

**FOREST RESERVE FUND REVISIONS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: Ralph Okerlund

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the Forest Reserve Fund.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ corrects inaccurate cross references to federal law;
- ▶ changes the procedures for apportioning federal funds received from forest reserve payments;
- ▶ provides that the funds shall be delivered to the state treasurer, rather than directly to the counties of the state;
- ▶ provides procedures for the state treasurer to use in apportioning the funds; and
- ▶ makes technical amendments.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**17D-1-201**, as enacted by Laws of Utah 2008, Chapter 360

**51-9-601**, as renumbered and amended by Laws of Utah 2008, Chapter 382



28 **51-9-602**, as renumbered and amended by Laws of Utah 2008, Chapter 382

29 **51-9-603**, as renumbered and amended by Laws of Utah 2008, Chapter 382



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

32 Section 1. Section **17D-1-201** is amended to read:

33 **17D-1-201. Services that a special service district may be created to provide.**

34 As provided in this part, a county or municipality may create a special service district to  
35 provide any combination of the following services:

36 (1) water;

37 (2) sewerage;

38 (3) drainage;

39 (4) flood control;

40 (5) garbage collection and disposal;

41 (6) health care;

42 (7) transportation, including the receipt of federal secure rural school funds under

43 Section 51-9-603 for the purposes of constructing, improving, repairing, or maintaining public  
44 roads;

45 (8) recreation;

46 (9) fire protection and, if fire protection service is provided, emergency medical or  
47 ambulance or both;

48 (10) providing, operating, and maintaining correctional and rehabilitative facilities and  
49 programs for municipal, state, and other detainees and prisoners;

50 (11) street lighting;

51 (12) consolidated 911 and emergency dispatch;

52 (13) animal shelter and control;

53 (14) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease  
54 Funds, and expending those funds to provide construction and maintenance of public facilities,  
55 traditional governmental services, and planning, as a means for mitigating impacts from  
56 extractive mineral industries; and

57 (15) in a county of the first class, extended police protection.

58 Section 2. Section **51-9-601** is amended to read:

59 **51-9-601. Act of Congress accepted -- Funds to be apportioned.**

60 (1) The state [of Utah] renews its acceptance of the apportionment of [moneys] monies  
 61 received from forest reserves made by [Act of Congress approved June 30, 1906] the Act of  
 62 May 23, 1908, 16 U.S.C. Sec. 500 et seq. and all acts amendatory thereof and supplementary  
 63 thereto, and renews its acceptance of [said Act of Congress] the act upon the terms and  
 64 conditions set forth in [said] the act[; the said apportionment being].

65 (2) The apportionment monies provided by the act shall be used for the benefit of the  
 66 public schools and public roads of the counties [wherein may be situated the respective]  
 67 containing the forest reserves.

68 Section 3. Section **51-9-602** is amended to read:

69 **51-9-602. Creation of fund -- County Road and School Fund from Forest**  
 70 **Reserves.**

71 [The moneys which shall come into the hands of the state treasurer from the United  
 72 States pursuant to said act and all acts amendatory thereof and supplementary thereto shall  
 73 constitute]

74 There is established a fund [to be] known as the "County Road and School Fund from  
 75 Forest Reserves[.," comprised of:

76 (1) monies which shall come into the hands of the state treasurer from the United  
 77 States under the Act of May 23, 1908, 16 U.S.C. Sec. 500 et seq. and all acts amendatory  
 78 thereof and supplementary thereto; and

79 (2) monies paid under the act described in Subsection (1) that:

80 (a) have come into the hands of the state treasurer; and

81 (b) the state treasurer has not yet apportioned to counties at the time the 2009  
 82 amendment to this section becomes effective.

83 Section 4. Section **51-9-603** is amended to read:

84 **51-9-603. Apportionment by the county legislative body.**

85 The [county legislative body of each county participating therein] state treasurer shall  
 86 [immediately upon], within a reasonable time after receipt of the [apportionment proceed to  
 87 apportion the same in the manner following, to wit: One-half to the several school districts of  
 88 the county, according to the number of school children residing in each of said districts over six  
 89 and under 18 years of age, and 1/2 for the improvement of the public roads in said county.]

90 monies:

91 (1) apportion monies that the United States determines shall be allocated to each  
92 county for special projects; and

93 (2) apportion the remaining net amount of the monies to each county that is entitled to  
94 receive funds as follows:

95 (a) 50% to the school districts of the county, according to the number of school  
96 children residing in each district that are over the age of six and under the age of 18; and

97 (b) 50% to the following, as directed by the county legislative body:

98 (i) the general fund of the county; or

99 (ii) one or more special service districts, provided that each special service district  
100 receiving monies:

101 (A) is established by the county under Title 17D, Chapter 1, Special Service District  
102 Act; and

103 (B) has as one of its functions the purpose of constructing, improving, repairing, or  
104 maintaining public roads.

105 **Section 5. Effective date.**

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

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**Legislative Review Note**  
as of 1-30-09 8:38 AM

**Office of Legislative Research and General Counsel**

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**H.B. 149 - Forest Reserve Fund Revisions**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local revenues could increase by approximately \$7,000,000.

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