



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 26, 2010

Mr. Speaker:

The Education Committee recommends **H.B. 72**, UTAH SCHOOL SEISMIC HAZARD INVENTORY, by Representative L. Wiley, be replaced and reports a favorable recommendation on **1st Sub. H.B. 72**, UTAH SCHOOL SEISMIC HAZARD INVENTORY with the following amendments:

1. *Page 1, Lines 23 through 25:*

23 { ~~This bill appropriates:~~
24 —→— for fiscal year 2010-11 only, \$25,000 from the General Fund to the State
 Board of
25 ~~Education.~~ } None

2. *Page 2, Line 32:*

32 { ~~63J-1-602, as enacted by Laws of Utah 2009, Chapter 368.~~ }

3. *Page 3, Lines 81 through 86:*

81 (4) A member may not receive compensation or benefits for the member's
 service { ~~, but~~
82 may receive per diem and travel expenses in accordance with:
83 — (a) ~~Section 63A-3-106;~~
84 — (b) ~~Section 63A-3-107; and~~
85 — (c) ~~rules made by the Division of Finance pursuant to Sections 63A-3-106 and~~
86 63A-3-107. .

4. *Page 7, Line 200 through Page 15, Line 440:*

200 { ~~Section 7. Section 63J-1-602 is amended to read:~~
201 — ~~63J-1-602. Nonlapsing accounts and funds.~~
202 — (1) ~~The following revenue collections, appropriations from a fund or account,~~
 and
203 ~~appropriations to a program are nonlapsing;~~

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- 204 ~~—(a) appropriations made to the Legislature and its committees;~~
205 ~~—(b) funds collected by the grain grading program, as provided in Section 4-2-2;~~
206 ~~—(c) the Salinity Offset Fund created in Section 4-2-8.5;~~
207 ~~—(d) the Invasive Species Mitigation Fund created in Section 4-2-8.7;~~
208 ~~—(e) funds collected by pesticide dealer license registration fees, as provided in
Section
209 4-14-3;~~
210 ~~—(f) funds collected by pesticide applicator business registration fees, as provided
in
211 Section 4-14-13;~~
212 ~~—(g) the Rangeland Improvement Fund created in Section 4-20-2;~~
213 ~~—(h) funds deposited as dedicated credits under the Insect Infestation Emergency
Control
214 Act, as provided in Section 4-35-6;~~
215 ~~—(i) the Percent-for-Art Program created in Section 9-6-404;~~
216 ~~—(j) the Centennial History Fund created in Section 9-8-604;~~
217 ~~—(k) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;~~
218 ~~—(l) the Navajo Revitalization Fund created in Section 9-11-104;~~
219 ~~—(m) the LeRay McAllister Critical Land Conservation Program created in
Section
220 11-38-301;~~
221 ~~—(n) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;~~
222 ~~—(o) fees deposited as dedicated credits for hazardous waste plan reviews, as
provided in
223 Section 19-6-120;~~
224 ~~—(p) an appropriation made to the Division of Wildlife Resources for the
appraisal and
225 purchase of lands under the Pelican Management Act, as provided in Section
23-21a-6;~~
226 ~~—(q) award monies under the Crime Reduction Assistance Program, as provided
under
227 Section 24-1-19;~~
228 ~~—(r) funds collected from the emergency medical services grant program, as
provided in~~

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229 ~~Section 26-8a-207;~~
230 ~~—(s) fees and other funding available to purchase training equipment and to~~
~~administer~~
231 ~~tests and conduct quality assurance reviews, as provided in Section 26-8a-208;~~
232 ~~—(t) funds collected as a result of a sanction under Section 1919 of Title XIX of~~
~~the~~
233 ~~federal Social Security Act, as provided in Section 26-18-3;~~
234 ~~—(u) the Utah Health Care Workforce Financial Assistance Program created in~~
~~Section~~
235 ~~26-46-102;~~
236 ~~—(v) monies collected from subscription fees for publications prepared or~~
~~distributed by~~
237 ~~the insurance commissioner, as provided in Section 31A-2-208;~~
238 ~~—(w) monies received by the Insurance Department for administering;~~
~~investigating~~
239 ~~under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;~~
240 ~~—(x) certain monies received for penalties paid under the Insurance Fraud Act, as~~
241 ~~provided in Section 31A-31-109;~~
242 ~~—(y) the fund for operating the state's Federal Health Care Tax Credit Program;~~
~~as~~
243 ~~provided in Section 31A-38-104;~~
244 ~~—(z) certain funds in the Department of Workforce Services' program for the~~
~~education;~~
245 ~~training, and transitional counseling of displaced homemakers, as provided in Section~~
246 ~~35A-3-114;~~
247 ~~—(aa) the Employment Security Administration Fund created in Section~~
~~35A-4-505;~~
248 ~~—(bb) the Special Administrative Expense Fund created in Section 35A-4-506;~~
249 ~~—(cc) funding for a new program or agency that is designated as nonlapsing~~
~~under~~
250 ~~Section 36-24-101;~~
251 ~~—(dd) the Oil and Gas Conservation Account created in Section 40-6-14.5;~~
252 ~~—(ee) funds available to the State Tax Commission for purchase and distribution~~
~~of~~

