

**Part 16**  
**Uintah Basin Revitalization Fund and Board**

**35A-8-1601 Definitions.**

As used in this chapter:

- (1) "Board" means the Uintah Basin Revitalization Fund Board.
- (2) "Capital projects" means expenditures for land, improvements on the land, and equipment intended to have long-term beneficial use.
- (3) "County" means:
  - (a) Duchesne County; or
  - (b) Uintah County.
- (4) "Division" means the Housing and Community Development Division.
- (5) "Revitalization Fund" means the Uintah Basin Revitalization Fund.
- (6) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation.

Renumbered and Amended by Chapter 212, 2012 General Session

**35A-8-1602 Legislative intent -- Uintah Basin Revitalization Fund -- Deposits and contents.**

- (1) In order to maximize the long-term benefit of severance taxes derived from lands held in trust by the United States for the Tribe and its members by fostering funding mechanisms that will, consistent with sound financial practices, result in the greatest use of financial resources for the greatest number of citizens of the Uintah Basin, and in order to promote cooperation and coordination between the state, its political subdivisions, Indian tribes, and individuals, firms, and business organizations engaged in the development of oil and gas interests held in trust for the Tribe and its members, there is created an expendable special revenue fund entitled the "Uintah Basin Revitalization Fund."
- (2) The fund consists of all money deposited to the Revitalization Fund under this part and Section 59-5-116.
- (3)
  - (a) The Revitalization Fund shall earn interest.
  - (b) All interest earned on fund money shall be deposited into the fund.

Amended by Chapter 400, 2013 General Session

**35A-8-1603 Uintah Basin Revitalization Fund Board created -- Members -- Terms -- Chair -- Quorum -- Expenses.**

- (1) There is created within the division the Revitalization Board composed of five members as follows:
  - (a) the governor or his designee;
  - (b) a Uintah County commissioner;
  - (c) a Duchesne County commissioner; and
  - (d) two representatives of the Business Committee of the Tribe.
- (2) The terms of office for the members of the board shall run concurrently with the terms of office for the governor, commissioners, and Business Committee of the Tribe.
- (3) The governor, or his designee, shall be the chair of the board.
- (4) Four board members are a quorum.
- (5) All decisions of the board require four affirmative votes.

- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 212, 2012 General Session

**35A-8-1604 Duties -- Loans -- Interest.**

- (1) The board shall:
- (a) subject to the other provisions of this chapter and an agreement entered into under Title 11, Chapter 13, Interlocal Cooperation Act, among the state, the counties, and the Tribe, make recommendations to the division for grants and loans from the revitalization fund to county agencies and the Tribe that are or may be socially or economically impacted, directly or indirectly, by mineral resource development;
  - (b) establish procedures for application for and award of grants and loans including:
    - (i) eligibility criteria;
    - (ii) subject to Subsection 35A-8-1606(2)(b), a preference that capital projects, including subsidized and low-income housing, and other one-time need projects and programs have priority over other projects;
    - (iii) a preference for projects and programs that are associated with the geographic area where the oil and gas were produced; and
    - (iv) coordination of projects and programs with other projects and programs funded by federal, state, and local governmental entities;
  - (c) determine the order in which projects will be funded;
  - (d) allocate the amount to be distributed from the revitalization fund for grants or loans to each county and the Tribe during a fiscal year as follows:
    - (i) up to and including the first \$3,000,000 that is approved for distribution by the board during a fiscal year, the board may allocate the amount in accordance with the interlocal agreement described by Subsection (1)(a), except that the board may not allocate less than 75% of the amount under the interlocal agreement to the Tribe unless the interlocal agreement is further modified by statute; and
    - (ii) beginning with fiscal year 2007-08, any amount approved for distribution by the board during that fiscal year in excess of \$3,000,000 shall be allocated equally amongst each county and the Tribe so that each receives 1/3 of the amount approved for distribution by the board in excess of \$3,000,000;
  - (e) qualify for, accept, and administer grants, gifts, loans, or other funds from the federal government and from other sources, public or private; and
  - (f) perform other duties assigned to it under the interlocal agreement described in Subsection (1)
    - (a) that are not prohibited by law or otherwise modified by this chapter.
- (2) The board shall ensure that loan repayments and interest are deposited into the revitalization fund.
- (3) The interlocal agreement described in Subsection (1)(a) shall be consistent with the following statutes, including any subsequent amendments to those statutes:
- (a) this chapter;
  - (b) Title 11, Chapter 13, Interlocal Cooperation Act;
  - (c) Section 59-5-116; and
  - (d) any other applicable provision of this Utah Code.

Renumbered and Amended by Chapter 212, 2012 General Session

**35A-8-1605 Powers.**

- (1) The board may:
  - (a) appoint a hearing examiner or administrative law judge with authority to conduct any hearings, make determinations, and enter appropriate findings of facts, conclusions of law, and orders under authority of the Interlocal Cooperation Act; and
  - (b) make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if necessary to perform its responsibilities.
- (2) The board shall:
  - (a) be subject to the procedures and requirements under Title 52, Chapter 4, Open and Public Meetings Act; and
  - (b) be subject to the procedures and requirements under Title 51, Chapter 7, State Money Management Act.

Renumbered and Amended by Chapter 212, 2012 General Session

**35A-8-1606 Eligibility for assistance -- Applications -- Review by board -- Terms -- Security.**

- (1) Counties or the Tribe that wish to receive loans or grants from the board shall submit formal applications to the board containing the information required by the board.
- (2) The board may not fund:
  - (a) start-up or operational costs of private business ventures; and
  - (b) general operating budgets of the counties or the Tribe, except that the Tribe may use a grant or loan to fund costs associated with the management and administration of energy or mineral development on:
    - (i) lands held in trust by the United States for the Tribe and its members; or
    - (ii) lands owned by the Tribe.
- (3)
  - (a) The board shall review each application for a loan or grant before approving it.
  - (b) The board may approve loan or grant applications subject to the applicant's compliance with certain conditions established by the board.
  - (c) The board shall:
    - (i) ensure that each loan specifies the terms for repayment; and
    - (ii) secure the loans by proceeds from any general obligation, special assessment, or revenue bonds, notes, or other obligations of the appropriate subdivision.

Renumbered and Amended by Chapter 212, 2012 General Session

**35A-8-1607 Division to distribute money -- Annual report -- Administration costs.**

- (1) The division shall distribute loan and grant money if the loan or grant is approved by the board.
- (2) The division shall provide an annual report to the department concerning the number and type of loans and grants made as well as a list of recipients of this assistance for inclusion in the department's annual written report described in Section 35A-1-109.
- (3) The division, with board approval, may use fund money for the administration of the fund, but this amount may not exceed 2% of the annual receipts to the fund.

Amended by Chapter 371, 2014 General Session

**35A-8-1608 Deposits into fund.**

- (1) Money required to be deposited into the Uintah Basin Revitalization Fund under Section 59-5-116 shall be deposited into the Uintah Basin Revitalization Fund if a business or activity fee or tax based on gross receipts has not been imposed by a county or the Tribe on oil and gas activities.
- (2)
  - (a) Nothing in this section prohibits a county from imposing a charge described in Subsection (1) with respect to any gathering, transmission, or local distribution pipeline in which the county owns an interest.
  - (b) Nothing in this section prohibits the Tribe from imposing a charge described in Subsection (1) with respect to any gathering, transmission, or local distribution pipeline in which the Tribe owns an interest.

Amended by Chapter 241, 2014 General Session