

1                   **NAME AMENDMENTS TO FUNDS AND ACCOUNTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Steve Eliason**

5                                   Senate Sponsor: Curtis S. Bramble

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the names of certain funds and accounts.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ changes the terminology of each "restricted special revenue fund" to a new  
13 designation of "expendable special revenue fund";
- 14           ▶ classifies the following funds as "capital projects funds":
- 15           • The Transportation Investment Fund of 2005;
  - 16           • The Centennial Highway Fund; and
  - 17           • The Critical Highway Needs Fund;
- 18           ▶ modifies the description of fund types to better comply with new Government  
19 Accounting Standards Board requirements; and
- 20           ▶ provides that the Attorney General Litigation Fund is an expendable revenue fund.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           This bill provides revisor instructions.

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **4-2-8.5**, as last amended by Laws of Utah 2011, Chapters 303 and 342



28           **9-6-502**, as last amended by Laws of Utah 2002, Chapter 256  
29           **9-7-206**, as last amended by Laws of Utah 2002, Chapter 256  
30           **9-8-702**, as last amended by Laws of Utah 2002, Chapter 256  
31           **13-2-8**, as last amended by Laws of Utah 2008, Chapter 382  
32           **19-6-307**, as last amended by Laws of Utah 2002, Chapter 256  
33           **19-6-807**, as last amended by Laws of Utah 2012, Chapter 263  
34           **26-10-2.5**, as last amended by Laws of Utah 2002, Chapter 256  
35           **26-18b-101**, as last amended by Laws of Utah 2012, Chapter 242  
36           **26-36a-202**, as enacted by Laws of Utah 2010, Chapter 179  
37           **26-36a-207**, as enacted by Laws of Utah 2010, Chapter 179  
38           **26-50-201**, as enacted by Laws of Utah 2008, Chapter 325  
39           **26-54-102**, as enacted by Laws of Utah 2012, Chapter 226  
40           **31A-41-201**, as enacted by Laws of Utah 2008, Chapter 220  
41           **32B-2-305**, as last amended by Laws of Utah 2012, Fourth Special Session, Chapter 1  
42           **35A-3-116**, as last amended by Laws of Utah 2012, Chapters 212 and 246  
43           **35A-3-206**, as last amended by Laws of Utah 2011, Chapter 342  
44           **35A-8-727**, as renumbered and amended by Laws of Utah 2012, Chapter 212  
45           **35A-8-1009**, as renumbered and amended by Laws of Utah 2012, Chapter 212  
46           **35A-8-1301**, as renumbered and amended by Laws of Utah 2012, Chapter 212  
47           **35A-8-1602**, as renumbered and amended by Laws of Utah 2012, Chapter 212  
48           **35A-8-1704**, as renumbered and amended by Laws of Utah 2012, Chapter 212  
49           **38-11-201**, as last amended by Laws of Utah 2009, Chapters 183 and 368  
50           **40-10-25.1**, as last amended by Laws of Utah 2011, Chapter 342  
51           **51-5-4**, as last amended by Laws of Utah 2010, Chapter 278  
52           **51-5-7**, as last amended by Laws of Utah 2008, Chapter 382  
53           **51-9-404**, as last amended by Laws of Utah 2011, Chapters 131 and 342  
54           **54-8b-15**, as last amended by Laws of Utah 2002, Chapters 256 and 320  
55           **58-3a-103**, as last amended by Laws of Utah 2009, Chapter 183  
56           **58-11a-103**, as last amended by Laws of Utah 2007, Chapter 209  
57           **58-22-103**, as last amended by Laws of Utah 2009, Chapter 183  
58           **58-53-103**, as last amended by Laws of Utah 2009, Chapter 183

- 59           **58-67a-1**, as last amended by Laws of Utah 2002, Chapter 256
- 60           **59-27-105**, as last amended by Laws of Utah 2011, Chapter 309
- 61           **61-1-18.7**, as last amended by Laws of Utah 2011, Chapter 318
- 62           **61-2c-501**, as last amended by Laws of Utah 2010, Chapter 379
- 63           **61-2f-503**, as renumbered and amended by Laws of Utah 2010, Chapter 379
- 64           **62A-1-119**, as last amended by Laws of Utah 2011, Chapters 303 and 342
- 65           **62A-3-110**, as last amended by Laws of Utah 2012, Chapter 242
- 66           **62A-15-103**, as last amended by Laws of Utah 2012, Chapter 242
- 67           **63A-3-505**, as last amended by Laws of Utah 2011, Chapter 342 and renumbered and
- 68 amended by Laws of Utah 2011, Chapter 79
- 69           **63A-11-203**, as last amended by Laws of Utah 2011, Chapters 265 and 303
- 70           **63A-12-109**, as enacted by Laws of Utah 2011, Chapter 265
- 71           **63C-9-502**, as last amended by Laws of Utah 2006, Chapter 256
- 72           **63J-1-601**, as renumbered and amended by Laws of Utah 2009, Chapters 183 and 368
- 73           **63J-3-103**, as last amended by Laws of Utah 2010, Chapter 137
- 74           **63M-1-2203**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 75           **63M-1-2612**, as last amended by Laws of Utah 2009, Chapter 183
- 76           **67-4-18**, as last amended by Laws of Utah 2012, Chapter 212
- 77           **67-5-24**, as enacted by Laws of Utah 2007, Chapter 124
- 78           **71-11-8**, as last amended by Laws of Utah 2007, Chapter 173
- 79           **72-2-118**, as last amended by Laws of Utah 2012, Chapters 207 and 397
- 80           **72-2-124**, as last amended by Laws of Utah 2012, Chapters 207, 397, and 400
- 81           **72-2-125**, as last amended by Laws of Utah 2012, Chapter 207
- 82           **76-10-922**, as last amended by Laws of Utah 2009, Chapter 61
- 83           **79-3-402**, as renumbered and amended by Laws of Utah 2009, Chapter 344



85 *Be it enacted by the Legislature of the state of Utah:*

86           Section 1. Section **4-2-8.5** is amended to read:

87           **4-2-8.5. Salinity Offset Fund.**

88           (1) As used in this section, "Colorado River Salinity Offset Program" means a  
89 program, administered by the Division of Water Quality, allowing oil, gas, or mining

90 companies and other entities to provide funds to finance salinity reduction projects in the  
91 Colorado River Basin by purchasing salinity credits as offsets against discharges made by the  
92 company under permits issued by the Division of Water Quality.

93 (2) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
94 "Salinity Offset Fund."

95 (b) The fund shall consist of:

96 (i) money received from the Division of Water Quality that has been collected as part of  
97 the Colorado River Salinity Offset Program;

98 (ii) grants from local governments, the state, or the federal government;

99 (iii) grants from private entities; and

100 (iv) interest on fund money.

101 (3) (a) The department shall:

102 (i) subject to the rules established under Subsection (3)(a)(ii), distribute fund money to  
103 farmers, ranchers, mutual irrigation companies, and other entities in the state to assist in  
104 financing irrigation, rangeland, and watershed improvement projects that will, in accordance  
105 with the Colorado River Salinity Offset Program, reduce salinity in the Colorado River; and

106 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
107 make rules establishing:

108 (A) a project funding application process;

109 (B) project funding requirements;

110 (C) project approval criteria; and

111 (D) standards for evaluating the effectiveness of funded projects in reducing salinity in  
112 the Colorado River.

113 (b) The department may require entities seeking fund money to provide matching  
114 funds.

115 (c) The department shall submit to the Water Quality Board's executive secretary  
116 proposed funding projects for the executive secretary's review and approval.

117 (4) The department may use fund money for the administration of the fund, but this  
118 amount may not exceed 10% of the annual receipts to the fund.

119 Section 2. Section **9-6-502** is amended to read:

120 **9-6-502. Utah Arts Endowment Fund.**

121 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
122 "Utah Arts Endowment Fund."

123 (2) The state fund shall be administered by the board in accordance with applicable  
124 law.

125 (3) Any administrative costs incurred by the board shall be reviewed by the appropriate  
126 appropriations committee of the Legislature.

127 (4) The state fund shall contain all money appropriated to it by the Legislature, all  
128 federal funds received for purposes of this part, plus interest and other income earned on them.

129 (5) The purpose of the state fund is to provide money to qualifying arts organizations to  
130 enable them to create their own arts endowment funds and to the board to administer the state  
131 fund.

132 Section 3. Section **9-7-206** is amended to read:

133 **9-7-206. State Library Donation Fund -- Deposits and fees.**

134 (1) There is created [~~a restricted~~] an expendable special revenue fund entitled the "State  
135 Library Donation Fund" to receive bequests, gifts, and endowments of money.

136 (2) Any interest or proceeds realized from the use or disposition of property received  
137 by the division or interest on the fund itself shall be deposited in the State Library Donation  
138 Fund and used by the State Library Division for the purposes specified by the donor.

139 (3) All fees paid to the library and collections made due to damaged books or through  
140 sale or exchange of books and other materials shall be deposited in the General Fund as  
141 dedicated credits for use by the State Library Division.

142 Section 4. Section **9-8-702** is amended to read:

143 **9-8-702. Utah History Endowment Fund.**

144 There is created [~~a restricted~~] an expendable special revenue fund known as the "Utah  
145 History Endowment Fund." The state fund shall be administered by the Division of Finance in  
146 accordance with applicable law. The state fund shall contain all money appropriated to it by  
147 the Legislature and the interest and other income earned on the fund. The purpose of the state  
148 fund is to provide money to qualifying organizations to enable them to create their own history  
149 endowment funds.

150 Section 5. Section **13-2-8** is amended to read:

151 **13-2-8. Consumer Protection Education and Training Fund.**

152 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
153 "Consumer Protection Education and Training Fund."

154 (2) (a) Unless otherwise provided by a chapter listed in Section 13-2-1, all money not  
155 distributed as consumer restitution that is received by the division from administrative fines  
156 and settlements, from criminal restitution, or from civil damages, forfeitures, penalties, and  
157 settlements when the division receives the money on its own behalf and not in a representative  
158 capacity, shall be deposited into the fund.

159 (b) Any portion of the fund may be maintained in an interest-bearing account.

160 (c) All interest earned on fund money shall be deposited into the fund.

161 (3) Notwithstanding Title 63J, Chapter 1, Budgetary Procedures Act, the division may  
162 use the fund with the approval of the executive director of the Department of Commerce in a  
163 manner consistent with the duties of the division under this chapter for:

164 (a) consumer protection education for members of the public;

165 (b) equipment for and training of division personnel;

166 (c) publication of consumer protection brochures, laws, policy statements, or other  
167 material relevant to the division's enforcement efforts; and

168 (d) investigation and litigation undertaken by the division.

169 (4) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the  
170 excess shall be transferred to the General Fund.

171 Section 6. Section **19-6-307** is amended to read:

172 **19-6-307. Hazardous Substances Mitigation Fund -- Uses.**

173 (1) There is created [~~a restricted~~] an expendable special revenue fund entitled the  
174 "Hazardous Substances Mitigation Fund."

175 (2) The fund consists of money generated from the following revenue sources:

176 (a) any voluntary contributions received for the cleanup of hazardous substances  
177 facilities;

178 (b) appropriations made to the fund by the Legislature; and

179 (c) money received by the state under Section 19-6-310 and Section 19-6-316.

180 (3) (a) The fund shall earn interest.

181 (b) All interest earned on fund money shall be deposited into the fund.

182 (4) The executive director may use fund money to:

- 183 (a) take emergency action as provided in Sections 19-6-309 and 19-6-310;
- 184 (b) conduct remedial investigations as provided in Sections 19-6-314 through  
185 19-6-316;
- 186 (c) pay the amount required by the federal government as the state's portion of the cost  
187 of cleanups under authority of CERCLA, as appropriated by the Legislature for that purpose;  
188 and
- 189 (d) pay the amount required by the federal government as the state's portion of the cost  
190 of cleanups under 42 U.S.C. 6991 et seq., the Leaking Underground Storage Tank Trust Fund,  
191 as appropriated by the Legislature for that purpose.

192 Section 7. Section **19-6-807** is amended to read:

193 **19-6-807. Special revenue fund -- Creation -- Deposits.**

194 (1) There is created [~~a restricted~~] an expendable special revenue fund entitled the  
195 "Waste Tire Recycling Fund."

196 (2) The fund shall consist of:

- 197 (a) the proceeds of the fee imposed under Section 19-6-805; and
- 198 (b) penalties collected under this part.

199 (3) Money in the fund shall be used for:

- 200 (a) partial reimbursement of the costs of transporting, processing, recycling, or  
201 disposing of waste tires as provided in this part; and
- 202 (b) payment of administrative costs of local health departments as provided in Section  
203 19-6-817.

204 (4) The Legislature may appropriate money from the fund to pay for costs of the  
205 Department of Environmental Quality in administering and enforcing this part.

206 Section 8. Section **26-10-2.5** is amended to read:

207 **26-10-2.5. Creation of fund -- Fund money -- Use for maternal and child**  
208 **nutrition program.**

209 (1) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
210 "Women, Infants, and Children (WIC) Supplemental Food Program Fund."

211 (b) As used in this section, "fund" means the fund created in this Subsection (1).

212 (2) All grant money of \$450,000 received by the Division of Community and Family  
213 Health Services created in Title 26, Chapter 10, from infant formula companies, for the

214 purpose of promoting the health of women, infants, and children by assuring they have  
215 opportunities for access to good nutrition, shall be deposited in this fund.

216 (3) Money in the fund may be used only:

217 (a) for the department's special supplemental food program for women, infants, and  
218 children; and

219 (b) upon joint agreement of the department and the State WIC Advisory Council  
220 established by the department.

