

524 cancer at the molecular and genetic levels.

525 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
526 department may make rules providing procedures for an organization to apply to the
527 department to receive a distribution under Subsection ~~[(5)]~~ (4).

528 Section 13. Section **31A-38-104** is amended to read:

529 **31A-38-104. Authorization -- Money transferred for reserves.**

530 (1) The Department of Workforce Services may:

531 (a) convert the bridge program to the state program through any of the following, or
532 combination of the following, that the Department of Workforce Services considers best serves
533 the needs of qualified participants:

534 (i) a contract with a licensed insurance company authorized to do business in the state;

535 (ii) through any other arrangement acceptable under the Trade Reform Act; or

536 (iii) a self-insurance program through a third party administrator as provided in

537 Subsection 31A-38-103(3)(b)(ii); and

538 ~~[(b) (i) in cooperation with the Division of Finance, establish an appropriate state fund
539 for the purpose of operation of the state program; and]~~

540 ~~[(ii) transfer the balance of any monies received under the bridge program into this
541 fund; and]~~

542 ~~[(c)]~~ (b) obligate up to \$2,000,000 of the ~~H→~~ **[Workforce Services]** ~~←H~~ Special
542a Administrative
543 Expense ~~H→~~ **[Fund]** Account created in Section 35A-4-506 ~~←H~~ as reserves for the state program.

544 ~~[(2) The monies in the fund created under Subsection (1)(b) are: (a) nonlapsing; and
545 (b) restricted to the purposes of the state program established under this chapter.]~~

546 ~~[(3)]~~ (2) The ~~[monies]~~ money in Subsection (1)~~[(c)]~~(b) may be ~~[-(a)]~~ used until the
547 reserves in the state program become adequate~~[-and]~~.

548 ~~[(b) transferred into or out of any fund created under Subsection (1)(b):]~~

549 Section 14. Section **35A-4-506** is amended to read:

550 **35A-4-506. Special Administrative ~~H→~~ Expense ~~←H~~ Account.**

551 (1) There is created a restricted account within the General Fund known as the "Special
552 Administrative Expense Account."

553 (2) (a) Interest and penalties collected under this chapter, less refunds made under
554 Subsection 35A-4-306(5), shall be paid into the restricted account from the clearing account of

1764 revenues collected in a completed fiscal year exceed the estimated revenues for the General
 1765 Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the
 1766 Legislature.

1767 (e) "Operating deficit" means that, at the end of the fiscal year, the [~~unreserved and~~
 1768 ~~undesignated~~] unassigned fund balance in the General Fund is less than zero.

1769 (2) There is created within the General Fund a restricted account to be known as the
 1770 General Fund Budget Reserve Account, which is designated to receive the legislative
 1771 appropriations[~~, investment earnings,~~] and the surplus revenue required to be deposited into the
 1772 account by this section.

1773 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), at the end of any fiscal year in
 1774 which the Division of Finance, in consultation with the Legislative Fiscal Analyst and in
 1775 conjunction with the completion of the annual audit by the state auditor, determines that there
 1776 is a General Fund revenue surplus, the Division of Finance shall transfer 25% of the General
 1777 Fund revenue surplus to the General Fund Budget Reserve Account.

1778 (ii) If the transfer of 25% of the General Fund revenue surplus to the General Fund
 1779 Budget Reserve Account would cause the balance in the account to exceed 6% of General Fund
 1780 appropriations for the fiscal year in which the revenue surplus occurred, the Division of
 1781 Finance shall transfer only those funds necessary to ensure that the balance in the account
 1782 equals 6% of General Fund appropriations for the fiscal year in which the General Fund
 1783 revenue surplus occurred.

1784 (iii) The Division of Finance shall calculate the amount to be transferred under this
 1785 Subsection (3)(a):

1786 (A) before transferring from the General Fund revenue surplus any other year-end
 1787 contingency appropriations, year-end set-asides, or other year-end transfers required by law;
 1788 and

1789 (B) ~~H~~→ [excluding the investment earnings for the fiscal year and] ←~~H~~ excluding any direct
 1790 legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.

