

Representative Julie Fisher proposes the following substitute bill:

NONLAPSING AUTHORITY TECHNICAL AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Julie Fisher

LONG TITLE

General Description:

This bill modifies the Budgetary Procedures Act to reorganize the list of nonlapsing funds.

Highlighted Provisions:

This bill:

- ▶ makes technical and organizational modifications to the Budgetary Procedures Act's list of nonlapsing funds; and
- ▶ deletes references to nonlapsing funds that have been repealed in previous legislation.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

This bill coordinates with H.B. 39, Insurance Related Amendments, by providing conforming amendments.

Utah Code Sections Affected:

AMENDS:

63J-1-602, as enacted by Laws of Utah 2009, Chapter 368



26 ENACTS:

27 **63J-1-602.1**, Utah Code Annotated 1953

28 **63J-1-602.2**, Utah Code Annotated 1953

29 **63J-1-602.3**, Utah Code Annotated 1953

30 **63J-1-602.4**, Utah Code Annotated 1953

31 **63J-1-602.5**, Utah Code Annotated 1953

32 **Utah Code Sections Affected by Coordination Clause:**

33 **31A-3-104**, as last amended by Laws of Utah 2006, Chapter 117

34 **31A-3-105**, Utah Code Annotated 1953

35 **31A-3-304**, as last amended by Laws of Utah 2009, Chapters 183 and 183

36 **31A-23a-415**, as last amended by Laws of Utah 2007, Chapter 325

37 **63J-1-602**, as enacted by Laws of Utah 2009, Chapter 368

38 **63J-1-602.2**, Utah Code Annotated 1953



39
40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **63J-1-602** is amended to read:

42 **63J-1-602. Nonlapsing accounts and funds.**

43 (1) The ~~[following]~~ revenue collections, appropriations from a fund or account, and
44 appropriations to a program that are listed in Sections 63J-1-602.1 through 63J-1-602.5 are
45 nonlapsing[?].

46 ~~[(a) appropriations made to the Legislature and its committees;]~~

47 ~~[(b) funds collected by the grain grading program, as provided in Section 4-2-2;]~~

48 ~~[(c) the Salinity Offset Fund created in Section 4-2-8.5;]~~

49 ~~[(d) the Invasive Species Mitigation Fund created in Section 4-2-8.7;]~~

50 ~~[(e) funds collected by pesticide dealer license registration fees, as provided in Section
51 4-14-3;]~~

52 ~~[(f) funds collected by pesticide applicator business registration fees, as provided in
53 Section 4-14-13;]~~

54 ~~[(g) the Rangeland Improvement Fund created in Section 4-20-2;]~~

55 ~~[(h) funds deposited as dedicated credits under the Insect Infestation Emergency
56 Control Act, as provided in Section 4-35-6;]~~

- 57 ~~[(i) the Percent-for-Art Program created in Section 9-6-404;]~~
- 58 ~~[(j) the Centennial History Fund created in Section 9-8-604;]~~
- 59 ~~[(k) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;]~~
- 60 ~~[(l) the Navajo Revitalization Fund created in Section 9-11-104;]~~
- 61 ~~[(m) the LeRay McAllister Critical Land Conservation Program created in Section~~
- 62 ~~11-38-301;]~~
- 63 ~~[(n) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;]~~
- 64 ~~[(o) fees deposited as dedicated credits for hazardous waste plan reviews, as provided~~
- 65 ~~in Section 19-6-120;]~~
- 66 ~~[(p) an appropriation made to the Division of Wildlife Resources for the appraisal and~~
- 67 ~~purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6;]~~
- 68 ~~[(q) award monies under the Crime Reduction Assistance Program, as provided under~~
- 69 ~~Section 24-1-19;]~~
- 70 ~~[(r) funds collected from the emergency medical services grant program, as provided in~~
- 71 ~~Section 26-8a-207;]~~
- 72 ~~[(s) fees and other funding available to purchase training equipment and to administer~~
- 73 ~~tests and conduct quality assurance reviews, as provided in Section 26-8a-208;]~~
- 74 ~~[(t) funds collected as a result of a sanction under Section 1919 of Title XIX of the~~
- 75 ~~federal Social Security Act, as provided in Section 26-18-3;]~~
- 76 ~~[(u) the Utah Health Care Workforce Financial Assistance Program created in Section~~
- 77 ~~26-46-102;]~~
- 78 ~~[(v) monies collected from subscription fees for publications prepared or distributed by~~
- 79 ~~the insurance commissioner, as provided in Section 31A-2-208;]~~
- 80 ~~[(w) monies received by the Insurance Department for administering, investigating~~
- 81 ~~under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;]~~
- 82 ~~[(x) certain monies received for penalties paid under the Insurance Fraud Act, as~~
- 83 ~~provided in Section 31A-31-109;]~~
- 84 ~~[(y) the fund for operating the state's Federal Health Care Tax Credit Program, as~~
- 85 ~~provided in Section 31A-38-104;]~~
- 86 ~~[(z) certain funds in the Department of Workforce Services' program for the education,~~
- 87 ~~training, and transitional counseling of displaced homemakers, as provided in Section~~