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253 ~~license plates and decals, as provided in Section 41-1a-1201;~~
254 ~~—(ff) certain fees for the cost of electronic payments under the Motor Vehicle Act,~~
as
255 ~~provided in Section 41-1a-1221;~~
256 ~~—(gg) certain fees collected for administering and enforcing the Motor Vehicle~~
~~Business~~
257 ~~Regulation Act, as provided in Section 41-3-601;~~
258 ~~—(hh) certain fees for the cost of electronic payments under the Motor Vehicle~~
~~Business~~
259 ~~Regulation Act, as provided in Section 41-3-604;~~
260 ~~—(ii) the Off-Highway Access and Education Restricted Account created in~~
~~Section~~
261 ~~41-22-19.5;~~
262 ~~—(jj) certain fees for the cost of electronic payments under the Motor Vehicle Act,~~
as
263 ~~provided in Section 41-22-36;~~
264 ~~—(kk) monies collected under the Notaries Public Reform Act, as provided under~~
265 ~~46-1-23;~~
266 ~~—(ll) certain funds associated with the Law Enforcement Operations Account, as~~
267 ~~provided in Section 51-9-411;~~
268 ~~—(mm) the Public Safety Honoring Heroes Restricted Account created in Section~~
269 ~~53-1-118;~~
270 ~~—(nn) funding for the Search and Rescue Financial Assistance Program, as~~
~~provided in~~
271 ~~Section 53-2-107;~~
272 ~~—(oo) appropriations made to the Department of Public Safety from the~~
~~Department of~~
273 ~~Public Safety Restricted Account, as provided in Section 53-3-106;~~
274 ~~—(pp) appropriations to the Motorcycle Rider Education Program, as provided in~~
~~Section~~
275 ~~53-3-905;~~
276 ~~—(qq) fees collected by the State Fire Marshal Division under the Utah Fire~~
~~Prevention~~
277 ~~and Safety Act, as provided in Section 53-7-314;~~

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278 ~~—(rr) the DNA Specimen Restricted Account created in Section 53-10-407;~~
279 ~~—(ss) monies appropriated to the State Board of Education for:~~
280 ~~—(i) reimbursement of school district and charter school seismic safety evaluation~~
~~costs~~
281 ~~pursuant to Section 53A-15-1204; and~~
282 ~~—(ii) expenses of the Public School Seismic Safety Committee created in Section~~
283 ~~53A-15-1203;~~
284 ~~—[(ss)](tt) the minimum school program, as provided in Section 53A-17a-105;~~
285 ~~—[(tt)](uu) certain funds appropriated from the Uniform School Fund to the State~~
~~Board~~
286 ~~of Education for new teacher bonus and performance-based compensation plans, as~~
~~provided in~~
287 ~~Section 53A-17a-148;~~
288 ~~—[(uu)](vv) certain funds appropriated from the Uniform School Fund to the~~
~~State~~
289 ~~Board of Education for implementation of proposals to improve mathematics~~
~~achievement test~~
290 ~~scores, as provided in Section 53A-17a-152;~~
291 ~~—[(vv)](ww) the School Building Revolving Account created in Section~~
~~53A-21-401;~~
292 ~~—[(ww)](xx) monies received by the State Office of Rehabilitation for the sale of~~
~~certain~~
293 ~~products or services, as provided in Section 53A-24-105;~~
294 ~~—[(xx)](yy) the State Board of Regents, as provided in Section 53B-6-104;~~
295 ~~—[(yy)](zz) certain funds appropriated from the General Fund to the State Board~~
~~of~~
296 ~~Regents for teacher preparation programs, as provided in Section 53B-6-104;~~
297 ~~—[(zz)](aaa) a certain portion of monies collected for administrative costs under~~
~~the~~
298 ~~School Institutional Trust Lands Management Act, as provided under Section~~
~~53C-3-202;~~
299 ~~—[(aaa)](bbb) certain surcharges on residence and business telecommunications~~
~~access~~
300 ~~lines imposed by the Public Service Commission, as provided in Section 54-8b-10;~~

