

1 **DEDICATED CREDITS AND NONLAPSING AUTHORITY**

2 **REVISIONS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Bradley G. Last**

6 Senate Sponsor: Jerry W. Stevenson

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions in the Budgetary Procedures Act and other provisions
11 relating to dedicated credits and nonlapsing authority.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ clarifies use of the terms "item of appropriation" and "line item";
- 16 ▶ modifies provisions related to the treatment and expenditure of dedicated credits;
- 17 ▶ provides procedures for submitting and revising budget execution plans;
- 18 ▶ modifies provisions relating to nonlapsing appropriations; and
- 19 ▶ reorganizes existing classifications of:
- 20 • nonlapsing appropriations from accounts and programs; and
- 21 • appropriations to programs.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **26-1-6**, as last amended by Laws of Utah 2009, Chapter 183
29 **41-1a-121**, as enacted by Laws of Utah 2011, Chapter 189
30 **41-1a-1221**, as last amended by Laws of Utah 2012, Chapter 397
31 **41-3-601**, as last amended by Laws of Utah 2015, Chapter 93
32 **41-3-604**, as last amended by Laws of Utah 2011, Chapter 189
33 **41-22-36**, as last amended by Laws of Utah 2011, Chapter 189
34 **53C-1-201**, as last amended by Laws of Utah 2016, Chapter 193
35 **54-5-1.5**, as last amended by Laws of Utah 2017, Chapter 396
36 **62A-1-111.5**, as enacted by Laws of Utah 2017, Chapter 330 and further amended by
37 Revisor Instructions, Laws of Utah 2017, Chapter 330
38 **62A-1-202**, as enacted by Laws of Utah 2014, Chapter 37
39 **63I-1-263**, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469,
40 and 470
41 **63I-2-263**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1
42 **63J-1-102**, as last amended by Laws of Utah 2015, Chapter 175
43 **63J-1-104**, as last amended by Laws of Utah 2013, Chapter 310
44 **63J-1-206**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1
45 **63J-1-209**, as renumbered and amended by Laws of Utah 2009, Chapters 183 and 368
46 **63J-1-217**, as last amended by Laws of Utah 2013, Chapter 310
47 **63J-1-601**, as last amended by Laws of Utah 2016, Chapter 271
48 **63J-1-602**, as last amended by Laws of Utah 2010, Chapters 9, 10, 218, 265, 277, 278,
49 287, 324, 379, 391, 399 and last amended by Coordination Clause, Laws of Utah
50 2010, Chapter 265
51 **63J-2-102**, as last amended by Laws of Utah 2017, Chapter 363
52 **63J-2-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
53 **63J-2-202**, as last amended by Laws of Utah 2012, Chapter 102
54 **63J-4-301**, as last amended by Laws of Utah 2013, Chapter 310
55 **63N-8-103**, as last amended by Laws of Utah 2016, Chapter 51
56 **73-18-25**, as last amended by Laws of Utah 2011, Chapter 189
57 ENACTS:
58 **63J-1-105**, Utah Code Annotated 1953

59 REPEALS AND REENACTS:

60 **63J-1-602.1 (Superseded 09/30/18)**, as last amended by Laws of Utah 2017, Chapters
61 88, 194, and 383

62 **63J-1-602.1 (Effective 09/30/18)**, as last amended by Laws of Utah 2017, Chapters 88,
63 107, 194, and 383

64 **63J-1-602.2**, as last amended by Laws of Utah 2015, Chapters 86, 93, and 189

65 REPEALS:

66 **63J-1-602.3**, as last amended by Laws of Utah 2017, Chapters 396 and 423

67 **63J-1-602.4**, as last amended by Laws of Utah 2017, Chapters 253, 430, and 470

68 **63J-1-602.5**, as last amended by Laws of Utah 2016, Chapter 177



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

71 Section 1. Section **26-1-6** is amended to read:

72 **26-1-6. Fee schedule adopted by department.**

73 (1) The department may adopt a schedule of fees that may be assessed for services
74 rendered by the department, provided that the fees are:

75 (a) reasonable and fair; and

76 (b) submitted to the Legislature as part of the department's annual appropriations
77 request.

78 (2) When the department submits a fee schedule to the Legislature, the Legislature, in
79 accordance with Section **63J-1-504**, may:

80 (a) approve the fee;

81 (b) increase or decrease and approve the fee; or

82 (c) reject any fee submitted to it.

83 (3) Fees approved by the Legislature pursuant to this section shall be paid into the state
84 treasury [~~in accordance with Section **63J-1-104**].~~

85 Section 2. Section **41-1a-121** is amended to read:

86 **41-1a-121. Electronic Payment Fee Restricted Account.**

87 (1) As used in this section, "account" means the Electronic Payment Fee Restricted
88 Account created by this section.

89 (2) There is created within the General Fund a restricted account known as the

90 Electronic Payment Fee Restricted Account.

91 (3) (a) The account shall be funded from the fees imposed and collected under Sections
92 [41-1a-1221](#), [41-3-604](#), [41-22-36](#), and [73-18-25](#).

93 (b) The fees described in Subsection (3)(a) shall be paid to the division, which shall
94 deposit them in the account.

95 (4) The Legislature shall appropriate the funds in the account to the commission to
96 cover the costs of electronic payments.

97 (5) In accordance with Section [~~63J-1-602.2~~] [63J-1-602.1](#), appropriations made to the
98 division from the account are nonlapsing.

99 Section 3. Section **41-1a-1221** is amended to read:

100 **41-1a-1221. Fees to cover the cost of electronic payments.**

101 (1) As used in this section:

102 (a) "Electronic payment" means use of any form of payment processed through
103 electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.

104 (b) "Electronic payment fee" means the fee assessed to defray:

105 (i) the charge, discount fee, or processing fee charged by credit card companies or
106 processing agents to process an electronic payment; or

107 (ii) costs associated with the purchase of equipment necessary for processing electronic
108 payments.

109 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
110 registrations and renewals of registration under Subsections [41-1a-1206](#)(1)(a), (1)(b), (2)(a),
111 (2)(b), and (3).

112 (b) The fee described in Subsection (2)(a):

113 (i) shall be imposed regardless of the method of payment for a particular transaction;

114 and

115 (ii) need not be separately identified from the fees imposed for registration and
116 renewals of registration under Subsections [41-1a-1206](#)(1)(a), (1)(b), (2)(a), (2)(b), and (3).

117 (3) The division shall establish the fee according to the procedures and requirements of
118 Section [63J-1-504](#).

119 (4) A fee imposed under this section:

120 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by

121 Section [41-1a-121](#); and

122 (b) is not subject to Subsection [~~63J-2-202(2)~~] [63J-1-105\(3\)](#) or (4).

123 Section 4. Section **41-3-601** is amended to read:

124 **41-3-601. Fees.**

125 (1) The administrator shall collect fees determined by the commission under Section
126 [63J-1-504](#) for each of the following:

127 (a) new motor vehicle dealer's license;

128 (b) used motor vehicle dealer's license;

129 (c) new motorcycle, off-highway vehicle, and small trailer dealer;

130 (d) used motorcycle, off-highway vehicle, and small trailer dealer;

131 (e) motor vehicle salesperson's license;

132 (f) motor vehicle salesperson's transfer or reissue fee;

133 (g) motor vehicle manufacturer's license;

134 (h) motor vehicle transporter's license;

135 (i) motor vehicle dismantler's license;

136 (j) motor vehicle crusher's license;

137 (k) motor vehicle remanufacturer's license;

138 (l) body shop's license;

139 (m) distributor or factory branch and distributor branch's license;

140 (n) representative's license;

141 (o) dealer plates;

142 (p) dismantler plates;

143 (q) manufacturer plates;

144 (r) transporter plates;

145 (s) damaged plate replacement;

146 (t) in-transit permits;

147 (u) loaded demonstration permits;

148 (v) additional place of business;

149 (w) special equipment dealer's license;

150 (x) temporary permits; and

151 (y) temporary sports event registration certificates.

152 (2) (a) To pay for training certified vehicle inspectors and enforcement under Sections
153 41-1a-1001 through 41-1a-1008, the State Tax Commission shall establish and the
154 administrator shall collect inspection fees determined by the commission under Section
155 63J-1-504.

156 (b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to
157 be used toward the costs of the division.

158 (3) (a) At the time of application, the administrator shall collect a fee of \$200 for each
159 salvage vehicle buyer license.

160 (b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset
161 the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.

162 (4) A fee imposed under Subsection (1)(x) or (y):

163 (a) shall be deposited into the Motor Vehicle Enforcement Division Temporary Permit
164 Restricted Account created by Section 41-3-110; and

165 (b) is not subject to Subsection [~~63J-2-202(2)~~] 63J-1-105(3) or (4).

166 Section 5. Section 41-3-604 is amended to read:

167 **41-3-604. Fee to cover the cost of electronic payments.**

168 (1) As used in this section:

169 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

170 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

171 (2) (a) The division may collect a fee to cover the cost of electronic payments on the
172 following transactions:

173 (i) each purchase or renewal of a license under Section 41-3-202;

174 (ii) each purchase of a book of temporary permits under Section 41-3-302;

175 (iii) each penalty issued for a delinquent temporary permit under Section 41-3-302;

176 (iv) each purchase of an in-transit permit under Section 41-3-305;

177 (v) each purchase of a loaded demonstration permit under Section 41-3-502;

178 (vi) each purchase of a license plate under Section 41-3-503; and

179 (vii) each purchase of a salvage vehicle buyer license under Section 41-3-202.

180 (b) The fee described in Subsection (2)(a):

181 (i) shall be imposed regardless of the method of payment for a particular transaction;

182 and

183 (ii) need not be separately identified from the fees and penalty described in Subsections
184 (2)(a)(i) through (vii).

185 (3) The division shall establish the fee under Subsection (2)(a) according to the
186 procedures and requirements of Section 63J-1-504.

187 (4) A fee imposed under this section:

188 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
189 Section 41-1a-121; and

190 (b) is not subject to Subsection [~~63J-2-202(2)~~] 63J-1-105(3) or (4).

191 Section 6. Section 41-22-36 is amended to read:

192 **41-22-36. Fees to cover the costs of electronic payments.**

193 (1) As used in this section:

194 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

195 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

196 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
197 registrations and renewals of registration under Section 41-22-8.