1791 (b) (i) Except as provided in Subsection (3)(b)(ii), in addition to Subsection (3)(a)(i), if
 1792 a General Fund revenue surplus exists and if, within the last 10 years, the Legislature has
 1793 appropriated any money from the General Fund Budget Reserve Account that has not been
 1794 replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall

1795 transfer up to 25% more of the General Fund revenue surplus to the General Fund Budget
1796 Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if
1797 any, and transfers from the General Fund revenue surplus under this Subsection (3)(b) have
1798 replaced the appropriations from the account.

1799 (ii) If the transfer under Subsection (3)(b)(i) would cause the balance in the account to
1800 exceed 6% of General Fund appropriations for the fiscal year in which the revenue surplus
1801 occurred, the Division of Finance shall transfer only those funds necessary to ensure that the
1802 balance in the account equals 6% of General Fund appropriations for the fiscal year in which
1803 the revenue surplus occurred.

1804 (iii) The Division of Finance shall calculate the amount to be transferred under this
1805 Subsection (3)(b):

1806 (A) before transferring from the General Fund revenue surplus any other year-end
1807 contingency appropriations, year-end set-asides, or other year-end transfers required by law;
1808 and

1809 (B) ~~H→ [excluding the investment earnings for the fiscal year and]~~ ←H excluding any direct
1810 legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.

1811 (c) For appropriations made by the Legislature to the General Fund Budget Reserve
1812 Account, the Division of Finance shall treat those appropriations, unless otherwise specified in
1813 the appropriation, as replacement funds for appropriations made from the account if funds were
1814 appropriated from the General Fund Budget Reserve Account within the past 10 years and have
1815 not yet been replaced.

1816 (4) (a) If, at the close of any fiscal year, there appear to be insufficient monies to pay
1817 additional debt service for any bonded debt authorized by the Legislature, the Division of
1818 Finance may hold back from any General Fund revenue surplus monies sufficient to pay the
1819 additional debt service requirements resulting from issuance of bonded debt that was
1820 authorized by the Legislature.

1821 (b) The Division of Finance may not spend the hold back amount for debt service
1822 under Subsection (4)(a) unless and until it is appropriated by the Legislature.

1823 (c) If, after calculating the amount for transfers to the General Fund Budget Reserve
1824 Account, the remaining General Fund revenue surplus is insufficient to cover the hold back for
1825 debt service required by Subsection (4)(a), the Division of Finance shall reduce the transfer to

1857 the Legislature from the Education Fund for a fiscal year exceed the estimated revenues
 1858 adopted by the Executive Appropriations Committee of the Legislature for the Education Fund
 1859 in that fiscal year.

1860 (c) "Education Fund revenue surplus" means a situation where actual Education Fund
 1861 revenues collected in a completed fiscal year exceed the estimated revenues for the Education
 1862 Fund in that fiscal year that were adopted by the Executive Appropriations Committee of the
 1863 Legislature.

1864 (d) "Operating deficit" means that, at the end of the fiscal year, the [~~unreserved and~~
 1865 ~~undesignated~~] unassigned fund balance in the Education Fund is less than zero.

1866 (2) There is created within the Education Fund a restricted account to be known as the
 1867 Education Fund Budget Reserve Account, which is designated to receive the legislative
 1868 appropriations[~~, investment earnings,~~] and the surplus revenue required to be deposited into the
 1869 account by this section.

1870 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), at the end of any fiscal year in
 1871 which the Division of Finance, in consultation with the Legislative Fiscal Analyst and in
 1872 conjunction with the completion of the annual audit by the state auditor, determines that there
 1873 is an Education Fund revenue surplus, the Division of Finance shall transfer 25% of the
 1874 Education Fund revenue surplus to the Education Fund Budget Reserve Account.

1875 (ii) If the transfer of 25% of the Education Fund revenue surplus to the Education Fund
 1876 Budget Reserve Account under Subsection (3)(a)(i) would cause the balance in the account to
 1877 exceed 7% of Education Fund appropriations for the fiscal year in which the Education Fund
 1878 revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to
 1879 ensure that the balance in the account equals 7% of the Education Fund appropriations for the
 1880 fiscal year in which the Education Fund revenue surplus occurred.

