 only for the purposes authorized.
- 595 (e) In order for a department, agency, or institution to transfer money appropriated to it
596 from one program to another program, the department, agency, or institution shall
597 revise its budget execution plan as provided in Section 63J-1-209.
- 598 (f) (i) The procedures for transferring money between programs within a line item as
599 provided by Subsection (2)(e) do not apply to money appropriated to the State
600 Board of Education for the Minimum School Program or capital outlay programs
601 created in Title 53F, Chapter 3, State Funding -- Capital Outlay Programs.
602 (ii) The state superintendent may transfer money appropriated for the programs
603 specified in Subsection (2)(f)(i) only as provided by Section 53F-2-205.
- 604 (3) Notwithstanding Subsection (2)(c)(i):
605 (a) the state superintendent may transfer money appropriated for the Minimum School

606 Program between line items in accordance with Section 53F-2-205; and
607 (b) the Department of Government Operations may transfer money appropriated [~~for the~~
608 ~~purpose of paying the costs of paid employee parental leave and postpartum recovery~~
609 ~~leave under Section 63A-17-511 to another department, agency, institution, or~~
610 ~~division]~~ to another department, agency, institution, or division for the purpose of
611 paying the costs of pay for performance under Section 63A-17-112.

612 Section 11. Section **63J-1-207** is amended to read:

613 **63J-1-207 (Effective 07/01/24). Uniform School Fund -- Appropriations.**

- 614 (1) Appropriations made from the General Fund to the Uniform School Fund to assist in
615 financing the state's portion of the minimum school program, as provided by law, shall
616 be conditioned upon available revenue.
- 617 (2) If revenues to the General Fund are not sufficient to permit transfers to the Uniform
618 School Fund as provided by appropriation, the state fiscal officers shall withhold
619 transfers from the General Fund to the Uniform School Fund during the fiscal period, as
620 in their judgment the available revenues justify until:
- 621 (a) all other appropriations made by law have been provided for;
622 (b) any modifications to department and agency work programs have been made; and
623 (c) the governor has approved the transfer.
- 624 (3) Transfers from the General Fund to the Uniform School Fund shall be made at such
625 times as required to equalize the property levy for each fiscal year.
- 626 (4) If, at the end of a fiscal year, there is a deficit in the Uniform School Fund, the Division
627 of Finance may transfer from the Income Tax Fund to the Uniform School Fund an
628 amount equal to the deficit.

629 Section 12. Section **63N-3-403** is amended to read:

630 **63N-3-403 (Effective 07/01/24). Transient Room Tax Fund -- Source of revenues**
631 **-- Interest -- Expenditure or pledge of revenues.**

- 632 (1) There is created [~~an expendable special revenue]~~ a fiduciary fund held by the state in a
633 purely custodial capacity known as the Transient Room Tax Fund.
- 634 (2) (a) The fund shall be funded by the portion of the sales and use tax described in
635 Subsection 59-12-301(2).
- 636 (b) (i) The fund shall earn interest.
637 (ii) Any interest earned on fund money shall be deposited into the fund.
- 638 (3) (a) Subject to Subsection (3)(b), the executive director shall expend or pledge the
639 money deposited into the fund:

- 640 (i) to mitigate the impacts of traffic and parking relating to a convention facility
641 within a county of the first class;
- 642 (ii) for a purpose listed in Section 17-31-2, except that any requirements in Section
643 17-31-2 for the expenditure of money do not apply; or
- 644 (iii) for a combination of Subsections (3)(a)(i) and (ii).
- 645 (b) The executive director may not expend more than \$20,000,000 in total to mitigate
646 the impacts of traffic and parking relating to a convention facility within a county of
647 the first class.

648 **Section 13. Repealer.**

649 This bill repeals:

650 **Section 4-17-114, (Effective 07/01/24) Invasive Species Mitigation Account created.**

651 **Section 63A-5b-1107, (Effective 07/01/24) Development of new correctional facilities.**

652 **Section 63B-25-101, (Effective 07/01/24) General obligation bonds for prison project --**
653 **Maximum amount -- Use of proceeds.**

654 **Section 14. Effective date.**

655 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2024.

656 (2) The actions affecting Section 53F-9-201 (Effective 01/01/25) take effect on January 1,
657 2025.

658 **Section 15. Coordinating S.B. 241 with H.B. 73.**

659 If this S.B. 241, Funds Amendments, and H.B. 73, Rehabilitation Services

660 Amendments, both pass and become law, the Legislature intends that, on July 1, 2024,

661 the amendments to Section 26B-1-318 in H.B.73 supersede the amendments to Section

662 26B-1-318 in S.B. 241.