198 (b) The fee described in Subsection (2)(a) shall be imposed regardless of the method of
199 payment for a particular transaction.

200 (3) The division shall establish the fee according to the procedures and requirements of
201 Section 63J-1-504.

202 (4) A fee imposed under this section:

203 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
204 Section 41-1a-121;

205 (b) is not subject to Subsection [~~63J-2-202(2)~~] 63J-1-105(3) or (4); and

206 (c) need not be separately identified from the fees imposed on registrations and
207 renewals of registration under Section 41-22-8.

208 Section 7. Section 53C-1-201 is amended to read:

209 **53C-1-201. Creation of administration -- Purpose -- Director -- Participation in**
210 **Risk Management Fund.**

211 (1) (a) There is established within state government the School and Institutional Trust
212 Lands Administration.

213 (b) The administration shall manage all school and institutional trust lands and assets

214 within the state, except as otherwise provided in Title 53C, Chapter 3, Deposit and Allocation
215 of Revenue from Trust Lands, and Title 53D, Chapter 1, School and Institutional Trust Fund
216 Management Act.

217 (2) The administration is an independent state agency and not a division of any other
218 department.

219 (3) (a) It is subject to the usual legislative and executive department controls except as
220 provided in this Subsection (3).

221 (b) (i) The director may make rules as approved by the board that allow the
222 administration to classify a business proposal submitted to the administration as protected
223 under Section 63G-2-305, for as long as is necessary to evaluate the proposal.

224 (ii) The administration shall return the proposal to the party who submitted the
225 proposal, and incur no further duties under Title 63G, Chapter 2, Government Records Access
226 and Management Act, if the administration determines not to proceed with the proposal.

227 (iii) The administration shall classify the proposal pursuant to law if it decides to
228 proceed with the proposal.

229 (iv) Section 63G-2-403 does not apply during the review period.

230 (c) The director shall make rules in compliance with Title 63G, Chapter 3, Utah
231 Administrative Rulemaking Act, except that the administration is not subject to Subsections
232 63G-3-301(6) and (7) and Section 63G-3-601, and the director, with the board's approval, may
233 establish a procedure for the expedited approval of rules, based on written findings by the
234 director showing:

235 (i) the changes in business opportunities affecting the assets of the trust;

236 (ii) the specific business opportunity arising out of those changes which may be lost
237 without the rule or changes to the rule;

238 (iii) the reasons the normal procedures under Section 63G-3-301 cannot be met without
239 causing the loss of the specific opportunity;

240 (iv) approval by at least five board members; and

241 (v) that the director has filed a copy of the rule and a rule analysis, stating the specific
242 reasons and justifications for its findings, with the Office of Administrative Rules and notified
243 interested parties as provided in Subsection 63G-3-301(10).

244 (d) (i) The administration shall comply with Title 67, Chapter 19, Utah State Personnel

245 Management Act, except as provided in this Subsection (3)(d).

246 (ii) The board may approve, upon recommendation of the director, that exemption for
247 specific positions under Subsections 67-19-12(2) and 67-19-15(1) is required in order to enable
248 the administration to efficiently fulfill its responsibilities under the law. The director shall
249 consult with the executive director of the Department of Human Resource Management prior
250 to making such a recommendation.

251 (iii) The positions of director, deputy director, associate director, assistant director,
252 legal counsel appointed under Section 53C-1-305, administrative assistant, and public affairs
253 officer are exempt under Subsections 67-19-12(2) and 67-19-15(1).

254 (iv) Salaries for exempted positions, except for the director, shall be set by the director,
255 after consultation with the executive director of the Department of Human Resource
256 Management, within ranges approved by the board. The board and director shall consider
257 salaries for similar positions in private enterprise and other public employment when setting
258 salary ranges.

259 (v) The board may create an annual incentive and bonus plan for the director and other
260 administration employees designated by the board, based upon the attainment of financial
261 performance goals and other measurable criteria defined and budgeted in advance by the board.

262 (e) The administration shall comply with Title 63G, Chapter 6a, Utah Procurement
263 Code, except where the board approves, upon recommendation of the director, exemption from
264 the Utah Procurement Code, and simultaneous adoption of rules under Title 63G, Chapter 3,
265 Utah Administrative Rulemaking Act, for procurement, which enable the administration to
266 efficiently fulfill its responsibilities under the law.

267 (f) (i) Except as provided in Subsection (3)(f)(ii), the administration is not subject to
268 the fee agency requirements of Section 63J-1-504.

269 (ii) The following fees of the administration are subject to the requirements of Section
270 63J-1-504: application, assignment, amendment, affidavit for lost documents, name change,
271 reinstatement, grazing nonuse, extension of time, partial conveyance, patent reissue, collateral
272 assignment, electronic payment, and processing.

273 ~~[(g)(i) The administration is not subject to Subsection 63J-1-206(3)(f).]~~

274 (g) (i) Notwithstanding Subsection 63J-1-206(2)(c), the administration may transfer
275 funds between its line items.

276 (ii) Before transferring appropriated funds between line items, the administration shall
277 submit a proposal to the board for its approval.

278 (iii) If the board gives approval to a proposal to transfer appropriated funds between
279 line items, the administration shall submit the proposal to the Legislative Executive
280 Appropriations Committee for its review and recommendations.

281 (iv) The Legislative Executive Appropriations Committee may recommend:

282 (A) that the administration transfer the appropriated funds between line items;

283 (B) that the administration not transfer the appropriated funds between line items; or

284 (C) to the governor that the governor call a special session of the Legislature to
285 supplement the appropriated budget for the administration.

286 (4) The administration is managed by a director of school and institutional trust lands
287 appointed by a majority vote of the board of trustees with the consent of the governor.

288 (5) (a) The board of trustees shall provide policies for the management of the
289 administration and for the management of trust lands and assets.

290 (b) The board shall provide policies for the ownership and control of Native American
291 remains that are discovered or excavated on school and institutional trust lands in consultation
292 with the Division of Indian Affairs and giving due consideration to Title 9, Chapter 9, Part 4,
293 Native American Grave Protection and Repatriation Act. The director may make rules in
294 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement
295 policies provided by the board regarding Native American remains.

296 (6) In connection with joint ventures and other transactions involving trust lands and
297 minerals approved under Sections [53C-1-303](#) and [53C-2-401](#), the administration, with board
298 approval, may become a member of a limited liability company under Title 48, Chapter 3a,
299 Utah Revised Uniform Limited Liability Company Act, as appropriate pursuant to Section
300 [48-3a-1405](#) and is considered a person under Section [48-3a-102](#).

301 (7) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the administration may
302 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

303 Section 8. Section [54-5-1.5](#) is amended to read:

304 **54-5-1.5. Special regulation fee -- Supplemental Levy Committee -- Supplemental**
305 **fee -- Fee for electrical cooperatives.**

306 (1) (a) A special fee to defray the cost of regulation is imposed upon all public utilities

307 subject to the jurisdiction of the Public Service Commission.

308 (b) The special fee is in addition to any charge now assessed, levied, or required by
309 law.

310 (2) (a) The executive director of the Department of Commerce shall determine the
311 special fee for the Department of Commerce.

312 (b) The chair of the Public Service Commission shall determine the special fee for the
313 Public Service Commission.

314 (c) The fee shall be assessed as a uniform percentage of the gross operating revenue for
315 the preceding calendar year derived from each public utility's business and operations during
316 that period within this state, excluding income derived from interstate business. Gross
317 operating revenue shall not include income to a wholesale electric cooperative derived from the
318 sale of power to a rural electric cooperative which resells that power within the state.

319 (3) (a) The executive director of the Department of Commerce shall notify each public
320 utility subject to the provisions of this chapter of the amount of the fee.

321 (b) The fee is due and payable on or before July 1 of each year.

322 (4) (a) There is created a restricted account within the General Fund known as the
323 Public Utility Regulatory Restricted Account.

324 (b) Notwithstanding Subsection 13-1-2(3)(c), the Department of Commerce shall
325 deposit a fee assessed under this section into the Public Utility Regulatory Restricted Account.

326 (c) Within appropriations by the Legislature:

327 (i) the Department of Commerce may use the funds in the Public Utility Regulatory
328 Restricted Account to administer:

329 (A) the Division of Public Utilities; and

330 (B) the Office of Consumer Services; and

331 (ii) the Public Service Commission may use the funds in the Public Utility Regulatory
332 Restricted Account to administer the Public Service Commission.

333 (d) At the end of each fiscal year, the director of the Division of Finance shall transfer
334 into the General Fund any balance in the Public Utility Regulatory Restricted Account in
335 excess of \$3,000,000.

336 (5) (a) The Legislature intends that the public utilities provide all of the funds for the
337 administration, support, and maintenance of:

- 338 (i) the Public Service Commission;
- 339 (ii) state agencies within the Department of Commerce involved in the regulation of
- 340 public utilities; and
- 341 (iii) expenditures by the attorney general for utility regulation.

342 (b) Notwithstanding Subsection (5)(a), the fee imposed by Subsection (1) shall not
343 exceed the greater of:

344 (i) (A) for a public utility other than an electrical cooperative, .3% of the public utility's
345 gross operating revenues for the preceding calendar year; or

346 (B) for an electrical cooperative, .15% of the electrical cooperative's gross operating
347 revenues for the preceding calendar year; or

348 (ii) \$50.

349 (6) (a) There is created a Supplemental Levy Committee to levy additional assessments
350 on public utilities when unanticipated costs of regulation occur in any fiscal year.

351 (b) The Supplemental Levy Committee shall consist of:

352 (i) one member selected by the executive director of the Department of Commerce;

353 (ii) one member selected by the chairman of the Public Service Commission;

354 (iii) two members selected by the three public utilities that paid the largest percent of
355 the current regulatory fee; and

356 (iv) one member selected by the four appointed members.

357 (c) (i) The members of the Supplemental Levy Committee shall be selected within 10
358 working days after the executive director of the Department of Commerce gives written notice
359 to the Public Service Commission and the public utilities that a supplemental levy committee is
360 needed.

361 (ii) If the members of the Supplemental Levy Committee have not been appointed
362 within the time prescribed, the governor shall appoint the members of the Supplemental Levy
363 Committee.

364 (d) (i) During any state fiscal year, the Supplemental Levy Committee, by a majority
365 vote and subject to audit by the state auditor, may impose a supplemental fee on the regulated
366 utilities for the purpose of defraying any increased cost of regulation.

367 (ii) The supplemental fee imposed upon the utilities shall equal a percentage of their
368 gross operating revenue for the preceding calendar year.

369 (iii) The aggregate of all fees, including any supplemental fees assessed, shall not
370 exceed .3% of the gross operating revenue of the utilities assessed for the preceding calendar
371 year.

372 (iv) Payment of the supplemental fee is due within 30 days after receipt of the
373 assessment.

374 (v) The utility may, within 10 days after receipt of assessment, request a hearing before
375 the Public Service Commission if it questions the need for, or the reasonableness of, the
376 supplemental fee.

377 (e) (i) Any supplemental fee collected to defray the cost of regulation shall be
378 transferred to the state treasurer as a departmental collection [~~according to the provisions of~~
379 ~~Section 63J-1-104~~].

380 (ii) Supplemental fees are excess collections, credited according to the procedures of
381 Section [~~63J-1-104~~] [63J-1-105](#).

382 (iii) Charges billed to the Department of Commerce by any other state department,
383 institution, or agency for services rendered in connection with regulation of a utility shall be
384 credited by the state treasurer from the special or supplemental fees collected to the
385 appropriations account of the entity providing that service according to the procedures provided
386 in Title 63J, Chapter 1, Budgetary Procedures Act.

387 (7) (a) For purposes of this section, "electrical cooperative" means:

388 (i) a distribution electrical cooperative; or

389 (ii) a wholesale electrical cooperative.

390 (b) Subject to Subsection (7)(c), if the regulation of one or more electrical cooperatives
391 causes unanticipated costs of regulation in a fiscal year, the commission may impose a
392 supplemental fee on the one or more electrical cooperatives in this state responsible for the
393 increased cost of regulation.

394 (c) The aggregate of all fees imposed under this section on an electrical cooperative in
395 a calendar year shall not exceed the greater of:

396 (i) .3% of the electrical cooperative's gross operating revenues for the preceding
397 calendar year; or

398 (ii) \$50.

399 Section 9. Section **62A-1-111.5** is amended to read:

400 **62A-1-111.5. Duties of the department for fiscal year 2018.**

401 Notwithstanding [Section] Subsection [63J-1-206\(2\)\(c\)](#), for fiscal year 2018 only, the
402 department may transfer money from savings related to implementation of Laws of Utah 2017,
403 Chapter 330, and nonlapsing balances from fiscal year 2017 between appropriation line items
404 to allocate resources between the Division of Juvenile Justice Services, the Division of Child
405 and Family Services, and the Division of Substance Abuse and Mental Health to facilitate the
406 department's implementation of Laws of Utah 2017, Chapter 330.

407 Section 10. Section **62A-1-202** is amended to read:

408 **62A-1-202. National Professional Men's Basketball Team Support of Women and**
409 **Children Issues Restricted Account.**

410 (1) There is created in the General Fund a restricted account known as the "National
411 Professional Men's Basketball Team Support of Women and Children Issues Restricted
412 Account."

413 (2) The account shall be funded by:

414 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

415 (b) private contributions; and

416 (c) donations or grants from public or private entities.

417 (3) Upon appropriation by the Legislature, the department shall distribute funds in the
418 account to one or more charitable organizations that:

419 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

420 (b) have a board that is appointed by the owners that, either on an individual or joint
421 basis, own a controlling interest in a legal entity that is a franchised member of the
422 internationally recognized national governing body for professional men's basketball in the
423 United States;

424 (c) are headquartered within the state;

425 (d) create or support programs that focus on issues affecting women and children
426 within the state, with an emphasis on health and education; and

427 (e) have a board of directors that disperses all funds of the organization.

428 (4) (a) An organization described in Subsection (3) may apply to the department to
429 receive a distribution in accordance with Subsection (3).

430 (b) An organization that receives a distribution from the department in accordance with

431 Subsection (3) shall expend the distribution only to:

432 (i) create or support programs that focus on issues affecting women and children, with
433 an emphasis on health and education;

434 (ii) create or sponsor programs that will benefit residents within the state; and

435 (iii) pay the costs of issuing or reordering National Professional Men's Basketball
436 Team Support of Women and Children Issues support special group license plate decals.

437 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
438 department may make rules providing procedures for an organization to apply to the
439 department to receive a distribution under this Subsection (4).

440 (5) In accordance with Section [~~63J-1-602.4~~] [63J-1-602.1](#), appropriations from the
441 account are nonlapsing.

442 Section 11. Section **63I-1-263** is amended to read:

443 **63I-1-263. Repeal dates, Titles 63A to 63N.**

444 (1) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

445 (2) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2023.

446 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
447 1, 2018.

448 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is
449 repealed November 30, 2019.

450 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
451 2020.

452 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
453 repealed July 1, 2021.

454 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
455 2018.

456 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
457 2023.

458 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
459 2020.

460 (10) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

461 (11) On July 1, 2025:

- 462 (a) in Subsection [17-27a-404\(3\)\(c\)\(ii\)](#), the language that states "the Resource
463 Development Coordinating Committee," is repealed;
- 464 (b) Subsection [23-14-21\(2\)\(c\)](#) is amended to read "(c) provide notification of proposed
465 sites for the transplant of species to local government officials having jurisdiction over areas
466 that may be affected by a transplant.";
- 467 (c) in Subsection [23-14-21\(3\)](#), the language that states "and the Resource Development
468 Coordinating Committee" is repealed;
- 469 (d) in Subsection [23-21-2.3\(1\)](#), the language that states "the Resource Development
470 Coordinating Committee created in Section [63J-4-501](#) and" is repealed;
- 471 (e) in Subsection [23-21-2.3\(2\)](#), the language that states "the Resource Development
472 Coordinating Committee and" is repealed;
- 473 (f) Subsection [63J-4-102\(1\)](#) is repealed and the remaining subsections are renumbered
474 accordingly;
- 475 (g) Subsections [63J-4-401\(5\)\(a\)](#) and (c) are repealed;
- 476 (h) Subsection [63J-4-401\(5\)\(b\)](#) is renumbered to Subsection [63J-4-401\(5\)\(a\)](#) and the
477 word "and" is inserted immediately after the semicolon;
- 478 (i) Subsection [63J-4-401\(5\)\(d\)](#) is renumbered to Subsection [63J-4-401\(5\)\(b\)](#);
- 479 (j) Sections [63J-4-501](#), [63J-4-502](#), [63J-4-503](#), [63J-4-504](#), and [63J-4-505](#) are repealed;
480 and
- 481 (k) Subsection [63J-4-603\(1\)\(e\)\(iv\)](#) is repealed and the remaining subsections are
482 renumbered accordingly.
- 483 (12) (a) Subsection [~~[63J-1-602.4\(15\)](#)~~] [63J-1-602.1\(49\)](#) is repealed July 1, 2022.
- 484 (b) When repealing Subsection [~~[63J-1-602.4\(15\)](#)~~] [63J-1-602.1\(49\)](#), the Office of
485 Legislative Research and General Counsel shall, in addition to the office's authority under
486 Subsection [36-12-12\(3\)](#), make necessary changes to subsection numbering and cross
487 references.
- 488 (13) The Crime Victim Reparations and Assistance Board, created in Section
489 [63M-7-504](#), is repealed July 1, 2027.
- 490 (14) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2027.
- 491 (15) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.
- 492 (16) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is

493 repealed January 1, 2021.

494 (b) Subject to Subsection (16)(c), Sections 59-7-610 and 59-10-1007 regarding tax
495 credits for certain persons in recycling market development zones, are repealed for taxable
496 years beginning on or after January 1, 2021.

497 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

498 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
499 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

500 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
501 the expenditure is made on or after January 1, 2021.

502 (d) Notwithstanding Subsections (16)(b) and (c), a person may carry forward a tax
503 credit in accordance with Section 59-7-610 or 59-10-1007 if:

504 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

505 (ii) (A) for the purchase price of machinery or equipment described in Section
506 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
507 2020; or

508 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
509 expenditure is made on or before December 31, 2020.

510 (17) Section 63N-2-512 is repealed on July 1, 2021.

511 (18) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
512 January 1, 2021.

513 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
514 calendar years beginning on or after January 1, 2021.

515 (c) Notwithstanding Subsection (18)(b), an entity may carry forward a tax credit in
516 accordance with Section 59-9-107 if:

517 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
518 31, 2020; and

519 (ii) the qualified equity investment that is the basis of the tax credit is certified under
520 Section 63N-2-603 on or before December 31, 2023.

521 (19) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
522 is repealed January 1, 2023.

523 (20) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed July

524 1, 2018.

525 (21) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is repealed
526 July 1, 2018.

527 Section 12. Section **63I-2-263** is amended to read:

528 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

529 (1) Section **63A-5-227** is repealed on January 1, 2018.

530 (2) Section **63H-7a-303** is repealed on July 1, 2022.

531 (3) On July 1, 2019:

532 (a) in Subsection **63J-1-206**~~[(3)](2)(c)(i)~~, the language that states "~~[(i) Except as~~
533 ~~provided in]~~ Subsection ~~[(3)](2)(c)(ii)~~ and" is repealed; and

534 (b) Subsection **63J-1-206**~~[(3)](2)(c)(ii)~~ is repealed.

535 (4) Subsection **63N-3-109**(2)(f)(i)(B) is repealed July 1, 2020.

536 (5) Section **63N-3-110** is repealed July 1, 2020.

537 Section 13. Section **63J-1-102** is amended to read:

538 **63J-1-102. Definitions.**

539 As used in this chapter:

540 (1) "Agency" means a unit of accounting, typically associated with a department,
541 division, board, council, committee, institution, office, bureau, or other similar administrative
542 unit of state government, that includes line items and programs.

543 (2) "Budget execution plan" means a ~~H~~→ **[detailed]** ←~~H~~ proposal submitted
543a by an administrative
544 unit of state government to the Division of Finance enumerating expected revenues and
545 authorized expenditures within line items and among programs.

546 ~~[(1)]~~ (3) "Debt service" means the money that is required annually to cover the
547 repayment of interest and principal on state debt.

