

- 28 (F) other material that is:
- 29 (I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and
- 30 (II) is coarser than sand.
- 31 (b) "Paved road" includes a graveled road with a chip seal surface.
- 32 (c) "Road mile" means a one-mile length of road, regardless of:
- 33 (i) the width of the road; or
- 34 (ii) the number of lanes into which the road is divided.
- 35 (d) "Weighted mileage" means the sum of the following:
- 36 (i) paved road miles multiplied by five;
- 37 (ii) graveled road miles multiplied by two; and
- 38 (iii) all other road type road miles multiplied by one.
- 39 (2) Subject to the provisions of Subsections (3) through (5), funds in the class B and class
- 40 C roads account shall be apportioned among counties and municipalities in the following manner:
- 41 (a) 50% in the ratio that the class B roads weighted mileage within each county and class
- 42 C roads weighted mileage within each municipality bear to the total class B and class C roads
- 43 weighted mileage within the state; and
- 44 (b) 50% in the ratio that the population of a county or municipality bears to the total
- 45 population of the state as of the last official federal census or the United States Bureau of Census
- 46 estimate, whichever is most recent, except that if population estimates are not made for a county
- 47 or municipality by the United States Bureau of Census, population figures shall be determined
- 48 according to the biennial estimate from the Utah Population Estimates Committee.
- 49 (3) For purposes of Subsection (2)(b), "the population of a county" means:
- 50 (a) the population of a county outside the corporate limits of municipalities in that county,
- 51 if the population of the county outside the corporate limits of municipalities in that county is not
- 52 less than 14% of the total population of that county, including municipalities; and
- 53 (b) if the population of a county outside the corporate limits of municipalities in the county
- 54 is less than 14% of the total population:
- 55 (i) the aggregate percentage of the population apportioned to municipalities in that county
- 56 shall be reduced by an amount equal to the difference between:
- 57 (A) 14%; and
- 58 (B) the actual percentage of population outside the corporate limits of municipalities in

59 that county; and

60 (ii) the population apportioned to the county shall be 14% of the total population of that
61 county, including incorporated municipalities.

62 (4) (a) ~~[For fiscal year 1997-98 if]~~ If an apportionment under Subsection (2) to a county
63 or municipality is less than 110% of the amount apportioned to the county or municipality from
64 the class B and class C roads account for fiscal year ~~[1994-95]~~ 1996-97, the department shall:

65 (i) reapportion the funds under Subsection (2) to ensure that the county or municipality
66 receives an amount equal to ~~[the greater of: (A)]~~ 110% of the amount apportioned to the county
67 or municipality from the class B and class C roads account for fiscal year ~~[1994-95]~~ 1996-97; ~~[or]~~
68 and

69 ~~[(B) 100% of the amount apportioned to the county or municipality from the class B and
70 class C roads account for fiscal year 1995-96; and]~~

71 (ii) decrease proportionately as provided in Subsection (4)(b) the apportionments to
72 counties and municipalities ~~[under Subsection (2) that, prior to]~~ for which the reapportionment ~~[by
73 the department]~~ under Subsection (4)(a)(i) ~~[, would be greater than 110% of the apportionments
74 to the counties and municipalities for fiscal year 1994-95]~~ does not apply.

75 (b) ~~[For purposes of Subsection (4)(a)(ii), the]~~ The aggregate amount of the funds that the
76 department shall decrease proportionately from the apportionments under Subsection (4)(a)(ii) is
77 an amount equal to the aggregate amount reapportioned to counties and municipalities under
78 Subsection (4)(a)(i).

79 ~~[(5) (a) Beginning with fiscal year 1998-99, the department shall reapportion the funds in
80 the class B and class C roads account otherwise apportioned under Subsection (2) as provided in
81 Subsection (5)(b) if:]~~

82 ~~[(i) there is an increase in the class B and class C roads account from other than increases
83 in fees or tax rates for the current fiscal year over the previous fiscal year; and]~~

84 ~~[(ii) an apportionment under Subsection (2) to a county or municipality is less than the
85 product of:]~~

86 ~~[(A) the percentage increase in the class B and class C roads account from other than
87 increases in fees or tax rates for the current fiscal year over the previous fiscal year;]~~

88 ~~[(B) 1/3; and]~~

89 ~~[(C) the apportionment to the county or municipality for the previous fiscal year.]~~

90 ~~[(b) If the department is required to reapportion the funds in the class B and class C roads~~
91 ~~account under Subsection (5)(a), the department shall:]~~

92 ~~[(i) ensure that each county and municipality receives an amount equal to the greater of:]~~

93 ~~[(A) the product of:]~~

94 ~~[(F) the percentage increase in the class B and class C roads account from other than~~
95 ~~increases in fees or tax rates for the current fiscal year over the previous fiscal year;]~~

96 ~~[(H) 1/3; and]~~

97 ~~[(H) the apportionment to the county or municipality for the previous fiscal year; or]~~

98 ~~[(B) the amount apportioned to the county or municipality under Subsection (2); and]~~

99 ~~[(ii) decrease proportionately as provided in Subsection (5)(c) the apportionments to~~
100 ~~counties and municipalities under Subsection (2) that, prior to the reapportionment by the~~
101 ~~department under Subsection (5)(b)(i), would be greater than the product of:]~~

102 ~~[(A) the percentage increase in the class B and class C roads account from other than~~
103 ~~increases in fees or tax rates for the current fiscal year over the previous fiscal year;]~~

104 ~~[(B) 1/3; and]~~

105 ~~[(C) the apportionment to the county or municipality for the previous fiscal year.]~~

106 ~~[(c) For purposes of Subsection (5)(b)(ii), the aggregate amount of the funds that the~~
107 ~~department shall decrease proportionately from the apportionments under Subsection (5)(b)(ii) is~~
108 ~~an amount equal to the aggregate amount reapportioned to counties and municipalities under~~
109 ~~Subsection (5)(b)(i).]~~

110 (5) (a) (i) In addition to the apportionment adjustments made under Subsection (4), a
111 county or municipality that qualifies for reapportioned monies under Subsection (4)(a)(i) shall
112 receive 1/3 of the percentage increase in the class B and C road account for the current fiscal year
113 over the previous fiscal year.

114 (ii) Any percentage increase calculated under Subsection (5)(a)(i) may not include any
115 increases from increases in fees or tax rates.

116 (b) The adjustment under Subsection (5)(a) shall be made in the same way as provided in
117 Subsection (4)(a)(ii) and (b).

118 (6) The governing body of any municipality or county may issue bonds redeemable up to
119 a period of ten years under Title 11, Chapter 14, Utah Municipal Bond Act, to pay the costs of
120 constructing, repairing, and maintaining class B or class C roads and may pledge class B or class

121 C road funds received pursuant to this section to pay principal, interest, premiums, and reserves
122 for the bonds.

123 Section 2. **Effective date.**

124 This act takes effect on July 1, 1999.

Legislative Review Note
as of 12-11-98 10:20 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel