

Effective 5/13/2014

35A-8-307 Impact fund administered by impact board -- Eligibility for assistance -- Review by board -- Administration costs -- Annual report.

- (1)
 - (a) The impact board shall:
 - (i) administer the impact fund in a manner that will keep a portion of the impact fund revolving;
 - (ii) determine provisions for repayment of loans;
 - (iii) establish criteria for determining eligibility for assistance under this part; and
 - (iv) consider recommendations from the School and Institutional Trust Lands Administration when awarding a grant described in Subsection 35A-8-303(6).
 - (b)
 - (i) The criteria for awarding loans or grants made from funds described in Subsection 35A-8-303(5) shall be consistent with the requirements of Subsection 35A-8-303(5).
 - (ii) The criteria for awarding grants made from funds described in Subsection 35A-8-303(2)(c) shall be consistent with the requirements of Subsection 35A-8-303(6).
 - (c) In order to receive assistance under this part, subdivisions and interlocal agencies shall submit formal applications containing the information that the impact board requires.
- (2) In determining eligibility for loans and grants under this part, the impact board shall consider the following:
 - (a) the subdivision's or interlocal agency's current mineral lease production;
 - (b) the feasibility of the actual development of a resource that may impact the subdivision or interlocal agency directly or indirectly;
 - (c) current taxes being paid by the subdivision's or interlocal agency's residents;
 - (d) the borrowing capacity of the subdivision or interlocal agency, including:
 - (i) its ability and willingness to sell bonds or other securities in the open market; and
 - (ii) its current and authorized indebtedness;
 - (e) all possible additional sources of state and local revenue, including utility user charges;
 - (f) the availability of federal assistance funds;
 - (g) probable growth of population due to actual or prospective natural resource development in an area;
 - (h) existing public facilities and services;
 - (i) the extent of the expected direct or indirect impact upon public facilities and services of the actual or prospective natural resource development in an area; and
 - (j) the extent of industry participation in an impact alleviation plan, either as specified in Title 63M, Chapter 5, Resource Development Act, or otherwise.
- (3) The impact board may not fund an education project that could otherwise have reasonably been funded by a school district through a program of annual budgeting, capital budgeting, bonded indebtedness, or special assessments.
- (4) The impact board may restructure all or part of the agency's or subdivision's liability to repay loans for extenuating circumstances.
- (5) The impact board shall:
 - (a) review the proposed uses of the impact fund for loans or grants before approving them and may condition its approval on whatever assurances the impact board considers necessary to ensure that proceeds of the loan or grant will be used in accordance with the Leasing Act and this part; and
 - (b) ensure that each loan specifies the terms for repayment and is evidenced by general obligation, special assessment, or revenue bonds, notes, or other obligations of the

appropriate subdivision or interlocal agency issued to the impact board under whatever authority for the issuance of those bonds, notes, or obligations exists at the time of the loan.

- (6) The impact board shall allocate from the impact fund to the department those funds that are appropriated by the Legislature for the administration of the impact fund, but this amount may not exceed 2% of the annual receipts to the impact fund.
- (7) The department shall include in the annual written report described in Section 35A-1-109, the number and type of loans and grants made as well as a list of subdivisions and interlocal agencies that received this assistance.

Amended by Chapter 371, 2014 General Session