

## Fund 2130 State Library Donation Fund

Agency(s): Heritage and Arts

Analyst: Andrea Wilko

### Purpose and Uses

The fund was established to receive bequests, gifts, and endowments of money. Funds are used as directed by the specific donors.

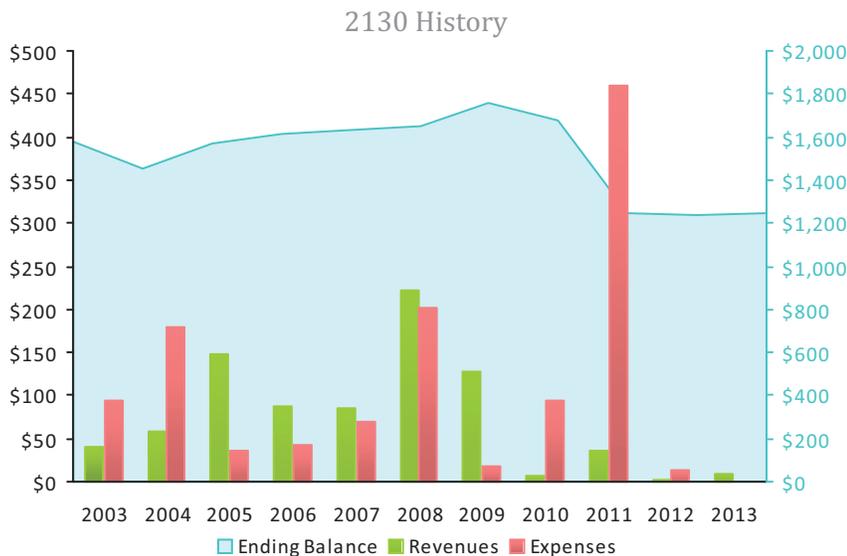
### Accountability

UCA 9-7-206 establishes the fund to allow the division to receive bequests, gifts, and endowments of money. The director of the Utah State Library (USL) ensures that the revenue is spent in accordance with the respective donors' wishes. This fund is under the direction of USL management. The USL management team determines the need by working with the Utah State Library Division Program for the Blind and Disabled Consumer Advisory Committee, blind library patrons, and authorizes the expenditure of this fund. There are not any specific performance measures established for this fund. However, reports are sent to the State Library division management. There are no fund-specific reports.



### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

### Graph Notes

Donations have been less than \$50,000 for the past three years. In FY 2011 funds were expended to build the reading service for the blind building at the Utah State Prison. Revenue to the fund is from donations restricted by the contributor. Expenditures are made in accordance with the wishes of the respective donors.

## Fund 2110 History Donation Fund

Agency(s): Heritage and Arts

Analyst: Andrea Wilko

### Purpose and Uses

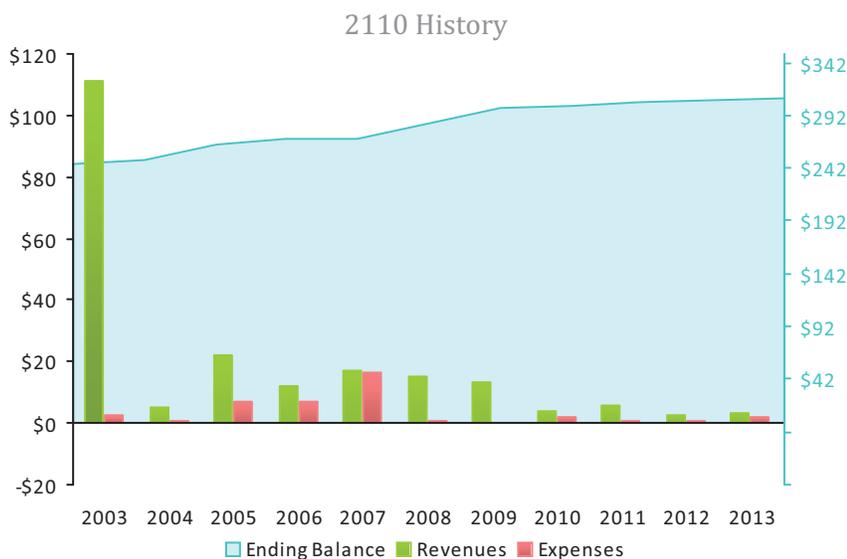
This is a restricted donation fund that is retained in the Public Treasurer's Investment Fund, where it earns interest. The interest is retained by the fund. Non-restricted donations are deposited into the Utah State Historical Society, and those funds are on-budget, as per UCA-9-8-207.

### Accountability

Uses for the funds are established in UCA 9-8-207 and through donor instructions. The Division of State History has a Governor-appointed, policy-making board, which, in coordination with the director of the Division of State History, writes and administers division policies for the acceptance and utilization of these funds. The director of State History reports to the Board of State History on receipt, utilization, and performance of these funds.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Activity has been minimal over the last few years due to low interest earnings. Revenue to the fund is from donations restricted by the contributor. Expenditures are made in accordance with the wishes of the respective donors.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2145 State Arts Endowment Fund

Agency(s): Heritage and Arts

Analyst: Andrea Wilko

### Purpose and Uses

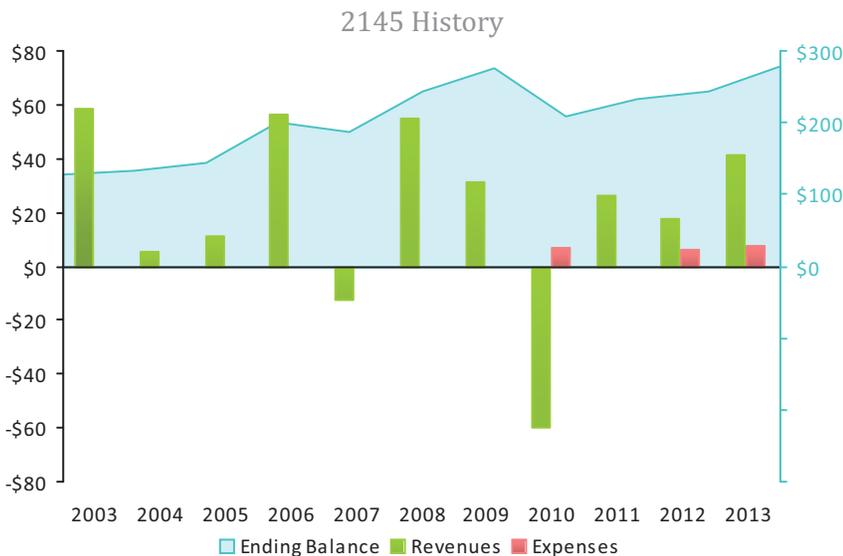
This is a Public Treasurer's Investment Fund account that was established for arts organizations that were able to match the National Endowment for the Arts federal dollars. This is an interest bearing fund and interest payments accumulate in the fund, or organizations can elect to have interest paid to them directly.

### Accountability

UCA 9-6-502 requires that any administrative costs for the fund be reviewed and approved by the Legislature. Additionally, distributions from the fund are reviewed by the Division of Finance. The agency ensures that interest earnings on the fund are utilized for the purposes directed by the original donors. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

The account has experienced a small amount of activity in recent years. Revenue is from qualifying arts organizations and is used to match the funding received by the National Endowment for the Arts. Expenditures must be used by the entities to create their own endowment funds.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2045 Consumer Protect Education & Training Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

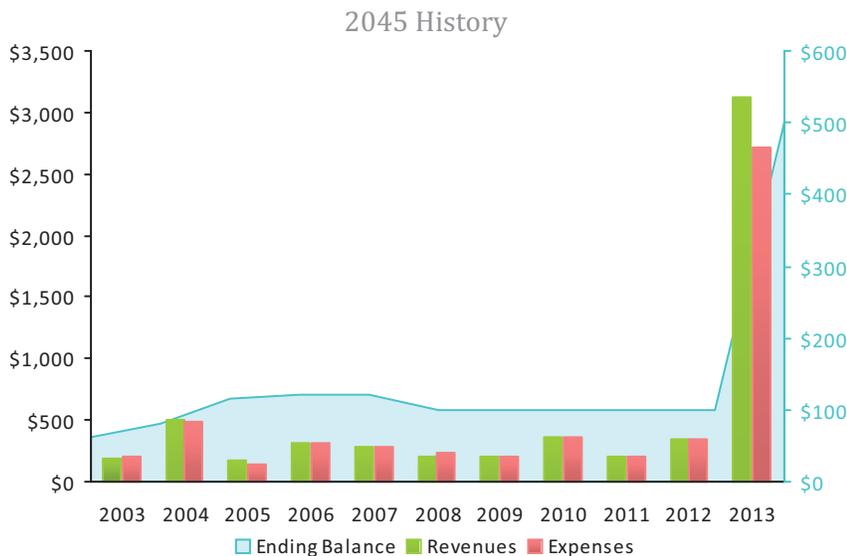
This fund is used primarily to educate and train citizens on the purposes and processes related to charitable solicitation.

### Accountability

The uses of the fund identified in UCA 13-2-8 are very specific. The fund is used to educate the public on the purposes and processes related to charitable solicitation. Any balance over \$500,000 lapses to the General Fund. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Expenditures have been used for the education and training programs as directed by the statute. Funds have been spent in the following ways: 25% enforcement personnel, 48% consumer outreach/advertising, and 17% consumer education grants. Balances at the end of the year lapse to the General Fund. Because of this the expenditures are overstated in FY 2013 because the numbers include transfers for the General Fund.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2050 Cosmetologist/Barber, Esthetician, Electrologist Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

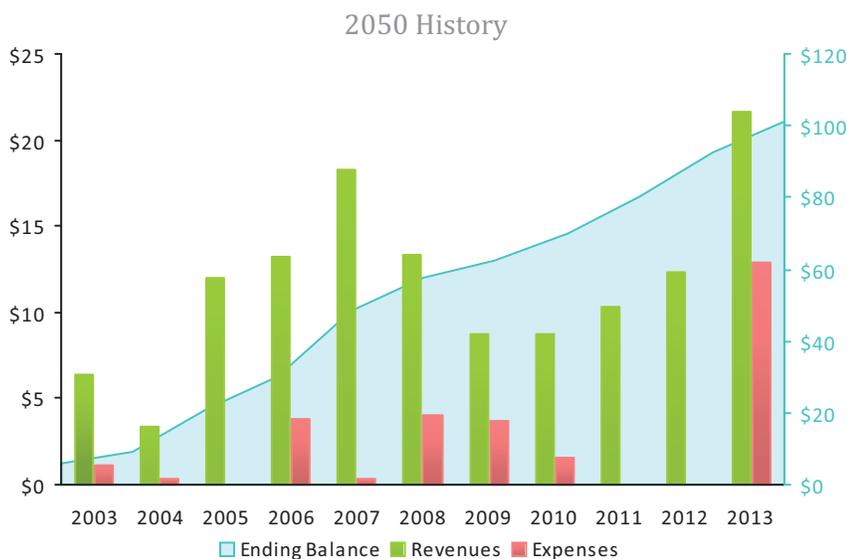
The fund is used for 1) education and training of cosmetologist/barber, esthetician and electrologist licensees and the public, 2) investigating unprofessional conduct, and 3) providing legal representation to licensees.

