

1 **APPROPRIATION LIMIT AMENDMENTS -**

2 **FIRE SUPPRESSION**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ben C. Ferry**

6 Senate Sponsor: Dennis E. Stowell

8 **LONG TITLE**

9 **General Description:**

10 This bill exempts certain supplemental appropriations for fire suppression expenses from
11 the State Appropriations and Tax Limitation Act.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ exempts certain supplemental appropriations made to the Division of Forestry, Fire,
15 and State Lands to provide monies for wildland fire control expenses from the State
16 Appropriations and Tax Limitation Act.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **63-38c-103**, as last amended by Laws of Utah 2007, Chapters 122, 206, and 328

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

26 Section 1. Section **63-38c-103** is amended to read:

27 **63-38c-103. Definitions.**

28 As used in this chapter:

29 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations

30 from unrestricted General Fund sources and from non-Uniform School Fund income tax
31 revenues as presented in the governor's executive budgets.

32 (b) "Appropriations" includes appropriations that are contingent upon available
33 surpluses in the General Fund.

34 (c) "Appropriations" does not mean:

35 (i) debt service expenditures;

36 (ii) emergency expenditures;

37 (iii) expenditures from all other fund or subfund sources presented in the executive
38 budgets;

39 (iv) transfers or appropriations from the Education Fund to the Uniform School Fund;

40 (v) transfers into, or appropriations made to, the General Fund Budget Reserve
41 Account established in Section 63-38-2.5;

42 (vi) transfers into, or appropriations made to, the Education Budget Reserve Account
43 established in Section 63-38-2.6;

44 (vii) transfers in accordance with Section 63-38-2.7 into, or appropriations made to the
45 State Disaster Recovery Restricted Account created in Section 53-2-403;

46 (viii) monies appropriated to fund the total one-time project costs for the construction
47 of capital developments as defined in Section 63A-5-104;

48 (ix) transfers or deposits into or appropriations made to the Centennial Highway Fund
49 Restricted Account created by Section 72-2-118;

50 (x) transfers or deposits into or appropriations made to the Transportation Investment
51 Fund of 2005 created by Section 72-2-124; [or]

52 (xi) transfers or deposits into or appropriations made to:

53 (A) the Department of Transportation from any source; or

54 (B) any transportation-related account or fund from any source[-]; or

55 (xii) supplemental appropriations from the General Fund to the Division of Forestry,
56 Fire, and State Lands to provide monies for wildland fire control expenses incurred during the
57 current or previous fire years.

58 (2) "Base year real per capita appropriations" means the result obtained for the state by
59 dividing the fiscal year 1985 actual appropriations of the state less debt monies by:

60 (a) the state's July 1, 1983 population; and

61 (b) the fiscal year 1983 inflation index divided by 100.

62 (3) "Calendar year" means the time period beginning on January 1 of any given year and
63 ending on December 31 of the same year.

64 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
65 expenditures and includes the settlement under Chapter 4, Laws of Utah 1988, Fourth Special
66 Session.

67 (5) "Fiscal year" means the time period beginning on July 1 of any given year and
68 ending on June 30 of the subsequent year.

69 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
70 capital and operations appropriations from General Fund and non-Uniform School Fund income
71 tax revenue sources, less debt monies.

72 (7) "Inflation index" means the change in the general price level of goods and services
73 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
74 Analysis, U.S. Department of Commerce calculated as provided in Section 63-38c-202.

75 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could
76 be, or could have been, spent in any given year under the limitations of this chapter.

77 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
78 spent or actual expenditures.

79 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
80 fiscal years previous to the fiscal year for which the maximum allowable inflation and population
81 appropriations limit is being computed under this chapter.

82 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal
83 years previous to the fiscal year for which the maximum allowable inflation and population
84 appropriations limit is being computed under this chapter.

85 (11) "Population" means the number of residents of the state as of July 1 of each year as

86 calculated by the Governor's Office of Planning and Budget according to the procedures and
87 requirements of Section 63-38c-202.

88 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and
89 other monetary exaction and interest connected with it that are recorded as unrestricted revenue
90 of the General Fund and from non-Uniform School Fund income tax revenues, except as
91 specifically exempted by this chapter.

92 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,
93 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
94 "indebtedness" within the meaning of any provision of the constitution or laws of this state.