

1 **EMPLOYMENT SECURITY ADMINISTRATION**

2 **FUND REPEALER**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David P. Hinkins**

6 House Sponsor: Michael T. Morley

7

8 **LONG TITLE**

9 **General Description:**

10 This bill repeals the Employment Security Administration Fund and makes conforming
11 changes within Title 35A, Utah Workforce Services Code, and Title 63J, Budgeting.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ eliminates the Employment Security Administration Fund due to its obsolescence,
15 allowing the Unemployment Insurance Division of the Department of Workforce
16 Services to better meet its federal reporting requirements; and
- 17 ▶ makes conforming and technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 **AMENDS:**

24 **35A-3-115**, as renumbered and amended by Laws of Utah 1998, Chapter 1

25 **35A-4-201**, as last amended by Laws of Utah 2005, Chapter 81

26 **35A-4-501**, as last amended by Laws of Utah 2006, Chapter 22

27 **35A-4-506**, as last amended by Laws of Utah 1997, Chapter 375

28 **35A-4-507**, as renumbered and amended by Laws of Utah 1996, Chapter 240

29 **63J-1-602**, as enacted by Laws of Utah 2009, Chapter 368

30 REPEALS:

31 **35A-4-505**, as last amended by Laws of Utah 1998, Chapter 1



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

34 Section 1. Section **35A-3-115** is amended to read:

35 **35A-3-115. Public Employment Offices -- Agreements with other authorities --**
36 **Federal system accepted -- Appropriation.**

37 (1) (a) The division shall establish and maintain free public employment offices in
38 ~~[such]~~ a manner and in such places as may be necessary for the proper administration of this
39 chapter and for the purposes of performing the functions as are within the purview of the Act
40 of Congress entitled "An act to provide for the establishment of a national employment system
41 and for co-operation with the states in the promotion of such system, and for other purposes,"
42 approved June 6, 1933, 48 Stat. 113; U. S. Code, Title 29, Section 49 (c) as amended,
43 hereinafter referred to as the "Wagner-Peyser Act."

44 (b) The division shall consult with regional councils on workforce services when
45 determining the location of public employment offices.

46 (c) A public employment office may be located in connection with or as an integrated
47 part of an employment center established under Section 35A-2-203.

48 (2) ~~(a)~~ The provisions of the Wagner-Peyser Act, 29 U.S.C. 49-49c, 49g, 49h, 49k,
49 and 557, are accepted by this state~~[-, and the].~~

50 ~~(b)~~ The department is designated and constitutes the agency of this state for the
51 purposes of the act.

52 ~~[(3) All moneys received by this state under the Wagner-Peyser Act shall be paid into~~
53 ~~the Employment Security Administration Fund created by Section 35A-4-505 and shall be~~
54 ~~expended solely for the maintenance of the state system of public employment offices.]~~

55 ~~[(4)]~~ (3) (a) For the purpose of establishing and maintaining free public employment
56 offices, and promoting the use of their facilities, the division ~~[is authorized to]~~ may enter into
57 agreements with the railroad retirement board, or any other agency of the United States, or of

58 this or any other state, charged with the administration of any law whose purposes are
59 reasonably related to the purposes of this chapter~~[, and as]~~.

60 (b) As a part of [such agreements] an agreement entered into under Subsection (3)(a).
61 the division may accept moneys, services, or quarters as a contribution to the maintenance of
62 the state system of public employment offices or as reimbursement for services performed.

63 ~~[(b) All moneys received or appropriated for such purposes shall be paid into the~~
64 ~~Employment Security Administration Fund.]~~

65 Section 2. Section **35A-4-201** is amended to read:

66 **35A-4-201. General definitions.**

67 As used in this chapter:

68 (1) "Base-period" means the first four of the last five completed calendar quarters next
69 preceding the first day of the individual's benefit year with respect to any individual whose
70 benefit year commences on or after January 5, 1986.

71 (2) "Benefit year" means the 52 consecutive week period beginning with the first week
72 with respect to which an individual files for benefits and is found to have an insured status.

73 (3) "Benefits" means the money payments payable to an individual as provided in this
74 chapter with respect to the individual's unemployment.

75 (4) "Calendar quarter" means the period of three consecutive months ending on March
76 31, June 30, September 30, or December 31, or the equivalent, as the department may by rule
77 prescribe.

78 (5) "Contribution" means the money payments required by this chapter to be made
79 into the Unemployment Compensation Fund by any employing unit on account of having
80 individuals in its employ.

81 (6) "Division" means the Unemployment Insurance Division.

82 (7) "Employment office" means a free public employment office or branch operated by
83 this or any other state as a part of a state-controlled system of public employment offices or by
84 a federal agency charged with the administration of an unemployment compensation program
85 or free public employment offices.

86 ~~[(8) "Employment Security Administration Fund" means the fund established by~~
87 ~~Section 35A-4-505, and from which administrative expenses under this chapter shall be paid.]~~

88 ~~[(9)]~~ (8) "Extended benefits" has the meaning specified in Subsection
89 35A-4-402(7)(f).

90 ~~[(10)]~~ (9) "Fund" means the Unemployment Compensation Fund established by this
91 chapter.

92 ~~[(11)]~~ (10) "Insured average annual wage" means on or before the 15th day of May of
93 each year, the total wages of insured workers for the preceding calendar year, divided by the
94 average monthly number of insured workers, determined by dividing by 12 the total insured
95 workers for the preceding calendar year as determined under the rules of the department
96 calculated to two decimal places, disregarding any fraction of one cent.

97 ~~[(12)]~~ (11) "Insured average fiscal year wage" means on or before the 15th day of
98 November of each year, the total wages of insured workers for the preceding fiscal year,
99 divided by the average monthly number of insured workers, determined by dividing by 12 the
100 total insured workers for the preceding fiscal year as determined under the rules of the
101 department calculated to two decimal places, disregarding any fraction of one cent.

102 ~~[(13)]~~ (12) "Insured average fiscal year weekly wage" means the insured average fiscal
103 year wage determined in Subsection ~~[(12)]~~ (11), divided by 52, calculated to two decimal
104 places, disregarding any fraction of one cent.

105 ~~[(14)]~~ (13) "Insured average weekly wage" means the insured average annual wage
106 determined in Subsection ~~[(11)]~~ (10), divided by 52, calculated to two decimal places,
107 disregarding any fraction of one cent.

108 ~~[(15)]~~ (14) "Insured status" means that an individual has, during the individual's
109 base-period, performed services and earned wages in employment sufficient to qualify for
110 benefits under Section 35A-4-403.

111 ~~[(16)]~~ (15) "Insured work" means employment for an employer, as defined in Section
112 35A-4-203.

113 ~~[(17)]~~ (16) "Monetary base period wage requirement" means 8% of the insured

114 average fiscal year wage for the preceding fiscal year, for example, fiscal year 1990 for
115 individuals establishing benefit years in 1991, rounded up to the next higher multiple of \$100.

116 ~~[(18)]~~ (17) "State" includes the Commonwealth of Puerto Rico, the Virgin Islands, and
117 the District of Columbia.

118 ~~[(19)]~~ (18) "Tribal unit" means a subdivision, subsidiary, or business enterprise wholly
119 owned by an American Indian tribe.

120 ~~[(20)]~~ (19) "Week" means the period or periods of seven consecutive calendar days as
121 the department may prescribe by rule.

122 Section 3. Section **35A-4-501** is amended to read:

123 **35A-4-501. Unemployment Compensation Fund -- Administration -- Contents --**
124 **Treasurer and custodian -- Separate accounts -- Use of money requisitioned -- Advances**
125 **under Social Security Act.**

126 (1) (a) There is established the Unemployment Compensation Fund, separate and apart
127 from all public moneys or funds of this state, that shall be administered by the department
128 exclusively for the purposes of this chapter.

129 (b) This fund shall consist of the following moneys, all of which shall be mingled and
130 undivided:

131 ~~[(a)]~~ (i) all contributions collected under this chapter, less refunds of contributions
132 made from the clearing account under Subsection 35A-4-306(5);

133 ~~[(b)]~~ (ii) interest earned upon any moneys in the fund;

134 ~~[(c)]~~ (iii) any property or securities acquired through the use of moneys belonging to
135 the fund;

136 ~~[(d)]~~ (iv) all earnings of the property or securities;

137 ~~[(e)]~~ (v) all money credited to this state's account in the unemployment trust fund
138 under Section 903 of the Social Security Act, 42 U.S.C. 1101 et seq., as amended; and

139 ~~[(f)]~~ (vi) all other moneys received for the fund from any other source.

140 (2) (a) The state treasurer shall;

141 (i) be the treasurer and custodian of the fund~~[-and shall];~~

142 (ii) administer the fund in accordance with the directions of the division; and ~~shall~~

143 (iii) pay all warrants drawn upon it by the division or its duly authorized agent in
144 accordance with rules made by the department.

145 **(b)** The division shall maintain within the fund three separate accounts:

146 (i) a clearing account;

147 (ii) an unemployment trust fund account; and

148 (iii) a benefit account.