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301 — ~~[(bbb)] (ccc)~~ certain fines collected by the Division of Occupational and
Professional
302 Licensing for violation of unlawful or unprofessional conduct that are used for
education and
303 enforcement purposes, as provided in Section 58-17b-505;
304 — ~~[(ccc)] (ddd)~~ the Nurse Education and Enforcement Fund created in Section
305 58-31b-103;
306 — ~~[(ddd)] (eee)~~ funding of the controlled substance database, as provided in Section
307 58-37-7.7;
308 — ~~[(eee)] (fff)~~ the Certified Nurse Midwife Education and Enforcement Fund
created in
309 Section 58-44a-103;
310 — ~~[(fff)] (ggg)~~ funding for the building inspector's education program, as provided
in
311 Section 58-56-9;
312 — ~~[(ggg)] (hhh)~~ certain fines collected by the Division of Occupational and
Professional
313 Licensing for use in education and enforcement of the Security Personnel Licensing
Act, as
314 provided in Section 58-63-103;
315 — ~~[(hhh)] (iii)~~ the Professional Geologist Education and Enforcement Fund created
in
316 Section 58-76-103;
317 — ~~[(iii)] (jjj)~~ certain monies in the Water Resources Conservation and
Development
318 Fund, as provided in Section 59-12-103;
319 — ~~[(jjj)] (kkk)~~ funds paid to the Division of Real Estate for the cost of a criminal
320 background check for broker and sales agent licenses, as provided in Section 61-2-9;
321 — ~~[(kkk)] (lll)~~ the Utah Housing Opportunity Restricted Account created in Section
322 61-2-28;
323 — ~~[(lll)] (mmm)~~ funds paid to the Division of Real Estate for the cost of a criminal
324 background check for a mortgage loan license, as provided in Section 61-2c-202;
325 — ~~[(mmm)] (nnn)~~ funds paid to the Division of Real Estate in relation to
examination of

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326 ~~records in an investigation, as provided in Section 61-2c-401;~~
327 ~~—[(nnn)](ooo) certain funds donated to the Department of Human Services, as~~
provided
328 ~~in Section 62A-1-111;~~
329 ~~—[(ooo)](ppp) certain funds donated to the Division of Child and Family Services,~~
as
330 ~~provided in Section 62A-4a-110;~~
331 ~~—[(ppp)](qqq) the Mental Health Therapist Grant and Scholarship Program, as~~
provided
332 ~~in Section 62A-13-109;~~
333 ~~—[(qqq)](rrr) assessments for DUI violations that are forwarded to an account~~
created by
334 ~~a county treasurer, as provided in Section 62A-15-503;~~
335 ~~—[(rrr)](sss) appropriations to the Division of Services for People with~~
Disabilities, as
336 ~~provided in Section 62A-5-102;~~
337 ~~—[(sss)](ttt) certain donations to the Division of Substance Abuse and Mental~~
Health, as
338 ~~provided in Section 62A-15-103;~~
339 ~~—[(ttt)](uuu) certain funds received by the Division of Parks and Recreation from~~
the
340 ~~sale or disposal of buffalo, as provided under Section 63-11-19.2;~~
341 ~~—[(uuu)](vvv) revenue for golf user fees at the Wasatch Mountain State Park,~~
Palisades
342 ~~State Park, or Jordan River State Park, as provided under Section 63-11-19.5;~~
343 ~~—[(vvv)](www) revenue for golf user fees at the Green River State Park, as~~
provided
344 ~~under Section 63-11-19.6;~~
345 ~~—[(www)](xxx) the Centennial Nonmotorized Paths and Trail Crossings Program~~
346 ~~created under Section 63-11a-503;~~
347 ~~—[(xxx)](yyy) the Bonneville Shoreline Trail Program created under Section~~
348 ~~63-11a-504;~~
349 ~~—[(yyy)](zzz) the account for the Utah Geological Survey, as provided in Section~~
350 ~~63-73-10;~~

