

28 appropriated until transfers of the surplus under this Subsection (2)(a)(ii) have replaced the
29 appropriations from the fund.

30 (b) The amount to be transferred to the Budget Reserve Account shall be determined
31 before any other contingency appropriation using surplus funds.

32 (3) (a) If, at the close of any fiscal year, there appear to be insufficient monies to pay
33 additional debt service for bonded debt authorized during the last annual general session and
34 any special session, the Division of Finance may hold back monies from any General Fund
35 surplus sufficient to pay the additional debt service requirements resulting from issuance of
36 bonded debt that was authorized by the Legislature in the last annual general session and any
37 special session.

38 (b) The Division of Finance may not spend the hold back amount for debt service
39 under Subsection (3)(a) unless and until it is appropriated by the Legislature.

40 (c) If, after calculating the amount for transfers to the Budget Reserve Account, the
41 remaining surplus is insufficient to cover the hold back for debt service required by Subsection
42 (3)(a), the Division of Finance shall reduce the transfer to the Budget Reserve Account by the
43 amount necessary to cover the debt service hold back.

44 (d) Notwithstanding Subsection (2), the Division of Finance shall hold back the
45 General Fund balance for debt service authorized by this Subsection (3) before making any
46 transfers to the Budget Reserve Account or any other designation or allocation of surplus.

47 (4) (a) Any appropriation made by the Legislature from the Budget Reserve Account
48 may only be used to cover operating deficits, state settlement agreements approved under Title
49 63, Chapter 38b, State Settlement Agreements, or retroactive tax refunds.

50 (b) The Budgetary Reserve Account is available for appropriation to fund operating
51 deficits in public education appropriations.

52 (5) All interest generated from investments of money in the Budget Reserve Account
53 shall be deposited into the account.

54 **Section 2. Effective date.**

55 If approved by two-thirds of all the members elected to each house, this act takes effect
56 upon approval by the governor, or the day following the constitutional time limit of Utah
57 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
58 the date of veto override.

Legislative Review Note

as of 3-4-03 11:35 AM

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

Office of Legislative Research and General Counsel