221 (4) The fund shall be incorporated into the department WIC plan.

222 Section 9. Section **26-18b-101** is amended to read:

223 **26-18b-101. Organ Donation Contribution Fund created.**

224 (1) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
225 Organ Donation Contribution Fund.

226 (b) The Organ Donation Contribution Fund shall consist of:

227 (i) private contributions;

228 (ii) donations or grants from public or private entities;

229 (iii) voluntary donations collected under Sections 41-1a-230.5 and 53-3-214.7; and

230 (iv) interest and earnings on fund money.

231 (c) The cost of administering the Organ Donation Contribution Fund shall be paid from  
232 money in the fund.

233 (2) The Department of Health shall:

234 (a) administer the funds deposited in the Organ Donation Contribution Fund;

235 (b) select qualified organizations and distribute the funds in the Organ Donation  
236 Contribution Fund in accordance with Subsection (3); and

237 (c) make an annual report on the fund to the Social Services Appropriations  
238 Subcommittee.

239 (3) (a) The funds in the Organ Donation Contribution Fund may be distributed to a  
240 selected organization that:

241 (i) promotes and supports organ donation;

242 (ii) assists in maintaining and operating a statewide organ donation registry; and

243 (iii) provides donor awareness education.

244 (b) An organization that meets the criteria of Subsections (3)(a)(i) through (iii) may



245 apply to the Department of Health, in a manner prescribed by the department, to receive a  
246 portion of the money contained in the Organ Donation Contribution Fund.

247 Section 10. Section **26-36a-202** is amended to read:

248 **26-36a-202. Assessment, collection, and payment of hospital provider assessment.**

249 (1) A uniform, broad based, assessment is imposed on each hospital as defined in  
250 Subsection 26-36a-103(4)(a):

251 (a) in the amount designated in Section 26-36a-203; and

252 (b) in accordance with Section 26-36a-204, beginning when the division has obtained  
253 approval from the Center for Medicare and Medicaid Services and provided notice of the  
254 assessment to the hospital.

255 (2) (a) The assessment imposed by this chapter is due and payable on a quarterly basis  
256 in accordance with Section 26-36a-204.

257 (b) The collecting agent for this assessment is the department which is vested with the  
258 administration and enforcement of this chapter, including the right to adopt administrative rules  
259 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to:

260 (i) implement and enforce the provisions of this act; and

261 (ii) audit records of a facility:

262 (A) that is subject to the assessment imposed by this chapter; and

263 (B) does not file a Medicare cost report.

264 (c) The department shall forward proceeds from the assessment imposed by this  
265 chapter to the state treasurer for deposit in the [~~restricted~~] expendable special revenue fund as  
266 specified in Section 26-36a-207.

267 (3) The department may, by rule, extend the time for paying the assessment.

268 Section 11. Section **26-36a-207** is amended to read:

269 **26-36a-207. Hospital Provider Assessment Expendable Revenue Fund -- Creation**  
270 **-- Deposits.**

271 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
272 "Hospital Provider Assessment [~~Special~~] Expendable Revenue Fund."

273 (2) The fund shall consist of:

274 (a) the assessments collected by the department under this chapter;

275 (b) any interest and penalties levied with the administration of this chapter; and

276 (c) any other funds received as donations for the [~~restricted~~] fund and appropriations  
277 from other sources.

278 (3) Money in the fund shall be used:

279 (a) to make inpatient hospital access payments under Section 26-36a-205; and

280 (b) to reimburse money collected by the division from a hospital through a mistake  
281 made under this chapter.

282 Section 12. Section **26-50-201** is amended to read:

283 **26-50-201. Traumatic Brain Injury Fund.**

284 (1) There is created [~~a restricted~~] an expendable special revenue fund entitled the  
285 Traumatic Brain Injury Fund.

286 (2) The fund shall consist of:

287 (a) gifts, grants, donations, or any other conveyance of money that may be made to the  
288 fund from private sources; and

289 (b) additional amounts as appropriated by the Legislature.

290 (3) The fund shall be administered by the executive director.

291 (4) Fund money may be used to:

292 (a) educate the general public and professionals regarding understanding, treatment,  
293 and prevention of traumatic brain injury;

294 (b) provide access to evaluations and coordinate short-term care to assist an individual  
295 in identifying services or support needs, resources, and benefits for which the individual may  
296 be eligible;

297 (c) develop and support an information and referral system for persons with a traumatic  
298 brain injury and their families; and

299 (d) provide grants to persons or organizations to provide the services described in  
300 Subsections (4)(a), (b), and (c).

301 (5) Not less than 50% of the fund shall be used each fiscal year to directly assist  
302 individuals who meet the qualifications described in Subsection (6).

303 (6) An individual who receives services either paid for from the fund, or through an  
304 organization under contract with the fund, shall:

305 (a) be a resident of Utah;

306 (b) have been diagnosed by a qualified professional as having a traumatic brain injury

307 which results in impairment of cognitive or physical function; and

308 (c) have a need that can be met within the requirements of this chapter.

309 (7) The fund may not duplicate any services or support mechanisms being provided to  
310 an individual by any other government or private agency.

311 (8) All actual and necessary operating expenses for the committee and staff shall be  
312 paid by the fund.

313 (9) The fund may not be used for medical treatment, long-term care, or acute care.

314 Section 13. Section **26-54-102** is amended to read:

315 **26-54-102. Creation -- Traumatic Spinal Cord and Brain Injury Rehabilitation**  
316 **Fund.**

317 (1) Because the state finds that persons with traumatic spinal cord and brain injuries  
318 require intensive, focused, and specific rehabilitation there is created [~~a restricted~~] an  
319 expendable special revenue fund entitled the Traumatic Spinal Cord and Brain Injury  
320 Rehabilitation Fund.

321 (2) The fund shall consist of:

322 (a) gifts, grants, donations, or any other conveyance of money that may be made to the  
323 fund from private sources;

324 (b) a portion of the impound fee as designated in Section 41-6a-1406; and

325 (c) amounts as appropriated by the Legislature.

326 (3) The fund shall be administered by the executive director of the Department of  
327 Health in consultation with the advisory committee created in Section 26-54-103.

328 (4) A "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic  
329 that:

330 (a) provides services for people in this state with traumatic spinal cord and brain  
331 injuries who require post-acute-care;

332 (b) employs licensed therapy clinicians; and

333 (c) has no less than five years experience operating a post-acute-care rehabilitation  
334 clinic in the state.

335 (5) Fund money shall be used to assist qualified IRC 501(c)(3) charitable clinics to  
336 provide:

337 (a) physical, occupational, and speech therapy; and

338 (b) equipment necessary for daily living activities for people with spinal cord and brain  
339 injuries.

340 (6) All actual and necessary operating expenses for the advisory committee and staff  
341 shall be paid by the fund.

342 Section 14. Section **31A-41-201** is amended to read:

343 **31A-41-201. Creation of Title Insurance Recovery, Education, and Research**  
344 **Fund.**

345 (1) There is created [~~a restricted~~] an expendable special revenue fund to be known as  
346 the "Title Insurance Recovery, Education, and Research Fund."

347 (2) The fund shall consist of:

348 (a) assessments on title insurance producers made under this chapter;

349 (b) amounts collected under Section 31A-41-305; and

350 (c) interest earned on the fund.

351 (3) Interest on fund money shall be deposited into the fund.

352 (4) The department shall administer the fund.

353 Section 15. Section **32B-2-305** is amended to read:

354 **32B-2-305. Alcoholic Beverage Control Act Enforcement Fund.**

355 (1) As used in this section:

356 (a) "Alcohol-related law enforcement officer" is as defined in Section 32B-1-201.

357 (b) "Enforcement ratio" is as defined in Section 32B-1-201.

358 (c) "Fund" means the Alcoholic Beverage Control Act Enforcement Fund created in  
359 this section.

360 (2) There is created [~~a restricted~~] an expendable special revenue fund known as the  
361 "Alcoholic Beverage Control Act Enforcement Fund."

362 (3) (a) The fund consists of:

363 (i) deposits made under Subsection (4); and

364 (ii) interest earned on the fund.

365 (b) The fund shall earn interest. Interest on the fund shall be deposited into the fund.

366 (4) After the deposit made under Section 32B-2-304 for the school lunch program, the  
367 department shall deposit 1% of the total gross revenue from the sale of liquor with the state  
368 treasurer to be credited to the fund to be used by the Department of Public Safety as provided

369 in Subsection (5).

370 (5) (a) The Department of Public Safety shall expend money from the fund to  
371 supplement appropriations by the Legislature so that the Department of Public Safety maintains  
372 a sufficient number of alcohol-related law enforcement officers such that beginning on July 1,  
373 2012, each year the enforcement ratio as of July 1 is equal to or less than the number specified  
374 in Section 32B-1-201.

375 (b) Beginning July 1, 2012, four alcohol-related law enforcement officers shall have as  
376 a primary focus the enforcement of this title in relationship to restaurants.

377 Section 16. Section **35A-3-116** is amended to read:

378 **35A-3-116. Refugee Services Fund -- Use of money -- Committee and director**  
379 **duties -- Restrictions.**

380 (1) There is created [~~a restricted~~] an expendable special revenue fund, known as the  
381 "Refugee Services Fund," hereafter referred to in this section as "the fund."

382 (2) The director or the director's designee, hereafter referred to in this section as the  
383 director, shall administer the fund with input from the Housing and Community Development  
384 Division, including any advisory committees within the Housing and Community Development  
385 Division that deal with refugee services issues.

386 (3) (a) Money shall be deposited into the fund from numerous sources, including  
387 federal grants, private foundations, and individual donors.

388 (b) The director shall encourage a refugee who receives services from activities funded  
389 under Subsection (8) to become a donor to the fund once the refugee's financial situation  
390 improves to the point where the refugee is capable of making a donation.

391 (4) The director may not expend money in the fund that is not restricted to a specific  
392 use under federal law or by donors without input from the Housing and Community  
393 Development Division, either directly or through an advisory committee identified in  
394 Subsection (2).

395 (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,  
396 State Money Management Act, and all interest or other earnings derived from the fund money  
397 shall be deposited in the fund.

398 (6) The money in the fund may not be used by the director for administrative expenses.

399 (7) If the Housing and Community Development Division establishes a refugee

400 services advisory committee referred to in Subsection (2), that committee may:

401       (a) advise the director on refugee services needs in the state and on relevant operational  
402 aspects of any grant or revenue collection program established under this part;

403       (b) recommend specific refugee projects to the director;

404       (c) recommend policies and procedures for administering the fund;

405       (d) make recommendations on grants made from the fund for any of the refugee  
406 services activities authorized under this section;

407       (e) advise the director on the criteria by which grants shall be made from the fund;

408       (f) recommend the order in which approved projects would be funded;

409       (g) make recommendations regarding the distribution of money from the fund in  
410 accordance with the procedures, conditions, and restrictions placed upon money in the fund by  
411 donors; and

412       (h) have joint responsibility to solicit public and private funding for the fund.

413       (8) The director may use fund money to:

414       (a) train an existing refugee organization to develop its capacity to operate  
415 professionally and effectively and to become an independent, viable organization; or

416       (b) provide grants to an existing refugee organization and other entities identified in  
417 Subsection (9) to assist them:

418       (i) with case management;

419       (ii) in meeting emergency housing needs for refugees;

420       (iii) in providing English language services;

421       (iv) in providing interpretive services;

422       (v) in finding and maintaining employment for refugees;

423       (vi) in collaborating with the state's public education system to improve the  
424 involvement of refugee parents in assimilating their children into public schools;

425       (vii) in meeting the health and mental health needs of refugees;

426       (viii) in providing or arranging for child care services; or

427       (ix) in administering refugee services.

428       (9) In addition to Subsection (8), the director with advice from the Housing and  
429 Community Development Division or its refugee services advisory committee, if one is  
430 created, may grant fund money for refugee services outlined in Subsection (8) through a

431 request for proposal process to:

432 (a) local governments;

433 (b) nonprofit community, charitable, or neighborhood-based organizations or private  
434 for profit organizations that deal solely or in part with providing or arranging for the provision  
435 of refugee services; or

436 (c) regional or statewide nonprofit organizations.

437 (10) The director shall enter into a written agreement with each successful grant  
438 applicant that has specific terms for each grant consistent with the provisions of this section  
439 that includes the structure, amount, and nature of the grant.

440 (11) The director shall monitor the activities of the recipients of grants issued from the  
441 fund on an annual basis to ensure compliance with the terms and conditions imposed on the  
442 recipient by the fund.

443 (12) An entity receiving a grant shall provide the director with periodic accounting of  
444 how the money it received from the fund was spent.

445 (13) The director shall submit an annual written report to the Economic Development  
446 and Workforce Services Interim Committee before November 1 regarding the status of the fund  
447 and the programs and services funded by the fund.

448 Section 17. Section **35A-3-206** is amended to read:

449 **35A-3-206. Child Care Fund -- Use of money -- Committee and director duties --**  
450 **Restrictions.**

451 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
452 "Child Care Fund."

453 (2) The director of the office shall administer the fund under the direction of the  
454 committee.

455 (3) (a) The office may form nonprofit corporations or foundations controlled by the  
456 director of the office and the committee to aid and assist the office in attaining its charitable,  
457 research, and educational objectives.

458 (b) The nonprofit corporations or foundations may receive and administer Legislative  
459 appropriations, government grants, contracts, and private gifts to carry out their public  
460 purposes.

461 (c) Money collected by the nonprofit corporation or foundation may be deposited in the

462 Child Care Fund.

463 (d) A nonprofit foundation controlled by the director of the office and the committee  
464 shall submit to the Division of Finance, within 60 days after the close of the foundation's fiscal  
465 year, a financial report summarizing the foundation's financial position and results of  
466 operations of the most recent fiscal year.

467 (4) (a) There shall be deposited into the fund money from numerous sources, including,  
468 grants, private foundations, and individual donors.

469 (b) The fund shall be used to accept money designated for child care initiatives  
470 improving the quality, affordability, or accessibility of child care.

471 (5) The money in the fund that is not restricted to a specific use under federal law or by  
472 donors may not be expended without approval of the committee.

473 (6) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,  
474 State Money Management Act, except that all interest or other earnings derived from the fund  
475 money shall be deposited in the fund.

476 (7) The money in the fund may not be used for administrative expenses of the office  
477 normally provided for by legislative appropriation.

478 (8) The committee shall:

479 (a) advise the director of the office on child care needs in the state and on relevant  
480 operational aspects of any grant, loan, or revenue collection program established under this  
481 part;

482 (b) recommend specific child care projects to the director of the office;

483 (c) recommend policy and procedures for administering the fund;

484 (d) make recommendations on grants, loans, or contracts from the fund for any of the  
485 child care activities authorized under this part;

486 (e) establish the criteria by which loans and grants will be made;

487 (f) determine the order in which approved child care projects will be funded;

488 (g) make recommendations regarding the distribution of money from the fund in  
489 accordance with the procedures, conditions, and restrictions placed upon the money by the  
490 donors; and

491 (h) have joint responsibility with the office to solicit public and private funding for the  
492 fund.



493 (9) Fund money shall be used for any of the following activities:

494 (a) training of child care providers;

495 (b) scholarships and grants for child care providers' professional development;

496 (c) child care public awareness and consumer education services;

497 (d) child care provider recruitment;

498 (e) Office of Child Care sponsored activities;

499 (f) matching money for obtaining grants; or

500 (g) other activities that will assist in the improvement of child care quality,

501 affordability, or accessibility.

502 (10) The director of the office, with the consent of the committee and the executive

503 director, may grant, lend, or contract fund money for child care purposes to:

504 (a) local governments;

505 (b) nonprofit community, charitable, or neighborhood-based organizations;

506 (c) regional or statewide nonprofit organizations; or

507 (d) child care providers.

508 (11) Preference may be given but awards may not be limited to applicants for fund

509 money that demonstrate any of the following:

510 (a) programmatic or financial need;

511 (b) diversity of clientele or geographic location; and

512 (c) coordination with or enhancement of existing services.

513 (12) The executive director or the executive director's designee shall monitor the

514 activities of the recipients of grants, loans, or contracts issued from the fund on an annual basis

515 to ensure compliance with the terms and conditions imposed on the recipient by the fund.

516 (13) The entities receiving grants, loans, or contracts shall provide the director of the

517 office with an annual accounting of how the money they received from the fund has been spent.

518 (14) (a) The director of the office shall make an annual report to the committee

519 regarding the status of the fund and the programs and services funded by the fund.

520 (b) The report shall be included as a component of the report to the Legislature

521 required under Subsection 35A-3-203(11).

522 Section 18. Section **35A-8-727** is amended to read:

523 **35A-8-727. New housing grants -- Reimbursement from Housing Relief**

524 **Expendable Special Revenue Fund.**

525 (1) Subject to the availability of funds in the Housing Relief [~~Restricted~~] Expendable  
526 Special Revenue Fund created in Section 67-4-18, the corporation shall approve on behalf of  
527 the state a grant of \$6,000 to a person who:

528 (a) purchases a newly constructed, never-occupied residence in Utah using a 30-year  
529 fixed interest rate note and mortgage; and

530 (b) meets the requirements established in Subsections (2) and (3).

531 (2) A person may not receive a grant under this section if the person's income, as  
532 determined by the corporation, exceeds:

533 (a) \$75,000 for a single person; or

534 (b) \$150,000 for a married couple.

535 (3) The corporation shall establish procedures for determining a person's eligibility for  
536 a grant under this section, including establishing a limit on the time that money for a grant may  
537 remain in escrow, which may not exceed 90 days.

538 Section 19. Section **35A-8-1009** is amended to read:

539 **35A-8-1009. Qualified Emergency Food Agencies Fund -- Expenditure of**  
540 **revenues.**

541 (1) As used in this section:

542 (a) "Association of governments" means the following created under the authority of  
543 Title 11, Chapter 13, Interlocal Cooperation Act:

544 (i) an association of governments; or

545 (ii) a regional council that acts as an association of governments.

546 (b) "Food and food ingredients" is as defined in Section 59-12-102.

547 (c) "Pounds of food donated" means the aggregate number of pounds of food and food  
548 ingredients that are donated:

549 (i) to a qualified emergency food agency; and

550 (ii) by a person, other than an organization that as part of its activities operates a  
551 program that has as the program's primary purpose to:

552 (A) warehouse and distribute food to other agencies and organizations providing food  
553 and food ingredients to low-income persons; or

554 (B) provide food and food ingredients directly to low-income persons.

- 555 (d) "Qualified emergency food agency" means an organization that:  
556 (i) is:  
557 (A) exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
558 Code;  
559 (B) an association of governments; or  
560 (C) a food pantry operated by a municipality located within the state;  
561 (ii) as part of its activities operates a program that has as the program's primary purpose  
562 to:  
563 (A) warehouse and distribute food to other agencies and organizations providing food  
564 and food ingredients to low-income persons; or  
565 (B) provide food and food ingredients directly to low-income persons; and  
566 (iii) the office determines to be a qualified emergency food agency.  
567 (2) There is created [~~a restricted~~] an expendable special revenue fund known as the  
568 Qualified Emergency Food Agencies Fund.  
569 (3) (a) The Qualified Emergency Food Agencies Fund shall be funded by the sales and  
570 use tax revenues described in:  
571 (i) Section 59-12-103;  
572 (ii) Section 59-12-204; and  
573 (iii) Section 59-12-1102.  
574 (b) Any interest earned on the Qualified Emergency Food Agencies Fund shall be  
575 deposited into the General Fund.  
576 (4) The office shall for a fiscal year distribute money deposited into the Qualified  
577 Emergency Food Agencies Fund to qualified emergency food agencies within the state as  
578 provided in this section.  
579 (5) A qualified emergency food agency shall file an application with the office before  
580 the qualified emergency food agency may receive a distribution under this section.  
581 (6) Except as provided in Subsection (7), the office shall for a fiscal year distribute to a  
582 qualified emergency food agency an amount equal to the product of:  
583 (a) the pounds of food donated to the qualified emergency food agency during that  
584 fiscal year; and  
585 (b) 12 cents.

586 (7) If the money deposited into the Qualified Emergency Food Agencies Fund is  
587 insufficient to make the distributions required by Subsection (6), the office shall make  
588 distributions to qualified emergency food agencies in the order that the office receives  
589 applications from the qualified emergency food agencies until all of the money deposited into  
590 the Qualified Emergency Food Agencies Fund for the fiscal year is expended.

591 (8) A qualified emergency food agency may expend a distribution received in  
592 accordance with this section only for a purpose related to:

593 (a) warehousing and distributing food and food ingredients to other agencies and  
594 organizations providing food and food ingredients to low-income persons; or

595 (b) providing food and food ingredients directly to low-income persons.

596 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
597 Housing and Community Development Division may make rules providing procedures for  
598 implementing the distributions required by this section, including:

599 (a) standards for determining and verifying the amount of a distribution that a qualified  
600 emergency food agency may receive;

601 (b) procedures for a qualified emergency food agency to apply for a distribution,  
602 including the frequency with which a qualified emergency food agency may apply for a  
603 distribution; and

604 (c) consistent with Subsection (1)(d), determining whether an entity is a qualified  
605 emergency food agency.

606 Section 20. Section **35A-8-1301** is amended to read:

607 **35A-8-1301. Creation and administration.**

608 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
609 "Intermountain Weatherization Training Fund."

610 (2) The Intermountain Weatherization Training Fund shall consist of:

611 (a) private contributions;

612 (b) donations or grants from public or private entities;

613 (c) fees;

614 (d) any money appropriated by the Legislature; and

615 (e) interest and earnings on fund money.

616 (3) The division shall authorize the expenditure of fund money to the Weatherization

617 Training Center for the administration, operation, maintenance, and support of the center  
618 subject to:

619 (a) money available in the fund; and

620 (b) rules established under Subsection (5).

621 (4) Administrative costs of the Intermountain Weatherization Fund shall be paid from  
622 the fund.

623 (5) The division shall:

624 (a) administer the money deposited in the Intermountain Weatherization Training  
625 Fund;

626 (b) distribute the money in the Intermountain Weatherization Training Fund in  
627 accordance with Subsection (5)(c); and

628 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
629 Rulemaking Act, establishing:

630 (i) the procedures for awarding fund money; and

631 (ii) the procedure for the Weatherization Training Center to apply for money from the  
632 Intermountain Weatherization Training Fund.

633 Section 21. Section **35A-8-1602** is amended to read:

634 **35A-8-1602. Legislative intent -- Uintah Basin Revitalization Fund -- Deposits**  
635 **and contents.**

636 (1) In order to maximize the long-term benefit of severance taxes derived from lands  
637 held in trust by the United States for the Tribe and its members by fostering funding  
638 mechanisms that will, consistent with sound financial practices, result in the greatest use of  
639 financial resources for the greatest number of citizens of the Uintah Basin, and in order to  
640 promote cooperation and coordination between the state, its political subdivisions, Indian  
641 tribes, and individuals, firms, and business organizations engaged in the development of oil and  
642 gas interests held in trust for the Tribe and its members, there is created [~~a restricted~~] an  
643 expendable special revenue fund entitled the "Uintah Basin Revitalization Fund."

644 (2) The fund consists of all money deposited to the Revitalization Fund under this part  
645 and Section 59-5-116.

646 (3) (a) The Revitalization Fund shall earn interest.

647 (b) All interest earned on fund money shall be deposited into the fund.

648 Section 22. Section **35A-8-1704** is amended to read:

649 **35A-8-1704. Navajo Revitalization Fund.**

650 (1) (a) There is created [~~a restricted~~] an expendable special revenue fund called the  
651 "Navajo Revitalization Fund."

652 (b) The revitalization fund shall consist of:

653 (i) money deposited to the revitalization fund under this chapter;

654 (ii) money deposited to the revitalization fund under Section 59-5-119; and

655 (iii) any loan repayment or interest on a loan issued under this chapter.

656 (2) (a) The revitalization fund shall earn interest.

657 (b) The interest earned on revitalization fund money shall be deposited into the fund.

658 (3) Beginning for fiscal year 2010-11, the division may use revitalization fund money  
659 for the administration of the revitalization fund, but this amount may not exceed 4% of the  
660 annual receipts to the revitalization fund.

661 Section 23. Section **38-11-201** is amended to read:

662 **38-11-201. Residence Lien Recovery Fund.**

663 (1) There is created [~~a restricted~~] an expendable special revenue fund called the  
664 "Residence Lien Recovery Fund."

665 (2) (a) The fund consists of all amounts collected by the division in accordance with  
666 Section 38-11-202.

667 (b) (i) The division shall deposit the funds in an account with the state treasurer.

668 (ii) The division shall record the funds in the Residence Lien Recovery Fund.

669 (c) The fund shall earn interest.

670 (3) The division shall employ personnel and resources necessary to administer the fund  
671 and shall use fund money in accordance with Sections 38-11-203 and 38-11-204 and to pay the  
672 costs charged to the fund by the attorney general.

673 (4) Costs incurred by the division for administering the fund shall be paid out of fund  
674 money.

675 (5) The Division of Finance shall report annually to the Legislature, the division, and  
676 the board. The report shall state:

677 (a) amounts received by the fund;

678 (b) disbursements from the fund;

679 (c) interest earned and credited to the fund; and

680 (d) the fund balance.

681 (6) (a) For purposes of establishing and assessing fees under Section 63J-1-504, the  
682 provisions of this chapter are considered a new program for fiscal year 1995-96.

683 (b) The department shall submit its fee schedule to the Legislature for its approval at  
684 the 1996 Annual General Session.

685 Section 24. Section **40-10-25.1** is amended to read:

686 **40-10-25.1. Abandoned Mine Reclamation Fund created -- Contents -- Use of**  
687 **money.**

688 (1) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
689 "Abandoned Mine Reclamation Fund."

690 (b) (i) The fund shall consist of the money specified in Subsections (2) and (3).

691 (ii) The money of Subsection (2) shall be segregated from the money of Subsection (3).

692 (2) (a) Money received by the state from the following sources shall be deposited into  
693 the Abandoned Mine Reclamation Fund:

694 (i) recovered liens filed against privately owned land as provided by Section 40-10-28;

695 (ii) fees for the use of reclaimed lands as provided by Section 40-10-28;

696 (iii) fines collected for violations of this chapter or any rule or order issued under this  
697 chapter;

698 (iv) donations designated for reclamation of abandoned mines; and

699 (v) interest credited to the fund pursuant to Subsection (2)(b).

700 (b) Money received under Subsection (2)(a) shall be invested by the state treasurer and  
701 the income earned shall be credited to the Abandoned Mine Reclamation Fund, except interest  
702 income earned over \$19,000 per year shall be credited to the General Fund.

703 (c) The division may at any time expend money deposited into the fund under  
704 Subsection (2)(a) to accomplish the purposes of the abandoned mine reclamation program.

705 (3) (a) (i) Money received by the state from the secretary of the United States  
706 Department of Interior, which is granted as special state set-aside money in accordance with 30  
707 U.S.C. Sec. 1232 et seq. shall be deposited in the Abandoned Mine Reclamation Fund.

