

Effective 5/12/2015

35A-3-206 Child Care Fund -- Use of money -- Committee and director duties -- Restrictions.

- (1) There is created an expendable special revenue fund known as the "Child Care Fund."
- (2) The director of the office shall administer the fund under the direction of the committee.
- (3)
 - (a) The office may form nonprofit corporations or foundations controlled by the director of the office and the committee to aid and assist the office in attaining its charitable, research, and educational objectives.
 - (b) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out their public purposes.
 - (c) Money collected by a nonprofit corporation or foundation described in this Subsection (3) may be deposited in the Child Care Fund.
 - (d) A nonprofit foundation controlled by the director of the office and the committee shall submit to the Division of Finance, within 60 days after the close of the foundation's fiscal year, a financial report summarizing the foundation's financial position and results of operations of the most recent fiscal year.
- (4)
 - (a) Money may be deposited into the fund from a variety of sources, including grants, private foundations, and individual donors.
 - (b) The fund shall be used to accept money designated for child care initiatives that will improve the quality, affordability, or accessibility of child care.
- (5) The money in the fund that is not restricted to a specific use under federal law or by donors may not be expended without approval of the committee.
- (6) The state treasurer shall invest the money in the fund under Title 51, Chapter 7, State Money Management Act, except that all interest or other earnings derived from money in the fund shall be deposited in the fund.
- (7) The money in the fund may not be used for administrative expenses of the office provided for by legislative appropriation.
- (8) The committee shall:
 - (a) advise the director of the office on child care needs in the state and on relevant operational aspects of any grant, loan, or revenue collection program established under this part;
 - (b) recommend specific child care projects to the director of the office;
 - (c) recommend policy and procedures for administering the fund;
 - (d) make recommendations on grants, loans, or contracts from the fund for any of the child care activities authorized under this part;
 - (e) establish the criteria by which loans and grants will be made;
 - (f) determine the order in which approved child care projects will be funded;
 - (g) make recommendations regarding the distribution of money from the fund in accordance with the procedures, conditions, and restrictions placed on the money by the donors; and
 - (h) have joint responsibility with the office to solicit public and private funding for the fund.
- (9) Fund money shall be used for the following activities:
 - (a) training of child care providers;
 - (b) scholarships and grants for child care providers' professional development;
 - (c) child care public awareness and consumer education services;
 - (d) child care provider recruitment;
 - (e) Office of Child Care sponsored activities;
 - (f) matching money for obtaining grants; or

- (g) other activities that will assist in the improvement of child care quality, affordability, or accessibility.
- (10) The director of the office, with the consent of the committee and the executive director, may grant, lend, or contract money from the fund for child care purposes to:
 - (a) local governments;
 - (b) nonprofit community, charitable, or neighborhood-based organizations;
 - (c) regional or statewide nonprofit organizations; or
 - (d) child care providers.
- (11) Preference may be given, but awards may not be limited to, entities that apply for money from the fund and that demonstrate the following:
 - (a) programmatic or financial need;
 - (b) diversity of beneficiaries or geographic location; or
 - (c) coordination with or enhancement of existing services.
- (12) The executive director or the executive director's designee shall monitor on an annual basis the activities of the entities that receive grants, loans, or contracts issued from the fund to ensure compliance with the terms and conditions imposed on the entities by the fund.
- (13) Each entity receiving a grant, loan, or contract shall provide the director of the office with an annual accounting of how the money the entity received from the fund has been spent.
- (14)
 - (a) The director of the office shall make an annual report to the committee regarding the status of the fund and the programs and services funded by the fund.
 - (b) The report shall be included in the annual written report described in Section 35A-1-109.

Amended by Chapter 221, 2015 General Session