548 ~~[(2)]~~ (4) (a) "Dedicated credits" means collections by an agency that are deposited
549 directly into an account for expenditure ~~[on a separate line item and program]~~ by the agency.

550 (b) "Dedicated credits" includes collections from assessments, contributions,
551 donations, fees, fines, licenses, penalties, rental, sales, non-federal grants, or other collections
552 not:

553 (i) otherwise designated by law for deposit into another fund or account; or

554 (ii) specifically excluded from the definition.

- 555 (c) "Dedicated credits" does not mean:
556 (i) federal revenues and the related pass through or the related state match paid by one
557 agency to another;
558 (ii) revenues that are not deposited in governmental funds; or
559 (iii) revenues from any contracts.
- 560 ~~[(3)]~~ (5) "Federal revenues" means collections by an agency from a federal source that
561 are deposited into an account for expenditure ~~[on a separate line item and program]~~ by the
562 agency.
- 563 ~~[(4) "Fixed collections" means collections that are:]~~
564 ~~[(a) fixed at a specific amount by law or by an appropriation act; and]~~
565 ~~[(b) required to be deposited into a separate line item and program.]~~
- 566 ~~[(5)]~~ (6) "Free revenue" includes:
567 (a) collections that are required by law to be deposited in:
568 (i) the General Fund;
569 (ii) the Education Fund;
570 (iii) the Uniform School Fund; or
571 (iv) the Transportation Fund;
572 (b) collections that are not otherwise designated by law;
573 (c) collections that are not externally restricted; and
574 (d) collections that are not included in an approved work program.
- 575 (7) (a) "Item of appropriation" means an authorization of expenditure contained in
576 legislation that appropriates funds and includes the following:
577 (i) the name of the agency and line item to which authorization is granted; and
578 (ii) sources of finance from which authorization is granted and associated amounts
579 authorized.
- 580 (b) "Item of appropriation" also includes:
581 (i) a schedule of programs;
582 (ii) intent language;
583 (iii) approved full-time equivalent employment;
584 (iv) authorized capital outlay; and
585 (v) other conditions of appropriation.

586 (8) "Line item" means a unit of accounting, typically representing an administrative
 587 unit of state government within an agency, that contains one or more programs.

588 [~~(6)~~] (9) "Major revenue types" means:

589 (a) free revenue;

590 (b) restricted revenue; and

591 (c) dedicated credits[~~;~~and].

592 [~~(d) fixed collections.]~~

593 (10) "Program" means a unit of accounting included on a schedule of programs within
 594 a line item used to track budget authorizations, collections, and expenditures on specific
 595 purposes or functions.

596 [~~(7)~~] (11) "Restricted revenue" means collections that are:

597 (a) deposited, by law, into a separate fund, subfund, or account; and

598 (b) designated for a specific program or purpose.

599 (12) "Schedule of programs" means a list of programs and associated authorization
 600 amounts within an item of appropriation.

601 Section 14. Section **63J-1-104** is amended to read:

602 **63J-1-104. Revenue types -- Disposition of free revenue and restricted revenue.**

603 (1) (a) The Division of Finance shall:

604 (i) account for revenues in accordance with generally accepted accounting principles;

605 and

606 (ii) use the major revenue types in internal accounting.

607 (b) Each agency shall:

608 (i) use the major revenue types to account for revenues;

609 (ii) deposit revenues and other public funds received by them by following the
 610 procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

611 (iii) expend revenues and public funds as required by this chapter.

612 (2) (a) Each agency shall deposit its free revenues into the appropriate fund.

613 (b) An agency may expend free revenues up to the amount specifically appropriated by
 614 the Legislature.

615 (c) Any free revenue funds appropriated by the Legislature to an agency that remain
 616 unexpended at the end of the fiscal year lapse to the source fund unless the Legislature provides

617 by law that those funds are nonlapsing.

618 (3) (a) Each agency shall deposit its restricted revenues into the applicable restricted
619 account or fund.

620 (b) Revenues in a restricted account or fund do not lapse to another account or fund
621 unless otherwise specifically provided for by law or legislative appropriation.

622 (c) The Legislature may appropriate restricted revenues from a restricted account or
623 fund for the specific purpose or program designated by law.

624 (d) If the fund equity of a restricted account or fund is insufficient to provide the
625 accounts appropriated from it by the Legislature, the Division of Finance may reduce the
626 appropriation to a level that ensures that the fund equity is not less than zero.

627 (e) Any restricted revenues appropriated by the Legislature to an agency that remain
628 unexpended at the end of the fiscal year lapse to the applicable restricted account or fund unless
629 the Legislature provides by law that those appropriations, or the program or line item financed
630 by those appropriations, are nonlapsing.

631 ~~[(4) (a) An agency may expend dedicated credits for any purpose within the program or
632 line item.]~~

633 ~~[(b) (i) Except as provided in Subsection (4)(b)(ii), an agency may not expend
634 dedicated credits in excess of the amount appropriated as dedicated credits by the Legislature.]~~

635 ~~[(ii) In order to expend dedicated credits in excess of the amount appropriated as
636 dedicated credits by the Legislature, the following procedure shall be followed:]~~

637 ~~[(A) The agency seeking to make the excess expenditure shall:]~~

638 ~~[(F) develop a new work program that:]~~

639 ~~[(Aa) consists of the currently approved work program and the excess expenditure
640 sought to be made; and]~~

641 ~~[(Bb) complies with the requirements of Section [63J-2-202](#);~~

642 ~~[(H) prepare a written justification for the new work program that sets forth the purpose
643 and necessity of the excess expenditure; and]~~

644 ~~[(Hh) submit the new work program and the written justification for the new work
645 program to the Division of Finance.]~~

646 ~~[(B) The Division of Finance shall process the new work program with written
647 justification and make this information available to the Governor's Office of Management and~~

648 Budget and the legislative fiscal analyst.]

649 ~~[(iii) An expenditure of dedicated credits in excess of amounts appropriated as~~
650 ~~dedicated credits by the Legislature may not be used to permanently increase personnel within~~
651 ~~the agency unless:]~~

652 ~~[(A) the increase is approved by the Legislature; or]~~

653 ~~[(B) the money is deposited as a dedicated credit in a line item covering tuition or~~
654 ~~federal vocational funds at an institution of higher education.]~~

655 ~~[(c) (i) All excess dedicated credits lapse to the appropriate fund at the end of the fiscal~~
656 ~~year unless the Legislature has designated the entire program or line item that is partially or~~
657 ~~fully funded from dedicated credits as nonlapsing.]~~

658 ~~[(ii) The Division of Finance shall determine the appropriate fund into which the~~
659 ~~dedicated credits lapse.]~~

660 ~~[(5) (a) The Legislature may establish by law the maximum amount of fixed collections~~
661 ~~that an agency may expend.]~~

662 ~~[(b) If an agency receives less than the maximum amount of expendable fixed~~
663 ~~collections established by law, the agency's authority to expend is limited to the amount of~~
664 ~~fixed collections that it receives.]~~

665 ~~[(c) If an agency receives fixed collections greater than the maximum amount of~~
666 ~~expendable fixed collections established by law, those excess amounts lapse to the General~~
667 ~~Fund, the Education Fund, the Transportation Fund, or the Transportation Investment Fund of~~
668 ~~2005 as designated by the director of the Division of Finance at the end of the fiscal year.]~~

669 ~~[(6)]~~ (4) Unless otherwise specifically provided by law, when an agency has a program
670 or line item that is funded by ~~[more than one major revenue type: (a) the agency shall expend~~
671 ~~its dedicated credits and fixed collections first; and (b) if the program or line item includes]~~
672 both free revenue and restricted revenue, an agency shall expend those revenues based upon a
673 proration of the amounts appropriated from each of those major revenue types.

674 Section 15. Section **63J-1-105** is enacted to read:

675 **63J-1-105. Revenue types -- Disposition of dedicated credits.**

676 (1) An agency may expend dedicated credits for any purpose within the program or line
677 item.

678 (2) Except as provided in Subsections (3) and (4), an agency may not expend dedicated

679 credits in excess of the amount appropriated to a line item as dedicated credits by the
680 Legislature.

681 (3) Each agency that receives dedicated credits revenue greater than the amount
682 appropriated to a line item by the Legislature in the annual appropriations acts may expend the
683 excess up to 25% of the amount appropriated if the expenditure is included in a revised budget
684 execution plan approved as provided in Section [63J-1-209](#).

685 (4) Notwithstanding the requirements of Subsection (3), when an agency's dedicated
686 credits revenue represents over 90% of the budget of the line item for which the dedicated
687 credits are collected, the agency may expend 100% of the excess of the amount appropriated if
688 the expenditure is authorized by an amended budget execution plan approved as provided in
689 Subsection (3) and Section [63J-1-209](#).

690 (5) An expenditure of dedicated credits in excess of amounts appropriated to a line
691 item as dedicated credits by the Legislature may not be used to permanently increase personnel
692 within the agency unless:

693 (a) the increase is approved by the Legislature; or

694 (b) the money is deposited as a dedicated credit in a line item covering tuition or
695 federal vocational funds at an institution of higher education.

696 (6) (a) All excess dedicated credits not received or expended in compliance with
697 Subsection (3) or (4) lapse to the General Fund or other appropriate fund as free or restricted
698 revenue at the end of the fiscal year.

699 (b) The Division of Finance shall determine the appropriate fund into which the
700 dedicated credits lapse.

701 (7) (a) When an agency has a line item that is funded by more than one major revenue
702 type, one of which is dedicated credits, the agency shall completely expend authorized
703 dedicated credits within the current fiscal year and allocate unused spending authorization
704 among other funding sources based upon a proration of the amounts appropriated from each of
705 those major revenue types not attributable to dedicated credits, unless the Legislature has
706 designated a portion of the dedicated credits as nonlapsing, in which case the agency shall
707 completely expend within the current fiscal year authorized dedicated credits minus the portion
708 of dedicated credits designated as nonlapsing, and allocate unused spending authorization
709 among the other funding sources based upon a proration of the amounts appropriated from each

710 of those major revenue types not attributable to dedicated credits.

711 (b) Nothing in Subsection (7)(a) shall be construed to allow an agency to receive and
 712 expend dedicated credits in excess of legislative appropriations to a line item without
 713 complying with Subsection (3) or (4).

