

72-2-121.2 Definition -- County of the Second Class State Highway Projects Fund -- Use of fund money.

- (1) As used in this section, "fund" means the County of the Second Class State Highway Projects Fund created by this section.
- (2) There is created within the Transportation Fund a special revenue fund known as the County of the Second Class State Highway Projects Fund.
- (3) The fund shall be funded by money collected from:
 - (a) any voluntary contributions the department receives for new construction, major renovations, and improvements to state highways within a county of the second class; and
 - (b) sales and use taxes deposited into the fund in accordance with Section 59-12-2218.
- (4) The department shall make a separate accounting for:
 - (a) the revenues described in Subsection (3); and
 - (b) each county of the second class or city or town within a county of the second class for which revenues are deposited into the fund.
- (5)
 - (a) The fund shall earn interest.
 - (b) Interest earned on fund money shall be deposited into the fund.
- (6) Subject to Subsection (9), the executive director may use fund money only:
 - (a) for right-of-way acquisition, new construction, major renovations, and improvements to state highways within a county of the second class or a city or town within a county of the second class in an amount that does not exceed the amounts deposited for or allocated to that county of the second class or city or town within a county of the second class in accordance with this section;
 - (b) to pay any debt service and bond issuance costs related to a purpose described in Subsection (6)(a) in an amount that does not exceed the amounts deposited for or allocated to that county of the second class or city or town within a county of the second class described in Subsection (6)(a) in accordance with this section; and
 - (c) to pay the costs of the department to administer the fund in an amount not to exceed interest earned by the fund money.
- (7) If interest remains in the fund after the executive director pays the costs of the department to administer the fund, the interest shall be:
 - (a) allocated to each county of the second class or city or town within a county of the second class for which revenues are deposited into the fund in proportion to the deposits made into the fund for that county of the second class or city or town within a county of the second class; and
 - (b) expended for the purposes described in Subsection (6).
- (8) Revenues described in Subsection (3)(b) that are deposited into the fund are considered to be a local matching contribution for the purposes described in Section 72-2-123.
- (9)
 - (a) The executive director shall, in using fund money, ensure to the extent possible that the fund money deposited for or allocated to a city or town is used:
 - (i) for a purpose described in Subsection (6)(a) within the city or town to which the fund money is allocated;
 - (ii) to pay debt service and bond issuance costs described in Subsection (6)(b) if the debt service and bond issuance costs are:
 - (A) secured by money deposited for or allocated to the city or town; and
 - (B) related to a project described in Subsection (6)(a) within the city or town to which the fund money is allocated; or

- (iii) for a purpose described in Subsection (6)(c).
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to implement the requirements of Subsection (9)(a).

Amended by Chapter 342, 2011 General Session