149 ~~(b)~~ **(c)** All moneys payable to the fund, upon receipt by the division, shall be
150 immediately deposited in the clearing account.

151 ~~(c)~~ **(d)** (i) All moneys in the clearing account after clearance shall, except as
152 otherwise provided in this section, be deposited immediately with the secretary of the treasury
153 of the United States of America to the credit of the account of this state in the unemployment
154 trust fund, established and maintained under Section 904 of the Social Security Act, 42 U.S.C.
155 1104, as amended, any provisions of law in this state relating to the deposit, administration,
156 release, or disbursement of moneys in the possession or custody of this state to the contrary
157 notwithstanding.

158 (ii) Refunds of contributions payable under Subsections 35A-4-205(1)(a) and
159 35A-4-306(5) may be paid from the clearing account or the benefit account.

160 ~~(d)~~ **(e)** The benefit account shall consist of all moneys requisitioned from this state's
161 account in the unemployment trust fund in the United States treasury.

162 ~~(e)~~ **(f)** Moneys in the clearing and benefit accounts may be deposited in any
163 depository bank in which general funds of this state may be deposited, but no public deposit
164 insurance charge or premium may be paid out of the fund.

165 ~~(f)~~ **(g)** (i) Moneys in the clearing and benefit accounts may not be commingled with
166 other state funds, but shall be maintained in separate accounts on the books of the depository
167 bank.

168 (ii) The money shall be secured by the depository bank to the same extent and in the
169 same manner as required by the general depository law of this state.

170 (iii) Collateral pledged for this purpose shall be kept separate and distinct from any
171 collateral pledged to secure other funds of the state.

172 [~~(g)~~] (h) (i) The state treasurer is liable on the state treasurer's official bond for the
173 faithful performance of the state treasurer's duties in connection with the unemployment
174 compensation fund provided for under this chapter.

175 (ii) The liability on the official bond shall be effective immediately upon the
176 enactment of this provision, and that liability shall exist in addition to the liability upon any
177 separate bond existent on the effective date of this provision, or which may be given in the
178 future.

179 (iii) All sums recovered for losses sustained by the fund shall be deposited in the fund.

180 (3) (a) (i) Moneys requisitioned from the state's account in the unemployment trust
181 fund shall, except as set forth in this section, be used exclusively for the payment of benefits
182 and for refunds of contributions under Subsections 35A-4-205(1)(a) and 35A-4-306(5).

183 (ii) The department shall from time to time requisition from the unemployment trust
184 fund amounts, not exceeding the amounts standing to this state's account in the fund, as it
185 considers necessary for the payment of those benefits and refunds for a reasonable future
186 period.

187 (iii) (A) Upon receipt the treasurer shall deposit the moneys in the benefit account and
188 shall pay benefits and refunds from the account by means of warrants issued by the division in
189 accordance with rules prescribed by the department.

190 (B) Expenditures of these moneys in the benefit account and refunds from the clearing
191 account are not subject to any provisions of law requiring specific appropriations or other
192 formal release by state officers of money in their custody.

193 (b) Moneys in the state's account in the unemployment trust fund that were collected
194 under the Federal Unemployment Tax Act, 26 U.S.C. 3301 et seq., and credited to the state
195 under Section 903 of the Social Security Act, 42 U.S.C. 1101 et seq., as amended may be
196 requisitioned from the state's account and used in the payment of expenses incurred by the
197 department for the administration of the state's unemployment law and public employment

198 offices, if the expenses are incurred and the withdrawals are made only after and under a
199 specific appropriation of the Legislature that specifies:

200 (i) the purposes and amounts;

201 (ii) that the moneys may not be obligated after the two-year period that began on the
202 date of the enactment of the appropriation law; and

203 (iii) that the total amount which may be used during a fiscal year shall not exceed the
204 amount by which the aggregate of the amounts credited to this state's account under Section
205 903 of the Social Security Act, 42 U.S.C. 1101 et seq., as amended, during the fiscal year and
206 the 34 preceding fiscal years, exceeds the aggregate of the amounts used by this state for
207 administration during the same 35 fiscal years.

208 (A) For the purpose of Subsection (3)(b)(iii), amounts used during any fiscal year shall
209 be charged against equivalent amounts that were first credited and that have not previously
210 been so charged. An amount used during any fiscal year may not be charged against any
211 amount credited during a fiscal year earlier than the 34th preceding fiscal year.

212 (B) Except as appropriated and used for administrative expenses, as provided in this
213 section, moneys transferred to this state under Section 903 of the Social Security Act as
214 amended, may be used only for the payment of benefits.

