

Part 1 General Provisions

63J-3-101 Title.

This chapter is known as the "State Appropriations and Tax Limitation Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63J-3-102 Purpose of chapter -- Limitations on state mandated property tax, state appropriations, and state debt.

- (1)
 - (a) It is the purpose of this chapter to:
 - (i) place a limitation on the state mandated property tax rate under Title 53F, Chapter 2, State Funding -- Minimum School Program;
 - (ii) place limitations on state government appropriations based upon the combined changes in population and inflation; and
 - (iii) place a limitation on the state's outstanding general obligation debt.
 - (b) The limitations imposed by this chapter are in addition to limitations on tax levies, rates, and revenues otherwise provided for by law.
- (2)
 - (a) This chapter may not be construed as requiring the state to collect the full amount of tax revenues permitted to be appropriated by this chapter.
 - (b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the appropriations of state government.
- (3) The recommendations and budget analysis prepared by the Governor's Office of Planning and Budget and the Office of the Legislative Fiscal Analyst, as required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with the limitations imposed under this chapter.

Amended by Chapter 382, 2021 General Session

63J-3-103 Definitions.

As used in this chapter:

- (1)
 - (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Income Tax Fund sources.
 - (b) "Appropriations" includes appropriations that are contingent upon available surpluses in the General Fund and Income Tax Fund.
 - (c) "Appropriations" does not mean:
 - (i) public education expenditures;
 - (ii) Utah Education and Telehealth Network expenditures in support of public education;
 - (iii) Utah Board of Higher Education expenditures in support of public education;
 - (iv) State Tax Commission expenditures related to collection of income taxes in support of public education;
 - (v) debt service expenditures;
 - (vi) emergency expenditures;
 - (vii) expenditures from all other fund or subfund sources;

- (viii) transfers or appropriations from the Income Tax Fund to the Uniform School Fund;
 - (ix) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in Section 63J-1-312;
 - (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve Account established in Section 63J-1-313;
 - (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the Wildland Fire Suppression Fund created in Section 65A-8-204 or the State Disaster Recovery Restricted Account created in Section 53-2a-603;
 - (xii) money appropriated to fund the total one-time project costs for the construction of capital development projects as defined in Section 63A-5b-401;
 - (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund created by Section 72-2-118;
 - (xiv) transfers or deposits into or appropriations made to the Transportation Investment Fund of 2005 created by Section 72-2-124;
 - (xv) transfers or deposits into or appropriations made to:
 - (A) the Department of Transportation from any source; or
 - (B) any transportation-related account or fund from any source; or
 - (xvi) supplemental appropriations from the General Fund to the Division of Forestry, Fire, and State Lands to provide money for wildland fire control expenses incurred during the current or previous fire years.
- (2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- (a) the state's July 1, 1983 population; and
 - (b) the fiscal year 1983 inflation index divided by 100.
- (3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.
- (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session, Chapter 4.
- (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.
- (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from General Fund and non-Uniform School Fund income tax revenue sources, less debt money.
- (7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.
- (8)
- (a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.
 - (b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.
- (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.
- (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

- (11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of Planning and Budget according to the procedures and requirements of Section 63J-3-202.
- (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.
- (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Amended by Chapter 456, 2022 General Session