

1 **CARRYOVER OF AUTHORIZED CAPITAL**

2 **OUTLAY AMENDMENTS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Beverly Ann Evans**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Budgetary Procedures Act by lapsing an internal service fund
10 agency's unused capital acquisition authority at the end of a fiscal year.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ lapses an internal service fund agency's unused capital acquisition authority at the
14 end of a fiscal year;

15 ▶ provides for nonlapsing capital acquisition authority if certain requirements are met;
16 and

17 ▶ requires an annual report and review of accumulated nonlapsing capital outlay
18 authority.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill takes effect on July 1, 2004.

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **63-38-8.2**, Utah Code Annotated 1953

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



28 Section 1. Section **63-38-8.2** is enacted to read:

29 **63-38-8.2. Internal service funds -- End of fiscal year -- Unused authority for**
30 **capital acquisition.**

31 (1) An internal service fund agency's authority to acquire capital assets under
32 Subsection 63-38-3.5(8)(a) shall lapse if the acquisition of the capital asset does not occur in
33 the fiscal year in which the authorization is included in the appropriations act, unless the
34 Legislature identifies the authority to acquire the capital asset as nonlapsing authority:

35 (a) for a specific one-time project and a limited period of time in the Legislature's
36 initial appropriation to the agency; or

37 (b) in a supplemental appropriation in accordance with Subsection (2).

38 (2) (a) An internal service fund agency's authority to acquire capital assets may be
39 retained as nonlapsing authorization if the internal service fund agency includes a one-time
40 project's list as part of the budget request that it submits to the governor and the Legislature at
41 the annual general session of the Legislature immediately before the end of the fiscal year in
42 which the agency may have unused capital acquisition authority.

43 (b) The governor:

44 (i) may approve some or all of the items from an agency's one-time project's list; and

45 (ii) shall identify and prioritize any approved one-time projects in the budget that he
46 submits to the Legislature.

47 (c) The Legislature:

48 (i) may approve some or all of the specific items from an agency's one-time project's
49 list as an approved capital acquisition for an agency's appropriation balance;

50 (ii) shall identify any authorized one-time projects in the appropriate line item
51 appropriation; and

52 (iii) may prioritize one-time projects in intent language.

53 (3) An internal service fund agency shall submit a status report of outstanding
54 nonlapsing authority to acquire capital assets and associated one-time projects to the
55 Governor's Office of Planning and Budget and the Legislative Fiscal Analyst's Office with the
56 proposed budget required by Section 63-38-2.

57 Section 2. **Effective date.**

58 This bill takes effect on July 1, 2004.

Legislative Review Note

as of 11-25-03 12:26 PM

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

Office of Legislative Research and General Counsel

Mixed Membership Committee Note

as of 12-10-03 1:27 PM

The Utah Technology Commission recommended this bill.

Membership:	8 legislators	5 non-legislators		
Legislative Vote:	6 voting for	0 voting against	2 absent	