215 (C) Any moneys used for the payment of benefits may be restored for appropriation
216 and use for administrative expenses, upon request of the governor, under Section 903(c) of the
217 Social Security Act.

218 ~~[(D) Money appropriated as provided in this section for the payment of expenses of~~
219 ~~administration shall be requisitioned as needed for the payment of obligations incurred under~~
220 ~~the appropriation and, upon requisition, shall be deposited in the employment security~~
221 ~~administration fund from which the payments shall be made.]~~

222 ~~[(E)]~~ (D) The division shall maintain a separate record of the deposit, obligation,
223 expenditure, and return of funds deposited.

224 ~~[(F)]~~ (E) Money deposited shall, until expended, remain a part of the unemployment
225 fund and, if not expended, shall be returned promptly to the account of this state in the

226 unemployment trust fund.

227 ~~[(G)]~~ (F) The moneys available by reason of this legislative appropriation shall not be
228 expended or available for expenditure in any manner that would permit their substitution for,
229 or a corresponding reduction in, federal funds that would in the absence of the moneys be
230 available to finance expenditures for the administration of this chapter.

231 (c) Any balance of moneys requisitioned from the unemployment trust fund that
232 remains unclaimed or unpaid in the benefit account after the expiration of the period for which
233 the sums were requisitioned shall either be deducted from estimates for, and may be utilized
234 for the payment of, benefits and refunds during succeeding periods, or in the discretion of the
235 division, shall be redeposited with the secretary of the treasury of the United States of America
236 to the credit of the state's account in the unemployment trust fund, as provided in Subsection
237 (2).

238 (4) (a) The provisions of Subsections (1), (2), and (3), to the extent that they relate to
239 the unemployment trust fund, shall be operative only so long as the unemployment trust fund
240 continues to exist and so long as the secretary of the treasury of the United States of America
241 continues to maintain for the state a separate book account of all moneys deposited in the fund
242 by the state for benefit purposes, together with the state's proportionate share of the earnings of
243 the unemployment trust fund, from which no other state is permitted to make withdrawals.

244 (b) (i) When the unemployment trust fund ceases to exist, or the separate book account
245 is no longer maintained, all moneys belonging to the unemployment compensation fund of the
246 state shall be administered by the division as a trust fund for the purpose of paying benefits
247 under this chapter, and the division shall have authority to hold, invest, transfer, sell, deposit,
248 and release the moneys, and any properties, securities, or earnings acquired as an incident to
249 the administration.

250 (ii) The moneys shall be invested in readily marketable bonds or other interest-bearing
251 obligations of the United States of America, of the state, or of any county, city, town, or school
252 district of the state, at current market prices for the bonds.

253 (iii) The investment shall be made so that all the assets of the fund shall always be

254 readily convertible into cash when needed for the payment of benefits.

255 Section 4. Section **35A-4-506** is amended to read:

256 **35A-4-506. Special Administrative Expense Fund.**

257 (1) There is created in the General Fund a restricted account known as the Special
258 Administrative Expense Fund.

259 (2) (a) All interest and penalties collected under this chapter, less refunds made under
260 Subsection 35A-4-306(5), shall be paid into this fund from the clearing account of the fund at
261 the end of each calendar month.

262 (b) Any voluntary contributions tendered as a contribution to this fund and any other
263 moneys received for that purpose shall be paid into this fund.

264 (c) The moneys shall not be expended or available for expenditure in any manner that
265 would permit their substitution for, or a corresponding reduction in, federal funds that would
266 in the absence of those moneys be available to finance expenditures for the administration of
267 this chapter.

268 (3) Nothing in this section shall prevent those moneys from being used as a revolving
269 fund to cover expenditures, necessary and proper under this chapter, for which federal funds
270 have been duly requested but not yet received subject to the charging of those expenditures
271 against the funds when received.

272 (4) The moneys in this fund shall be deposited, administered, and dispersed in
273 accordance with the directions of the Legislature.

274 ~~[(5) The moneys shall be used for the payment of costs of administration that are
275 found not to have been properly and validly chargeable against federal grants or other funds
276 received for or in the Employment Security Administration Fund, and may be used for the
277 payment of refunds of interest and penalties under Subsection 35A-4-306(5). The moneys
278 shall be available either to satisfy the obligations incurred by the division directly or by
279 requesting the state treasurer to transfer the required amounts from the Special Administrative
280 Expense Fund to the Employment Security Administration Fund.]~~

281 ~~[(6)]~~ (5) The moneys in this fund are hereby specifically made available to replace

282 within a reasonable time any moneys received by this state under Section 302 of the Federal
 283 Social Security Act, 42 U.S.C. 502, as amended, that because of any action of contingency
 284 have been lost or have been expended for purposes other than or in amounts in excess of those
 285 necessary for the proper administration of this chapter.

