

**63M-5-302 Appropriations for use of funds -- Board of Education and Department of Transportation -- Repayment by Board of Education -- Board of Education and Transportation Commission requirements.**

- (1) The funds needed for construction of schools and highways and any of their related facilities as a result of industrial development or as a result of development or utilization of natural resources in this state through natural resource or industrial facilities shall be made available from the Prepaid Sales and Use Tax Construction Account through appropriations by the Legislature.
- (2) Appropriations will be made to the State Board of Education and the Department of Transportation for specific public facilities related to a specific natural resource or industrial facility.
- (3)
  - (a) Appropriations made to the State Board of Education for schools and related facilities shall be repaid to the General Fund through property tax assessments by the school district within whose boundary the natural resource or industrial facility is located.
  - (b) The repayment shall be made within a period of six years from the date of substantial completion of the natural resource or industrial facility or from the date the school district has a taxable value exceeding \$50,000,000, whichever occurs first.
  - (c) A refund shall be made to the developer of the natural resource or industrial facility to the extent of sales and use taxes prepaid by the developer in accordance with this chapter and appropriated by the Legislature for the specific public school facility, which have not been credited against sales and use taxes imposed by Title 59, Chapter 12, Sales and Use Tax Act.
- (4) The State Board of Education shall:
  - (a) determine school facility needs as respective communities develop by consulting with the school district within whose boundary the development project is located; and
  - (b) recommend to the Legislature the amount to be appropriated at each session of the Legislature.
- (5) The Transportation Commission shall:
  - (a) determine highway needs in the area of the natural resource or industrial facility;
  - (b) determine whether the highway should be a part of the state highway system; and
  - (c) recommend to the Legislature the amounts to be appropriated to the Department of Transportation for use on the highways.
- (6)
  - (a) The State Board of Education and the Department of Transportation shall assess and determine in connection with each public facility the portion of each facility of benefit primarily to the industrial developer or the person developing or utilizing the natural resources.
  - (b) The assessment shall be reported to the Legislature to be used in determining the amount to be appropriated subject to this chapter.

Renumbered and Amended by Chapter 382, 2008 General Session