

1 **USE OF TRANSPORTATION FUND**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Scott K. Jenkins**

5 **This act modifies the Transportation Code by amending the amount of transfers allowed**
6 **from the Transportation Fund to other agencies and excluding the State Tax Commission**
7 **from the transfer limitation. This act reduces the amount that may be transferred to**
8 **other state agencies to \$5.6 million. This act allows amounts to be transferred or**
9 **appropriated from the Transportation Fund to the State Tax Commission for cost for**
10 **collection without a dollar cap. This act takes effect on July 1, 2003.**

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13 **72-2-103**, as last amended by Chapter 13, Laws of Utah 2002, Fifth Special Session

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

15 Section 1. Section **72-2-103** is amended to read:

16 **72-2-103. Limitations on Transportation Fund -- Appropriations to agencies not**
17 **a part of the Department of Transportation -- Exceptions.**

18 (1) Except as provided under [~~Subsection (2)~~] Subsections (2) and (3), the amount
19 appropriated or transferred from the Transportation Fund each year may not exceed a combined
20 total of [~~\$11,600,000~~] \$5,600,000 to:

21 (a) the Department of Public Safety;

22 [~~(b) the State Tax Commission;~~]

23 [~~(c)~~] (b) the Division of Finance; and

24 [~~(d)~~] (c) except as provided under Subsection (2), any other state agency that is not a
25 part of the Department of Transportation.

26 (2) An amount may be appropriated or transferred from the Transportation Fund to the
27 State Tax Commission for costs for collection and administration as provided in Utah



28 Constitution Article XIII, Section 5(6).

29 ~~[(2)]~~ (3) The following amounts are exempt from the appropriation and transfer
30 limitations of Subsection (1):

31 (a) amounts transferred to the State Tax Commission under Subsection (2);

32 ~~[(a)]~~ (b) amounts deposited in the Department of Public Safety Restricted Account
33 created under Section 53-3-106;

34 ~~[(b)]~~ (c) revenue generated by the uninsured motorist identification fee under Section
35 41-1a-1218;

36 ~~[(c)]~~ (d) revenue generated by the motor carrier fee under Section 41-1a-1219 or
37 Section 72-9-706; and

38 ~~[(d)]~~ (e) revenue generated by the Motorcycle Rider Education Program under Section
39 53-3-905.

40 Section 2. **Effective date.**

41 This act takes effect on July 1, 2003.

Legislative Review Note
as of 2-11-03 2:58 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill exempt Transportation Fund appropriations to the Tax Commission from the state statute that limits Transportation Fund appropriations to agencies other than the Department of Transportation. Based on current FY 2003 budgets and accepted subcommittee budgets for FY 2004 it is estimated that a General Fund appropriation of \$563,500 would be required to replace appropriations to agencies that would remain under the new cap. It is unknown if additional Transportation Funds will be appropriated to the Tax Commission. However, appropriations to agencies exempt from the limitations statute will decrease appropriations to local B & C Roads by 25% of any additional appropriation and the Department of Transportation budget by 75% of that additional appropriation.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
General Fund	\$563,500	\$563,500	\$0	\$0
TOTAL	<u><u>\$563,500</u></u>	<u><u>\$563,500</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst