

Effective 3/24/2022

63J-1-312 Establishing a General Fund Budget Reserve Account -- Providing for deposits and expenditures from the account -- Providing for interest generated by the account.

- (1) As used in this section:
 - (a) "Income Tax Fund budget deficit" means a situation where appropriations made by the Legislature from the Income Tax Fund for a fiscal year exceed the estimated revenues adopted by the Executive Appropriations Committee of the Legislature for the Income Tax Fund in that fiscal year.
 - (b) "General Fund appropriations" means the sum of the spending authority for a fiscal year that is:
 - (i) granted by the Legislature in all appropriation acts and bills; and
 - (ii) identified as coming from the General Fund.
 - (c) "General Fund budget deficit" means a situation where General Fund appropriations made by the Legislature for a fiscal year exceed the estimated revenues adopted by the Executive Appropriations Committee of the Legislature for the General Fund in that fiscal year.
 - (d) "General Fund revenue surplus" means a situation where actual General Fund revenues collected in a completed fiscal year exceed the estimated revenues for the General Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the Legislature.
 - (e) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the General Fund is less than zero.
- (2) There is created within the General Fund a restricted account to be known as the General Fund Budget Reserve Account, which is designated to receive the legislative appropriations and the surplus revenue required to be deposited into the account by this section.
- (3)
 - (a)
 - (i) Except as provided in Subsection (3)(a)(ii), at the end of any fiscal year in which the Division of Finance, in consultation with the Legislative Fiscal Analyst and in conjunction with the completion of the annual audit by the state auditor, determines that there is a General Fund revenue surplus, the Division of Finance shall transfer 25% of the General Fund revenue surplus to the General Fund Budget Reserve Account.
 - (ii) If the transfer of 25% of the General Fund revenue surplus to the General Fund Budget Reserve Account would cause the balance in the account to exceed 9% of General Fund appropriations for the fiscal year in which the revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to ensure that the balance in the account equals 9% of General Fund appropriations for the fiscal year in which the General Fund revenue surplus occurred.
 - (iii) The Division of Finance shall calculate the amount to be transferred under this Subsection (3)(a):
 - (A) after making the transfer of General Fund revenue surplus to the Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section 63J-1-315;
 - (B) before transferring from the General Fund revenue surplus any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law; and
 - (C) excluding any direct legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.
 - (b)

- (i) Except as provided in Subsection (3)(b)(ii), in addition to Subsection (3)(a)(i), if a General Fund revenue surplus exists and if, within the last 10 years, the Legislature has appropriated any money from the General Fund Budget Reserve Account that has not been replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall transfer up to 25% more of the General Fund revenue surplus to the General Fund Budget Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if any, and transfers from the General Fund revenue surplus under this Subsection (3)(b) have replaced the appropriations from the account.
 - (ii) If the transfer under Subsection (3)(b)(i) would cause the balance in the account to exceed 9% of General Fund appropriations for the fiscal year in which the revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to ensure that the balance in the account equals 9% of General Fund appropriations for the fiscal year in which the revenue surplus occurred.
 - (iii) The Division of Finance shall calculate the amount to be transferred under this Subsection (3)(b):
 - (A) after making the transfer of General Fund revenue surplus to the Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section 63J-1-315;
 - (B) before transferring from the General Fund revenue surplus any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law; and
 - (C) excluding any direct legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.
 - (c) For appropriations made by the Legislature to the General Fund Budget Reserve Account, the Division of Finance shall treat those appropriations, unless otherwise specified in the appropriation, as replacement funds for appropriations made from the account if funds were appropriated from the General Fund Budget Reserve Account within the past 10 years and have not yet been replaced.
- (4) The Legislature may appropriate money from the General Fund Budget Reserve Account only to:
- (a) resolve a General Fund budget deficit, for the fiscal year in which the General Fund budget deficit occurs;
 - (b) pay some or all of state settlement agreements approved under Title 63G, Chapter 10, State Settlement Agreements Act;
 - (c) pay claims approved under Section 63G-9-304;
 - (d) pay retroactive tax refunds;
 - (e) resolve an Income Tax Fund budget deficit; or
 - (f) finance an existing federally funded program or activity when:
 - (i) the federal funds expected to fund the federal program or activity are not available to fund the program or activity; and
 - (ii) the Legislature and governor concurrently determine that the program or activity is essential.
- (5) Interest generated from investments of money in the General Fund Budget Reserve Account shall be deposited into the General Fund.

Amended by Chapter 456, 2022 General Session