286 ~~[(7)]~~ (6) The moneys in this fund shall be continuously available to the division for
 287 expenditure in accordance with this section and shall not lapse at any time or be transferred to
 288 any other fund except as directed by the Legislature.

289 ~~[(8)]~~ (7) The state treasurer shall pay all warrants drawn upon it by the division or its
 290 duly authorized agent in accordance with such rules as the department shall prescribe.

291 ~~[(9)]~~ (8)(a) The state treasurer shall be liable on the state treasurer's official bond for
 292 the faithful performance of the treasurer's duties in connection with the special administrative
 293 expense fund provided for under this chapter.

294 (b) Liability on the official bond shall exist in addition to any liability upon any
 295 separate bond existent on the effective date of this provision or that may be given in the future.

296 (c) All sums recovered on any surety bond losses sustained by the special
 297 administrative expense fund shall be deposited in that fund or in the General Fund if so
 298 directed by the Legislature.

299 Section 5. Section **35A-4-507** is amended to read:

300 **35A-4-507. Authority to obtain money from state's account in federal**
 301 **unemployment trust fund -- Use and deposit.**

302 (1) Notwithstanding the provisions of Sections 35A-4-501~~[, 35A-4-505;]~~ and
 303 35A-4-506, the department ~~[is authorized to]~~ may requisition and receive from the state's
 304 account in the unemployment trust fund in the treasury of the United States the moneys
 305 standing to the state's credit as may, consistent with conditions for approval of this chapter
 306 under the Federal Unemployment Tax Act, 26 U.S.C. 3301 et seq., be used for expenses of
 307 administering this chapter and to expend ~~[such]~~ those moneys for ~~[such]~~ that purpose.

308 (2) Moneys ~~[so]~~ requisitioned under Subsection (1) shall be deposited in the Special
 309 Administrative Expense Fund.

310 Section 6. Section **63J-1-602** is amended to read:

311 **63J-1-602. Nonlapsing accounts and funds.**

312 (1) The following revenue collections, appropriations from a fund or account, and
313 appropriations to a program are nonlapsing:

314 (a) appropriations made to the Legislature and its committees;

315 (b) funds collected by the grain grading program, as provided in Section 4-2-2;

316 (c) the Salinity Offset Fund created in Section 4-2-8.5;

317 (d) the Invasive Species Mitigation Fund created in Section 4-2-8.7;

318 (e) funds collected by pesticide dealer license registration fees, as provided in Section
319 4-14-3;

320 (f) funds collected by pesticide applicator business registration fees, as provided in
321 Section 4-14-13;

322 (g) the Rangeland Improvement Fund created in Section 4-20-2;

323 (h) funds deposited as dedicated credits under the Insect Infestation Emergency
324 Control Act, as provided in Section 4-35-6;

325 (i) the Percent-for-Art Program created in Section 9-6-404;

326 (j) the Centennial History Fund created in Section 9-8-604;

327 (k) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;

328 (l) the Navajo Revitalization Fund created in Section 9-11-104;

329 (m) the LeRay McAllister Critical Land Conservation Program created in Section
330 11-38-301;

331 (n) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;

332 (o) fees deposited as dedicated credits for hazardous waste plan reviews, as provided
333 in Section 19-6-120;

334 (p) an appropriation made to the Division of Wildlife Resources for the appraisal and
335 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6;

336 (q) award monies under the Crime Reduction Assistance Program, as provided under
337 Section 24-1-19;

338 (r) funds collected from the emergency medical services grant program, as provided in
339 Section 26-8a-207;

340 (s) fees and other funding available to purchase training equipment and to administer
341 tests and conduct quality assurance reviews, as provided in Section 26-8a-208;

342 (t) funds collected as a result of a sanction under Section 1919 of Title XIX of the
343 federal Social Security Act, as provided in Section 26-18-3;

344 (u) the Utah Health Care Workforce Financial Assistance Program created in Section
345 26-46-102;

346 (v) monies collected from subscription fees for publications prepared or distributed by
347 the insurance commissioner, as provided in Section 31A-2-208;

348 (w) monies received by the Insurance Department for administering, investigating
349 under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;

350 (x) certain monies received for penalties paid under the Insurance Fraud Act, as
351 provided in Section 31A-31-109;