1881 (iii) The Division of Finance shall calculate the amount to be transferred under this
 1882 Subsection (3)(a):

1883 (A) before transferring from the Education Fund revenue surplus any other year-end
 1884 contingency appropriations, year-end set-asides, or other year-end transfers required by law;
 1885 and

1886 (B) ~~H→~~ [~~excluding the investment earnings for the fiscal year and~~] ~~←H~~ excluding any direct
 1887 legislative appropriation made to the Education Fund Budget Reserve Account for the fiscal

1888 year.

1889 (b) (i) Except as provided in Subsection (3)(b)(ii), in addition to Subsection (3)(a)(i), if
1890 an Education Fund revenue surplus exists and if, within the last 10 years, the Legislature has
1891 appropriated any money from the Education Fund Budget Reserve Account that has not been
1892 replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall
1893 transfer up to 25% more of the Education Fund revenue surplus to the Education Fund Budget
1894 Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if
1895 any, and transfers from the Education Fund revenue surplus under this Subsection (3)(b) have
1896 replaced the appropriations from the account.

1897 (ii) If the transfer under Subsection (3)(b)(i) would cause the balance in the account to
1898 exceed 7% of Education Fund appropriations for the fiscal year in which the Education Fund
1899 revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to
1900 ensure that the balance in the account equals 7% of Education Fund appropriations for the
1901 fiscal year in which the revenue surplus occurred.

1902 (iii) The Division of Finance shall calculate the amount to be transferred under this
1903 Subsection (3)(b):

1904 (A) before transferring from the Education Fund revenue surplus any other year-end
1905 contingency appropriations, year-end set-asides, or other year-end transfers required by law;
1906 and

1907 (B) ~~H→ [excluding the investment earnings for the fiscal year and]~~ ←H excluding any direct
1908 legislative appropriation made to the Education Fund Budget Reserve Account for the fiscal
1909 year.

1910 (c) For appropriations made by the Legislature to the Education Fund Budget Reserve
1911 Account, the Division of Finance shall treat those appropriations, unless specified otherwise in
1912 the appropriation, as replacement funds for appropriations made from the account if funds were
1913 appropriated from the account within the past 10 years and have not yet been replaced.

1914 (4) Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of
1915 Finance determines that an operating deficit exists, the Division of Finance may reduce the
1916 transfer to the Education Fund Budget Reserve Account by the amount necessary to eliminate
1917 the operating deficit.

1918 (5) The Legislature may appropriate money from the Education Fund Budget Reserve

1981 Section 26-46-102.

1982 Section 42. Section **63J-1-602.2** is amended to read:

1983 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

1984 (1) Appropriations from the Technology Development Restricted Account created in

1985 Section 31A-3-104.

1986 (2) Appropriations from the Criminal Background Check Restricted Account created in

1987 Section 31A-3-105.

1988 (3) Appropriations from the Captive Insurance Restricted Account created in Section

1989 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that

1990 section free revenue.

1991 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in

1992 Section 31A-23a-415.

1993 [~~(5) The fund for operating the state's Federal Health Care Tax Credit Program, as~~
1994 ~~provided in Section 31A-38-104.~~]

1995 [~~(6) The Special Administrative Expense Account created in Section 35A-4-506.~~]

1996 [~~(7)~~ (5) Funding for a new program or agency that is designated as nonlapsing under

1997 Section 36-24-101.

1998 [~~(8)~~ (6) ~~H~~→ [The] Appropriations from the ←~~H~~ Oil and Gas Conservation Account

1998a created in Section 40-6-14.5.

1999 [~~(9) The Off-Highway Access and Education Restricted Account created in Section~~

2000 ~~41-22-19.5.~~]

2001 Section 43. Section **63J-1-602.3** is amended to read:

2002 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

2003 [~~(1) Certain funds associated with the Law Enforcement Operations Account, as~~

2004 ~~provided in Section 51-9-411.~~]

2005 [~~(2) The Public Safety Honoring Heroes Restricted Account created in Section~~

2006 ~~53-1-118.~~]

2007 [~~(3)~~ (1) Funding for the Search and Rescue Financial Assistance Program, as provided

2008 in Section 53-2-107.