708 (ii) Money deposited into the fund under Subsection (3)(a)(i) shall be invested by the  
709 state treasurer and the income earned shall be credited to the Abandoned Mine Reclamation

710 Fund.

711 (b) After August 3, 1992, the division shall use the money deposited into the  
712 Abandoned Mine Reclamation Fund under this Subsection (3) to accomplish the purposes set  
713 forth in Sections 40-10-25 through 40-10-28.1.

714 (c) Except as provided in Subsection (3)(d), the money deposited into the Abandoned  
715 Mine Reclamation Fund under this Subsection (3) shall be made available to the division  
716 through legislative appropriations.

717 (d) The director of the division with the concurrence of the board may at any time  
718 expend money deposited into the Abandoned Mine Reclamation Fund under Subsection (3)(a)  
719 for any emergency requiring immediate reclamation.

720 Section 25. Section **51-5-4** is amended to read:

721 **51-5-4. Funds established -- Titles of funds -- Fund functions.**

722 (1) (a) (i) The funds enumerated in this section are established as major fund types.

723 (ii) All resources and financial transactions of Utah state government shall be  
724 accounted for within one of these major fund types.

725 (b) (i) All funds or subfunds shall be consolidated into one of the state's major fund  
726 types.

727 (ii) Where a specific statute requires that a [~~restricted~~] fund or account be established,  
728 that fund or account shall be accounted for as an individual fund, subfund, or account within  
729 the major fund type to meet generally accepted accounting principles.

730 (iii) Existing and new activities of state government authorized by the Legislature shall  
731 be accounted for within the framework of the major fund types established in this section.

732 (c) The Division of Finance shall determine the accounting classification that complies  
733 with generally accepted accounting principles for all funds, subfunds, or accounts created by  
734 the Legislature.

735 (d) (i) Major fund types shall be added by amending this chapter.

736 (ii) Whenever a new act creates or establishes a fund, subfund, or account without  
737 amending this chapter, the reference to a fund, subfund, or account in the new act shall be  
738 classified within one of the major fund types established by this section.

739 (2) Major Fund Type Titles:

740 (a) General Fund;



- 741 (b) Special Revenue Funds;  
 742 (c) Capital Projects Funds;  
 743 (d) Debt Service Funds;  
 744 (e) Permanent Funds;  
 745 (f) Enterprise Funds;  
 746 (g) Internal Service Funds;  
 747 (h) Trust and Agency Funds; and  
 748 (i) Discrete Component Unit Funds.

749 (3) The General Fund shall receive all revenues and account for all expenditures not  
 750 otherwise provided for by law in any other fund.

751 (4) Special Revenue Funds are used to account for and report proceeds of specific  
 752 revenue sources~~[-other than permanent funds, trust and agency funds, or major capital projects,~~  
 753 ~~that are legally restricted to expenditures]~~ that are restricted or committed to be expended for a  
 754 ~~[specific]~~ specified purpose.

755 (a) The Education Fund is a Special Revenue Fund that:

- 756 (i) receives all revenues from taxes on intangible property or from a tax on income; and  
 757 (ii) is designated for public and higher education.

758 ~~[(b) The Transportation Investment Fund of 2005 is a Special Revenue Fund that~~  
 759 ~~accounts for revenues that are required by law to be expended for the maintenance,~~  
 760 ~~construction, reconstruction, or renovation of certain state and federal highways.]~~

761 ~~[(c)]~~ (b) The Transportation Fund is a Special Revenue Fund that accounts for all  
 762 revenues that are required by law to be expended for highway purposes.

763 ~~[(d)]~~ (c) (i) ~~[A Restricted]~~ An Expendable Special Revenue Fund is a Special Revenue  
 764 Fund created by legislation or contractual relationship with parties external to the state that:

765 (A) identifies specific revenues collected from fees, taxes, dedicated credits, donations,  
 766 federal funds, or other sources;

767 (B) defines the use of the money in the fund for a specific function of government or  
 768 program within an agency; and

769 (C) delegates spending authority or authorization to use the fund's assets to a governing  
 770 board, administrative department, or other officials as defined in the enabling legislation or  
 771 contract establishing the fund.

772 (ii) ~~[A Restricted]~~ An Expendable Special Revenue Fund may only be created by  
773 contractual relationship with external parties when the sources of revenue for the fund are  
774 donated revenues or federal revenues.

775 (iii) ~~[Restricted]~~ Expendable Special Revenue Funds are subject to annual legislative  
776 review by the appropriate legislative appropriations subcommittee.

777 (5) (a) Capital Projects Funds account for financial resources to be expended for the  
778 acquisition or construction of ~~[major]~~ capital ~~[facilities, except that when financing for]~~  
779 outlays, including the acquisition or construction of a ~~[major]~~ capital facility ~~[is obtained from~~  
780 ~~a trust fund or a proprietary type fund within one of the major fund types, the money shall be~~  
781 ~~accounted for in those accounts]~~ and other capital assets. Capital Projects Funds exclude those  
782 types of capital-related outflows financed by proprietary funds or for assets that will be held in  
783 trust for individuals, private organizations, or other governments.

784 (b) The Transportation Investment Fund of 2005 is a Capital Projects Fund that  
785 accounts for revenues that are required by law to be expended for the maintenance,  
786 construction, reconstruction, or renovation of certain state and federal highways.

787 (6) Debt Service Funds account for the accumulation of resources for, and the payment  
788 of, the principal and interest on general long-term obligations.

789 (7) Permanent Funds account for assets that are legally restricted to the extent that only  
790 earnings, and not principal, may be used for a specific purpose.

791 (8) Enterprise Funds are designated to account for the following:

792 (a) operations, financed and operated in a manner similar to private business  
793 enterprises, where the Legislature intends that the costs of providing goods or services to the  
794 public are financed or recovered primarily through user charges;

795 (b) operations where the Legislature requires periodic determination of revenues  
796 earned, expenses incurred, and net income;

797 (c) operations for which a fee is charged to external users for goods or services; or

798 (d) operations that are financed with debt that is secured solely by a pledge of the net  
799 revenues from fees and charges of the operations.

800 (9) Internal Service Funds account for the financing of goods or services provided by  
801 one department, division, or agency to other departments, divisions, or agencies of the state, or  
802 to other governmental units, on a cost-reimbursement basis.

803 (10) (a) Trust and Agency Funds account for assets held by the state as trustee or agent  
804 for individuals, private organizations, or other governmental units.

805 (b) Pension Trust Funds, Investment Trust Funds, Private-Purpose Trust Funds, and  
806 Agency Funds are Trust and Agency Funds.

807 (11) Discrete Component Unit Funds account for the financial resources used to  
808 operate the state's colleges and universities and other discrete component units.

809 Section 26. Section **51-5-7** is amended to read:

810 **51-5-7. Expending plans and administrative expenses provided by legislative**  
811 **appropriation and included in governor's budget.**

812 (1) (a) Except as provided in Subsection (1)(b), the revenues and other resources of the  
813 governmental funds are subject to legislative review and appropriation for each fiscal period.

814 (b) [~~Restricted~~] Expendable Special Revenue Funds are subject to legislative review  
815 for each fiscal period.

816 (2) Notwithstanding the source of the revenues and the restrictions imposed upon the  
817 expenditure of the revenues, the planned expenditures for the governmental funds, except  
818 [~~Restricted~~] Expendable Special Revenue Funds, shall be incorporated into the governor's  
819 budget and submitted to the Legislature according to Section 63J-1-201.

820 (3) Expenses required in the administrative activities of the [~~Restricted~~] Expendable  
821 Special Revenue Funds, the Enterprise Funds, the Internal Service Funds, and the Trust and  
822 Agency Funds are subject to legislative review each year.

823 (a) Pro forma financial statements, including balance sheets, revenue and expenditure  
824 statements, statements of changes in financial position, and other statements that may be  
825 required for these funds shall be included in the governor's budget as information items and  
826 submitted to the Legislature according to Section 63J-1-201.

827 (b) If the operating results of any of these funds demonstrate that an appropriation is  
828 needed from any other fund or subfund, that appropriation shall be included in the governor's  
829 budget as a budget request.

830 Section 27. Section **51-9-404** is amended to read:

831 **51-9-404. Crime Victims Reparations Fund -- Public Safety Support Account --**  
832 **Distribution of surcharge amounts.**

833 (1) In this section:

834 (a) "Reparation fund" means the Crime Victim Reparations Fund.

835 (b) "Safety account" means the Public Safety Support Account.

836 (2) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
837 "Crime Victim Reparations Fund" to be administered and distributed as provided in this part by  
838 the Utah Office for Victims of Crime under Title 63M, Chapter 7, Part 5, Utah Office for  
839 Victims of Crime, in cooperation with the Division of Finance.

840 (b) Money deposited in this fund is for victim reparations, criminal justice and  
841 substance abuse, other victim services, and, as appropriated, for administrative costs of the  
842 Commission on Criminal and Juvenile Justice under Title 63M, Chapter 7, Criminal Justice  
843 and Substance Abuse.

844 (3) (a) There is created a restricted account in the General Fund known as the "Public  
845 Safety Support Account" to be administered and distributed by the Department of Public Safety  
846 in cooperation with the Division of Finance as provided in this part.

847 (b) Money deposited in this account shall be appropriated to:

848 (i) the Division of Peace Officer Standards and Training (POST) as described in Title  
849 53, Chapter 6, Peace Officer Standards and Training Act; and

850 (ii) the Office of the Attorney General for the support of the Utah Prosecution Council  
851 established in Title 67, Chapter 5a, and the fulfillment of the council's duties.

852 (4) The Division of Finance shall allocate from the collected surcharge established in  
853 Section 51-9-401:

854 (a) 35% to the Crime Victim Reparations Fund;

855 (b) 18.5% to the safety account for POST, but not to exceed the amount appropriated  
856 by the Legislature; and

857 (c) 3% to the safety account for support of the Utah Prosecution Council, but not to  
858 exceed the amount appropriated by the Legislature.

859 (5) (a) In addition to the funding provided by other sections of this part, a percentage of  
860 the income earned by inmates working for correctional industries in a federally certified private  
861 sector/prison industries enhancement program shall be deposited in the Crime Victim  
862 Reparations Fund.

863 (b) The percentage of income deducted from inmate pay under Subsection (5)(a) shall  
864 be determined by the executive director of the Department of Corrections in accordance with

865 the requirements of the private sector/prison industries enhancement program.

866 (6) (a) In addition to other money collected from the surcharge, judges are encouraged  
867 to, and may in their discretion, impose additional reparations to be paid into the Crime Victim  
868 Reparations Fund by convicted criminals.

869 (b) The additional discretionary reparations may not exceed the statutory maximum  
870 fine permitted by Title 76, Utah Criminal Code, for that offense.

871 Section 28. Section **54-8b-15** is amended to read:

872 **54-8b-15. Universal Public Telecommunications Service Support Fund --**

873 **Established.**

874 (1) For purposes of this section:

875 (a) "Basic telephone service" means local exchange service and may include such other  
876 functions and elements, if any, as the commission determines to be eligible for support by the  
877 fund.

878 (b) "Fund" means the Universal Public Telecommunications Service Support Fund  
879 established in this section.

880 (2) The commission shall establish [~~a restricted~~] an expendable special revenue fund  
881 known as the "Universal Public Telecommunications Service Support Fund," which is to be  
882 implemented by January 1, 1998.

883 (3) The commission shall:

884 (a) institute a proceeding within 30 days of the effective date of this section to establish  
885 rules governing the administration of the fund; and

886 (b) issue those rules by October 1, 1997.

887 (4) The rules in Subsection (3) shall be consistent with the Federal  
888 Telecommunications Act.

889 (5) Operation of the fund shall be nondiscriminatory and competitively and  
890 technologically neutral in the collection and distribution of funds, neither providing a  
891 competitive advantage for, nor imposing a competitive disadvantage upon, any  
892 telecommunications provider operating in the state.

893 (6) The fund shall be designed to:

894 (a) promote equitable cost recovery of basic telephone service through the imposition  
895 of just and reasonable rates for telecommunications access and usage; and

896 (b) preserve and promote universal service within the state by ensuring that customers  
897 have access to affordable basic telephone service.

898 (7) To the extent not funded by a federal universal service fund or other federal  
899 jurisdictional revenues, the fund shall be used to defray the costs, as determined by the  
900 commission, of any qualifying telecommunications corporation in providing public  
901 telecommunications services to:

902 (a) customers that qualify for a commission-approved lifeline program; and

903 (b) customers, where the basic telephone service rate considered affordable by the  
904 commission in a particular geographic area is less than the costs, as determined by the  
905 commission for that geographic area, of basic telephone service.

906 (8) The fund shall be portable among qualifying telecommunications corporations.  
907 Requirements to qualify for funds under this section shall be defined by rules established by the  
908 commission.

909 (9) As necessary to accomplish the purposes of this section, the fund shall provide a  
910 mechanism for specific, predictable, and sufficient funds in addition to those provided under  
911 the federal universal service fund.

912 (10) (a) Subject to Subsection (10)(b):

913 (i) each telecommunications corporation that provides intrastate public  
914 telecommunication service shall contribute to the fund on an equitable and nondiscriminatory  
915 basis;

916 (ii) for purposes of funding the fund, the commission shall have the authority to  
917 require all corporations that provide intrastate telecommunication services in this state to  
918 contribute money to the fund through explicit charges determined by the commission;

919 (iii) any charge described in Subsection (10)(a)(ii) may not apply to wholesale services,  
920 including access and interconnection; and

921 (iv) charges associated with being a provider of public telecommunications service  
922 shall be in the form of end-user surcharges applied to intrastate retail rates.