### Accountability

The fund consists of money from administrative penalties collected pursuant to UCA 58-11A. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports; however, the Department of Commerce is required by statute to present a summary of the fund to the appropriate appropriations subcommittee.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

### Graph Notes

Revenues have increased each of the last three years. The fund consists of money from administrative penalties collected pursuant to UCA 58-11A. Funds have been used for Board travel and educational registrations as allowed by statute.

## Fund 2055 Land Surveyor/Engineer Education & Enforcement Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

The fund provides for the education of land surveyor and engineer licensees and the public. Funds are also allowed to enforce investigation of unlawful and unprofessional conduct. The fund is administered by the board and director of the Division of Occupational and Professional Licensing. Any fund balance in excess of \$100,000 at the end of a fiscal year is transferred to the General Fund.

### Accountability

UCA 58-22-103 establishes the uses and limitations on the Land Surveyor/Engineer Education and Enforcement fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Funds have floated between \$40,000 and \$85,000 the past three years. Expenditures have been used for the education and training programs as directed by the statute. Distributions have specifically been for board member registrations and industry education. Revenue to the fund consists of money from a surcharge placed on initial, renewal, and reinstatement licensure fees for land surveyors or engineers.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2060 Landscapes Architects Education & Enforcement Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

The fund provides for education and training of landscape architects licensees and the public. Funds are also used to enforce and investigate unlawful and unprofessional practices. The fund is administered by the board and director of the Division of Occupational and Professional Licensing. Any fund balance in excess of \$100,000 at the end of a fiscal year is transferred to the General Fund.

### Accountability

UCA 58-53-103 establishes the expenditures authorized and limitations on spending for the Landscape Architects Education and Enforcement Fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Fund balances have been below \$10,000 over the life of the fund. Expenditures have been used for the education and training programs as directed by the statute. Specifically, expenditures have been for education registrations and travel expenditures. Revenues to the fund come from a surcharge placed on application fees for initial, renewal, and reinstatement for landscape architects.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2065 Physicians Education Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

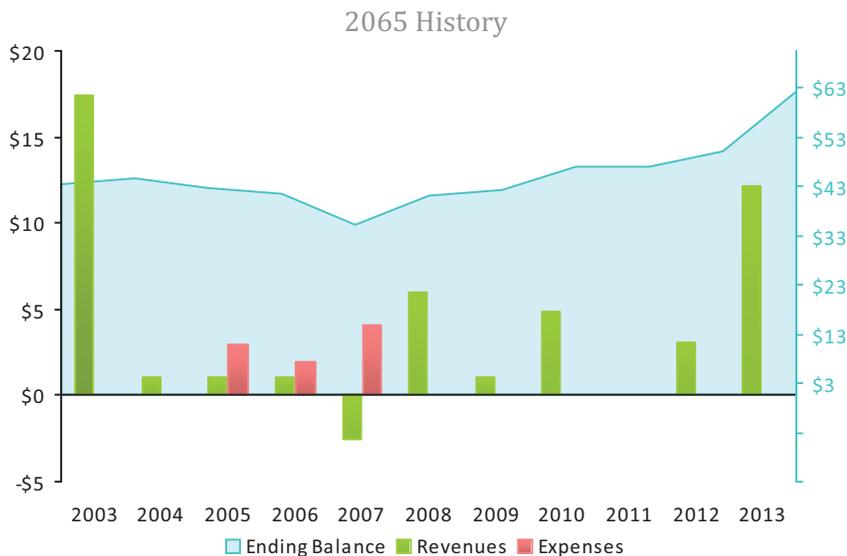
The Physicians Education Fund is used to make education available to physicians and surgeons and osteopathic physicians and surgeons concerning the requirements of UCA 58-67. Division rules and requirements are made by UCA 58-68 and UCA 58-37. Amounts over \$100,000 lapse to the General Fund.

### Accountability

UCA 58-67a-1 establishes the uses and limitations of the Physicians Education Fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Annual revenue has remained below \$50,000 for the life of the fund. Expenditures have been used for the education and training programs as directed by the statute. Revenues accrue from administrative penalties ordered and collected pursuant to UCA 58-67A.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2070 Real Estate Education, Research, & Recovery Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

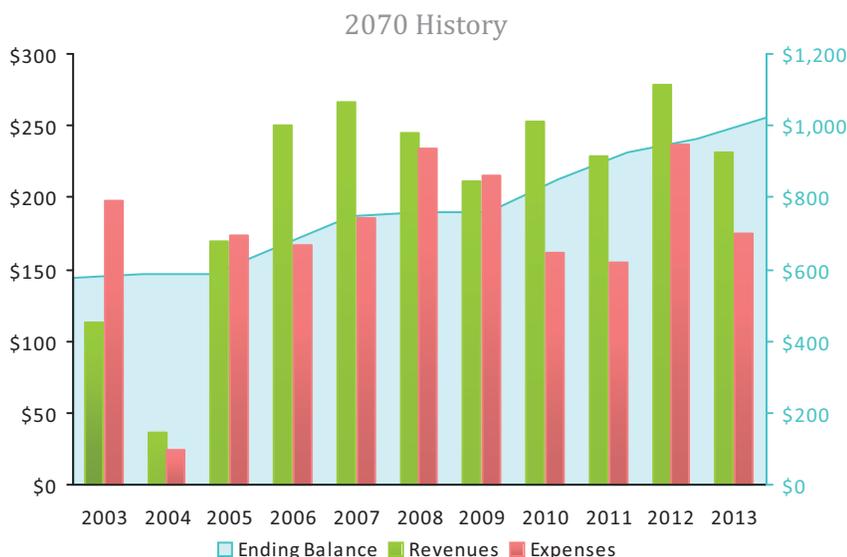
The fund is used to account for claims against business regulation for fraud and misrepresentation. Any balance over \$100,000 is used to fund real estate education and research. The money is set aside to develop educational programs.