714 (c) Each agency that receives dedicated credits shall report, to the Division of Finance,
 715 any balances remaining in those funds at the conclusion of each fiscal year.

716 (8) Each agency shall include in its annual budget request estimates of dedicated
 717 credits revenue that is identified by, collected for, or set by the agency.

718 Section 16. Section **63J-1-206** is amended to read:

719 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**
 720 **Transfer of funds -- Exclusion.**

721 ~~[(1) As used in this section, "work program" means a budget that contains revenues~~
 722 ~~and expenditures for specific purposes or functions within an item of appropriation.]~~

723 ~~[(2)]~~ (1) (a) Except as provided in Subsection (2)(b), (3)(e), or where expressly
 724 exempted in the appropriating act:

725 (i) all money appropriated by the Legislature is appropriated upon the terms and
 726 conditions set forth in this chapter; and

727 (ii) any department, agency, or institution that accepts money appropriated by the
 728 Legislature does so subject to the requirements of this chapter.

729 (b) This section does not apply to:

730 (i) the Legislature and its committees; and

731 (ii) the Investigation Account of the Water Resources Construction Fund, which is
 732 governed by Section [73-10-8](#).

733 ~~[(3)]~~ (2) (a) Each item of appropriation ~~[item]~~ is to be expended subject to any
 734 schedule of programs and any restriction attached to the item of appropriation ~~[item]~~, as
 735 designated by the Legislature.

736 (b) Each schedule of programs or restriction attached to an appropriation item:

737 (i) is a restriction or limitation upon the expenditure of the respective appropriation
 738 made;

739 (ii) does not itself appropriate any money; and

740 (iii) is not itself an item of appropriation.

741 (c) (i) Except as provided in Subsection ~~[(3)]~~ (2)(c)(ii) and Subsection (2)(c)(iii), an
742 appropriation or any surplus of any appropriation may not be diverted from any department,
743 agency, institution, ~~[or] division, or line item~~ to any other department, agency, institution, ~~[or]~~
744 division, or line item.

745 (ii) Until July 1, 2019, the Department of Workforce Services may transfer or divert
746 money to another department, agency, institution, ~~[or] division, or line item~~ only for the
747 purposes of law enforcement, adjudication, corrections, and providing and addressing services
748 for homeless individuals and families.

749 (iii) The state superintendent may transfer money appropriated for the Minimum
750 School Program between line items in accordance with Section [53F-2-205](#).

751 (d) The money appropriated subject to a schedule ~~[or]~~ of programs or restriction may
752 be used only for the purposes authorized.

753 (e) In order for a department, agency, or institution to transfer money appropriated to it
754 from one program to another program within ~~[an item of appropriation, the following~~
755 ~~procedure shall be followed:]~~ a line item, the department, agency, or institution shall revise its
756 budget execution plan as provided in Section [63J-1-209](#).

757 ~~[(i) The department, agency, or institution seeking to make the transfer shall prepare:]~~

758 ~~[(A) a new work program for the fiscal year involved that consists of the currently~~
759 ~~approved work program and the transfer sought to be made; and]~~

760 ~~[(B) a written justification for the new work program that sets forth the purpose and~~
761 ~~necessity for the transfer.]~~

762 ~~[(ii) The Division of Finance shall process the new work program with written~~
763 ~~justification and make this information available to the Governor's Office of Management and~~
764 ~~Budget and the legislative fiscal analyst.]~~

765 ~~[(f) (i) Except as provided in Subsection (3)(f)(ii), money may not be transferred from~~
766 ~~one item of appropriation to any other item of appropriation.]~~

767 ~~[(ii) The state superintendent may transfer money appropriated for the Minimum~~
768 ~~School Program between line items of appropriation in accordance with Section [53A-17a-105](#).]~~

769 ~~[(g)]~~ (f) (i) The procedures for transferring money between programs within [an item of
770 appropriation] a line item as provided by Subsection ~~[(3)]~~ (2)(e) do not apply to money
771 appropriated to the State Board of Education for the Minimum School Program or capital

772 outlay programs created in Title 53A, Chapter 21, Public Education Capital Outlay Act.

773 (ii) The state superintendent may transfer money appropriated for the programs
774 specified in Subsection ~~[(3)(g)(i)]~~ (2)(f)(i) only as provided by Section [53A-17a-105](#).

775 Section 17. Section **63J-1-209** is amended to read:

776 **63J-1-209. Director of finance to exercise accounting control -- Budget execution**
777 **plans -- Allotments and expenditures.**

778 (1) The director of finance shall exercise accounting control over all state departments,
779 institutions, and agencies other than the Legislature and legislative committees.

780 (2) (a) The director shall require the head of each department to submit, by May 15 of
781 each year, a ~~[work program]~~ budget execution plan for the next fiscal year.

782 (b) The director may require any department to submit a ~~[work program]~~ budget
783 execution plan for any other period.

784 (3) The ~~[work program]~~ budget execution plan shall include appropriations and all
785 other funds from any source made available to the department for its operation and
786 maintenance for the period and program authorized by ~~[the appropriation act]~~ legislation that
787 appropriates funds.

788 ~~[(4) Subject to the requirements of Subsection [63J-1-206](#)(3)(c), the Division of Finance~~
789 ~~shall, upon request from the governor, revise, alter, decrease, or change work programs.]~~

790 (4) (a) In order to revise a budget execution plan, the department, agency, or institution
791 seeking to revise the budget execution plan shall:

792 (i) develop a new budget execution plan that consists of the currently approved budget
793 execution plan and the revision sought to be made;

794 (ii) prepare a written justification for the new budget execution plan that sets forth the
795 purpose and necessity of the revision; and

796 (iii) submit the new budget execution plan and the written justification for the new
797 budget execution plan to the Division of Finance.

798 (b) The Division of Finance shall process the new budget execution plan with written
799 justification and make this information available to the Governor's Office of Management and
800 Budget and the legislative fiscal analyst.

801 (5) Upon request from the Governor's Office of Management and Budget, the Division
802 of Finance shall revise budget execution plans.

803 ~~[(5)]~~ (6) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue
804 Procedures and Control Act, the aggregate of the ~~[work program changes]~~ budget execution
805 plan revisions may not exceed the total appropriations or other funds from any source that are
806 available to the ~~[department]~~ agency line item for the fiscal year in question.

807 ~~[(6) The Division of Finance shall transmit a copy of the changes, when approved by~~
808 ~~the governor, to:]~~

809 ~~[(a) the head of the department concerned; and]~~

810 ~~[(b) the legislative analyst.]~~

811 (7) Upon ~~[request, review, and approval by the governor]~~ transmittal of the new budget
812 execution plan to the entities in Subsection (5), the Division of Finance shall permit all
813 expenditures to be made from the appropriations or other funds from any source on the basis of
814 those ~~[work programs]~~ budget execution plans.

815 (8) The Division of Finance shall, through statistical sampling methods or other means,
816 audit all claims against the state for which an appropriation has been made.

817 Section 18. Section **63J-1-217** is amended to read:

818 **63J-1-217. Overexpenditure of budget by agency -- Prorating budget income**
819 **shortfall.**

820 (1) Expenditures of departments, agencies, and institutions of state government shall be
821 kept within revenues available for such expenditures.

822 (2) (a) Line items of appropriation shall not be overexpended.

823 (b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the
824 close of a fiscal year:

825 (i) the director of the Division of Finance may make payments from the line item to
826 vendors for goods or services that were received on or before June 30; and

827 (ii) the director of the Division of Finance shall immediately reduce the agency's line
828 item budget in the current year by the amount of the overexpenditure.

829 (c) Each agency with an overexpended line item shall:

830 (i) prepare a written report explaining the reasons for the overexpenditure; and

831 (ii) present the report to:

832 (A) the Board of Examiners as required by Section [63G-9-301](#); and

833 (B) the Office of the Legislative Fiscal Analyst.

834 (3) (a) As used in this Subsection (3):

835 (i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and

836 (ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.

837 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the
838 adopted estimated revenues were prepared in consensus with the Governor's Office of
839 Management and Budget, the governor shall:

840 (i) direct state agencies to reduce commitments and expenditures by an amount
841 proportionate to the amount of the deficiency; and

842 (ii) direct the Division of Finance to reduce allotments to institutions of higher
843 education by an amount proportionate to the amount of the deficiency.

844 (c) The governor's directions under Subsection (3)(b) are rescinded when the
845 Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.

846 (4) (a) A department may not receive an advance of funds that cannot be covered by
847 anticipated revenue within the [~~work program~~] budget execution plan of the fiscal year, unless
848 the governor allocates money from the governor's emergency appropriations.

849 (b) All allocations made from the governor's emergency appropriations shall be
850 reported to the budget subcommittee of the Legislative Management Committee by notifying
851 the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the
852 allocation.

853 (c) Emergency appropriations shall be allocated only to support activities having
854 existing legislative approval and appropriation, and may not be allocated to any activity or
855 function rejected directly or indirectly by the Legislature.

856 Section 19. Section 63J-1-601 is amended to read:

857 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
858 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
859 **accounts and funds -- Institutions of higher education to report unexpended balances.**

860 (1) As used in this section, "transaction control number" means the unique numerical
861 identifier established by the Department of Health to track each medical claim and indicates the
862 date on which the claim is entered.

863 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
864 shall close out to the proper fund or account all remaining unexpended and unencumbered

865 balances of appropriations made by the Legislature, except:

866 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

867 (i) enterprise funds;

868 (ii) internal service funds;

869 (iii) trust and agency funds;

870 (iv) capital projects funds;

871 (v) discrete component unit funds;

872 (vi) debt service funds; and

873 (vii) permanent funds;

874 (b) those [~~revenue collections,~~] appropriations from a fund or account[;] or

875 appropriations to a program that are designated as nonlapsing under [~~Sections~~] Section

876 63J-1-602.1 [~~through 63J-1-602.5~~] or 63J-1-602.2;

877 (c) expendable special revenue funds, unless specifically directed to close out the fund
878 in the fund's enabling legislation;

879 (d) acquisition and development funds appropriated to the Division of Parks and
880 Recreation;

881 (e) funds encumbered to pay purchase orders issued prior to May 1 for capital
882 equipment if delivery is expected before June 30; and

883 (f) unexpended and unencumbered balances of appropriations that meet the
884 requirements of Section 63J-1-603.