923 (b) A telecommunications corporation that provides mobile telecommunications  
924 service shall contribute to the fund only to the extent permitted by the Mobile  
925 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

926 (11) Nothing in this section shall be construed to enlarge or reduce the commission's

927 jurisdiction or authority, as provided in other provisions of this title.

928 (12) Any telecommunications corporation failing to make contributions to this fund or  
929 failing to comply with the directives of the commission concerning its books, records, or other  
930 information required to administer this section shall be subject to applicable penalties.

931 (13) The commission shall have a bill prepared for the 1998 General Session of the  
932 Legislature to place in statute as much of the regulation implemented by rule pursuant to the act  
933 the commission believes is practicable.

934 Section 29. Section **58-3a-103** is amended to read:

935 **58-3a-103. Education and enforcement fund.**

936 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
937 "Architects Education and Enforcement Fund."

938 (2) The fund consists of money from:

939 (a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under  
940 this chapter in accordance with the following:

941 (i) the surcharge fee shall be determined by the department in accordance with Section  
942 63J-1-504; and

943 (ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or  
944 reinstatement licensure fee; and

945 (b) administrative penalties collected pursuant to this chapter.

946 (3) The fund shall earn interest and all interest earned on fund money shall be  
947 deposited into the fund.

948 (4) The director may, with concurrence of the board, make distributions from the fund  
949 for the following purposes:

950 (a) education and training of licensees under this chapter;

951 (b) education and training of the public or other interested persons in matters  
952 concerning architectural laws and practices; and

953 (c) enforcement of this chapter by:

954 (i) investigating unprofessional or unlawful conduct; and

955 (ii) providing legal representation to the division when the division takes legal action  
956 against a person engaging in unprofessional or unlawful conduct.

957 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the

958 excess shall be transferred to the General Fund.

959 (6) The division shall report annually to the appropriate appropriations subcommittee  
960 of the Legislature concerning the fund.

961 Section 30. Section **58-11a-103** is amended to read:

962 **58-11a-103. Education and enforcement fund.**

963 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
964 "Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Education and  
965 Enforcement Fund."

966 (2) The fund consists of money from administrative penalties collected pursuant to this  
967 chapter.

968 (3) The fund shall earn interest and all interest earned on fund money shall be  
969 deposited into the fund.

970 (4) The director may, with concurrence of the board, make distributions from the fund  
971 for the following purposes:

972 (a) education and training of licensees under this chapter;

973 (b) education and training of the public or other interested persons in matters  
974 concerning the laws governing the practices licensed under this chapter; and

975 (c) enforcement of this chapter by:

976 (i) investigating unprofessional or unlawful conduct; and

977 (ii) providing legal representation to the division when the division takes legal action  
978 against a person engaging in unprofessional or unlawful conduct.

979 (5) The division shall report annually to the appropriate appropriations subcommittee  
980 of the Legislature concerning the fund.

981 Section 31. Section **58-22-103** is amended to read:

982 **58-22-103. Education and enforcement fund.**

983 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
984 "Professional Engineer, Professional Structural Engineer, and Professional Land Surveyor  
985 Education and Enforcement Fund."

986 (2) The fund consists of money from:

987 (a) a surcharge fee placed on initial, renewal, and reinstatement licensure fees under  
988 this chapter in accordance with the following:



989 (i) the surcharge fee shall be established by the department in accordance with Section  
990 63J-1-504; and

991 (ii) the surcharge fee shall not exceed 50% of the respective initial, renewal, or  
992 reinstatement licensure fee; and

993 (b) administrative penalties collected pursuant to this chapter.

994 (3) The fund shall earn interest and all interest earned on fund money shall be  
995 deposited into the fund.

996 (4) The director may, with concurrence of the board, make distributions from the fund  
997 for the following purposes:

998 (a) education and training of licensees under this chapter;

999 (b) education and training of the public or other interested persons in matters  
1000 concerning engineering, structural engineering, and land surveying laws and practices; and

1001 (c) enforcement of this chapter by:

1002 (i) investigating unprofessional or unlawful conduct; and

1003 (ii) providing legal representation to the division when the division takes legal action  
1004 against a person engaging in unprofessional or unlawful conduct.

1005 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the  
1006 excess shall be transferred to the General Fund.

1007 (6) The division shall report annually to the appropriate appropriations subcommittee  
1008 of the Legislature concerning the fund.

1009 Section 32. Section **58-53-103** is amended to read:

1010 **58-53-103. Education and enforcement fund.**

1011 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1012 "Landscape Architects Education and Enforcement Fund."

1013 (2) The fund consists of money from:

1014 (a) a surcharge placed on application fees for initial, renewal, and reinstatement  
1015 licensure under this chapter, in an amount established by the division with the collaboration of  
1016 the board in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and

1017 (b) administrative penalties collected pursuant to this chapter.

1018 (3) The fund shall earn interest, and all interest earned on fund money shall be  
1019 deposited into the fund.

1020 (4) The director may, with concurrence of the board, make distributions from the fund  
1021 for the following purposes:

1022 (a) education and training of licensees under this chapter;

1023 (b) education and training of the public or other interested persons in matters  
1024 concerning landscape architectural laws and practices; and

1025 (c) enforcement of this chapter by:

1026 (i) investigating unprofessional or unlawful conduct; and

1027 (ii) providing legal representation to the division when the division takes legal action  
1028 against a person engaging in unprofessional or unlawful conduct.

1029 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the  
1030 excess shall be transferred to the General Fund.

1031 (6) The division shall report annually to the appropriate appropriations subcommittee  
1032 of the Legislature concerning the fund.

1033 Section 33. Section **58-67a-1** is amended to read:

1034 **58-67a-1. Physicians Education Fund.**

1035 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1036 "Physicians Education Fund" to receive and account for revenue and expenditures for making  
1037 education available to physicians and surgeons, osteopathic physicians and surgeons, and  
1038 naturopathic physicians, concerning the requirements of Title 58, Occupations and Professions,  
1039 division rules, and requirements under Title 58, Chapter 37, Utah Controlled Substances Act,  
1040 and division rules made under that chapter.

1041 (2) Administrative penalties ordered and collected pursuant to this section shall be  
1042 deposited in the account.

1043 (3) The fund shall earn interest and all interest earned on account money shall be  
1044 deposited into the account.

1045 (4) The director, with the concurrence of the board, may make distributions from the  
1046 fund to make available education and training for physicians and surgeons, osteopathic  
1047 physicians and surgeons, and naturopathic physicians.

1048 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the  
1049 excess shall be transferred to the General Fund.

1050 (6) The division shall report on the fund annually to the appropriate appropriations

1051 subcommittee of the Legislature.

1052 Section 34. Section **59-27-105** is amended to read:

1053 **59-27-105. Sexually Explicit Business and Escort Service Fund -- Administrative**  
1054 **charge.**

1055 (1) There is created [~~a restricted~~] an expendable special revenue fund called the  
1056 "Sexually Explicit Business and Escort Service Fund."

1057 (2) (a) Except as provided in Subsection (3), the fund consists of all amounts collected  
1058 by the commission under this chapter.

1059 (b) (i) The money in the fund shall be invested by the state treasurer pursuant to Title  
1060 51, Chapter 7, State Money Management Act.

1061 (ii) All interest or other earnings derived from the fund money shall be deposited in the  
1062 fund.

1063 (3) Notwithstanding any other provision of this chapter, the commission shall retain  
1064 and deposit an administrative charge in accordance with Section 59-1-306 from the revenues  
1065 the commission collects from a tax under this chapter.

1066 (4) (a) Fund money shall be used as provided in this Subsection (4).

1067 (b) The Department of Corrections shall use 60% of the money in the fund, in addition  
1068 to existing budgets, to provide treatment services to nonworking or indigent adults who:

1069 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual  
1070 Offenses; and

1071 (ii) are not currently confined or incarcerated in a jail or prison.

1072 (c) The Adult Probation and Parole section of the Department of Corrections shall use  
1073 15% of the money in the fund to provide outpatient treatment services to individuals who:

1074 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual  
1075 Offenses; and

1076 (ii) are not currently confined or incarcerated in a jail or prison.

1077 (d) The Department of Corrections shall use 10% of the money in the fund, in addition  
1078 to existing budgets, to implement treatment programs for juveniles who have been convicted of  
1079 an offense under Title 76, Chapter 5, Part 4, Sexual Offenses.

1080 (e) The attorney general shall use 15% of the money in the fund to provide funding for  
1081 any task force:

1082 (i) administered through the Office of the Attorney General; and  
1083 (ii) that investigates and prosecutes individuals who use the Internet to commit crimes  
1084 against children.

1085 Section 35. Section **61-1-18.7** is amended to read:

1086 **61-1-18.7. Funding of securities investor education, training, and enforcement.**

1087 (1) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1088 "Securities Investor Education, Training, and Enforcement Fund" to provide revenue for the  
1089 purposes stated in this section.

1090 (b) For purposes of this section, "fund" means the Securities Investor Education,  
1091 Training, and Enforcement Fund.

1092 (2) Money received by the state by reason of civil penalties ordered and administrative  
1093 fines collected pursuant to this chapter shall be deposited in the fund, and is subject to the  
1094 requirements of Title 51, Chapter 5, Funds Consolidation Act.

1095 (3) A fine collected by the division after July 1, 1989, pursuant to a voluntary  
1096 settlement or administrative order shall be deposited into the fund.

1097 (4) (a) The fund shall earn interest.

1098 (b) Interest earned on fund money shall be deposited into the fund.

1099 (5) Notwithstanding Title 63J, Chapter 1, Budgetary Procedures Act, the director may  
1100 use money in the fund, upon concurrence of the commission and the executive director of the  
1101 Department of Commerce, in a manner consistent with the duties of the division and  
1102 commission under this chapter and only for any or all of the following and the expense of  
1103 providing them:

1104 (a) education and training of Utah residents in matters concerning securities laws and  
1105 investment decisions, by publications or presentations;

1106 (b) education of registrants and licensees under this chapter, by:

1107 (i) publication of this chapter and rules and policy statements and opinion letters issued  
1108 under this chapter; and

1109 (ii) sponsorship of seminars or meetings to educate registrants and licensees as to the  
1110 requirements of this chapter;

1111 (c) investigation and litigation; and

1112 (d) to pay an award to a reporter as provided in Part 1, Securities Fraud Reporting

1113 Program Act.

1114 (6) If the balance in the fund exceeds \$500,000 at the close of any fiscal year, the  
1115 excess shall be transferred to the General Fund.

1116 Section 36. Section **61-2c-501** is amended to read:

1117 **61-2c-501. Fund created.**

1118 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1119 "Residential Mortgage Loan Education, Research, and Recovery Fund."

1120 (2) The interest earned on the fund shall be deposited into the fund.

1121 (3) At the beginning of each fiscal year, the division shall make available  
1122 \$100,000 in the fund to satisfy final judgments rendered against a person licensed under this  
1123 chapter.

1124 Section 37. Section **61-2f-503** is amended to read:

1125 **61-2f-503. Real Estate Education, Research, and Recovery Fund.**

1126 (1) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1127 "Real Estate Education, Research, and Recovery Fund."

1128 (b) The actual interest earned on the fund shall be deposited into the fund.

1129 (2) The money in the fund includes:

1130 (a) a fee imposed under Section 61-2f-505; and

1131 (b) interest described in Subsection (1)(b).

1132 (3) The division shall administer the fund to:

1133 (a) reimburse the public for damages caused in a real estate transaction by an  
1134 individual licensed under this chapter; and

1135 (b) in accordance with Section 61-2f-504:

1136 (i) investigate violations of this chapter related to fraud, misrepresentation, or deceit; or

1137 (ii) provide revenue for improving the real estate profession through education and  
1138 research with the goal of making licensees more responsible to the public.

1139 (4) This part applies to damages caused by an individual licensee. Reimbursement  
1140 may not be made for a final judgment against an entity.

1141 (5) At the beginning of each fiscal year, the division shall make available \$100,000 in  
1142 the fund to satisfy final judgments rendered against a person licensed under this chapter.

1143 Section 38. Section **62A-1-119** is amended to read:

1144           **62A-1-119. Respite Care Assistance Fund -- Use of money -- Restrictions --**  
1145 **Annual report.**

1146           (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1147 Respite Care Assistance Fund.

1148           (2) The fund shall consist of:

1149           (a) gifts, grants, devises, donations, and bequests of real property, personal property, or  
1150 services, from any source, made to the fund; and

1151           (b) any additional amounts as appropriated by the Legislature.

1152           (3) The fund shall be administered by the director of the Utah Developmental  
1153 Disabilities Council.

1154           (4) The fund money shall be used for the following activities:

1155           (a) to support a respite care information and referral system;

1156           (b) to educate and train caregivers and respite care providers; and

1157           (c) to provide grants to caregivers.

1158           (5) An individual who receives services paid for from the fund shall:

1159           (a) be a resident of Utah; and

1160           (b) be a primary care giver for:

1161           (i) an aging individual; or

1162           (ii) an individual with a cognitive, mental, or physical disability.

1163           (6) The fund money may not be used for:

1164           (a) administrative expenses that are normally provided for by legislative appropriation;

1165 or

1166           (b) direct services or support mechanisms that are available from or provided by  
1167 another government or private agency.

1168           (7) All interest and other earnings derived from the fund money shall be deposited into  
1169 the fund.

1170           (8) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,  
1171 State Money Management Act.

1172           (9) The Department of Human Services shall make an annual report to the appropriate  
1173 appropriations subcommittee of the Legislature regarding the status of the fund, including a  
1174 report on the contributions received, expenditures made, and programs and services funded.

