

**TELEPHONE SURCHARGE FOR EDUCATION  
AND TRAINING PROGRAMS AT PRISON**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Brent H. Goodfellow**

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**LONG TITLE**

**General Description:**

This bill creates a restricted account within the General Fund.

**Highlighted Provisions:**

This bill:

- ▶ creates a restricted account within the General Fund called the Prison Telephone Surcharge Account;
- ▶ deposits money generated from surcharges on pay telephones located at state correctional facilities into the account; and
- ▶ specifies that the money in the restricted account may be appropriated by the Legislature for prison training and education programs.

**Monies Appropriated in this Bill:**

This bill appropriates:

- ▶ \$900,000 from the Prison Telephone Surcharge Account for fiscal year 2005-06 only, to the Department of Corrections for education and training programs.

**Other Special Clauses:**

This bill has an effective date of July 1, 2005.

**Utah Code Sections Affected:**

ENACTS:

**64-13-42**, Utah Code Annotated 1953

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

29 Section 1. Section **64-13-42** is enacted to read:

30 **64-13-42. Prison Telephone Surcharge Account -- Inmate and offender education**  
31 **and training programs.**

32 (1) (a) There is created within the General Fund a restricted account known as the  
33 Prison Telephone Surcharge Account.

34 (b) The Prison Telephone Surcharge Account consists of:

35 (i) revenue generated by the state from pay telephone services located at any  
36 correctional facility as defined in Section 64-13-1; and

37 (ii) interest on account monies.

38 (2) Upon appropriation by the Legislature, monies from the Prison Telephone  
39 Surcharge Account shall be used for education and training programs for offenders and inmates  
40 as defined in Section 64-13-1.

41 Section 2. **Appropriation.**

42 There is appropriated \$900,000, subject to availability of funds in the account, from the  
43 Prison Telephone Surcharge Account for fiscal year 2005-06 only, to the ~~H~~→ [Department of  
44 Corrections] Board of Regents ←~~H~~ for education and training programs.

45 Section 3. **Effective date.**

46 This bill has an effective date of July 1, 2005.

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**Legislative Review Note**  
**as of 1-21-05 12:55 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**AMENDED BILL**

**State Impact**

This bill creates a restricted account into which is deposited revenue collected from payphones at state prisons. The bill also appropriates \$900,000 one-time in FY 2006 from the account to the Board of Regents for additional education and training programs at the State prisons.

Funds deposited in the new account currently subsidize state telecommunications costs incurred by the Division of Information Technology Services and paid by almost all state agencies. Should telecommunications costs and consumption remain as predicted by ITS, the division would need to adjust the telephone rate it charges to customer agencies to make-up for the loss of payphone revenue. All other things being equal, such a rate change would impact the budgets of other state agencies, potentially requiring an appropriation in FY 2007. Non-state governmental entities may also be impacted.

|                     | <u>FY 2006</u><br><u>Approp.</u> | <u>FY 2007</u><br><u>Approp.</u> | <u>FY 2006</u><br><u>Revenue</u> | <u>FY 2007</u><br><u>Revenue</u> |
|---------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| General Fund        | \$0                              | \$500,000                        | \$0                              | \$0                              |
| Uniform School Fund | \$0                              | \$31,000                         | \$0                              | \$0                              |
| TransportationFund  | \$0                              | \$67,000                         | \$0                              | \$0                              |
| Federal Funds       | \$0                              | \$204,000                        | \$0                              | \$0                              |
| Dedicated Credits   | \$0                              | \$0                              | (\$900,000)                      | (\$900,000)                      |
| Restricted Funds    | \$900,000                        | \$0                              | \$900,000                        | \$900,000                        |
| Other               | \$0                              | \$98,000                         | \$0                              | \$0                              |
| <b>TOTAL</b>        | <b>\$900,000</b>                 | <b>\$900,000</b>                 | <b>\$0</b>                       | <b>\$0</b>                       |

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**Individual and Business Impact**

No fiscal impact.