885 (3) (a) Liabilities and related expenses for goods and services received on or before
886 June 30 shall be recognized as expenses due and payable from appropriations made prior to
887 June 30.

888 (b) The liability and related expense shall be recognized within time periods
889 established by the Division of Finance but shall be recognized not later than August 31.

890 (c) Liabilities and expenses not so recognized may be paid from regular departmental
891 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
892 unencumbered balances of appropriations for the years in which the obligation was incurred.

893 (d) No amounts may be transferred from an item of appropriation of any department,
894 institution, or agency into the Capital Projects Fund or any other fund without the prior express
895 approval of the Legislature.

896 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
897 Chapter 18, Medical Assistance Act:

898 (i) is not a liability or an expense to the state for budgetary purposes, unless the
899 Division of Health Care Financing receives the claim within the time periods established by the
900 Division of Finance under Subsection (3)(b); and

901 (ii) is not subject to Subsection (3)(c).

902 (b) The transaction control number that the Division of Health Care Financing records
903 on each claim invoice is the date of receipt.

904 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
905 Chapter 13, Utah State Office of Rehabilitation Act:

906 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
907 State Office of Rehabilitation receives the claim within the time periods established by the
908 Division of Finance under Subsection (3)(b); and

909 (ii) is not subject to Subsection (3)(c).

910 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
911 date on which the Utah State Office of Rehabilitation receives the claim invoice.

912 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
913 section.

914 (6) Any balance from an appropriation to a state institution of higher education that
915 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
916 the September 1 following the close of the fiscal year.

917 Section 20. Section **63J-1-602** is amended to read:

918 **63J-1-602. Nonlapsing appropriations.**

919 (1) The [~~revenue collections,~~] appropriations from a fund or account[;] and
920 appropriations to a program that are listed in [~~Sections~~] Section 63J-1-602.1 [~~through~~
921 63J-1-602.5] or 63J-1-602.2 are nonlapsing.

922 (2) No [~~revenue collection,~~] appropriation from a fund or account[;] or appropriation to
923 a program may be treated as nonlapsing unless:

924 (a) it is listed in [~~Sections~~] Section 63J-1-602.1 [~~through 63J-1-602.5~~] or 63J-1-602.2;

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

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

927 (3) Each legislative appropriations subcommittee shall review the accounts and funds
928 that have been granted nonlapsing authority under the provisions of this section or Section
929 [63J-1-603](#).

930 Section 21. Section [63J-1-602.1 \(Superseded 09/30/18\)](#) is repealed and reenacted to
931 read:

932 **[63J-1-602.1 \(Superseded 09/30/18\)](#). List of nonlapsing appropriations from**
933 **accounts and funds.**

934 Appropriations made from the following accounts or funds are nonlapsing:

935 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
936 and Leadership Restricted Account created in Section [4-42-102](#).

937 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

938 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
939 Section [9-18-102](#).

940 (4) The National Professional Men's Soccer Team Support of Building Communities
941 Restricted Account created in Section [9-19-102](#).

942 (5) Funds collected for directing and administering the C-PACE district created in
943 Section [11-42a-302](#).

944 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
945 Section [24-4-117](#).

946 (7) Funds collected from the program fund for local health department expenses
947 incurred in responding to a local health emergency under Section [26-1-38](#).

948 (8) Funds collected from the emergency medical services grant program, as provided in
949 Section [26-8a-207](#).

950 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

951 (10) The Children with Cancer Support Restricted Account created in Section
952 [26-21a-304](#).

953 (11) State funds for matching federal funds in the Children's Health Insurance Program
954 as provided in Section [26-40-108](#).

955 (12) The Children with Heart Disease Support Restricted Account created in Section
956 [26-58-102](#).

957 (13) The Technology Development Restricted Account created in Section [31A-3-104](#).

- 958 (14) The Criminal Background Check Restricted Account created in Section
959 [31A-3-105.](#)
- 960 (15) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
961 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 962 (16) The Title Licensee Enforcement Restricted Account created in Section
963 [31A-23a-415.](#)
- 964 (17) The Health Insurance Actuarial Review Restricted Account created in Section
965 [31A-30-115.](#)
- 966 (18) The Insurance Fraud Investigation Restricted Account created in Section
967 [31A-31-108.](#)
- 968 (19) The Underage Drinking Prevention Media and Education Campaign Restricted
969 Account created in Section [32B-2-306](#).
- 970 (20) The Youth Development Organization Restricted Account created in Section
971 [35A-8-1903.](#)
- 972 (21) The Youth Character Organization Restricted Account created in Section
973 [35A-8-2003.](#)
- 974 (22) Money received by the Utah State Office of Rehabilitation for the sale of certain
975 products or services, as provided in Section [35A-13-202](#).
- 976 (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 977 (24) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
978 the Motor Vehicle Division.
- 979 (25) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
980 created by Section [41-3-110](#) to the State Tax Commission.
- 981 (26) The Utah Law Enforcement Memorial Support Restricted Account created in
982 Section [53-1-120](#).
- 983 (27) The State Disaster Recovery Restricted Account to the Division of Emergency
984 Management, as provided in Section [53-2a-603](#).
- 985 (28) The Department of Public Safety Restricted Account to the Department of Public
986 Safety, as provided in Section [53-3-106](#).
- 987 (29) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
988 [53-8-303.](#)

- 989 (30) The DNA Specimen Restricted Account created in Section 53-10-407.
- 990 (31) The Canine Body Armor Restricted Account created in Section 53-16-201.
- 991 (32) A certain portion of money collected for administrative costs under the School
992 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 993 (33) The School Readiness Restricted Account created in Section 53F-9-402.
- 994 (34) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
995 subject to Subsection 54-5-1.5(4)(d).
- 996 (35) Certain fines collected by the Division of Occupational and Professional Licensing
997 for violation of unlawful or unprofessional conduct that are used for education and enforcement
998 purposes, as provided in Section 58-17b-505.
- 999 (36) Certain fines collected by the Division of Occupational and Professional Licensing
1000 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
1001 Section 58-63-103.
- 1002 (37) The Relative Value Study Restricted Account created in Section 59-9-105.
- 1003 (38) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 1004 (39) Funds paid to the Division of Real Estate for the cost of a criminal background
1005 check for a mortgage loan license, as provided in Section 61-2c-202.
- 1006 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
1007 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1008 61-2f-204.
- 1009 (41) Certain funds donated to the Department of Human Services, as provided in
1010 Section 62A-1-111.
- 1011 (42) The National Professional Men's Basketball Team Support of Women and
1012 Children Issues Restricted Account created in Section 62A-1-202.
- 1013 (43) Certain funds donated to the Division of Child and Family Services, as provided
1014 in Section 62A-4a-110.
- 1015 (44) The Choose Life Adoption Support Restricted Account created in Section
1016 62A-4a-608.
- 1017 (45) Funds collected by the Office of Administrative Rules for publishing, as provided
1018 in Section 63G-3-402.
- 1019 (46) The Immigration Act Restricted Account created in Section 63G-12-103.

- 1020 (47) Money received by the military installation development authority, as provided in
1021 Section [63H-1-504](#).
- 1022 (48) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 1023 (49) The Unified Statewide 911 Emergency Service Account created in Section
1024 [63H-7a-304](#).
- 1025 (50) The Utah Statewide Radio System Restricted Account created in Section
1026 [63H-7a-403](#).
- 1027 (51) The Employability to Careers Program Restricted Account created in Section
1028 [63J-4-703](#).
- 1029 (52) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1030 (53) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1031 as provided under Section [63N-10-301](#).
- 1032 (54) Funds collected by the housing of state probationary inmates or state parole
1033 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 1034 (55) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1035 and State Lands, as provided in Section [65A-8-103](#).
- 1036 (56) Certain funds received by the Office of the State Engineer for well drilling fines or
1037 bonds, as provided in Section [73-3-25](#).
- 1038 (57) The Water Resources Conservation and Development Fund, as provided in
1039 Section [73-23-2](#).
- 1040 (58) Funds donated or paid to a juvenile court by private sources, as provided in
1041 Subsection [78A-6-203\(1\)\(c\)](#).
- 1042 (59) Fees for certificate of admission created under Section [78A-9-102](#).
- 1043 (60) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
1044 [78B-6-144](#), and [78B-6-144.5](#).
- 1045 (61) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1046 Park, Jordan River State Park, and Green River State Park, as provided under Section
1047 [79-4-403](#).
- 1048 (62) Certain funds received by the Division of Parks and Recreation from the sale or
1049 disposal of buffalo, as provided under Section [79-4-1001](#).
- 1050 (63) Funds collected for indigent defense as provided in Title 77, Chapter 32, Part 8,

1051 Utah Indigent Defense Commission.

1052 Section 22. Section [63J-1-602.1](#) (Effective 09/30/18) is repealed and reenacted to read:

1053 **[63J-1-602.1](#) (Effective 09/30/18). List of nonlapsing appropriations from accounts**
1054 **and funds.**

1055 Appropriations made from the following accounts or funds are nonlapsing:

1056 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
1057 and Leadership Restricted Account created in Section [4-42-102](#).

1058 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1059 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
1060 Section [9-18-102](#).

1061 (4) The National Professional Men's Soccer Team Support of Building Communities
1062 Restricted Account created in Section [9-19-102](#).

1063 (5) Funds collected for directing and administering the C-PACE district created in
1064 Section [11-42a-302](#).

1065 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
1066 Section [24-4-117](#).

1067 (7) Funds collected from the program fund for local health department expenses
1068 incurred in responding to a local health emergency under Section [26-1-38](#).

1069 (8) Funds collected from the emergency medical services grant program, as provided in
1070 Section [26-8a-207](#).

1071 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

1072 (10) The Children with Cancer Support Restricted Account created in Section
1073 [26-21a-304](#).

1074 (11) State funds for matching federal funds in the Children's Health Insurance Program
1075 as provided in Section [26-40-108](#).

1076 (12) The Children with Heart Disease Support Restricted Account created in Section
1077 [26-58-102](#).

1078 (13) The Technology Development Restricted Account created in Section [31A-3-104](#).

1079 (14) The Criminal Background Check Restricted Account created in Section
1080 [31A-3-105](#).