1175 Section 39. Section **62A-3-110** is amended to read:

1176 **62A-3-110. "Out and About" Homebound Transportation Assistance Fund.**

1177 (1) (a) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1178 "Out and About" Homebound Transportation Assistance Fund.

1179 (b) The "Out and About" Homebound Transportation Assistance Fund shall consist of:

1180 (i) private contributions;

1181 (ii) donations or grants from public or private entities;

1182 (iii) voluntary donations collected under Section 53-3-214.8; and

1183 (iv) interest and earnings on account money.

1184 (c) The cost of administering the "Out and About" Homebound Transportation

1185 Assistance Fund shall be paid from money in the fund.

1186 (2) The Division of Aging and Adult Services in the Department of Human Services  
1187 shall:

1188 (a) administer the funds contained in the "Out and About" Homebound Transportation  
1189 Assistance Fund;

1190 (b) select qualified organizations and distribute the funds in the "Out and About"

1191 Homebound Transportation Assistance Fund in accordance with Subsection (3); and

1192 (c) make an annual report on the "Out and About" Homebound Transportation

1193 Assistance Fund to the Social Services Appropriations Subcommittee.

1194 (3) (a) The division may distribute the funds in the "Out and About" Homebound

1195 Transportation Assistance Fund to a selected organization that provides public transportation to  
1196 aging persons, high risk adults, or people with disabilities.

1197 (b) An organization that provides public transportation to aging persons, high risk

1198 adults, or people with disabilities may apply to the Division of Aging and Adult Services, in a

1199 manner prescribed by the division, to receive all or part of the money contained in the "Out and

1200 About" Homebound Transportation Assistance Fund.

1201 Section 40. Section **62A-15-103** is amended to read:

1202 **62A-15-103. Division -- Creation -- Responsibilities.**

1203 (1) There is created the Division of Substance Abuse and Mental Health within the

1204 department, under the administration and general supervision of the executive director. The

1205 division is the substance abuse authority and the mental health authority for this state.

1206 (2) The division shall:

1207 (a) (i) educate the general public regarding the nature and consequences of substance

1208 abuse by promoting school and community-based prevention programs;

1209 (ii) render support and assistance to public schools through approved school-based

1210 substance abuse education programs aimed at prevention of substance abuse;

1211 (iii) promote or establish programs for the prevention of substance abuse within the

1212 community setting through community-based prevention programs;

1213 (iv) cooperate and assist other organizations and private treatment centers for substance

1214 abusers, by providing them with essential materials for furthering programs of prevention and

1215 rehabilitation of actual and potential substance abusers; and

1216 (v) promote or establish programs for education and certification of instructors to

1217 educate persons convicted of driving under the influence of alcohol or drugs or driving with

1218 any measurable controlled substance in the body;

1219 (b) (i) collect and disseminate information pertaining to mental health;

1220 (ii) provide direction over the state hospital including approval of its budget,

1221 administrative policy, and coordination of services with local service plans;

1222 (iii) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative

1223 Rulemaking Act, to educate families concerning mental illness and promote family

1224 involvement, when appropriate, and with patient consent, in the treatment program of a family

1225 member; and

1226 (iv) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative

1227 Rulemaking Act, to direct that all individuals receiving services through local mental health

1228 authorities or the Utah State Hospital be informed about and, if desired, provided assistance in

1229 completion of a declaration for mental health treatment in accordance with Section

1230 62A-15-1002;

1231 (c) (i) consult and coordinate with local substance abuse authorities and local mental

1232 health authorities regarding programs and services;

1233 (ii) provide consultation and other assistance to public and private agencies and groups

1234 working on substance abuse and mental health issues;

1235 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,

1236 medical and social agencies, public health authorities, law enforcement agencies, education and



1237 research organizations, and other related groups;

1238 (iv) promote or conduct research on substance abuse and mental health issues, and  
1239 submit to the governor and the Legislature recommendations for changes in policy and  
1240 legislation;

1241 (v) receive, distribute, and provide direction over public funds for substance abuse and  
1242 mental health services;

1243 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
1244 local mental health authorities;

1245 (vii) examine expenditures of any local, state, and federal funds;

1246 (viii) monitor the expenditure of public funds by:

1247 (A) local substance abuse authorities;

1248 (B) local mental health authorities; and

1249 (C) in counties where they exist, the private contract provider that has an annual or  
1250 otherwise ongoing contract to provide comprehensive substance abuse or mental health  
1251 programs or services for the local substance abuse authority or local mental health authorities;

1252 (ix) contract with local substance abuse authorities and local mental health authorities  
1253 to provide a comprehensive continuum of services in accordance with division policy, contract  
1254 provisions, and the local plan;

1255 (x) contract with private and public entities for special statewide or nonclinical services  
1256 according to division rules;

1257 (xi) review and approve each local substance abuse authority's plan and each local  
1258 mental health authority's plan in order to ensure:

1259 (A) a statewide comprehensive continuum of substance abuse services;

1260 (B) a statewide comprehensive continuum of mental health services; and

1261 (C) appropriate expenditure of public funds;

1262 (xii) review and make recommendations regarding each local substance abuse  
1263 authority's contract with its provider of substance abuse programs and services and each local  
1264 mental health authority's contract with its provider of mental health programs and services to  
1265 ensure compliance with state and federal law and policy;

1266 (xiii) monitor and ensure compliance with division rules and contract requirements;

1267 and

1268 (xiv) withhold funds from local substance abuse authorities, local mental health  
1269 authorities, and public and private providers for contract noncompliance, failure to comply  
1270 with division directives regarding the use of public funds, or for misuse of public funds or  
1271 money;

1272 (d) assure that the requirements of this part are met and applied uniformly by local  
1273 substance abuse authorities and local mental health authorities across the state;

1274 (e) require each local substance abuse authority and each local mental health authority  
1275 to submit its plan to the division by May 1 of each year;

1276 (f) conduct an annual program audit and review of each local substance abuse authority  
1277 in the state and its contract provider and each local mental health authority in the state and its  
1278 contract provider, including:

1279 (i) a review and determination regarding whether:

1280 (A) public funds allocated to local substance abuse authorities and local mental health  
1281 authorities are consistent with services rendered and outcomes reported by them or their  
1282 contract providers; and

1283 (B) each local substance abuse authority and each local mental health authority is  
1284 exercising sufficient oversight and control over public funds allocated for substance abuse and  
1285 mental health programs and services; and

1286 (ii) items determined by the division to be necessary and appropriate;

1287 (g) by July 1 of each year, provide to the Health and Human Services Interim  
1288 Committee and the Social Services Appropriations Subcommittee a written report that  
1289 includes:

1290 (i) the annual audit and review;

1291 (ii) the financial expenditures of each local substance abuse authority and its contract  
1292 provider and each local mental health authority and its contract provider;

1293 (iii) the status of the compliance of each local authority and its contract provider with  
1294 its plan, state statutes, and the provisions of the contract awarded; and

1295 (iv) whether audit guidelines established under Section 62A-15-110 and Subsection  
1296 67-3-1(10) provide the division with sufficient criteria and assurances of appropriate  
1297 expenditures of public funds; and

1298 (h) if requested by the Health and Human Services Interim Committee or the Social

1299 Services Appropriations Subcommittee, provide an oral report as requested.

1300 (3) (a) The division may refuse to contract with and may pursue its legal remedies  
1301 against any local substance abuse authority or local mental health authority that fails, or has  
1302 failed, to expend public funds in accordance with state law, division policy, contract  
1303 provisions, or directives issued in accordance with state law.

1304 (b) The division may withhold funds from a local substance abuse authority or local  
1305 mental health authority if the authority's contract with its provider of substance abuse or mental  
1306 health programs or services fails to comply with state and federal law or policy.

1307 (4) Before reissuing or renewing a contract with any local substance abuse authority or  
1308 local mental health authority, the division shall review and determine whether the local  
1309 substance abuse authority or local mental health authority is complying with its oversight and  
1310 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and  
1311 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and  
1312 liability described in Section 17-43-303 and to the responsibility and liability described in  
1313 Section 17-43-203.

1314 (5) In carrying out its duties and responsibilities, the division may not duplicate  
1315 treatment or educational facilities that exist in other divisions or departments of the state, but  
1316 shall work in conjunction with those divisions and departments in rendering the treatment or  
1317 educational services that those divisions and departments are competent and able to provide.

1318 (6) (a) The division may accept in the name of and on behalf of the state donations,  
1319 gifts, devises, or bequests of real or personal property or services to be used as specified by the  
1320 donor.

1321 (b) Those donations, gifts, devises, or bequests shall be used by the division in  
1322 performing its powers and duties. Any money so obtained shall be considered private funds  
1323 and shall be deposited into an interest-bearing [~~restricted~~] expendable special revenue fund to  
1324 be used by the division for substance abuse or mental health services. The state treasurer may  
1325 invest the fund and all interest shall remain with the fund.

1326 (7) The division shall annually review with each local substance abuse authority and  
1327 each local mental health authority the authority's statutory and contract responsibilities  
1328 regarding:

1329 (a) the use of public funds;

1330 (b) oversight responsibilities regarding public funds; and  
1331 (c) governance of substance abuse and mental health programs and services.  
1332 (8) The Legislature may refuse to appropriate funds to the division upon the division's  
1333 failure to comply with the provisions of this part.

1334 (9) If a local substance abuse authority contacts the division under Subsection  
1335 17-43-201(9) for assistance in providing treatment services to a pregnant woman or pregnant  
1336 minor, the division shall:

1337 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
1338 capacity to provide the treatment services; or

1339 (b) otherwise ensure that treatment services are made available to the pregnant woman  
1340 or pregnant minor.

1341 Section 41. Section **63A-3-505** is amended to read:

1342 **63A-3-505. State Debt Collection Fund.**

1343 (1) There is created [~~a restricted~~] an expendable special revenue fund entitled the "State  
1344 Debt Collection Fund."

1345 (2) The fund consists of:

1346 (a) all amounts appropriated to the fund under this chapter;

1347 (b) fees and interest established by the office under Subsection 63A-3-502(4)(g); and

1348 (c) except as otherwise provided by law, all postjudgment interest collected by the  
1349 office or the state except postjudgment interest on restitution.

1350 (3) Money in this fund shall be used to pay for:

1351 (a) the costs of the office in the performance of its duties under this chapter;

1352 (b) restitution to victims to whom the debt is owed;

1353 (c) interest accrued that is associated with the debt;

1354 (d) principal on the debt to the state agencies or other entities that placed the receivable  
1355 for collection; and

1356 (e) other legal obligations including those ordered by a court.

1357 (4) (a) The fund may collect interest.

1358 (b) All interest earned from the fund shall be deposited in the General Fund.

1359 (5) The office shall ensure that money remaining in the fund at the end of the fiscal  
1360 year that is not committed under the priorities established under Subsection (3) is deposited

1361 into the General Fund.

1362 (6) (a) The office shall report at least annually to the appropriations subcommittee  
1363 assigned to review the budget of the Department of Administrative Services on the fund  
1364 balance and its revenues and expenditures and administrative offsets.

1365 (b) The report shall include the amounts paid under each provision under Subsection  
1366 (3).

1367 Section 42. Section **63A-11-203** is amended to read:

1368 **63A-11-203. Child Welfare Parental Defense Fund -- Creation.**

1369 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1370 "Child Welfare Parental Defense Fund."

1371 (2) Subject to availability, the department may make distributions from the fund as  
1372 required in this chapter for the following purposes:

1373 (a) to pay for the representation, costs, expert witness fees, and expenses of contracted  
1374 parental defense attorneys who are under contract with the department to provide parental  
1375 defense in child welfare cases for the indigent parent or parents that are the subject of a petition  
1376 alleging abuse, neglect, or dependency;

1377 (b) for administrative costs under this chapter; and

1378 (c) for reasonable expenses directly related to the functioning of the program, including  
1379 training and travel expenses.

1380 (3) The fund consists of:

1381 (a) appropriations made to the fund by the Legislature;

1382 (b) interest and earnings from the investment of fund money;

1383 (c) proceeds deposited by participating counties under Section 63A-11-204; and

1384 (d) private contributions to the Child Welfare Parental Defense Fund.

1385 (4) The state treasurer shall invest the money in the fund by following the procedures  
1386 and requirements of Title 51, Chapter 7, State Money Management Act.

1387 (5) (a) If the department anticipates a deficit in the fund during any fiscal year:

1388 (i) the department shall request an appropriation from the Legislature; and

1389 (ii) the Legislature may fund the anticipated deficit through appropriation but is not  
1390 required to fund the deficit.

1391 (b) If the anticipated deficit is not funded by the Legislature, the department may

1392 request an interim assessment to participating counties to fund the anticipated deficit.

1393 Section 43. Section **63A-12-109** is amended to read:

1394 **63A-12-109. State Archives Fund created -- Donations -- Use of money --**

1395 **Reporting.**

1396 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1397 "State Archives Fund."

1398 (2) The fund consists of money or other assets deposited in the fund from:

1399 (a) a donation;

1400 (b) a deposit;

1401 (c) a contribution;

1402 (d) a gift;

1403 (e) an endowment;

1404 (f) a devise; and

1405 (g) a bequest of real property, personal property, or service.

1406 (3) The division shall use the fund money for:

1407 (a) the purpose specified by the grantor, if any; or

1408 (b) if no purpose is specified by the grantor, the preservation of and access to the  
1409 archival records and exhibits.

1410 (4) (a) The fund shall earn interest.

1411 (b) The state treasurer shall deposit all interest earned on money in the fund into the  
1412 fund.

