

**AUTHORITY TO ESTABLISH STATE
NONPROFIT CORPORATION AND REFUGEE
SERVICES FUND**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a restricted special revenue fund, known as the Refugee Services Fund, and allows the Department of Workforce Services to form nonprofit corporations or foundations for purposes related to the supplying of services to refugees located in the state.

Highlighted Provisions:

This bill:

- ▶ creates a restricted special revenue fund, known as the Refugee Services Fund, identifies a revenue stream for the fund, and provides that fund monies shall be used to train refugee organizations to develop their capacity to operate effectively and to provide grants to organizations to provide refugee services;
- ▶ provides for administration of the Refugee Services Fund by the director of the Employment Development Division of the Department of Workforce Services;
- ▶ provides for the formation of nonprofit foundations or corporations to aid and assist the division and Department of Community and Culture in attaining objectives related to refugee services;
- ▶ provides the purposes for which monies in the Refugee Services Fund may be used;
- ▶ provides for monitoring of the Refugee Services Fund and an accounting of how



28 monies in the fund are spent; and
29 ▶ provides for an annual report.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides an immediate effective date.

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **35A-3-116**, Utah Code Annotated 1953



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

39 Section 1. Section **35A-3-116** is enacted to read:

40 **35A-3-116. Restricted special revenue fund -- Formation of nonprofit corporation**
41 **or foundation -- Use of monies -- Committee and director duties -- Restrictions.**

42 (1) There is created a restricted special revenue fund known as the "Refugee Services
43 Fund," hereafter referred to in this section as "the fund."

44 (2) The director or the director's designee shall administer the fund with input from the
45 Department of Community and Culture, including any advisory committees within the
46 Department of Community and Culture that deal with refugee services issues.

47 (3) (a) The director, through the department, may form nonprofit corporations or
48 foundations, controlled by the director or the director's designee to aid and assist the division
49 and the Department of Community and Culture in attaining its objectives as related to refugee
50 services.

51 (b) A nonprofit corporation or foundation established under this section may receive
52 government grants, contracts, and private gifts to carry out its public purposes.

53 (c) Monies collected by the nonprofit corporation or foundation shall be deposited in
54 the Refugee Services Fund.

55 (d) A nonprofit foundation controlled by the director or the director's designee shall
56 submit to the Division of Finance, within 60 days after the close of the foundation's fiscal year,
57 a financial report summarizing the foundation's financial position and results of operations of
58 the most recent fiscal year.

59 (4) (a) (i) There shall be deposited into the fund money from numerous sources,
60 including grants, private foundations, and individual donors.

61 (ii) A refugee who receives services from activities funded under Subsection (9) is
62 encouraged to become a donor to the fund once the refugee's financial situation improves to the
63 point where the refugee is capable of making a donation.

64 (b) The fund shall be used to accept monies designated for refugee services initiatives
65 to train refugee organizations to develop their capacity to operate effectively and to provide
66 grants to these organizations to provide refugee services.

67 (5) The monies in the fund that are not restricted to a specific use under federal law or
68 by donors may not be expended without input from the Department of Community and Culture,
69 either directly or through an advisory committee identified in Subsection (2).

70 (6) The state treasurer shall invest the monies in the fund under Title 51, Chapter 7,
71 State Money Management Act, except that all interest or other earnings derived from the fund
72 monies shall be deposited in the General Fund.

73 (7) The monies in the fund may not be used by the director or the director's designee
74 for administrative expenses normally provided for by legislative appropriation.

75 (8) If the Department of Community and Culture establishes a refugee services
76 advisory committee referred to in Subsection (2), that committee may:

77 (a) advise the director or the director's designee on refugee services needs in the state
78 and on relevant operational aspects of any grant, loan, or revenue collection program
79 established under this part;

80 (b) recommend specific refugee projects to the director or the director's designee;

81 (c) recommend policy and procedures for administering the fund;

82 (d) make recommendations on grants, loans, or contracts from the fund for any of the
83 refugee services activities authorized under this section;

84 (e) advise the director or the director's designee on the criteria by which loans and
85 grants shall be made from the fund;

86 (f) recommend the order in which approved projects would be funded;

87 (g) make recommendations regarding the distribution of money from the fund in
88 accordance with the procedures, conditions, and restrictions placed upon monies in the fund by
89 donors; and

- 90 (h) have joint responsibility to solicit public and private funding for the fund.
- 91 (9) Fund monies may be used for any of the following activities:
- 92 (a) training of a refugee organization to develop its capacity to operate professionally
93 and effectively and to become an independent, viable organization; and
- 94 (b) providing of grants to refugee organizations to assist them:
- 95 (i) with case management;
- 96 (ii) in meeting emergency housing needs for refugees;
- 97 (iii) in providing English language services;
- 98 (iv) in providing interpretive services;
- 99 (v) in finding and maintaining employment for refugees;
- 100 (vi) in collaborating with the state's public education system to improve the
101 involvement of refugee parents in assimilating their children into public schools;
- 102 (vii) in meeting the health and mental health needs of refugees;
- 103 (viii) in providing or arranging for child care services; and
- 104 (ix) in administering refugee services.
- 105 (10) The director or the director's designee, with advice from the Department of
106 Community and Culture or its refugee services advisory committee, if one is created, may
107 grant, lend, or contract fund money for refugee services purposes to:
- 108 (a) refugee organizations referred to in Subsection (9);
- 109 (b) local governments;
- 110 (c) nonprofit community, charitable, or neighborhood-based organizations or private
111 for profit organizations that deal solely or in part with providing or arranging for the provision
112 of refugee services; and
- 113 (d) regional or statewide nonprofit organizations.
- 114 (11) The director or the director's designee shall monitor the activities of the recipients
115 of grants, loans, or contracts issued from the fund on an annual basis to ensure compliance with
116 the terms and conditions imposed on the recipient by the fund.
- 117 (12) An entity receiving a grant, loan, or contract shall provide the director or the
118 director's designee with an annual accounting of how the monies it received from the fund were
119 spent.
- 120 (13) The director shall make an annual report to the Workforce Services and

121 Community and Economic Development Interim Committee by November 1 regarding the
122 status of the fund and the programs and services funded by the fund.

123 Section 2. **Effective date.**

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

Legislative Review Note
as of 1-24-08 3:08 PM

Office of Legislative Research and General Counsel

Fiscal Note**H.B. 336 - Authority to Establish State Nonprofit Corporation and Refugee Services Fund**

2008 General Session

State of Utah

State Impact

Enactment of this bill will create a special restricted account from which the general public may make donations toward the Department of Workforce Services for refugee services.

	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2010 Approp.</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>	<u>FY 2010 Revenue</u>
Restricted Funds	\$0	\$20,000	\$30,000	\$0	\$20,000	\$30,000
Total	\$0	\$20,000	\$30,000	\$0	\$20,000	\$30,000

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.