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351 ~~—[(zzz)] (aaaa) the Risk Management Fund created under Section 63A-4-201;~~
352 ~~—[(aaaa)] (bbbb) the Child Welfare Parental Defense Fund created in Section~~
353 ~~63A-11-203;~~
354 ~~—[(bbbb)] (cccc) the Constitutional Defense Restricted Account created in Section~~
355 ~~63C-4-103;~~
356 ~~—[(cccc)] (dddd) a portion of the funds appropriated to the Utah Seismic Safety~~
357 ~~Commission, as provided in Section 63C-6-104;~~
358 ~~—[(dddd)] (eeee) funding for the Medical Education Program administered by the~~
359 ~~Medical Education Council, as provided in Section 63C-8-102;~~
360 ~~—[(eeee)] (ffff) certain monies payable for commission expenses of the Pete Suazo~~
~~Utah~~
361 ~~Athletic Commission, as provided under Section 63C-11-301;~~
362 ~~—[(ffff)] (gggg) funds collected for publishing the Division of Administrative~~
~~Rules'~~
363 ~~publications, as provided in Section 63G-3-402;~~
364 ~~—[(gggg)] (hhhh) the appropriation to fund the Governor's Office of Economic~~
365 ~~Development's Enterprise Zone Act, as provided in Section 63M-1-416;~~
366 ~~—[(hhhh)] (iiii) the Tourism Marketing Performance Account, as provided in~~
~~Section~~
367 ~~63M-1-1406;~~
368 ~~—[(iiii)] (jjjj) certain funding for rural development provided to the Office of~~
~~Rural~~
369 ~~Development in the Governor's Office of Economic Development, as provided in~~
~~Section~~
370 ~~63M-1-1604;~~
371 ~~—[(jjjj)] (kkkk) certain monies in the Development for Disadvantaged Rural~~
372 ~~Communities Restricted Account, as provided in Section 63M-1-2003;~~
373 ~~—[(kkkk)] (llll) appropriations to the Utah Science Technology and Research~~
~~Governing~~
374 ~~Authority, created under Section 63M-2-301, as provided under Section 63M-3-302;~~
375 ~~—[(llll)] (mmmm) certain monies in the Rural Broadband Service Fund, as~~
~~provided in~~
376 ~~Section 63M-1-2303;~~
377 ~~—[(mmmm)] (nnnn) funds collected from monthly offender supervision fees, as~~

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provided
378 **in Section 64-13-21.2;**
379 **—[(nnnn)](oooo) funds collected by the housing of state probationary inmates or**
state
380 **parole inmates, as provided in Subsection 64-13e-104(2);**
381 **—[(oooo)](pppp) the Sovereign Lands Management account created in Section**
65A-5-1;
382 **—[(pppp)](qqqq) certain forestry and fire control funds utilized by the Division of**
383 **Forestry, Fire, and State Lands, as provided in Section 65A-8-103;**
384 **—[(qqqq)](rrrr) the Department of Human Resource Management user training**
program;
385 **as provided in Section 67-19-6;**
386 **—[(rrrr)](ssss) funds for the University of Utah Poison Control Center program;**
as
387 **provided in Section 69-2-5.5;**
388 **—[(ssss)](tttt) appropriations to the Transportation Corridor Preservation**
Revolving
389 **Loan Fund, as provided in Section 72-2-117;**
390 **—[(tttt)](uuuu) appropriations to the Local Transportation Corridor**
Preservation Fund;
391 **as provided in Section 72-2-117.5;**
392 **—[(uuuu)](vvvv) appropriations to the Tollway Restricted Special Revenue Fund;**
as
393 **provided in Section 77-2-120;**
394 **—[(vvvv)](www) appropriations to the Aeronautics Construction Revolving**
Loan
395 **Fund, as provided in Section 77-2-122;**
396 **—[(www)](xxxx) appropriations to the State Park Access Highways**
Improvement
397 **Program, as provided in Section 72-3-207;**
398 **—[(xxxx)](yyyy) the Traffic Noise Abatement Program created in Section**
72-6-112;
399 **—[(yyyy)](zzzz) certain funds received by the Office of the State Engineer for well**
400 **drilling fines or bonds, as provided in Section 73-3-25;**