2009 [~~(4)~~ (2) Appropriations made to the Department of Public Safety from the Department

2010 of Public Safety Restricted Account, as provided in Section 53-3-106.

2011 [~~(5)~~ (3) Appropriations to the Motorcycle Rider Education Program, as provided in

2012 Section 53-3-905.

2013 ~~[(6)]~~ (4) ~~H~~→ [The] Appropriations from the ~~←H~~ DNA Specimen Restricted Account
2013a created in Section 53-10-407.

2014 ~~[(7)]~~ (5) Appropriations to the State Board of Education, as provided in Section
2015 53A-17a-105.

2016 ~~[(8)]~~ (6) Certain funds appropriated from the Uniform School Fund to the State Board
2017 of Education for new teacher bonus and performance-based compensation plans, as provided in
2018 Section 53A-17a-148.

2019 ~~[(9) Certain funds appropriated from the Uniform School Fund to the State Board of
2020 Education for implementation of proposals to improve mathematics achievement test scores, as
2021 provided in Section 53A-17a-152.]~~

2022 ~~[(10) The School Building Revolving Account created in Section 53A-21-401.]~~

2023 ~~[(11)]~~ (7) Money received by the State Office of Rehabilitation for the sale of certain
2024 products or services, as provided in Section 53A-24-105.

2025 ~~[(12)]~~ (8) The State Board of Regents, as provided in Section 53B-6-104.

2026 ~~[(13)]~~ (9) Certain funds appropriated from the General Fund to the State Board of
2027 Regents for teacher preparation programs, as provided in Section 53B-6-104.

2028 ~~[(14)]~~ (10) A certain portion of money collected for administrative costs under the
2029 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

2030 ~~[(15)]~~ (11) Certain surcharges on residence and business telecommunications access
2031 lines imposed by the Public Service Commission, as provided in Section 54-8b-10.

2032 ~~[(16)]~~ (12) Certain fines collected by the Division of Occupational and Professional
2033 Licensing for violation of unlawful or unprofessional conduct that are used for education and
2034 enforcement purposes, as provided in Section 58-17b-505.

2035 ~~[(17) The Nurse Education and Enforcement Account created in Section 58-31b-103.]~~

2036 ~~[(18) The Certified Nurse Midwife Education and Enforcement Account created in
2037 Section 58-44a-103.]~~

2038 ~~[(19)]~~ (13) Certain fines collected by the Division of Occupational and Professional
2039 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
2040 provided in Section 58-63-103.

2041 ~~[(20) The Professional Geologist Education and Enforcement Account created in
2042 Section 58-76-103.]~~

2043 ~~[(21) Certain money in the Water Resources Conservation and Development Fund, as~~
 2044 ~~provided in Section 59-12-103.]~~

2045 Section 44. Section **63J-1-602.4** is amended to read:

2046 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

2047 ~~[(1) The Utah Housing Opportunity Restricted Account created in Section 61-2-204.]~~

2048 ~~[(2)]~~ (1) Funds paid to the Division of Real Estate for the cost of a criminal
 2049 background check for a mortgage loan license, as provided in Section 61-2c-202.

2050 ~~[(3)]~~ (2) Funds paid to the Division of Real Estate for the cost of a criminal
 2051 background check for principal broker, associate broker, and sales agent licenses, as provided
 2052 in Section 61-2f-204.

2053 ~~[(4)]~~ (3) Certain funds donated to the Department of Human Services, as provided in
 2054 Section 62A-1-111.

2055 ~~[(5)]~~ (4) Certain funds donated to the Division of Child and Family Services, as
 2056 provided in Section 62A-4a-110.

2057 ~~[(6)]~~ (5) Appropriations to the Division of Services for People with Disabilities, as
 2058 provided in Section 62A-5-102.