88 ~~35A-3-114;~~

89 ~~[(aa) the Employment Security Administration Fund created in Section 35A-4-505;]~~

90 ~~[(bb) the Special Administrative Expense Fund created in Section 35A-4-506;]~~

91 ~~[(cc) funding for a new program or agency that is designated as nonlapsing under~~

92 ~~Section 36-24-101;]~~

93 ~~[(dd) the Oil and Gas Conservation Account created in Section 40-6-14.5;]~~

94 ~~[(ee) funds available to the State Tax Commission for purchase and distribution of~~
95 ~~license plates and decals, as provided in Section 41-1a-1201;]~~

96 ~~[(ff) certain fees for the cost of electronic payments under the Motor Vehicle Act, as~~
97 ~~provided in Section 41-1a-1221;]~~

98 ~~[(gg) certain fees collected for administering and enforcing the Motor Vehicle Business~~
99 ~~Regulation Act, as provided in Section 41-3-601;]~~

100 ~~[(hh) certain fees for the cost of electronic payments under the Motor Vehicle Business~~
101 ~~Regulation Act, as provided in Section 41-3-604;]~~

102 ~~[(ii) the Off-Highway Access and Education Restricted Account created in Section~~
103 ~~41-22-19.5;]~~

104 ~~[(jj) certain fees for the cost of electronic payments under the Motor Vehicle Act, as~~
105 ~~provided in Section 41-22-36;]~~

106 ~~[(kk) monies collected under the Notaries Public Reform Act, as provided under~~
107 ~~46-1-23;]~~

108 ~~[(ll) certain funds associated with the Law Enforcement Operations Account, as~~
109 ~~provided in Section 51-9-411;]~~

110 ~~[(mm) the Public Safety Honoring Heroes Restricted Account created in Section~~
111 ~~53-1-118;]~~

112 ~~[(nn) funding for the Search and Rescue Financial Assistance Program, as provided in~~
113 ~~Section 53-2-107;]~~

114 ~~[(oo) appropriations made to the Department of Public Safety from the Department of~~
115 ~~Public Safety Restricted Account, as provided in Section 53-3-106;]~~

116 ~~[(pp) appropriations to the Motorcycle Rider Education Program, as provided in~~
117 ~~Section 53-3-905;]~~

118 ~~[(qq) fees collected by the State Fire Marshal Division under the Utah Fire Prevention~~