### Accountability

UCA 61-2f-503 requires that funds be used to reimburse public damages caused by real estate fraud. Any balance over \$100,000 is used to develop and present an educational program which benefits real estate licensees and the public. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

### Graph Notes

Revenue to the fund is from a fee imposed under UCA 61-2f-505 and interest earnings. Funds have been spent as follows: 74% education and enforcement personnel, 26% education outreach and office expenses.

## Fund 2075 Residence Lien Recovery Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

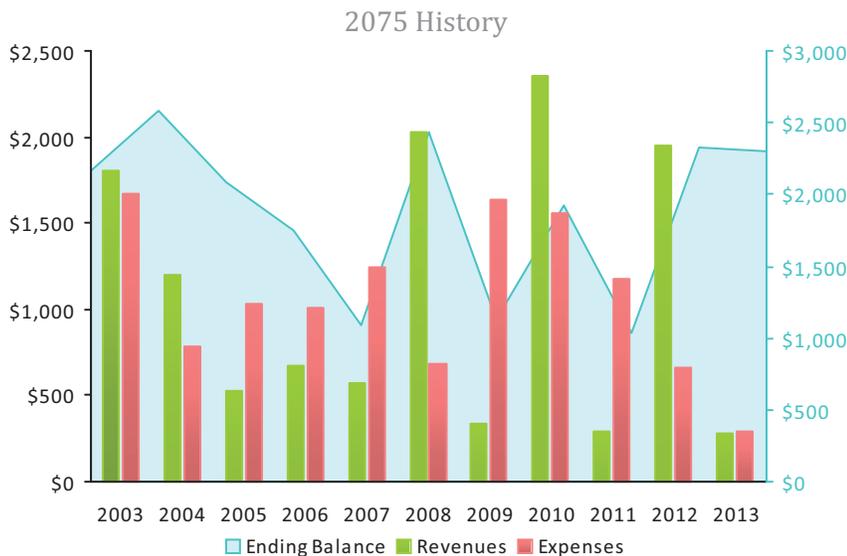
The fund is used to protect homeowners from mechanics liens (placed through no fault of the homeowner) by providing a resource for subcontractors to receive payment due them (which were uncollectible from the contractor) through claims to the fund.

### Accountability

UCA 38-11-201 limits the uses of the fund to administrative cost and reimbursements. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

The variability in the funds balances is due largely to the number of claims in a given year. The fund consists of revenues collected under UCA 38-11-202. Specific expenditures have been as follows: 71% direct lien recovery payouts, 29% staff and attorney expenses.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2080 Residential Mortgage Loan Education, Research & Recovery

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

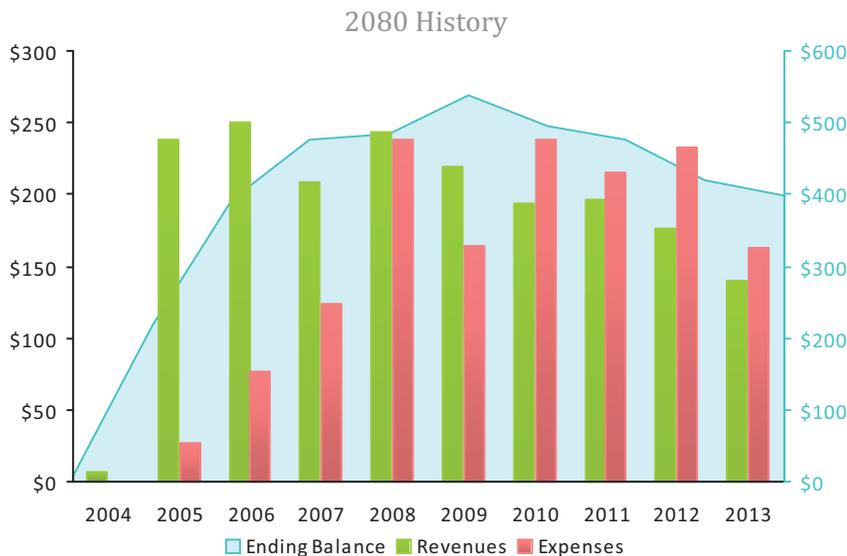
The fund was established to satisfy claims against licensees under the Residential Mortgage Loan statutes for fraud, misrepresentation or deceit. The Division of Real Estate is also authorized to use accumulated funds in excess of the claims to advance education and research in the field of residential mortgage loans. Any balance over \$100,000 lapses to the General Fund.

### Accountability

UCA 61-2c-501 establishes the uses and expenditure limitations for the fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Revenues to the fund are defined under UCA 61-2c-501. Expenditures are used to pay costs related to final judgments rendered against a person licensed under the Residential Practices Licensing Act. Expenditures have been used as directed by the statute specifically as follows: 84% education and enforcement personnel and national mortgage registry management, and 26% education outreach and office expenses.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2085 Securities Investor Education/Training/Enforcement Fund