1413 (5) The division shall annually report on the use of the fund to an appropriation  
1414 subcommittee designated by the Executive Appropriations Committee as part of the  
1415 appropriation subcommittee's budgetary process under Title 63J, Chapter 1, Budgetary  
1416 Procedures Act.

1417 Section 44. Section **63C-9-502** is amended to read:

1418 **63C-9-502. Fund created -- Donations.**

1419 (1) There is created [~~a restricted~~] an expendable special revenue fund entitled the "State  
1420 Capitol Fund."

1421 (2) The fund consists of money generated from the following revenue sources:

1422 (a) any donations, deposits, contributions, gifts, money, and items of value received

1423 from private persons, foundations, or organizations;

1424 (b) gift shop profits;

1425 (c) appropriations made to the fund by the Legislature; and

1426 (d) money received by the board from the federal government.

1427 (3) (a) The fund shall earn interest.

1428 (b) All interest earned on fund money shall be deposited into the fund.

1429 (4) The board may use fund money to:

1430 (a) acquire historical and other items to furnish the capitol hill facilities;

1431 (b) pay for the repair and maintenance of the capitol hill facilities and capitol hill

1432 grounds;

1433 (c) pay for the rehabilitation of the capitol hill facilities and capitol hill grounds; and

1434 (d) fund all costs incurred in complying with this chapter.

1435 Section 45. Section **63J-1-601** is amended to read:

1436 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**

1437 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**

1438 **accounts and funds -- Institutes of higher education to report unexpended balances.**

1439 (1) As used in this section, "transaction control number" means the unique numerical  
1440 identifier established by the Department of Health to track each medical claim, which indicates  
1441 the date upon which the claim is entered.

1442 (2) On or before August 31 of each fiscal year, the director of the Division of Finance  
1443 shall close out to the proper fund or account all remaining unexpended and unencumbered  
1444 balances of appropriations made by the Legislature, except:

1445 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act as:

1446 (i) enterprise funds;

1447 (ii) internal service funds;

1448 (iii) trust and agency funds;

1449 (iv) capital projects funds;

1450 (v) discrete component unit funds;

1451 (vi) debt service funds; and

1452 (vii) permanent funds;

1453 (b) those revenue collections, appropriations from a fund or account, or appropriations

1454 to a program that are designated as nonlapsing under Sections 63J-1-602.1 through  
1455 63J-1-602.5;

1456 (c) [~~restricted~~] expendable special revenue funds, unless specifically directed to close  
1457 out the fund in the fund's enabling legislation;

1458 (d) acquisition and development funds appropriated to the Division of Parks and  
1459 Recreation;

1460 (e) funds encumbered to pay purchase orders issued prior to May 1 for capital  
1461 equipment if delivery is expected before June 30; and

1462 (f) unexpended and unencumbered balances of appropriations that meet the  
1463 requirements of Section 63J-1-603.

1464 (3) (a) Liabilities and related expenses for goods and services received on or before  
1465 June 30 shall be recognized as expenses due and payable from appropriations made prior to  
1466 June 30.

1467 (b) The liability and related expense shall be recognized within time periods  
1468 established by the Division of Finance but shall be recognized not later than August 31.

1469 (c) Liabilities and expenses not so recognized may be paid from regular departmental  
1470 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and  
1471 unencumbered balances of appropriations for the years in which the obligation was incurred.

1472 (d) No amounts may be transferred from an item of appropriation of any department,  
1473 institution, or agency into the Capital Projects Fund or any other fund without the prior express  
1474 approval of the Legislature.

1475 (4) (a) For purposes of this chapter, claims processed under the authority of Title 26,  
1476 Chapter 18, Medical Assistance Act:

1477 (i) may not be considered a liability or expense to the state for budgetary purposes  
1478 unless they are received by the Division of Health Care Financing within the time periods  
1479 established by the Division of Finance under Subsection (3)(b); and

1480 (ii) are not subject to the requirements of Subsection (3)(c).

1481 (b) The transaction control number recorded on each claim invoice by the division is  
1482 considered the date of receipt.

1483 (5) Any balance from an appropriation to a state institution of higher education that  
1484 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by



1485 the September 1 following the close of the fiscal year.

1486 Section 46. Section **63J-3-103** is amended to read:

1487 **63J-3-103. Definitions.**

1488 As used in this chapter:

1489 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations  
1490 from unrestricted General Fund and Education Fund sources.

1491 (b) "Appropriations" includes appropriations that are contingent upon available  
1492 surpluses in the General Fund and Education Fund.

1493 (c) "Appropriations" does not mean:

1494 (i) public education expenditures;

1495 (ii) Utah Education Network expenditures in support of public education;

1496 (iii) Utah College of Applied Technology expenditures in support of public education;

1497 (iv) Tax Commission expenditures related to collection of income taxes in support of  
1498 public education;

1499 (v) debt service expenditures;

1500 (vi) emergency expenditures;

1501 (vii) expenditures from all other fund or subfund sources;

1502 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;

1503 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve  
1504 Account established in Section 63J-1-312;

1505 (x) transfers into, or appropriations made to, the Education Budget Reserve Account  
1506 established in Section 63J-1-313;

1507 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the  
1508 State Disaster Recovery Restricted Account created in Section 53-2-403;

1509 (xii) money appropriated to fund the total one-time project costs for the construction of  
1510 capital developments as defined in Section 63A-5-104;

1511 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund  
1512 [~~Restricted Account~~] created by Section 72-2-118;

1513 (xiv) transfers or deposits into or appropriations made to the Transportation Investment  
1514 Fund of 2005 created by Section 72-2-124;

1515 (xv) transfers or deposits into or appropriations made to:

- 1516 (A) the Department of Transportation from any source; or  
1517 (B) any transportation-related account or fund from any source; or  
1518 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,  
1519 Fire, and State Lands to provide money for wildland fire control expenses incurred during the  
1520 current or previous fire years.
- 1521 (2) "Base year real per capita appropriations" means the result obtained for the state by  
1522 dividing the fiscal year 1985 actual appropriations of the state less debt money by:  
1523 (a) the state's July 1, 1983 population; and  
1524 (b) the fiscal year 1983 inflation index divided by 100.
- 1525 (3) "Calendar year" means the time period beginning on January 1 of any given year  
1526 and ending on December 31 of the same year.
- 1527 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate  
1528 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,  
1529 Chapter 4.
- 1530 (5) "Fiscal year" means the time period beginning on July 1 of any given year and  
1531 ending on June 30 of the subsequent year.
- 1532 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual  
1533 capital and operations appropriations from General Fund and non-Uniform School Fund  
1534 income tax revenue sources, less debt money.
- 1535 (7) "Inflation index" means the change in the general price level of goods and services  
1536 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic  
1537 Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.
- 1538 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could  
1539 be, or could have been, spent in any given year under the limitations of this chapter.
- 1540 (b) "Maximum allowable appropriations limit" does not mean actual appropriations  
1541 spent or actual expenditures.
- 1542 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two  
1543 fiscal years previous to the fiscal year for which the maximum allowable inflation and  
1544 population appropriations limit is being computed under this chapter.
- 1545 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal  
1546 years previous to the fiscal year for which the maximum allowable inflation and population

1547 appropriations limit is being computed under this chapter.

1548 (11) "Population" means the number of residents of the state as of July 1 of each year  
1549 as calculated by the Governor's Office of Planning and Budget according to the procedures and  
1550 requirements of Section 63J-3-202.

1551 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and  
1552 other monetary exaction and interest connected with it that are recorded as unrestricted revenue  
1553 of the General Fund and from non-Uniform School Fund income tax revenues, except as  
1554 specifically exempted by this chapter.

1555 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,  
1556 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an  
1557 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

1558 Section 47. Section **63M-1-2203** is amended to read:

1559 **63M-1-2203. Transient Room Tax Fund -- Source of revenues -- Interest --**  
1560 **Expenditure or pledge of revenues.**

1561 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1562 Transient Room Tax Fund.

1563 (2) (a) The fund shall be funded by the portion of the sales and use tax described in  
1564 Subsection 59-12-301(2).

1565 (b) (i) The fund shall earn interest.

1566 (ii) Any interest earned on fund money shall be deposited into the fund.

1567 (3) (a) Subject to Subsection (3)(b), the director shall expend or pledge the money  
1568 deposited into the fund:

1569 (i) to mitigate the impacts of traffic and parking relating to a convention facility within  
1570 a county of the first class;

1571 (ii) for a purpose listed in Section 17-31-2, except that any requirements in Section  
1572 17-31-2 for the expenditure of money do not apply; or

1573 (iii) for a combination of Subsections (3)(a)(i) and (ii).

1574 (b) The director may not expend more than \$20,000,000 in total to mitigate the impacts  
1575 of traffic and parking relating to a convention facility within a county of the first class.

1576 Section 48. Section **63M-1-2612** is amended to read:

1577 **63M-1-2612. Private Proposal Expendable Special Revenue Fund -- Fees.**

1578 (1) There is created [~~a restricted~~] an expendable special revenue fund within the office  
1579 called the Private Proposal [~~Restricted~~] Expendable Special Revenue Fund.

1580 (2) Money collected from the payment of a fee required by this part shall be deposited  
1581 in the Private Proposal [~~Restricted~~] Expendable Special Revenue Fund.

1582 (3) The board or the committee may use the money in the Private Proposal [~~Restricted~~]  
1583 Expendable Special Revenue Fund to offset:

1584 (a) the expense of hiring staff and engaging any outside consultant to review a proposal  
1585 under this part; and

1586 (b) any expense incurred by the Governor's Office of Planning and Budget or the  
1587 affected department in the fulfillment of its duties under this part.

1588 (4) The board shall establish a fee in accordance with Section 63J-1-504 for:

1589 (a) reviewing an initial proposal;

1590 (b) reviewing any detailed proposal; and

1591 (c) preparing any project agreement.

1592 (5) The board may waive the fee established under Subsection (4) if the board  
1593 determines that it is:

1594 (a) reasonable; and

1595 (b) in the best interest of the state.

1596 Section 49. Section **67-4-18** is amended to read:

1597 **67-4-18. Housing Relief Expendable Special Revenue Fund -- Payments to Utah**

1598 **Housing Corporation.**

1599 (1) As used in this section, "fund" means the Housing Relief [~~Restricted~~] Expendable  
1600 Special Revenue Fund created by this section.

1601 (2) There is created the Housing Relief [~~Restricted~~] Expendable Special Revenue  
1602 Fund.

1603 (3) The fund shall be comprised of money deposited in the fund from money received  
1604 as a result of the federal American Recovery and Reinvestment Act of 2009.

1605 (4) Money in the fund shall be expended to fund grants to be made by the Utah  
1606 Housing Corporation in accordance with Section 35A-8-727.

1607 (5) The treasurer may place funds in an escrow account, upon which the Utah Housing  
1608 Corporation may draw to make grants in accordance with Section 35A-8-727.

1609 (6) The treasurer may use money from the fund to pay the costs of escrow and other  
1610 expenses of the corporation in connection with its duties under Section 35A-8-727.

1611 (7) The treasurer shall administer the fund and make payments from the fund in  
1612 accordance with this section and Section 35A-8-727.

1613 Section 50. Section **67-5-24** is amended to read:

1614 **67-5-24. Attorney General Crime and Violence Prevention Fund -- Use of money**  
1615 **-- Restrictions.**

1616 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1617 Attorney General Crime and Violence Prevention Fund.

1618 (2) The fund shall consist of gifts, grants, devises, donations, and bequests of real  
1619 property, personal property, or services, from any source, made to the fund.

1620 (3) (a) If the donor designates a specific purpose or use for the gift, grant, devise,  
1621 donation, or bequest, money from the fund shall be used solely for that purpose.

1622 (b) Gifts, grants, devises, donations, and bequests not designated for a specific purpose  
1623 under Subsection (3)(a) and that are not restricted to a specific use under federal law, shall be  
1624 used in connection with the activities under Subsection (4).

1625 (c) The attorney general or the attorney general's designee shall authorize the  
1626 expenditure of fund money in accordance with this section.

1627 (d) The money in the fund may not be used for administrative expenses of the Office of  
1628 the Attorney General normally provided for by legislative appropriation.

1629 (4) Except as provided under Subsection (3), the fund money shall be used for any of  
1630 the following activities:

1631 (a) the Amber Alert program;

1632 (b) prevention of crime against seniors;

1633 (c) prevention of domestic violence and dating violence;

1634 (d) antidrug use programs;

1635 (e) preventing gangs and gang violence;

1636 (f) Internet safety programs;

1637 (g) mentoring Utah partnerships;

1638 (h) suicide prevention programs;

1639 (i) underage drinking programs;

- 1640 (j) antipornography programs;
- 1641 (k) victims assistance programs;
- 1642 (l) identity theft investigations and prosecutions; or
- 1643 (m) identity theft reporting system database.
- 1644 (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
- 1645 State Money Management Act, except that all interest or other earnings derived from the fund
- 1646 money shall be deposited in the fund.
- 1647 (6) The attorney general shall make an annual report to the Legislature regarding the
- 1648 status of the fund, including a report on the contributions received, expenditures made, and
- 1649 programs and services funded.

1650 Section 51. Section **71-11-8** is amended to read:

1651 **71-11-8. Utah Veterans' Nursing Home Fund.**

1652 (1) There is created [~~a restricted~~] an expendable special revenue fund entitled the "Utah

1653 Veterans' Nursing Home Fund" to be administered by the department for the benefit of each

1654 home and its residents.

1655 (2) All cash donations, gifts, or bequests shall be deposited in the fund and used

1656 according to the wishes of the donor.