352 (y) the fund for operating the state's Federal Health Care Tax Credit Program, as
353 provided in Section 31A-38-104;

354 (z) certain funds in the Department of Workforce Services' program for the education,
355 training, and transitional counseling of displaced homemakers, as provided in Section
356 35A-3-114;

357 [~~(aa) the Employment Security Administration Fund created in Section 35A-4-505;~~]

358 [~~(bb)~~] (aa) the Special Administrative Expense Fund created in Section 35A-4-506;

359 [~~(cc)~~] (bb) funding for a new program or agency that is designated as nonlapsing
360 under Section 36-24-101;

361 [~~(dd)~~] (cc) the Oil and Gas Conservation Account created in Section 40-6-14.5;

362 [~~(ee)~~] (dd) funds available to the State Tax Commission for purchase and distribution
363 of license plates and decals, as provided in Section 41-1a-1201;

364 [~~(ff)~~] (ee) certain fees for the cost of electronic payments under the Motor Vehicle Act,
365 as provided in Section 41-1a-1221;

366 [~~(gg)~~] (ff) certain fees collected for administering and enforcing the Motor Vehicle
367 Business Regulation Act, as provided in Section 41-3-601;

368 [~~(hh)~~] (gg) certain fees for the cost of electronic payments under the Motor Vehicle
369 Business Regulation Act, as provided in Section 41-3-604;

370 [~~(ii)~~] (hh) the Off-Highway Access and Education Restricted Account created in
371 Section 41-22-19.5;

372 [~~(jj)~~] (ii) certain fees for the cost of electronic payments under the Motor Vehicle Act,
373 as provided in Section 41-22-36;

374 [~~(kk)~~] (jj) monies collected under the Notaries Public Reform Act, as provided under
375 46-1-23;

376 [~~(ll)~~] (kk) certain funds associated with the Law Enforcement Operations Account, as
377 provided in Section 51-9-411;

378 [~~(mm)~~] (ll) the Public Safety Honoring Heroes Restricted Account created in Section
379 53-1-118;

380 [~~(nn)~~] (mm) funding for the Search and Rescue Financial Assistance Program, as
381 provided in Section 53-2-107;

382 [~~(oo)~~] (nn) appropriations made to the Department of Public Safety from the
383 Department of Public Safety Restricted Account, as provided in Section 53-3-106;

384 [~~(pp)~~] (oo) appropriations to the Motorcycle Rider Education Program, as provided in
385 Section 53-3-905;

386 [~~(qq)~~] (pp) fees collected by the State Fire Marshal Division under the Utah Fire
387 Prevention and Safety Act, as provided in Section 53-7-314;

388 [~~(rr)~~] (qq) the DNA Specimen Restricted Account created in Section 53-10-407;

389 [~~(ss)~~] (rr) the minimum school program, as provided in Section 53A-17a-105;

390 [~~(tt)~~] (ss) certain funds appropriated from the Uniform School Fund to the State Board
391 of Education for new teacher bonus and performance-based compensation plans, as provided
392 in Section 53A-17a-148;

393 [~~(uu)~~] (tt) certain funds appropriated from the Uniform School Fund to the State Board

394 of Education for implementation of proposals to improve mathematics achievement test
395 scores, as provided in Section 53A-17a-152;

396 [~~(vv)~~] (uu) the School Building Revolving Account created in Section 53A-21-401;
397 [~~(ww)~~] (vv) monies received by the State Office of Rehabilitation for the sale of
398 certain products or services, as provided in Section 53A-24-105;

399 [~~(xx)~~] (ww) the State Board of Regents, as provided in Section 53B-6-104;
400 [~~(yy)~~] (xx) certain funds appropriated from the General Fund to the State Board of
401 Regents for teacher preparation programs, as provided in Section 53B-6-104;

402 [~~(zz)~~] (yy) a certain portion of monies collected for administrative costs under the
403 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202;

404 [~~(aaa)~~] (zz) certain surcharges on residence and business telecommunications access
405 lines imposed by the Public Service Commission, as provided in Section 54-8b-10;

406 [~~(bbb)~~] (aaa) certain fines collected by the Division of Occupational and Professional
407 Licensing for violation of unlawful or unprofessional conduct that are used for education and
408 enforcement purposes, as provided in Section 58-17b-505;

409 [~~(ccc)~~] (bbb) the Nurse Education and Enforcement Fund created in Section
410 58-31b-103;

411 [~~(ddd)~~] (ccc) funding of the controlled substance database, as provided in Section
412 58-37-7.7;