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401 ~~—[(zzzz)](aaaaa) certain monies appropriated to increase the carrying capacity of~~
the
402 ~~Jordan River that are transferred to the Division of Parks and Recreation, as~~
~~provided in~~
403 ~~Section 73-10e-1;~~
404 ~~—[(aaaaa)](bbbbbb) certain fees for the cost of electronic payments under the State~~
405 ~~Boating Act, as provided in Section 73-18-25;~~
406 ~~—[(bbbbbb)](ccccc) certain monies appropriated from the Water Resources~~
~~Conservation~~
407 ~~and Development Fund, as provided in Section 73-23-2;~~
408 ~~—[(ccccc)](dddddd) the Lake Powell Pipeline Project Operation and Maintenance~~
~~Fund~~
409 ~~created in Section 73-28-404;~~
410 ~~—[(dddddd)](eeeeee) certain funds in the Water Development and Flood Mitigation~~
411 ~~Reserve Account, as provided in Section 73-103-1;~~
412 ~~—[(eeeeee)](fffff) certain funds appropriated for compensation for special~~
~~prosecutors, as~~
413 ~~provided in Section 77-10a-19;~~
414 ~~—[(fffff)](ggggg) the Indigent Aggravated Murder Defense Trust Fund created in~~
415 ~~Section 77-32-601;~~
416 ~~—[(ggggg)](hhhhh) the Indigent Felony Defense Trust Fund created in Section~~
417 ~~77-32-701;~~
418 ~~—[(hhhhh)](iiiiii) funds donated or paid to a juvenile court by private sources, as~~
419 ~~provided in Subsection 78A-6-203(c);~~
420 ~~—[(iiiiii)](jjjjj) a state rehabilitative employment program, as provided in Section~~
421 ~~78A-6-210; and~~
422 ~~—[(jjjjj)](kkkkk) fees from the issuance and renewal of licenses for certified court~~
423 ~~interpreters, as provided in Section 78B-1-146.~~
424 ~~—(2) No revenue collection, appropriation from a fund or account, or~~
~~appropriation to a~~
425 ~~program may be treated as nonlapsing unless:~~
426 ~~—(a) it is expressly referenced by this section;~~
427 ~~—(b) it is designated in a condition of appropriation in the appropriations bill; or~~
428 ~~—(c) nonlapsing authority is granted under Section 63J-1-603.~~

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429 ~~—(3) Each legislative appropriations subcommittee shall review the accounts and~~
funds
430 ~~that have been granted nonlapsing authority under this section or Section 63J-1-603.~~
431 ~~—Section 8. Appropriation.~~
432 ~~—(1) There is appropriated \$25,000 from the General Fund for fiscal year 2010-11~~
~~only;~~
433 ~~to the State Board of Education for:~~
434 ~~—(a) reimbursement of school district and charter school seismic safety evaluation~~
~~costs~~
435 ~~incurred pursuant to Section 53A-15-1204; and~~
436 ~~—(b) expenses of the Public School Seismic Safety Committee created under~~
~~Section~~
437 ~~53A-15-1203.~~
438 ~~—(2) The funds appropriated in Subsection (1) are non-lapsing.~~
439 ~~—Section 9 }~~ Section 7 . Effective date.
440 This bill takes effect on July 1, 2010.

1. Page 3, Lines 64 through 65:

64 (ii) one member from the public or private sector appointed from a list of at least two
65 names submitted by the ~~{Utah Division of Facilities Construction and~~
~~Management}~~ state superintendent of public instruction ; and

2. Page 4, Line 107:

107 (ii) last significant seismic related improvement;

3. Page 4, Line 110:

110 (e) a copy of any structural or seismic evaluation ~~{conducted}~~ or summary
of seismic or structural evaluations completed .

4. Page 4, Line 111:

111 (2) As funding ~~{allocated by the Public School Seismic Safety~~
~~Committee}~~ appropriated to the State Board of Education allows, each



5. Page 4, Lines 113 through 114:

113 (a) conduct a seismic safety rapid visual screening of each facility used by the school
114 district or charter school **that has not been evaluated** in accordance with federal
guidelines **or a more detailed seismic structural evaluation** ;

6. Page 5, Lines 128 through 143:

128 (5) ~~{(a)}~~ The State Board of Education shall reimburse school districts and
charter
129 schools for the costs of complying with this section from funds appropriated for that
purpose.
130 ~~{(b) If reimbursement requests from school districts and charter schools~~
~~exceed~~
131 ~~available funds, the State Board of Education shall proportionately reduce the~~
~~allocation for~~
132 ~~each reimbursement request to match the level of available funds.~~
133 ~~—(c) (i) If reimbursement requests from school districts and charter schools are~~
~~less than~~
134 ~~available funds, the State Board of Education, after consultation with the Public~~
~~School~~
135 ~~Seismic Safety Committee, shall allocate any remaining funds for additional~~
~~evaluations of~~
136 ~~buildings that receive a score on the building's evaluation score worksheet that is~~
~~below the~~
137 ~~threshold score established by the committee.~~
138 ~~—(ii) If additional evaluations are funded pursuant to Subsection (5)(c)(i), the~~
~~State~~
139 ~~Board of Education, after consultation with the Public School Seismic Safety~~
~~Committee, shall~~
140 ~~require that the additional evaluations be performed using a nationally recognized~~
~~standard.~~
141 ~~—(iii) The State Board of Education may require matching funds as a condition of~~
142 ~~funding any additional evaluations.}~~
143 (6) The Public School Seismic Safety Committee shall report to the Education
Interim

Respectfully,

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Gregory H. Hughes
Committee Chair

Voting: 10-3-2

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