

**SPENDING LIMITS AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ron Bigelow**

Senate Sponsor: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

This bill modifies provisions in the State Appropriations and Tax Limitation Act.

**Highlighted Provisions:**

This bill:

- ▶ modifies the list of monies considered "appropriations" that are used in the formula that determines the state appropriations limit for each fiscal year; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2010.

**Utah Code Sections Affected:**

AMENDS:

**63J-3-103**, as last amended by Laws of Utah 2009, Chapter 183

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

Section 1. Section **63J-3-103** is amended to read:

**63J-3-103. Definitions.**

As used in this chapter:

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



28 from unrestricted General Fund and Education Fund sources [~~and from non-Uniform School~~  
29 ~~Fund income tax revenues as presented in the governor's executive budgets~~].

30 (b) "Appropriations" includes appropriations that are contingent upon available  
31 surpluses in the General Fund and Education Fund.

32 (c) "Appropriations" does not mean:

33 (i) public education expenditures;

34 (ii) Utah Education Network expenditures in support of public education;

35 (iii) Utah College of Applied Technology expenditures in support of public education;

36 (iv) Tax Commission expenditures related to collection of income taxes in support of  
37 public education;

38 [~~(i)~~] (v) debt service expenditures;

39 [~~(ii)~~] (vi) emergency expenditures;

40 [~~(iii)~~] (vii) expenditures from all other fund or subfund sources [~~presented in the~~  
41 ~~executive budgets~~];

42 [~~(iv)~~] (viii) transfers or appropriations from the Education Fund to the Uniform School  
43 Fund;

44 [~~(v)~~] (ix) transfers into, or appropriations made to, the General Fund Budget Reserve  
45 Account established in Section 63J-1-312;

46 [~~(vi)~~] (x) transfers into, or appropriations made to, the Education Budget Reserve  
47 Account established in Section 63J-1-313;

48 [~~(vii)~~] (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made  
49 to the State Disaster Recovery Restricted Account created in Section 53-2-403;

50 [~~(viii)~~] (xii) monies appropriated to fund the total one-time project costs for the  
51 construction of capital developments as defined in Section 63A-5-104;

52 [~~(ix)~~] (xiii) transfers or deposits into or appropriations made to the Centennial Highway  
53 Fund Restricted Account created by Section 72-2-118;

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

56 [~~(xi)~~] (xv) transfers or deposits into or appropriations made to:

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

58 (B) any transportation-related account or fund from any source; or

59            [~~(xii)~~] (xvi) supplemental appropriations from the General Fund to the Division of  
60 Forestry, Fire, and State Lands to provide monies for wildland fire control expenses incurred  
61 during the current or previous fire years.

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

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

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

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

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

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

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

76            (7) "Inflation index" means the change in the general price level of goods and services  
77 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic  
78 Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

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

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

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

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

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

90 as calculated by the Governor's Office of Planning and Budget according to the procedures and  
91 requirements of Section 63J-3-202.

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

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

99 Section 2. **Effective date.**

100 This bill takes effect on July 1, 2010.

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**Legislative Review Note**  
as of 1-12-10 3:30 PM

**Office of Legislative Research and General Counsel**

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**H.B. 310 - Spending Limits Amendments**

**Fiscal Note**

2010 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, businesses, or local governments.

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