2059 ~~[(7) Certain donations to the Division of Substance Abuse and Mental Health, as~~
 2060 ~~provided in Section 62A-15-103.]~~

2061 ~~[(8) Assessments for DUI violations that are forwarded to an account created by a~~
 2062 ~~county treasurer, as provided in Section 62A-15-503.]~~

2063 ~~[(9) The Risk Management Fund created under Section 63A-4-201.]~~

2064 ~~[(10) The Child Welfare Parental Defense Fund created in Section 63A-11-203.]~~

2065 ~~[(11) The Constitutional Defense Restricted Account created in Section 63C-4-103.]~~

2066 ~~[(12)]~~ (6) A portion of the funds appropriated to the Utah Seismic Safety Commission,
 2067 as provided in Section 63C-6-104.

2068 ~~[(13)]~~ (7) Funding for the Medical Education Program administered by the Medical
 2069 Education Council, as provided in Section 63C-8-102.

2070 ~~[(14)]~~ (8) Certain money payable for commission expenses of the Pete Suazo Utah
 2071 Athletic Commission, as provided under Section 63C-11-301.

2072 ~~[(15)]~~ (9) Funds ~~Ĥ~~→ **appropriated or** ←~~Ĥ~~ collected for publishing the Division of
 2072a Administrative Rules'
 2073 publications, as provided in Section 63G-3-402.

- 2167 (A) the number of Utah jobs created;
- 2168 (B) the increased economic activity in Utah; or
- 2169 (C) other events and activities that occur as a result of the restricted account assistance.
- 2170 (b) (i) The administrator shall provide for a system of credits to be used to support
- 2171 grant payments or in lieu of cash repayment of a restricted account loan when loans are made to
- 2172 a company creating an economic impediment.
- 2173 (ii) The value of the credits described in Subsection (3)(b)(i) shall be based on factors
- 2174 determined by the administrator, including:
- 2175 (A) the number of Utah jobs created;
- 2176 (B) the increased economic activity in Utah; or
- 2177 (C) other events and activities that occur as a result of the restricted account assistance.
- 2178 (4) (a) A cash loan repayment or other cash recovery from a company receiving
- 2179 assistance under this section, including interest, shall be deposited into the restricted account.
- 2180 (b) The administrator and the Division of Finance shall determine the manner of
- 2181 recognizing and accounting for the earned credits used in lieu of loan repayments or to support
- 2182 grant payments as provided in Subsection (3).
- 2183 (5) (a) (i) At the end of each fiscal year, ~~[the unrestricted, undesignated]~~ the Division of
- 2184 Finance shall set aside the balance of the General Fund [balance] revenue surplus as defined in
- 2185 Section 63J-1-312 after the transfers ~~[of surplus]~~ of General Fund ~~[revenues]~~ revenue surplus
- 2186 described in ~~[this]~~ Subsection ~~[(5)(a) shall be earmarked]~~ (5)(b) to the Industrial Assistance
- 2187 Account in an amount equal to any credit that has accrued under this part.
- 2188 (ii) The ~~[earmark]~~ set aside under Subsection (5)(a)(i) shall be capped at \$50,000,000,
- 2189 at which time no subsequent contributions may be made and any interest accrued above the
- 2190 \$50,000,000 cap shall be deposited into the General Fund.
- 2191 (b) The ~~[earmark]~~ set aside required by Subsection (5)(a) shall be made after the
- 2192 transfer of ~~Ĥ→~~ [surplus] ~~←Ĥ~~ General Fund ~~Ĥ→~~ [revenues] revenue surplus ~~←Ĥ~~ is made:
- 2193 (i) to the General Fund Budget Reserve Account as provided in Section 63J-1-312; and
- 2194 (ii) ~~Ĥ→~~ [beginning with the fiscal year ending June 30, 2007,] to the State Disaster
- 2194a Recovery Restricted Account ~~←Ĥ~~ as provided in Section
- 2195 63J-1-314.
- 2196 (c) These credit amounts may not be used for purposes of the restricted account as
- 2197 provided in this part until appropriated by the Legislature.