Agency(s): Department of Commerce

Analyst: Andrea Wilko

### Purpose and Uses

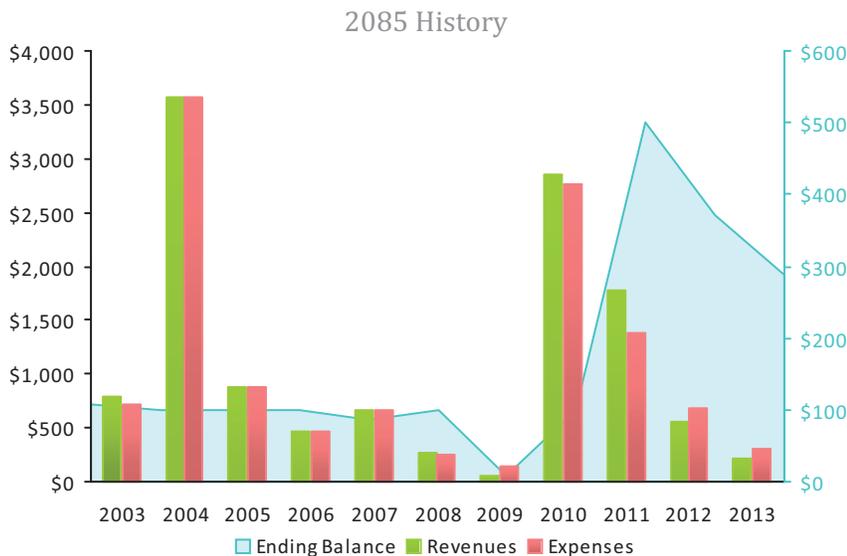
The fund is used for providing education and training to Utah residents in securities laws and investment decisions. Any fund balance in excess of \$500,000 at the end of a fiscal year is transferred to the General Fund. Funds are used as follows: (a) education and training of Utah residents in matters concerning securities laws and investment decisions through publications or presentations; (b) education of registrants and licensees under this chapter, through rules and policy statements and opinion letters; sponsorship of seminars or meetings to educate registrants and licensees; (d) investigation and litigation; and to pay awards as provided in Part 1, Securities Fraud Reporting Program Act.

### Accountability

The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

### Graph Notes

Revenues accrue from money received by the State by reason of civil penalties ordered and administrative fines collected under UCA 61-1 and a fines collected by the division for voluntary settlements or administrative orders.

## Fund 2040 Architecture Education & Enforcement Fund

Agency(s): Commerce

Analyst: Andrea Wilko

### Purpose and Uses

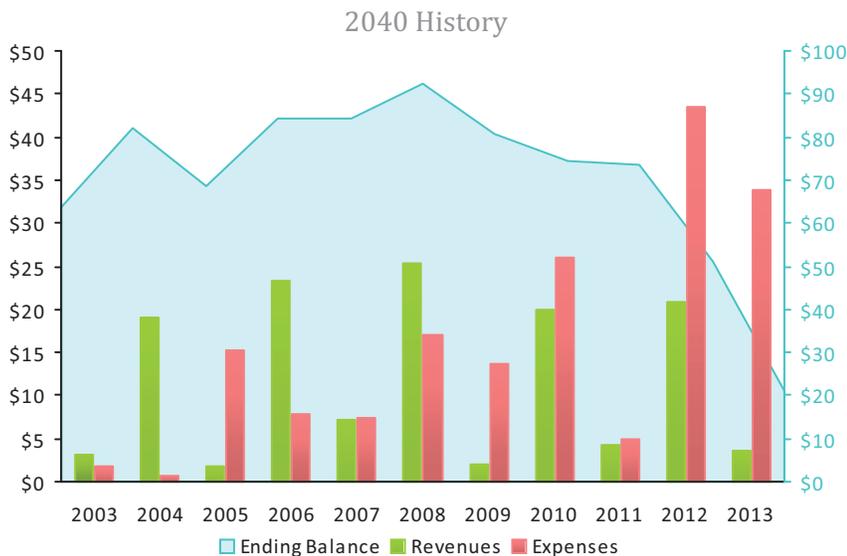
The fund is used for education and training of architectural licensees and to provide for the education and training of the public or other interested persons in matters concerning architectural laws and practices. Any balance over \$100,000 in the fund lapses to the General Fund.

### Accountability

UCA 58-3a-103 details the specific uses of the fund. Funds are dedicated specifically for educational and training programs for architecture licensees. Specific expenditures have been for board member registrations and industry education. The Division of Occupational and Professional Licensing Board has direct oversight of the fund. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Funds have been used for the educational and training programs for architectural licensees as designated by statute. Revenue to the fund comes from a surcharge fee placed on initial, renewal, and reinstatement licensure fees.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 1054 Industrial Assistance Account

Agency(s): Governor's Office of Economic Development, Public Education

Analyst: Andrea Wilko

### Purpose and Uses

The Industrial Assistance Account was established to provide funding for a post-performance grant program to enhance job creation in the State.

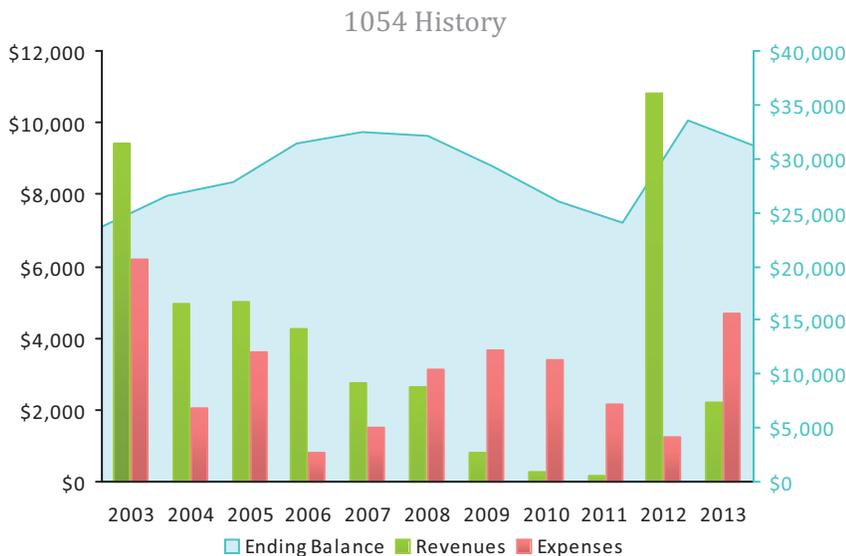
### Accountability

UCA 63M-1-903 and 63M-1-905 establish the uses and restrictions on the fund. The fund is structured as a post performance grant; as a result the actual jobs and wages created must be certified before funding is released. Expenditures are reviewed by the Governor's Office of Economic Development Board and the Division of Finance and are reported to the Legislature. Replenishments to the fund are authorized and appropriated by the Legislature.