1657 (3) All funds received by the homes from federal or state agencies, individual

1658 insurance reimbursement, or cash payments shall be deposited in the fund.

1659 (4) Funds received that are designated for a specific home shall be accounted for

1660 separately within the fund.

1661 Section 52. Section **72-2-118** is amended to read:

1662 **72-2-118. Centennial Highway Fund.**

1663 (1) There is created a [~~restricted account~~] capital projects fund entitled the Centennial

1664 Highway Fund [~~Restricted Account~~] within the Transportation Investment Fund of 2005

1665 created by Section 72-2-124.

1666 (2) The account consists of money generated from the following revenue sources:

1667 (a) any voluntary contributions received for the construction, [~~major~~] reconstruction, or

1668 [~~major~~] renovation of state or federal highways; and

1669 (b) appropriations made to the fund by the Legislature.

1670 (3) (a) The [~~account~~] fund shall earn interest.

1671 (b) All interest earned on [account] fund money shall be deposited into the [account]  
1672 fund.

1673 (4) The executive director may use [account] fund money, as prioritized by the  
1674 Transportation Commission, only to pay the costs of construction, [major] reconstruction, or  
1675 [major] renovation to state and federal highways.

1676 (5) When the highway general obligation bonds have been paid off and the highway  
1677 projects completed that are intended to be paid from revenues deposited in the account as  
1678 determined by the Executive Appropriations Committee under Subsection (6)(d), the Division  
1679 of Finance shall transfer any existing balance in the account into the Transportation Investment  
1680 Fund of 2005 created by Section 72-2-124.

1681 (6) (a) The Division of Finance shall monitor the highway general obligation bonds  
1682 that are being paid from revenues deposited in the [account] fund.

1683 (b) The department shall monitor the highway construction, [major] reconstruction, or  
1684 [major] renovation projects that are being paid from revenues deposited in the [account] fund.

1685 (c) Upon request by the Executive Appropriations Committee of the Legislature:

1686 (i) the Division of Finance shall report to the committee the status of all highway  
1687 general obligation bonds that are being paid from revenues deposited in the [account] fund; and

1688 (ii) the department shall report to the committee the status of all highway construction,  
1689 [major] reconstruction, or [major] renovation projects that are being paid from revenues  
1690 deposited in the [account] fund.

1691 (d) The Executive Appropriations Committee of the Legislature shall notify the State  
1692 Tax Commission, the department, and the Division of Finance when:

1693 (i) all highway general obligation bonds that are intended to be paid from revenues  
1694 deposited in the [account] fund have been paid off; and

1695 (ii) all highway projects that are intended to be paid from revenues deposited in the  
1696 account have been completed.

1697 Section 53. Section **72-2-124** is amended to read:

1698 **72-2-124. Transportation Investment Fund of 2005.**

1699 (1) There is created a [~~special revenue~~] capital projects fund entitled the Transportation  
1700 Investment Fund of 2005.

1701 (2) The fund consists of money generated from the following sources:

1702 (a) any voluntary contributions received for the maintenance, construction,  
1703 reconstruction, or renovation of state and federal highways;  
1704 (b) appropriations made to the fund by the Legislature;  
1705 (c) the sales and use tax revenues deposited into the fund in accordance with Section  
1706 59-12-103; and  
1707 (d) registration fees designated under Section 41-1a-1201.

1708 (3) (a) The fund shall earn interest.  
1709 (b) All interest earned on fund money shall be deposited into the fund.

1710 (4) (a) Except as provided in Subsection (4)(b), the executive director may use fund  
1711 money only to pay:  
1712 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
1713 federal highways prioritized by the Transportation Commission through the prioritization  
1714 process for new transportation capacity projects adopted under Section 72-1-304;  
1715 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
1716 projects described in Subsections 63B-18-401(2), (3), and (4);  
1717 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
1718 minus the costs paid from the County of the First Class State Highway Projects Fund in  
1719 accordance with Subsection 72-2-121(4)(d); and  
1720 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
1721 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
1722 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
1723 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;  
1724 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
1725 for projects prioritized in accordance with Section 72-2-125; and  
1726 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
1727 the Centennial Highway Fund [~~Restricted Account~~] created by Section 72-2-118;

1728 (b) The executive director may use fund money to exchange for an equal or greater  
1729 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1730 (5) (a) Before bonds authorized by Section 63B-18-401 may be issued in any fiscal  
1731 year, the department and the commission shall appear before the Executive Appropriations  
1732 Committee of the Legislature and present the amount of bond proceeds that the department



1733 needs to provide funding for the projects identified in Subsection 63B-18-401(2) for the next  
1734 fiscal year.

1735 (b) The Executive Appropriations Committee of the Legislature shall review and  
1736 comment on the amount of bond proceeds needed to fund the projects.

1737 (6) The Division of Finance shall, from money deposited into the fund, transfer the  
1738 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
1739 Section 63B-18-401 in the current fiscal year to the appropriate debt service or sinking fund.

1740 Section 54. Section **72-2-125** is amended to read:

1741 **72-2-125. Critical Highway Needs Fund.**

1742 (1) There is created a [~~special revenue~~] capital projects fund within the Transportation  
1743 Investment Fund of 2005 known as the "Critical Highway Needs Fund."

1744 (2) The fund consists of money generated from the following sources:

1745 (a) any voluntary contributions received for the maintenance, construction,  
1746 reconstruction, or renovation of state and federal highways; and

1747 (b) appropriations made to the fund by the Legislature.

1748 (3) (a) The fund shall earn interest.

1749 (b) Interest on fund money shall be deposited into the fund.

1750 (4) (a) The executive director shall use money deposited into the fund to pay the costs  
1751 of right-of-way acquisition, maintenance, construction, reconstruction, or renovation to state  
1752 and federal highways identified by the department and prioritized by the commission in  
1753 accordance with this Subsection (4).

1754 (b) (i) The department shall:

1755 (A) establish a complete list of projects to be maintained, constructed, reconstructed, or  
1756 renovated using the funding described in Subsection (4)(a) based on the following criteria:

1757 (I) the highway construction project is a high priority project due to high growth in the  
1758 surrounding area;

1759 (II) the highway construction project addresses critical access needs that have a high  
1760 impact due to commercial and energy development;

1761 (III) the highway construction project mitigates congestion;

1762 (IV) whether local matching funds are available for the highway construction project;

1763 and

1764 (V) the highway construction project is a critical alternative route for priority Interstate  
1765 15 reconstruction projects; and

1766 (B) submit the list of projects to the commission for prioritization in accordance with  
1767 Subsection (4)(c).

1768 (ii) A project that is included in the list under this Subsection (4):

1769 (A) is not required to be currently listed in the statewide long-range plan; and

1770 (B) is not required to be prioritized through the prioritization process for new  
1771 transportation capacity projects adopted under Section 72-1-304.

1772 (c) (i) The commission shall prioritize the project list submitted by the department in  
1773 accordance with Subsection (4)(b).

1774 (ii) For projects prioritized under this Subsection (4)(c), the commission shall give  
1775 priority consideration to fully funding a project that meets the criteria under Subsection  
1776 (4)(b)(i)(A)(V).

1777 (d) (i) Expenditures of bond proceeds issued in accordance with Section 63B-16-101  
1778 by the department for the construction of highway projects prioritized under this Subsection (4)  
1779 may not exceed \$1,200,000,000.

1780 (ii) Money expended from the fund for principal, interest, and issuance costs of bonds  
1781 issued under Section 63B-16-101 is not considered an expenditure for purposes of the  
1782 \$1,200,000,000 cap under Subsection (4)(d)(i).

1783 (e) (i) Before bonds authorized by Section 63B-16-101 may be issued in any fiscal  
1784 year, the department and the commission shall appear before the Executive Appropriations  
1785 Committee of the Legislature and present:

1786 (A) the commission's current list of projects established and prioritized in accordance  
1787 with this Subsection (4); and

1788 (B) the amount of bond proceeds that the department needs to provide funding for  
1789 projects on the project list prioritized in accordance with this Subsection (4) for the next fiscal  
1790 year.

1791 (ii) The Executive Appropriations Committee of the Legislature shall review and  
1792 comment on the prioritized project list and the amount of bond proceeds needed to fund the  
1793 projects on the prioritized list.

1794 (f) The Division of Finance shall, from money deposited into the fund, transfer the

1795 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
1796 Section 63B-16-101 in the current fiscal year to the appropriate debt service or sinking fund.

1797 (5) When the general obligation bonds authorized by Section 63B-16-101 have been  
1798 paid off and the highway projects completed that are included in the prioritized project list  
1799 under Subsection (4), the Division of Finance shall transfer any existing balance in the fund  
1800 into the Transportation Investment Fund of 2005 created by Section 72-2-124.

1801 (6) (a) The Division of Finance shall monitor the general obligation bonds authorized  
1802 by Section 63B-16-101.

1803 (b) The department shall monitor the highway construction or reconstruction projects  
1804 that are included in the prioritized project list under Subsection (4).

1805 (c) Upon request by the Executive Appropriations Committee of the Legislature:

1806 (i) the Division of Finance shall report to the committee the status of all general  
1807 obligation bonds issued under Section 63B-16-101; and

1808 (ii) the department shall report to the committee the status of all highway construction  
1809 or reconstruction projects that are included in the prioritized project list under Subsection (4).

1810 (d) When the Division of Finance has reported that the general obligation bonds issued  
1811 by Section 63B-16-101 have been paid off and the department has reported that projects  
1812 included in the prioritized project list are complete to the Executive Appropriations Committee  
1813 of the Legislature, the Division of Finance shall transfer any existing fund balance in  
1814 accordance with Subsection (5).

1815 (7) (a) Unless prioritized and approved by the Transportation Commission, the  
1816 department may not delay a project prioritized under this section to a different fiscal year than  
1817 programmed by the commission due to an unavoidable shortfall in revenues if:

1818 (i) the prioritized project was funded by the Legislature in an appropriations act; or

1819 (ii) general obligation bond proceeds have been issued for the project in the current  
1820 fiscal year.

1821 (b) For projects identified under Subsection (7)(a), the commission shall prioritize and  
1822 approve any project delays for projects prioritized under this section due to an unavoidable  
1823 shortfall in revenues if:

1824 (i) the prioritized project was funded by the Legislature in an appropriations act; or

1825 (ii) general obligation bond proceeds have been issued for the project in the current

1826 fiscal year.

1827 Section 55. Section **76-10-922** is amended to read:

1828 **76-10-922. Attorney General Litigation Fund.**

1829 (1) (a) There is created [~~a~~] an expendable special revenue fund known as the Attorney  
1830 General Litigation Fund for the purpose of providing funds to pay for any costs and expenses  
1831 incurred by the state attorney general in relation to actions under state or federal antitrust,  
1832 criminal laws, or civil proceedings under Title 13, Chapter 44, Protection of Personal  
1833 Information Act. These funds are in addition to other funds as may be appropriated by the  
1834 Legislature to the attorney general for the administration and enforcement of the laws of this  
1835 state.

1836 (b) At the close of any fiscal year, any balance in the fund in excess of \$2,000,000 shall  
1837 be transferred to the General Fund.

1838 (c) The attorney general may expend money from the Attorney General Litigation Fund  
1839 for the purposes in Subsection (1)(a).

1840 (2) (a) All money received by the state or its agencies by reason of any judgment,  
1841 settlement, or compromise as the result of any action commenced, investigated, or prosecuted  
1842 by the attorney general, after payment of any fines, restitution, payments, costs, or fees  
1843 allocated by the court, shall be deposited in the Attorney General Litigation Fund, except as  
1844 provided in Subsection (2)(b).

1845 (b) (i) Any expenses advanced by the attorney general in any of the actions under  
1846 Subsection (1)(a) shall be credited to the Attorney General Litigation Fund.

1847 (ii) Any money recovered by the attorney general on behalf of any private person or  
1848 public body other than the state shall be paid to those persons or bodies from funds remaining  
1849 after payment of expenses under Subsection (2)(b)(i).

1850 (3) The Division of Finance shall transfer any money remaining in the Antitrust  
1851 Revolving Account on July 1, 2002, to the Attorney General Litigation Fund created in  
1852 Subsection (1).

1853 Section 56. Section **79-3-402** is amended to read:

1854 **79-3-402. Utah Geological Survey Sample Library Fund.**

1855 (1) There is created [~~a restricted~~] an expendable special revenue fund known as the  
1856 "Utah Geological Survey Sample Library Fund."

- 1857 (2) The fund consists of money from the following revenue sources:  
1858 (a) donations or contributions from individuals, companies, organizations, or  
1859 government entities; and  
1860 (b) interest generated by the fund.  
1861 (3) The director shall administer the fund.  
1862 (4) (a) Donations and other contributions to the fund and unallocated interest as  
1863 provided in Subsection (5)(c) shall constitute the fund's principal.  
1864 (b) The principal may be expended only with the concurrence of the board.  
1865 (5) (a) Interest generated by the fund may be expended to support the sample library as  
1866 provided in Subsections (5)(b) and (c).  
1867 (b) An amount of money equal to or less than the interest generated by the fund in the  
1868 previous fiscal year may be expended annually in support of the sample library.  
1869 (c) Funds that are eligible to be spent, but remain unallocated at the end of any fiscal  
1870 year, revert to the fund and become part of the fund's principle.

1871 Section 57. **Revisor instructions.**

1872 The Legislature intends that the Office of Legislative Research and General Counsel, in  
1873 preparing the Utah Code database for publication, replace any reference to "restricted special  
1874 revenue fund" with "expendable special revenue fund".

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**Legislative Review Note**  
as of 2-22-13 7:02 PM

**Office of Legislative Research and General Counsel**