119 and Safety Act, as provided in Section 53-7-314;]
120 [~~(rr) the DNA Specimen Restricted Account created in Section 53-10-407;~~]
121 [~~(ss) the minimum school program, as provided in Section 53A-17a-105;~~]
122 [~~(tt) certain funds appropriated from the Uniform School Fund to the State Board of
123 Education for new teacher bonus and performance-based compensation plans, as provided in
124 Section 53A-17a-148;~~]
125 [~~(uu) certain funds appropriated from the Uniform School Fund to the State Board of
126 Education for implementation of proposals to improve mathematics achievement test scores, as
127 provided in Section 53A-17a-152;~~]
128 [~~(vv) the School Building Revolving Account created in Section 53A-21-401;~~]
129 [~~(ww) monies received by the State Office of Rehabilitation for the sale of certain
130 products or services, as provided in Section 53A-24-105;~~]
131 [~~(xx) the State Board of Regents, as provided in Section 53B-6-104;~~]
132 [~~(yy) certain funds appropriated from the General Fund to the State Board of Regents
133 for teacher preparation programs, as provided in Section 53B-6-104;~~]
134 [~~(zz) a certain portion of monies collected for administrative costs under the School
135 Institutional Trust Lands Management Act, as provided under Section 53C-3-202;~~]
136 [~~(aaa) certain surcharges on residence and business telecommunications access lines
137 imposed by the Public Service Commission, as provided in Section 54-8b-10;~~]
138 [~~(bbb) certain fines collected by the Division of Occupational and Professional
139 Licensing for violation of unlawful or unprofessional conduct that are used for education and
140 enforcement purposes, as provided in Section 58-17b-505;~~]
141 [~~(ccc) the Nurse Education and Enforcement Fund created in Section 58-31b-103;~~]
142 [~~(ddd) funding of the controlled substance database, as provided in Section 58-37-7.7;~~]
143 [~~(eee) the Certified Nurse Midwife Education and Enforcement Fund created in
144 Section 58-44a-103;~~]
145 [~~(fff) funding for the building inspector's education program, as provided in Section
146 58-56-9;~~]
147 [~~(ggg) certain fines collected by the Division of Occupational and Professional
148 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
149 provided in Section 58-63-103;~~]

150 ~~[(hhh) the Professional Geologist Education and Enforcement Fund created in Section~~
151 ~~58-76-103;]~~

152 ~~[(iii) certain monies in the Water Resources Conservation and Development Fund, as~~
153 ~~provided in Section 59-12-103;]~~

154 ~~[(jjj) funds paid to the Division of Real Estate for the cost of a criminal background~~
155 ~~check for broker and sales agent licenses, as provided in Section 61-2-9;]~~

156 ~~[(kkk) the Utah Housing Opportunity Restricted Account created in Section 61-2-28;]~~

157 ~~[(lll) funds paid to the Division of Real Estate for the cost of a criminal background~~
158 ~~check for a mortgage loan license, as provided in Section 61-2c-202;]~~

159 ~~[(mmm) funds paid to the Division of Real Estate in relation to examination of records~~
160 ~~in an investigation, as provided in Section 61-2c-401;]~~

161 ~~[(nnn) certain funds donated to the Department of Human Services, as provided in~~
162 ~~Section 62A-1-111;]~~

163 ~~[(ooo) certain funds donated to the Division of Child and Family Services, as provided~~
164 ~~in Section 62A-4a-110;]~~

165 ~~[(ppp) the Mental Health Therapist Grant and Scholarship Program, as provided in~~
166 ~~Section 62A-13-109;]~~

167 ~~[(qqq) assessments for DUI violations that are forwarded to an account created by a~~
168 ~~county treasurer, as provided in Section 62A-15-503;]~~

169 ~~[(rrr) appropriations to the Division of Services for People with Disabilities, as~~
170 ~~provided in Section 62A-5-102;]~~

171 ~~[(sss) certain donations to the Division of Substance Abuse and Mental Health, as~~
172 ~~provided in Section 62A-15-103;]~~

173 ~~[(ttt) certain funds received by the Division of Parks and Recreation from the sale or~~
174 ~~disposal of buffalo, as provided under Section 63-11-19.2;]~~

175 ~~[(uuu) revenue for golf user fees at the Wasatch Mountain State Park, Palisades State~~
176 ~~Park, or Jordan River State Park, as provided under Section 63-11-19.5;]~~

177 ~~[(vvv) revenue for golf user fees at the Green River State Park, as provided under~~
178 ~~Section 63-11-19.6;]~~

179 ~~[(www) the Centennial Nonmotorized Paths and Trail Crossings Program created~~
180 ~~under Section 63-11a-503;]~~