### Recommendation

The Analyst recommends showing the beginning and ending balances of this account in the appropriations bills.



\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

### Graph Notes

The balance of the fund has been increasing over time. The Governor's Office of Economic Development has chosen to use the Economic Development Tax Increment Financing tool more often than the Industrial Assistance Fund. Most of the fund increase has been the result of repayments set aside from General Fund surplus. Expenditures from the fund are for grants to companies reimbursed post-performance.

## Fund 2323 Private Proposal Restricted Revenue Fund

Agency(s): Governor's Office of Economic Development

Analyst: Andrea Wilko

### Purpose and Uses

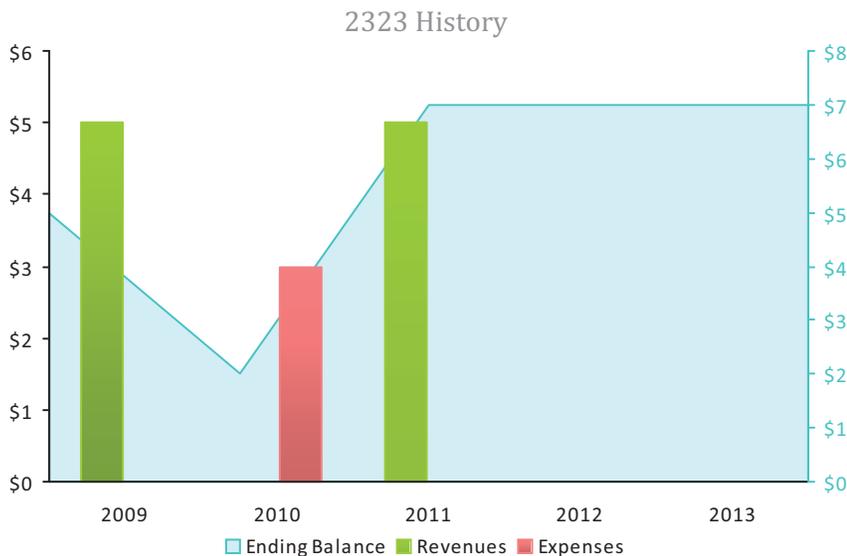
The fund was created to collect fees from a statutory program which allows a private entity to submit proposals to provide certain products or services to the Department of Technology Services or to the Board of Education. Revenue in the fund is used to administer the program.

### Accountability

UCA 63M-1-2612 sets up the reporting process for the Government Procurement Private Proposal Program. Administrative Code Rule R357-4 further clarifies the reporting process and details the expenditure limits for the fees imposed. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Revenue to the fund is from fees assessed at the time of the initial proposal. The expenditures are used for the administrative of the program in the following ratios: 40% for review of the initial proposal, 30% for review of the detailed proposals, and 30% to prepare the project agreement.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2322 Transient Room Tax Fund

Agency(s): Governor's Office of Economic Development

Analyst: Andrea Wilko

### Purpose and Uses

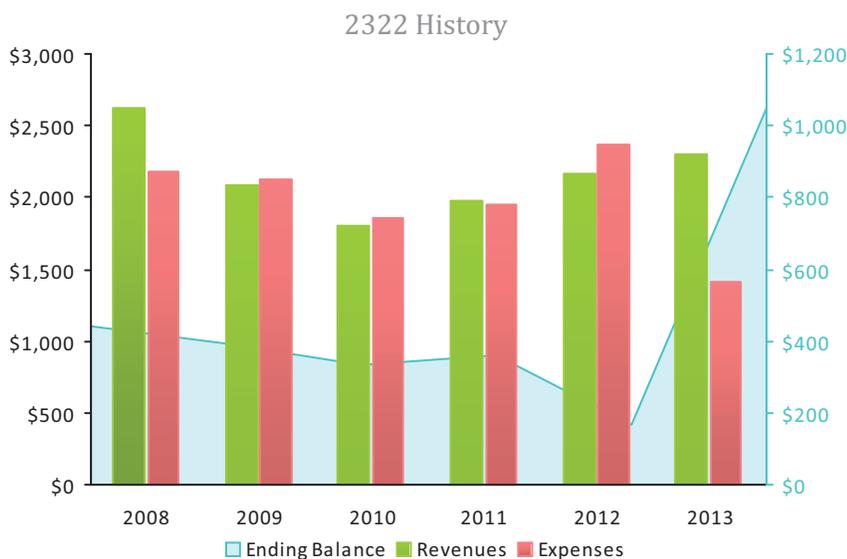
The Transient Room Tax Fund is an earmarked portion of the Transient Room Tax in a county of the first class used to mitigate the impacts of traffic and parking relating to a convention facility within the county.

### Accountability

UCA 63M-1-2203 and UCA 59-12-301 specify that the funds can only be used in a county of the first class for mitigating the impacts of traffic and parking related to a convention center. There are no fund-specific reports.

### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

### Graph Notes

Funds have been transferred to a county of the first class as directed by statute. Revenues are derived from an earmark of the Transient Room Tax.

### ***Fund 2330 Insurance Fraud Victim Restitution Fund***

Agency(s): Insurance

Analyst: Andrea Wilko

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#### Purpose and Uses

The fund was established to account for revenue which is passed through to insurance fraud victims from court ordered restitution payments.

#### Accountability

UCA 31A-31-108.5 requires that funds be allocated for the sole benefit of insurance fraud victims. The Department of Insurance will measure performance based on the timeliness of payments to victims. Payments are authorized by the director of the Department of Insurance and certified by the Division of Finance. There are no fund-specific reports.

#### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



No Financial History Available

#### Transaction Information

The fund was established in the 2013 General Session as a result there is no history. Revenue to the fund is from payments ordered under UCA 31A-31-109.

## Fund 2335 Title Insurance Recovery Education & Research Fund

Agency(s): Insurance

Analyst: Andrea Wilko

### Purpose and Uses

The fund is used to make payments to individuals in cases where fraud, misrepresentation, or deceit have occurred in matters related to title insurance.

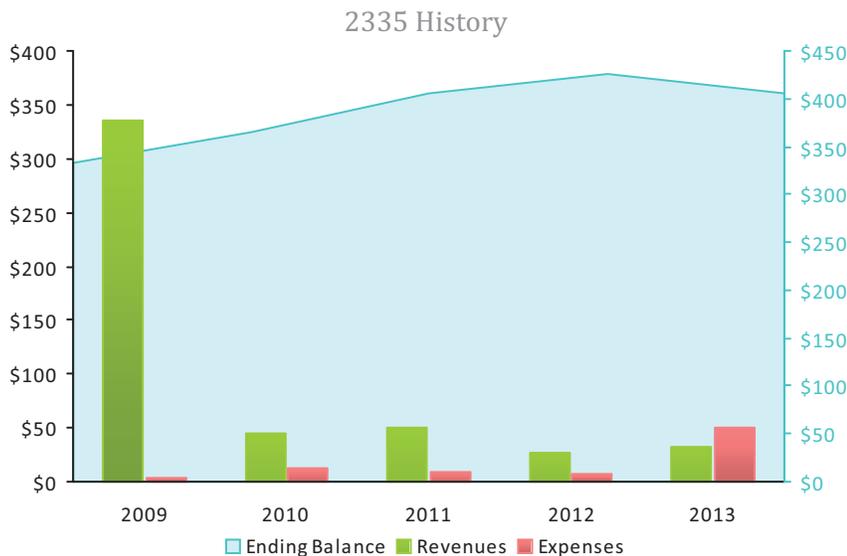
### Accountability

UCA 31A-41-201, 31A-41-203 and 31A-41-301 direct the use and limitations of the fund. Payments are reviewed by the Director of the Department of Insurance and the Division of Finance after being ordered by the court. No payment amounts exceed the authorized court levels and the statute is specific as to how funds can be used. Funds are not allowed for punitive damages, attorney fees, interest, or court costs. There are no fund-specific reports.



### Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

Revenues to the fund are from money collected through assessments on individual title insurance producers and agency title insurance producers. Interest earnings from the fund are redeposited back into the fund. Payments are made on an as needed basis. Over the past three years, payments from the fund only occurred in FY 2013.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 2230 Sexually Explicit Business & Escort Service Fund

Agency(s): Tax Commission, Finance

Analyst: Gary Syphus

### Purpose and Uses

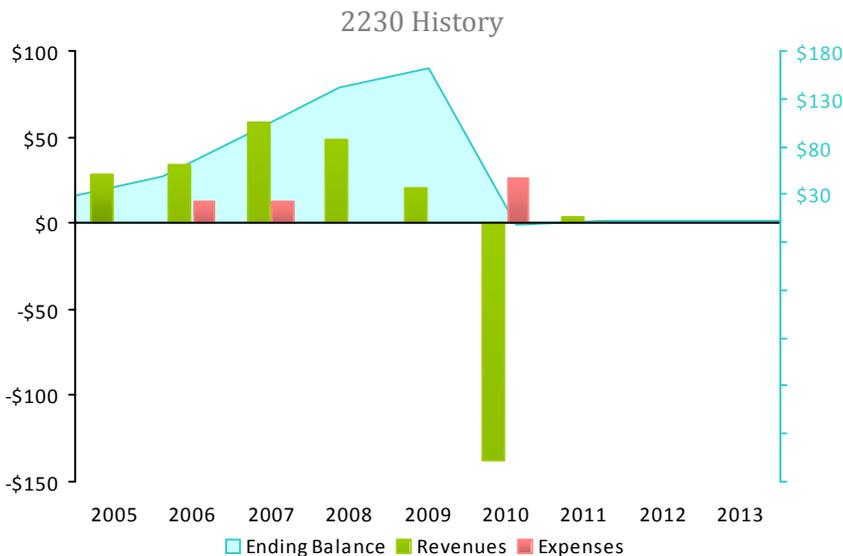
This fund provides treatment services to nonworking indigent adults who have been convicted of a sexual offense and to investigate and prosecute individuals who use the internet to commit crimes against children. Fund revenue is limited to tax on applicable businesses found in UCA 59-27-105.

### Accountability

Fund revenue is limited to tax on applicable businesses found in UCA 59-27-105. Statute states that the funds are to be used for certain indigent adults, adult and juvenile offenders. General taxation reporting and controls apply to this fund.