413 [~~(eee)~~] (ddd) the Certified Nurse Midwife Education and Enforcement Fund created in
414 Section 58-44a-103;

415 [~~(fff)~~] (eee) funding for the building inspector's education program, as provided in
416 Section 58-56-9;

417 [~~(ggg)~~] (fff) certain fines collected by the Division of Occupational and Professional
418 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
419 provided in Section 58-63-103;

420 [~~(hhh)~~] (ggg) the Professional Geologist Education and Enforcement Fund created in
421 Section 58-76-103;

422 [~~(iii)~~] (hhh) certain monies in the Water Resources Conservation and Development
423 Fund, as provided in Section 59-12-103;

424 [~~(jjj)~~] (iii) funds paid to the Division of Real Estate for the cost of a criminal
425 background check for broker and sales agent licenses, as provided in Section 61-2-9;

426 [~~(kkk)~~] (jjj) the Utah Housing Opportunity Restricted Account created in Section
427 61-2-28;

428 [~~(Hh)~~] (kkk) funds paid to the Division of Real Estate for the cost of a criminal
429 background check for a mortgage loan license, as provided in Section 61-2c-202;

430 [~~(mmm)~~] (lll) funds paid to the Division of Real Estate in relation to examination of
431 records in an investigation, as provided in Section 61-2c-401;

432 [~~(nnn)~~] (mmm) certain funds donated to the Department of Human Services, as
433 provided in Section 62A-1-111;

434 [~~(ooo)~~] (nnn) certain funds donated to the Division of Child and Family Services, as
435 provided in Section 62A-4a-110;

436 [~~(ppp)~~] (ooo) the Mental Health Therapist Grant and Scholarship Program, as
437 provided in Section 62A-13-109;

438 [~~(qqq)~~] (ppp) assessments for DUI violations that are forwarded to an account created
439 by a county treasurer, as provided in Section 62A-15-503;

440 [~~(rrr)~~] (qqq) appropriations to the Division of Services for People with Disabilities, as
441 provided in Section 62A-5-102;

442 [~~(sss)~~] (rrr) certain donations to the Division of Substance Abuse and Mental Health,
443 as provided in Section 62A-15-103;

444 [~~(ttt)~~] (sss) certain funds received by the Division of Parks and Recreation from the
445 sale or disposal of buffalo, as provided under Section 63-11-19.2;

446 [~~(uuu)~~] (ttt) revenue for golf user fees at the Wasatch Mountain State Park, Palisades
447 State Park, or Jordan River State Park, as provided under Section 63-11-19.5;

448 [~~(vvv)~~] (uuu) revenue for golf user fees at the Green River State Park, as provided
449 under Section 63-11-19.6;

450 [~~(www)~~] (vvv) the Centennial Nonmotorized Paths and Trail Crossings Program
451 created under Section 63-11a-503;

452 [~~(xxx)~~] (www) the Bonneville Shoreline Trail Program created under Section
453 63-11a-504;

454 [~~(yyy)~~] (xxx) the account for the Utah Geological Survey, as provided in Section
455 63-73-10;

456 [~~(zzz)~~] (yyy) the Risk Management Fund created under Section 63A-4-201;

457 [~~(aaa)~~] (zzz) the Child Welfare Parental Defense Fund created in Section
458 63A-11-203;

459 [~~(bbb)~~] (aaa) the Constitutional Defense Restricted Account created in Section
460 63C-4-103;

461 [~~(eee)~~] (bbb) a portion of the funds appropriated to the Utah Seismic Safety
462 Commission, as provided in Section 63C-6-104;

463 [~~(ddd)~~] (ccc) funding for the Medical Education Program administered by the
464 Medical Education Council, as provided in Section 63C-8-102;

465 [~~(eee)~~] (ddd) certain monies payable for commission expenses of the Pete Suazo
466 Utah Athletic Commission, as provided under Section 63C-11-301;

467 [~~(fff)~~] (eee) funds collected for publishing the Division of Administrative Rules'
468 publications, as provided in Section 63G-3-402;

469 [~~(ggg)~~] (fff) the appropriation to fund the Governor's Office of Economic
470 Development's Enterprise Zone Act, as provided in Section 63M-1-416;

471 [~~(hhh)~~] (ggg) the Tourism Marketing Performance Account, as provided in Section
472 63M-1-1406;

473 [~~(iii)~~] (hhh) certain funding for rural development provided to the Office of Rural
474 Development in the Governor's Office of Economic Development, as provided in Section
475 63M-1-1604;

476 [~~(jjj)~~] (iii) certain monies in the Development for Disadvantaged Rural Communities
477 Restricted Account, as provided in Section 63M-1-2003;