181 ~~[(xxx) the Bonneville Shoreline Trail Program created under Section 63-11a-504;]~~
182 ~~[(yyy) the account for the Utah Geological Survey, as provided in Section 63-73-10;]~~
183 ~~[(zzz) the Risk Management Fund created under Section 63A-4-201;]~~
184 ~~[(aaaa) the Child Welfare Parental Defense Fund created in Section 63A-11-203;]~~
185 ~~[(bbbb) the Constitutional Defense Restricted Account created in Section 63C-4-103;]~~
186 ~~[(cccc) a portion of the funds appropriated to the Utah Seismic Safety Commission, as~~
187 ~~provided in Section 63C-6-104;]~~
188 ~~[(dddd) funding for the Medical Education Program administered by the Medical~~
189 ~~Education Council, as provided in Section 63C-8-102;]~~
190 ~~[(eeee) certain monies payable for commission expenses of the Pete Suazo Utah~~
191 ~~Athletic Commission, as provided under Section 63C-11-301;]~~
192 ~~[(ffff) funds collected for publishing the Division of Administrative Rules'~~
193 ~~publications, as provided in Section 63G-3-402;]~~
194 ~~[(gggg) the appropriation to fund the Governor's Office of Economic Development's~~
195 ~~Enterprise Zone Act, as provided in Section 63M-1-416;]~~
196 ~~[(hhhh) the Tourism Marketing Performance Account, as provided in Section~~
197 ~~63M-1-1406;]~~
198 ~~[(iiii) certain funding for rural development provided to the Office of Rural~~
199 ~~Development in the Governor's Office of Economic Development, as provided in Section~~
200 ~~63M-1-1604;]~~
201 ~~[(jjjj) certain monies in the Development for Disadvantaged Rural Communities~~
202 ~~Restricted Account, as provided in Section 63M-1-2003;]~~
203 ~~[(kkkk) appropriations to the Utah Science Technology and Research Governing~~
204 ~~Authority, created under Section 63M-2-301, as provided under Section 63M-3-302;]~~
205 ~~[(HHH) certain monies in the Rural Broadband Service Fund, as provided in Section~~
206 ~~63M-1-2303;]~~
207 ~~[(mmmm) funds collected from monthly offender supervision fees, as provided in~~
208 ~~Section 64-13-21.2;]~~
209 ~~[(nnnn) funds collected by the housing of state probationary inmates or state parole~~
210 ~~inmates, as provided in Subsection 64-13e-104(2);]~~
211 ~~[(oooo) the Sovereign Lands Management account created in Section 65A-5-1;]~~

212 ~~[(pppp) certain forestry and fire control funds utilized by the Division of Forestry, Fire,~~
213 ~~and State Lands, as provided in Section 65A-8-103;]~~

214 ~~[(qqqq) the Department of Human Resource Management user training program, as~~
215 ~~provided in Section 67-19-6;]~~

216 ~~[(rrrr) funds for the University of Utah Poison Control Center program, as provided in~~
217 ~~Section 69-2-5.5;]~~

218 ~~[(ssss) appropriations to the Transportation Corridor Preservation Revolving Loan~~
219 ~~Fund, as provided in Section 72-2-117;]~~

220 ~~[(tttt) appropriations to the Local Transportation Corridor Preservation Fund, as~~
221 ~~provided in Section 72-2-117.5;]~~

222 ~~[(uuuu) appropriations to the Tollway Restricted Special Revenue Fund, as provided in~~
223 ~~Section 77-2-120;]~~

224 ~~[(vvvv) appropriations to the Aeronautics Construction Revolving Loan Fund, as~~
225 ~~provided in Section 77-2-122;]~~

226 ~~[(wwww) appropriations to the State Park Access Highways Improvement Program, as~~
227 ~~provided in Section 72-3-207;]~~

228 ~~[(xxxx) the Traffic Noise Abatement Program created in Section 72-6-112;]~~

229 ~~[(yyyy) certain funds received by the Office of the State Engineer for well drilling fines~~
230 ~~or bonds, as provided in Section 73-3-25;]~~

231 ~~[(zzzz) certain monies appropriated to increase the carrying capacity of the Jordan~~
232 ~~River that are transferred to the Division of Parks and Recreation, as provided in Section~~
233 ~~73-10e-1;]~~

234 ~~[(aaaa) certain fees for the cost of electronic payments under the State Boating Act, as~~
235 ~~provided in Section 73-18-25;]~~

236 ~~[(bbbb) certain monies appropriated from the Water Resources Conservation and~~
237 ~~Development Fund, as provided in Section 73-23-2;]~~

238 ~~[(cccc) the Lake Powell Pipeline Project Operation and Maintenance Fund created in~~
239 ~~Section 73-28-404;]~~

240 ~~[(dddd) certain funds in the Water Development and Flood Mitigation Reserve~~
241 ~~Account, as provided in Section 73-103-1;]~~