1081 (15) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except

1082 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.

1083 (16) The Title Licensee Enforcement Restricted Account created in Section

1084 [31A-23a-415](#).

1085 (17) The Health Insurance Actuarial Review Restricted Account created in Section

1086 [31A-30-115](#).

1087 (18) The Insurance Fraud Investigation Restricted Account created in Section

1088 [31A-31-108](#).

1089 (19) The Underage Drinking Prevention Media and Education Campaign Restricted

1090 Account created in Section [32B-2-306](#).

1091 (20) The Youth Development Organization Restricted Account created in Section

1092 [35A-8-1903](#).

1093 (21) The Youth Character Organization Restricted Account created in Section

1094 [35A-8-2003](#).

1095 (22) Money received by the Utah State Office of Rehabilitation for the sale of certain

1096 products or services, as provided in Section [35A-13-202](#).

1097 (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).

1098 (24) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to

1099 the Motor Vehicle Division.

1100 (25) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account

1101 created by Section [41-3-110](#) to the State Tax Commission.

1102 (26) The Utah Law Enforcement Memorial Support Restricted Account created in

1103 Section [53-1-120](#).

1104 (27) The State Disaster Recovery Restricted Account to the Division of Emergency

1105 Management, as provided in Section [53-2a-603](#).

1106 (28) The Department of Public Safety Restricted Account to the Department of Public

1107 Safety, as provided in Section [53-3-106](#).

1108 (29) The Utah Highway Patrol Aero Bureau Restricted Account created in Section

1109 [53-8-303](#).

1110 (30) The DNA Specimen Restricted Account created in Section [53-10-407](#).

1111 (31) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

1112 (32) A certain portion of money collected for administrative costs under the School

- 1113 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 1114 (33) The School Readiness Restricted Account created in Section [53F-9-402](#).
- 1115 (34) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
- 1116 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 1117 (35) Certain fines collected by the Division of Occupational and Professional Licensing
- 1118 for violation of unlawful or unprofessional conduct that are used for education and enforcement
- 1119 purposes, as provided in Section [58-17b-505](#).
- 1120 (36) Certain fines collected by the Division of Occupational and Professional Licensing
- 1121 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
- 1122 Section [58-63-103](#).
- 1123 (37) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 1124 (38) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 1125 (39) Funds paid to the Division of Real Estate for the cost of a criminal background
- 1126 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 1127 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
- 1128 check for principal broker, associate broker, and sales agent licenses, as provided in Section
- 1129 [61-2f-204](#).
- 1130 (41) Certain funds donated to the Department of Human Services, as provided in
- 1131 Section [62A-1-111](#).
- 1132 (42) The National Professional Men's Basketball Team Support of Women and
- 1133 Children Issues Restricted Account created in Section [62A-1-202](#).
- 1134 (43) Certain funds donated to the Division of Child and Family Services, as provided
- 1135 in Section [62A-4a-110](#).
- 1136 (44) The Choose Life Adoption Support Restricted Account created in Section
- 1137 [62A-4a-608](#).
- 1138 (45) Funds collected by the Office of Administrative Rules for publishing, as provided
- 1139 in Section [63G-3-402](#).
- 1140 (46) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 1141 (47) Money received by the military installation development authority, as provided in
- 1142 Section [63H-1-504](#).
- 1143 (48) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).

- 1144 (49) The Unified Statewide 911 Emergency Service Account created in Section
1145 [63H-7a-304.](#)
- 1146 (50) The Utah Statewide Radio System Restricted Account created in Section
1147 [63H-7a-403.](#)
- 1148 (51) The Employability to Careers Program Restricted Account created in Section
1149 [63J-4-703.](#)
- 1150 (52) The Motion Picture Incentive Account created in Section [63N-8-103.](#)
- 1151 (53) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1152 as provided under Section [63N-10-301.](#)
- 1153 (54) Funds collected by the housing of state probationary inmates or state parole
1154 inmates, as provided in Subsection [64-13e-104\(2\).](#)
- 1155 (55) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1156 and State Lands, as provided in Section [65A-8-103.](#)
- 1157 (56) Certain funds received by the Office of the State Engineer for well drilling fines or
1158 bonds, as provided in Section [73-3-25.](#)
- 1159 (57) The Water Resources Conservation and Development Fund, as provided in
1160 Section [73-23-2.](#)
- 1161 (58) Funds donated or paid to a juvenile court by private sources, as provided in
1162 Subsection [78A-6-203\(1\)\(c\).](#)
- 1163 (59) Fees for certificate of admission created under Section [78A-9-102.](#)
- 1164 (60) Funds collected for adoption document access as provided in Sections [78B-6-141,](#)
1165 [78B-6-144,](#) and [78B-6-144.5.](#)
- 1166 (61) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1167 Park, Jordan River State Park, and Green River State Park, as provided under Section
1168 [79-4-403.](#)
- 1169 (62) Certain funds received by the Division of Parks and Recreation from the sale or
1170 disposal of buffalo, as provided under Section [79-4-1001.](#)
- 1171 (63) Funds collected for indigent defense as provided in Title 77, Chapter 32, Part 8,
1172 Utah Indigent Defense Commission.
- 1173 Section 23. Section [63J-1-602.2](#) is repealed and reenacted to read:
- 1174 [63J-1-602.2.](#) List of nonlapsing appropriations to programs.

- 1175 Appropriations made to the following programs are nonlapsing:
- 1176 (1) The Legislature and its committees.
- 1177 (2) The Percent-for-Art Program created in Section [9-6-404](#).
- 1178 (3) The LeRay McAllister Critical Land Conservation Program created in Section
- 1179 [11-38-301](#).
- 1180 (4) The Division of Wildlife Resources for the appraisal and purchase of lands under
- 1181 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 1182 (5) The primary care grant program created in Section [26-10b-102](#).
- 1183 (6) The Utah Health Care Workforce Financial Assistance Program created in Section
- 1184 [26-46-102](#).
- 1185 (7) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).
- 1186 (8) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 1187 (9) The General Assistance program administered by the Department of Workforce
- 1188 Services, as provided in Section [35A-3-401](#).
- 1189 (10) A new program or agency that is designated as nonlapsing under Section
- 1190 [36-24-101](#).
- 1191 (11) The Utah National Guard, created in Title 39, Militia and Armories.
- 1192 (12) The State Tax Commission under Section [41-1a-1201](#) for the:
- 1193 (a) purchase and distribution of license plates and decals; and
- 1194 (b) administration and enforcement of motor vehicle registration requirements.
- 1195 (13) The Search and Rescue Financial Assistance Program, as provided in Section
- 1196 [53-2a-1102](#).
- 1197 (14) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 1198 (15) The State Board of Education, as provided in Section [53F-2-205](#).
- 1199 (16) The State Board of Regents for teacher preparation programs, as provided in
- 1200 Section [53B-6-104](#).
- 1201 (17) The Medical Education Program administered by the Medical Education Council,
- 1202 as provided in Section [53B-24-202](#).
- 1203 (18) The Division of Services for People with Disabilities, as provided in Section
- 1204 [62A-5-102](#).
- 1205 (19) The Division of Fleet Operations for the purpose of upgrading underground

- 1206 storage tanks under Section [63A-9-401](#).
- 1207 (20) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 1208 (21) The Office of Administrative Rules for publishing, as provided in Section
- 1209 [63G-3-402](#).
- 1210 (22) The Utah Science Technology and Research Initiative created in Section
- 1211 [63M-2-301](#).
- 1212 (23) The Governor's Office of Economic Development to fund the Enterprise Zone
- 1213 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1214 (24) The Department of Human Resource Management user training program, as
- 1215 provided in Section [67-19-6](#).
- 1216 (25) The University of Utah Poison Control Center program, as provided in Section
- 1217 [69-2-5.5](#).
- 1218 (26) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 1219 (27) The Judicial Council for compensation for special prosecutors, as provided in
- 1220 Section [77-10a-19](#).
- 1221 (28) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 1222 (29) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 1223 (30) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 1224 (31) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
- 1225 [78B-6-144.5](#).
- 1226 (32) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent
- 1227 Defense Commission.
- 1228 Section 24. Section **63J-2-102** is amended to read:
- 1229 **63J-2-102. Definitions.**
- 1230 As used in this chapter:
- 1231 (1) (a) "Agency" means each department, commission, board, council, agency,
- 1232 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
- 1233 unit, bureau, panel, or other administrative unit of the state.
- 1234 (b) "Agency" does not include the legislative branch, the board of regents, the Utah
- 1235 Higher Education Assistance Authority, the board of trustees of each higher education
- 1236 institution, each higher education institution and its associated branches, centers, divisions,

1237 institutes, foundations, hospitals, colleges, schools, or departments, a public education entity,
1238 or an independent agency.

1239 (2) ~~[(a)]~~ "Dedicated credits ~~[revenues]~~" means ~~[revenues from collections by an agency~~
1240 ~~that are deposited directly into an account for expenditure on a separate line item and program]~~
1241 ~~the same as that term is defined in Section [63J-1-102](#).~~

1242 ~~[(b) "Dedicated credits revenues" does not mean:]~~

1243 ~~[(i) federal revenues and the related pass through or the related state match paid by one~~
1244 ~~agency to another;]~~

1245 ~~[(ii) revenues that are not deposited in governmental funds; or]~~

1246 ~~[(iii) revenues from any contracts.]~~

1247 (3) "Fees" means revenue collected by an agency for performing a service or providing
1248 a function that the agency deposits or accounts for as dedicated credits ~~[or fixed collections]~~.

1249 ~~[(4) (a) "Fixed collections revenues" means revenue from collections:]~~

1250 ~~[(i) fixed by law or by the appropriation act at a specific amount; and]~~

1251 ~~[(ii) required by law to be deposited into a separate line item and program.]~~

1252 ~~[(b) "Fixed collections revenues" does not mean:]~~

1253 ~~[(i) federal revenues and the related pass through or the related state match paid by one~~
1254 ~~agency to another;]~~

1255 ~~[(ii) revenues that are not deposited in governmental funds;]~~

1256 ~~[(iii) revenues from any contracts; and]~~

1257 ~~[(iv) revenues received by the Attorney General's Office from billings for professional~~
1258 ~~services.]~~

1259 ~~[(5)]~~ (4) (a) "Governmental fund" means funds used to account for the acquisition, use,
1260 and balances of expendable financial resources and related liabilities using a measurement
1261 focus that emphasizes the flow of financial resources.