478 [~~(kkkk)~~] (jjjj) appropriations to the Utah Science Technology and Research Governing
479 Authority, created under Section 63M-2-301, as provided under Section 63M-3-302;

480 [~~(HHH)~~] (kkkk) certain monies in the Rural Broadband Service Fund, as provided in
481 Section 63M-1-2303;

482 [~~(mmmmm)~~] (llll) funds collected from monthly offender supervision fees, as provided
483 in Section 64-13-21.2;

484 [~~(nnnn)~~] (mmmm) funds collected by the housing of state probationary inmates or
485 state parole inmates, as provided in Subsection 64-13e-104(2);

486 [~~(oooo)~~] (nnnn) the Sovereign Lands Management account created in Section
487 65A-5-1;

488 [~~(pppp)~~] (oooo) certain forestry and fire control funds utilized by the Division of
489 Forestry, Fire, and State Lands, as provided in Section 65A-8-103;

490 [~~(qqqq)~~] (pppp) the Department of Human Resource Management user training
491 program, as provided in Section 67-19-6;

492 [~~(rrrr)~~] (qqqq) funds for the University of Utah Poison Control Center program, as
493 provided in Section 69-2-5.5;

494 [~~(ssss)~~] (rrrr) appropriations to the Transportation Corridor Preservation Revolving
495 Loan Fund, as provided in Section 72-2-117;

496 [~~(tttt)~~] (ssss) appropriations to the Local Transportation Corridor Preservation Fund, as
497 provided in Section 72-2-117.5;

498 [~~(uuuu)~~] (tttt) appropriations to the Tollway Restricted Special Revenue Fund, as
499 provided in Section 77-2-120;

500 [~~(vvvv)~~] (uuuu) appropriations to the Aeronautics Construction Revolving Loan Fund,
501 as provided in Section 77-2-122;

502 [~~(wwww)~~] (vvvv) appropriations to the State Park Access Highways Improvement
503 Program, as provided in Section 72-3-207;

504 [~~(xxxx)~~] (wwww) the Traffic Noise Abatement Program created in Section 72-6-112;

505 [~~(yyyy)~~] (xxxx) certain funds received by the Office of the State Engineer for well

506 drilling fines or bonds, as provided in Section 73-3-25;

507 [~~(zzzzz)~~] (yyyy) certain monies appropriated to increase the carrying capacity of the

508 Jordan River that are transferred to the Division of Parks and Recreation, as provided in

509 Section 73-10e-1;

510 [~~(aaaaa)~~] (zzzz) certain fees for the cost of electronic payments under the State

511 Boating Act, as provided in Section 73-18-25;

512 [~~(bbbb)~~] (aaaa) certain monies appropriated from the Water Resources Conservation

513 and Development Fund, as provided in Section 73-23-2;

514 [~~(cccc)~~] (bbbb) the Lake Powell Pipeline Project Operation and Maintenance Fund

515 created in Section 73-28-404;

516 [~~(ddd)~~] (cccc) certain funds in the Water Development and Flood Mitigation

517 Reserve Account, as provided in Section 73-103-1;

518 [~~(eeee)~~] (ddd) certain funds appropriated for compensation for special prosecutors,

519 as provided in Section 77-10a-19;

520 [~~(ffff)~~] (eeee) the Indigent Aggravated Murder Defense Trust Fund created in

521 Section 77-32-601;

522 [~~(gggg)~~] (ffff) the Indigent Felony Defense Trust Fund created in Section 77-32-701;

523 [~~(hhhh)~~] (gggg) funds donated or paid to a juvenile court by private sources, as

524 provided in Subsection 78A-6-203(1)(c);

525 [~~(iiii)~~] (hhhh) a state rehabilitative employment program, as provided in Section

526 78A-6-210; and

527 [~~(jjjj)~~] (iiii) fees from the issuance and renewal of licenses for certified court

528 interpreters, as provided in Section 78B-1-146.

529 (2) No revenue collection, appropriation from a fund or account, or appropriation to a

530 program may be treated as nonlapsing unless:

531 (a) it is expressly referenced by this section;

532 (b) it is designated in a condition of appropriation in the appropriations bill; or

533 (c) nonlapsing authority is granted under Section 63J-1-603.

534 (3) Each legislative appropriations subcommittee shall review the accounts and funds
535 that have been granted nonlapsing authority under this section or Section 63J-1-603.

536 Section 7. **Repealer.**

537 This bill repeals:

538 Section **35A-4-505, Employment Security Administration Fund.**