242 ~~[(eeee) certain funds appropriated for compensation for special prosecutors, as~~

243 provided in Section 77-10a-19;]

244 [~~(fffff) the Indigent Aggravated Murder Defense Trust Fund created in Section~~
245 ~~77-32-601;~~]

246 [~~(ggggg) the Indigent Felony Defense Trust Fund created in Section 77-32-701;~~]

247 [~~(hhhhh) funds donated or paid to a juvenile court by private sources, as provided in~~
248 ~~Subsection 78A-6-203(c);~~]

249 [~~(iiiiii) a state rehabilitative employment program, as provided in Section 78A-6-210;~~
250 ~~and]~~

251 [~~(jjjjj) fees from the issuance and renewal of licenses for certified court interpreters, as~~
252 ~~provided in Section 78B-1-146.~~]

253 (2) No revenue collection, appropriation from a fund or account, or appropriation to a
254 program may be treated as nonlapsing unless:

255 (a) it is [~~expressly referenced by this section~~] listed in Sections 63J-1-602.1 through
256 63J-1-602.5;

257 (b) it is designated in a condition of appropriation in the appropriations bill; or

258 (c) nonlapsing authority is granted under Section 63J-1-603.

259 (3) Each legislative appropriations subcommittee shall review the accounts and funds
260 that have been granted nonlapsing authority under the provisions of this section or Section
261 63J-1-603.

262 Section 2. Section **63J-1-602.1** is enacted to read:

263 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
264 **1 through Title 30.**

265 (1) Appropriations made to the Legislature and its committees.

266 (2) Funds collected by the grain grading program, as provided in Section 4-2-2.

267 (3) The Salinity Offset Fund created in Section 4-2-8.5.

268 (4) The Invasive Species Mitigation Fund created in Section 4-2-8.7.

269 (5) Funds collected by pesticide dealer license registration fees, as provided in Section
270 4-14-3.

271 (6) Funds collected by pesticide applicator business registration fees, as provided in
272 Section 4-14-13.

273 (7) The Rangeland Improvement Fund created in Section 4-20-2.

- 274 (8) Funds deposited as dedicated credits under the Insect Infestation Emergency
275 Control Act, as provided in Section 4-35-6.
- 276 (9) The Percent-for-Art Program created in Section 9-6-404.
- 277 (10) The Centennial History Fund created in Section 9-8-604.
- 278 (11) The Uintah Basin Revitalization Fund, as provided in Section 9-10-108.
- 279 (12) The Navajo Revitalization Fund created in Section 9-11-104.
- 280 (13) The LeRay McAllister Critical Land Conservation Program created in Section
281 11-38-301.
- 282 (14) The Clean Fuels and Vehicle Technology Fund created in Section 19-1-403.
- 283 (15) Fees deposited as dedicated credits for hazardous waste plan reviews, as provided
284 in Section 19-6-120.
- 285 (16) An appropriation made to the Division of Wildlife Resources for the appraisal and
286 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.
- 287 (17) Award monies under the Crime Reduction Assistance Program, as provided under
288 Section 24-1-19.
- 289 (18) Funds collected from the emergency medical services grant program, as provided
290 in Section 26-8a-207.
- 291 (19) Fees and other funding available to purchase training equipment and to administer
292 tests and conduct quality assurance reviews, as provided in Section 26-8a-208.
- 293 (20) Funds collected as a result of a sanction under Section 1919 of Title XIX of the
294 federal Social Security Act, as provided in Section 26-18-3.
- 295 (21) The Utah Health Care Workforce Financial Assistance Program created in Section
296 26-46-102.
- 297 Section 3. Section **63J-1-602.2** is enacted to read:
- 298 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**
- 299 (1) Monies collected from subscription fees for publications prepared or distributed by
300 the insurance commissioner, as provided in Section 31A-2-208.
- 301 (2) Monies received by the Insurance Department for administering, investigating
302 under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108.
- 303 (3) Certain monies received for penalties paid under the Insurance Fraud Act, as
304 provided in Section 31A-31-109.

305 (4) The fund for operating the state's Federal Health Care Tax Credit Program, as
306 provided in Section 31A-38-104.

307 (5) Certain funds in the Department of Workforce Services' program for the education,
308 training, and transitional counseling of displaced homemakers, as provided in Section
309 35A-3-114.