### Recommendation

The Analyst recommends that Finance and/or the Tax Commission ensure that this tax is being enforced and collected as provided in statute as revenue has dwindled to \$0 in recent years. This fund is an expendable special revenue fund. The Fiscal Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



### Graph Notes

For the past three years there has not been a lot of activity in this fund. Revenue and expenditures for each year have been from \$0-50 over this time period. A lawsuit that the State lost in FY 2010 reduced the number of businesses subject to the sexually-explicit business and escort service Tax. Annual revenues dropped from pre-lawsuit levels of about \$40,000 to \$10 in FY 2012.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 8185 Wage Claim Agency Fund

Agency(s): Utah Labor Commission

Analyst: Zackery N. King

### Purpose and Uses

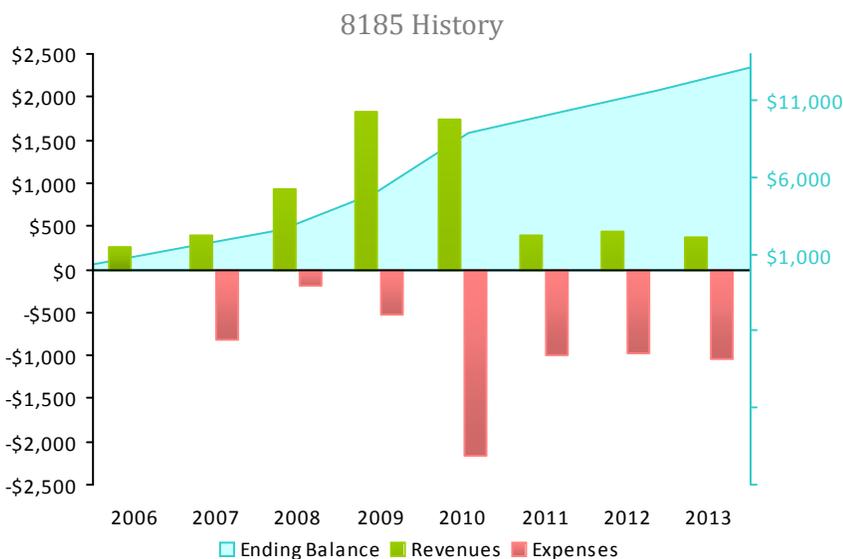
The fund was created to keep track of wage claim receivables and to disburse wage claims to qualifying recipients.

### Accountability

The fund is not created explicitly in statute, but administratively, to track the proceeds of UCA 34-28-9. UCA 34-28-9 is specific about where fund sources are to be derived, how they are to be distributed, and how they are to be used. No control or reporting requirements are currently in place except for those the Labor Commission might have in place internally

### Recommendation

To enhance the transparency and legislative oversight of Labor Commission revenues for budgeting, the Analyst recommends bringing the state portion of penalties in the fund on budget as dedicated credits in the appropriations acts. This fund handles assessments of unpaid wage claims and the state's portion of the assessment is used to partially offset the costs of fund administration.



### Graph Notes

Revenue represents assessed but uncollected penalties and a small amount of collections. Expenditures are equal to new unpaid receivables being sent to the State Office of Debt Collection less amounts actually collected from employers (these collections are remitted to claimants). The fund balance consists of accounts receivable (99%) and cash (less than 1%). The current balance is approximately \$13.1 million.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands

## Fund 8180 Industrial Commission Seminar Fund

Agency(s): Utah Labor Commission

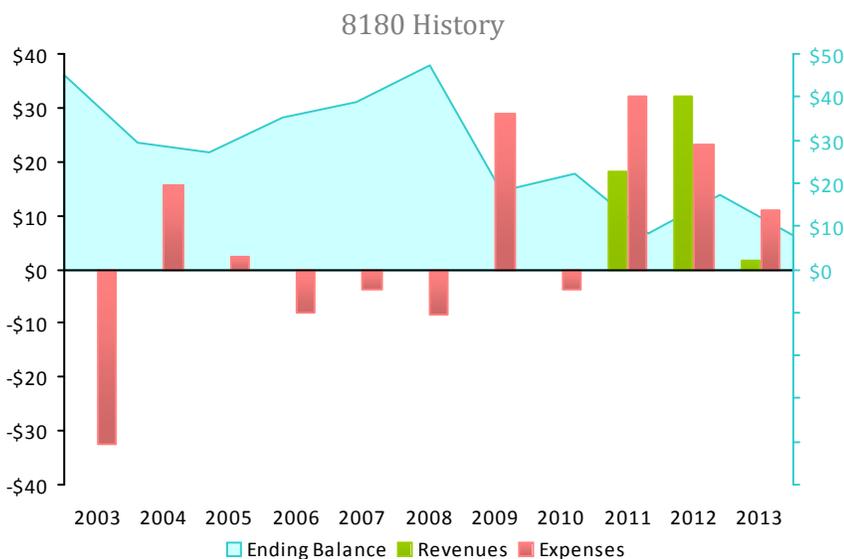
Analyst: Zackery N. King

### Purpose and Uses

The fund was created administratively to account for revenues collected from seminar registrations and related expenditures.

### Recommendation

The Analyst recommends closing the fund and moving its existing activity to the Labor Commission's operating budget within the General Fund. The Labor Commission and the Division of Finance do not object.



### Graph Notes

Fund revenue for FY 2011, FY 2012, and FY 2013 was \$18,200, \$32,000, and \$1,500, respectively. Revenue is derived from seminar receipts. Expenditures over this same time period were \$32,000, \$23,000, and \$11,000, respectively. Expenditures are made on various items, including out of state travel costs, employee training, membership dues, books, subscriptions, and wireless communication services. The fund balance is approximately \$7,700 in cash.

\*Revenues and Expenses include Net Transfers; Dollar figures in thousands