310 (6) The Employment Security Administration Fund created in Section 35A-4-505.

311 (7) The Special Administrative Expense Fund created in Section 35A-4-506.

312 (8) Funding for a new program or agency that is designated as nonlapsing under
313 Section 36-24-101.

314 (9) The Oil and Gas Conservation Account created in Section 40-6-14.5.

315 (10) Funds available to the State Tax Commission for purchase and distribution of
316 license plates and decals, as provided in Section 41-1a-1201.

317 (11) Certain fees for the cost of electronic payments under the Motor Vehicle Act, as
318 provided in Section 41-1a-1221.

319 (12) Certain fees collected for administering and enforcing the Motor Vehicle Business
320 Regulation Act, as provided in Section 41-3-601.

321 (13) Certain fees for the cost of electronic payments under the Motor Vehicle Business
322 Regulation Act, as provided in Section 41-3-604.

323 (14) The Off-Highway Access and Education Restricted Account created in Section
324 41-22-19.5.

325 (15) Certain fees for the cost of electronic payments under the Motor Vehicle Act, as
326 provided in Section 41-22-36.

327 Section 4. Section **63J-1-602.3** is enacted to read:

328 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

329 (1) Monies collected under the Notaries Public Reform Act, as provided under
330 46-1-23.

331 (2) Certain funds associated with the Law Enforcement Operations Account, as
332 provided in Section 51-9-411.

333 (3) The Public Safety Honoring Heroes Restricted Account created in Section
334 53-1-118.

335 (4) Funding for the Search and Rescue Financial Assistance Program, as provided in

336 Section 53-2-107.

337 (5) Appropriations made to the Department of Public Safety from the Department of
338 Public Safety Restricted Account, as provided in Section 53-3-106.

339 (6) Appropriations to the Motorcycle Rider Education Program, as provided in Section
340 53-3-905.

341 (7) Fees collected by the State Fire Marshal Division under the Utah Fire Prevention
342 and Safety Act, as provided in Section 53-7-314.

343 (8) The DNA Specimen Restricted Account created in Section 53-10-407.

344 (9) The minimum school program, as provided in Section 53A-17a-105.

345 (10) Certain funds appropriated from the Uniform School Fund to the State Board of
346 Education for new teacher bonus and performance-based compensation plans, as provided in
347 Section 53A-17a-148.

348 (11) Certain funds appropriated from the Uniform School Fund to the State Board of
349 Education for implementation of proposals to improve mathematics achievement test scores, as
350 provided in Section 53A-17a-152.

351 (12) The School Building Revolving Account created in Section 53A-21-401.

352 (13) Monies received by the State Office of Rehabilitation for the sale of certain
353 products or services, as provided in Section 53A-24-105.

354 (14) The State Board of Regents, as provided in Section 53B-6-104.

355 (15) Certain funds appropriated from the General Fund to the State Board of Regents
356 for teacher preparation programs, as provided in Section 53B-6-104.

357 (16) A certain portion of monies collected for administrative costs under the School
358 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

359 (17) Certain surcharges on residence and business telecommunications access lines
360 imposed by the Public Service Commission, as provided in Section 54-8b-10.

361 (18) Certain fines collected by the Division of Occupational and Professional Licensing
362 for violation of unlawful or unprofessional conduct that are used for education and enforcement
363 purposes, as provided in Section 58-17b-505.

364 (19) The Nurse Education and Enforcement Fund created in Section 58-31b-103.

365 (20) Funding of the controlled substance database, as provided in Section 58-37f-502.

366 (21) The Certified Nurse Midwife Education and Enforcement Fund created in Section

367 58-44a-103.

368 (22) Funding for the building inspector's education program, as provided in Section
369 58-56-9.

370 (23) Certain fines collected by the Division of Occupational and Professional Licensing
371 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
372 Section 58-63-103.

373 (24) The Professional Geologist Education and Enforcement Fund created in Section
374 58-76-103.

375 (25) Certain monies in the Water Resources Conservation and Development Fund, as
376 provided in Section 59-12-103.

377 Section 5. Section **63J-1-602.4** is enacted to read:

378 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63.**

379 (1) Funds paid to the Division of Real Estate for the cost of a criminal background
380 check for broker and sales agent licenses, as provided in Section 61-2-9.

381 (2) The Utah Housing Opportunity Restricted Account created in Section 61-2-28.

382 (3) Funds paid to the Division of Real Estate for the cost of a criminal background
383 check for a mortgage loan license, as provided in Section 61-2c-202.

384 (4) Funds paid to the Division of Real Estate in relation to examination of records in an
385 investigation, as provided in Section 61-2c-401.

386 (5) Certain funds donated to the Department of Human Services, as provided in
387 Section 62A-1-111.

388 (6) Certain funds donated to the Division of Child and Family Services, as provided in
389 Section 62A-4a-110.

390 (7) Assessments for DUI violations that are forwarded to an account created by a
391 county treasurer, as provided in Section 62A-15-503.

392 (8) Appropriations to the Division of Services for People with Disabilities, as provided
393 in Section 62A-5-102.

394 (9) Certain donations to the Division of Substance Abuse and Mental Health, as
395 provided in Section 62A-15-103.

396 (10) The Risk Management Fund created under Section 63A-4-201.

397 (11) The Child Welfare Parental Defense Fund created in Section 63A-11-203.

398 (12) The Constitutional Defense Restricted Account created in Section 63C-4-103.

399 (13) A portion of the funds appropriated to the Utah Seismic Safety Commission, as
400 provided in Section 63C-6-104.

401 (14) Funding for the Medical Education Program administered by the Medical
402 Education Council, as provided in Section 63C-8-102.

403 (15) Certain monies payable for commission expenses of the Pete Suazo Utah Athletic
404 Commission, as provided under Section 63C-11-301.

405 (16) Funds collected for publishing the Division of Administrative Rules' publications,
406 as provided in Section 63G-3-402.

407 (17) The appropriation to fund the Governor's Office of Economic Development's
408 Enterprise Zone Act, as provided in Section 63M-1-416.

409 (18) The Tourism Marketing Performance Account, as provided in Section
410 63M-1-1406.

411 (19) Certain funding for rural development provided to the Office of Rural
412 Development in the Governor's Office of Economic Development, as provided in Section
413 63M-1-1604.

414 (20) Certain monies in the Development for Disadvantaged Rural Communities
415 Restricted Account, as provided in Section 63M-1-2003.

416 (21) Appropriations to the Utah Science Technology and Research Governing
417 Authority, created under Section 63M-2-301, as provided under Section 63M-3-302.

418 (22) Certain monies in the Rural Broadband Service Fund, as provided in Section
419 63M-1-2303.

420 Section 6. Section **63J-1-602.5** is enacted to read:

421 **63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.**

422 (1) Funds collected from monthly offender supervision fees, as provided in Section
423 64-13-21.2.

424 (2) Funds collected by the housing of state probationary inmates or state parole
425 inmates, as provided in Subsection 64-13e-104(2).

426 (3) The Sovereign Lands Management account created in Section 65A-5-1.

427 (4) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
428 State Lands, as provided in Section 65A-8-103.

429 (5) The Department of Human Resource Management user training program, as
430 provided in Section 67-19-6.

431 (6) Funds for the University of Utah Poison Control Center program, as provided in
432 Section 69-2-5.5.

433 (7) Appropriations to the Transportation Corridor Preservation Revolving Loan Fund,
434 as provided in Section 72-2-117.

435 (8) Appropriations to the Local Transportation Corridor Preservation Fund, as provided
436 in Section 72-2-117.5.

437 (9) Appropriations to the State Park Access Highways Improvement Program, as
438 provided in Section 72-3-207.

439 (10) The Traffic Noise Abatement Program created in Section 72-6-112.

440 (11) Certain funds received by the Office of the State Engineer for well drilling fines or
441 bonds, as provided in Section 73-3-25.

442 (12) Certain monies appropriated to increase the carrying capacity of the Jordan River
443 that are transferred to the Division of Parks and Recreation, as provided in Section 73-10e-1.

444 (13) Certain fees for the cost of electronic payments under the State Boating Act, as
445 provided in Section 73-18-25.

446 (14) Certain monies appropriated from the Water Resources Conservation and
447 Development Fund, as provided in Section 73-23-2.

448 (15) The Lake Powell Pipeline Project Operation and Maintenance Fund created in
449 Section 73-28-404.

450 (16) Certain funds in the Water Development and Flood Mitigation Reserve Account,
451 as provided in Section 73-103-1.

452 (17) Appropriations to the Tollway Restricted Special Revenue Fund, as provided in
453 Section 77-2-120.

454 (18) Appropriations to the Aeronautics Construction Revolving Loan Fund, as
455 provided in Section 77-2-122.

456 (19) Certain funds appropriated for compensation for special prosecutors, as provided
457 in Section 77-10a-19.

458 (20) The Indigent Aggravated Murder Defense Trust Fund created in Section
459 77-32-601.

- 460 (21) The Indigent Felony Defense Trust Fund created in Section 77-32-701.
- 461 (22) Funds donated or paid to a juvenile court by private sources, as provided in
- 462 Subsection 78A-6-203(1)(c).
- 463 (23) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 464 (24) Fees from the issuance and renewal of licenses for certified court interpreters, as
- 465 provided in Section 78B-1-146.
- 466 (25) The account for the Utah Geological Survey, as provided in Section 79-3-401.
- 467 (26) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
- 468 Park, Jordan River State Park, and Green River State Park, as provided under Section
- 469 79-4-403.

470 (27) Certain funds received by the Division of Parks and Recreation from the sale or

471 disposal of buffalo, as provided under Section 79-4-1001.

472 (28) The Bonneville Shoreline Trail Program created under Section 79-5-503.

473 **Section 7. Revisor instructions.**

474 Because S.B. 48, 2010 Annual General Session, broke Section 63J-1-602 into multiple

475 new sections, the Legislature intends that the Office of Legislative Research and General

476 Counsel, in preparing the Utah Code database for publication, incorporate the substantive and

477 technical changes made in Section 63J-1-602 into the newly enacted Sections 63J-1-602.1,

478 62J-1-602.2, 62J-1-602.3, 62J-1-602.4, and 63J-1-602.5, as applicable, including:

479 (1) incorporating new subsections that were enacted in Section 63J-1-602 during the

480 2010 Annual General Session;

481 (2) deleting items that were repealed in Section 63J-1-602 during the 2010 Annual

482 General Session from the appropriate new code sections;

483 (3) incorporating the amendments made to Section 63J-1-602 during the 2010 Annual

484 General Session into the appropriate new code sections; and

485 (4) making other conforming changes, as needed or as authorized by Section 36-12-12.

486 **Section 8. Coordinating S.B. 48 with H.B. 39 -- Technical amendments.**

487 If this S.B. 48 and H.B. 39, Insurance Related Amendments, both pass, it is the intent of

488 the Legislature that the Office of Legislative Research and General Counsel in preparing the

489 Utah Code database for publication:

490 (1) modify Subsections 63J-1-602(1)(w), (x), (y), and (z), which will be merged into

491 the newly enacted Section 63J-1-602.2 as new Subsections (2), (3), (4), and (5) to read:

492 "(2) Appropriations from the Technology Development Restricted Account created in
493 Section 31A-3-104.

494 (3) Appropriations from the Criminal Background Check Restricted Account created in
495 Section 31A-3-105.

496 (4) Appropriations from the Captive Insurance Restricted Account created in Section
497 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that
498 section free revenue.

499 (5) Appropriations from the Title Licensee Enforcement Restricted Account created in
500 Section 31A-23a-415.";

501 (2) renumber the remaining subsections accordingly;

502 (3) modify Subsection 31A-3-104(4)(d) enacted in H.B. 39 to read:

503 "(d) An appropriation from the Technology Development Restricted Account is
504 nonlapsing.";

505 (4) modify Subsection 31A-3-105(4) enacted in H.B. 39 to read:

506 "(4) An appropriation from the Criminal Background Check Restricted Account is
507 nonlapsing.";

508 (5) replace the language "The money in the Captive Insurance Restricted Account is"
509 with "An appropriation from the Captive Insurance Restricted Account is" in Subsections
510 31A-3-304(5)(e) (Superseded 07/01/10) and 31A-3-304(5)(e) (Effective 07/01/10) as amended
511 in H.B. 39; and

512 (6) modify Subsection 31A-23a-415(3)(e) enacted in H.B. 39 to read:

513 "(e) An appropriation from the Title Licensee Enforcement Restricted Account is
514 nonlapsing.".

S.B. 48 2nd Sub. (Salmon) - Nonlapsing Authority Technical Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