1262 (b) "Governmental fund" does not include internal service funds, enterprise funds,
1263 capital projects funds, debt service funds, or trust and agency funds as established in Section
1264 [51-5-4](#).

1265 ~~[(6)]~~ (5) "Independent agency" means the Utah State Retirement Office and the Utah
1266 Housing Corporation.

1267 ~~[(7)]~~ (6) "Program" means the ~~[function or service provided by an agency for which the~~

1268 ~~agency collects fees]~~ same as that term is defined in Section [63J-1-102](#).

1269 ~~(8)~~ (7) "Revenue types" means the categories established by the Division of Finance
1270 under the authority of this chapter that classify revenue according to the purpose for which it is
1271 collected.

1272 Section 25. Section **63J-2-201** is amended to read:

1273 **63J-2-201. Accounting for fee revenues.**

1274 (1) The Division of Finance shall:

1275 (a) establish revenue types;

1276 (b) develop a computerized master file of revenue types containing, for each revenue
1277 type:

1278 (i) the definition of each revenue type;

1279 (ii) if available, a historical record of the amount collected for the revenue type for
1280 each of the five years;

1281 (iii) the agency that collected the revenue;

1282 (iv) the program, organization, and fund into which the revenue was originally
1283 recorded each year;

1284 (v) a general description of the function where the largest portion of the revenue was
1285 spent each year;

1286 (vi) the specific legal authority that authorizes the agency to collect the revenue;

1287 (vii) the rates charged to the individuals or entities that pay the revenue;

1288 (viii) the general methodology used to determine the rate charged to individuals or
1289 entities that pay the revenue;

1290 (ix) for dedicated credits [~~revenues and fixed collections revenues~~], the revenue
1291 estimate used by the agency to prepare their budget;

1292 (x) the amount appropriated as dedicated credits [~~revenues and fixed collections~~
1293 ~~revenues~~] in the annual appropriation act; and

1294 (xi) for revenues other than dedicated credits [~~revenues and fixed collections~~
1295 ~~revenues~~], an estimate of the amount of revenue, if available or reasonably calculable; and

1296 (c) make the computerized file available to the Budget Office and the Office of
1297 Legislative Fiscal Analyst upon request.

1298 (2) Each agency shall provide the Division of Finance with the information required by

1299 this section.

1300 Section 26. Section **63J-2-202** is amended to read:

1301 **63J-2-202. Disposition of revenues.**

1302 [~~(1) (a) Each agency shall include in its annual budget request estimates of dedicated~~
1303 ~~credits revenues and fixed collections revenues that are identified by, collected for, or set by the~~
1304 ~~agency.]~~

1305 [~~(b)~~] (1) If the Legislature or the Division of Finance establishes a new revenue type by
1306 law, the agency shall include that new revenue type in its budget request for the next fiscal
1307 year.

1308 [~~(c)~~ (i)] (2) (a) Except as provided in Subsection [~~(1)(c)(ii)~~] (2)(b), if any agency fails
1309 to include the estimates of a revenue type in its annual budget request, the Division of Finance
1310 shall deposit the money collected in that revenue type into the General Fund or other
1311 appropriate fund as free or restricted revenue.

1312 [~~(ii)~~] (b) The Division of Finance may not deposit the money collected from a revenue
1313 type not included in an agency's annual budget request into the General Fund or other
1314 appropriate fund if the agency did not include the estimates of the revenue type in its annual
1315 budget request because the Legislature had not yet established or authorized the new revenue
1316 type by law.

1317 [~~(2) (a) (i) (A) Except as provided in Subsection (2)(a)(i)(B) or (2)(b), each agency that~~
1318 ~~receives dedicated credits and fixed collections revenues greater than the amount appropriated~~
1319 ~~to them by the Legislature in the annual appropriations act may expend the excess up to 25% of~~
1320 ~~the amount appropriated if the expenditure is authorized by an amended work program~~
1321 ~~approved as provided in Section 63J-1-209.]~~

1322 [~~(B) Except for line items covering tuition and federal vocational funds at institutions~~
1323 ~~of higher learning, any expenditure of dedicated credits in excess of amounts appropriated by~~
1324 ~~the Legislature may not be used to permanently increase personnel within the agency unless~~
1325 ~~approved by the Legislature.]~~

1326 [~~(ii) The Division of Finance shall deposit the balance of that excess into the General~~
1327 ~~Fund or other appropriate fund as free or restricted revenue.]~~

1328 [~~(b) Notwithstanding the requirements of Subsection (2)(a), when an agency's~~
1329 ~~dedicated credits and fixed collections revenues represent over 90% of the budget of the~~

1330 ~~program for which they are collected, the agency may expend 100% of the excess of the~~
1331 ~~amount appropriated if the expenditure is authorized by an amended work program approved as~~
1332 ~~provided in Section 63J-1-209.]~~

1333 ~~[(3) Each agency that receives dedicated credits or fixed collections shall report, to the~~
1334 ~~Division of Finance, any balances remaining in those funds at the conclusion of each fiscal~~
1335 ~~year.]~~

1336 Section 27. Section **63J-4-301** is amended to read:

1337 **63J-4-301. Duties of the executive director and office.**

1338 (1) The executive director and the office shall:

1339 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary
1340 Procedures Act;

1341 (b) under the direct supervision of the governor, assist the governor in the preparation
1342 of the governor's budget recommendations;

1343 (c) ~~[advise the governor with regard to approval or revision of agency work programs]~~
1344 review agency budget execution plans as specified in Section 63J-1-209;

1345 (d) establish benchmarking practices for measuring operational costs, quality of
1346 service, and effectiveness across all state agencies and programs;

1347 (e) assist agencies with the development of an operational plan that uses continuous
1348 improvement tools and operational metrics to increase statewide capacity and improve
1349 interagency integration;

1350 (f) review and assess agency budget requests and expenditures using a clear set of goals
1351 and measures;

1352 (g) develop and maintain enterprise portfolio and electronic information systems to
1353 select and oversee the execution of projects, ensure a return on investment, and trace and report
1354 performance metrics; and

1355 (h) perform other duties and responsibilities as assigned by the governor.

1356 (2) (a) The executive director of the Governor's Office of Management and Budget or
1357 the executive director's designee is the Federal Assistance Management Officer.

1358 (b) In acting as the Federal Assistance Management Officer, the executive director or
1359 designee shall:

1360 (i) study the administration and effect of federal assistance programs in the state and

1361 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and
1362 the Executive Appropriations Committee, of alternative recommended methods and procedures
1363 for the administration of these programs;

1364 (ii) assist in the coordination of federal assistance programs that involve or are
1365 administered by more than one state agency; and

1366 (iii) analyze and advise on applications for new federal assistance programs submitted
1367 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

1368 Section 28. Section **63N-8-103** is amended to read:

1369 **63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives --**
1370 **Refundable tax credit incentives.**

1371 (1) (a) There is created within the General Fund a restricted account known as the
1372 Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives
1373 for state-approved productions by a motion picture company.

1374 (b) All interest generated from investment of money in the restricted account shall be
1375 deposited in the restricted account.

1376 (c) The restricted account shall consist of an annual appropriation by the Legislature.

1377 (d) The office shall:

1378 (i) with the advice of the board, administer the restricted account; and

1379 (ii) make payments from the restricted account as required under this section.

1380 (e) The cost of administering the restricted account shall be paid from money in the
1381 restricted account.

1382 (2) (a) A motion picture company or digital media company seeking disbursement of
1383 an incentive allowed under an agreement with the office shall follow the procedures and
1384 requirements of this Subsection (2).

1385 (b) The motion picture company or digital media company shall provide the office with
1386 a report identifying and documenting the dollars left in the state and new state revenues
1387 generated by the motion picture company or digital media company for its state-approved
1388 production, including any related tax returns by the motion picture company, payroll company,
1389 digital media company, or loan-out corporation under Subsection (2)(d).

1390 (c) For a motion picture company, an independent certified public accountant shall:

1391 (i) review the report submitted by the motion picture company; and

1392 (ii) attest to the accuracy and validity of the report, including the amount of dollars left
1393 in the state.

1394 (d) The motion picture company, digital media company, payroll company, or loan-out
1395 corporation shall provide the office with a document that expressly directs and authorizes the
1396 State Tax Commission to disclose the entity's tax returns and other information concerning the
1397 entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section
1398 6103, Internal Revenue Code, to the office.

1399 (e) The office shall submit the document described in Subsection (2)(d) to the State
1400 Tax Commission.

1401 (f) Upon receipt of the document described in Subsection (2)(d), the State Tax
1402 Commission shall provide the office with the information requested by the office that the
1403 motion picture company, digital media company, payroll company, or loan-out corporation
1404 directed or authorized the State Tax Commission to provide to the office in the document
1405 described in Subsection (2)(d).

1406 (g) Subject to Subsection (3), for a motion picture company the office shall:

1407 (i) review the report from the motion picture company described in Subsection (2)(b)
1408 and verify that it was reviewed by an independent certified public accountant as described in
1409 Subsection (2)(c); and

1410 (ii) based upon the certified public accountant's attestation under Subsection (2)(c),
1411 determine the amount of the incentive that the motion picture company is entitled to under its
1412 agreement with the office.

1413 (h) Subject to Subsection (3), for a digital media company, the office shall:

1414 (i) ensure the digital media project results in new state revenue; and

1415 (ii) based upon review of new state revenue, determine the amount of the incentive that
1416 a digital media company is entitled to under its agreement with the office.

1417 (i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office
1418 shall pay the incentive from the restricted account to the motion picture company,
1419 notwithstanding Subsections 51-5-3(23)(b) and [~~63J-1-104(4)(c)~~] 63J-1-105(6).

1420 (j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or
1421 59-10-1108, the office shall:

1422 (i) issue a tax credit certificate to the motion picture company or digital media

1423 company; and

1424 (ii) provide a duplicate copy of the tax credit certificate to the State Tax Commission.

1425 (k) A motion picture company or digital media company may not claim a motion
1426 picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company
1427 or digital media company has received a tax credit certificate for the claim issued by the office
1428 under Subsection (2)(j)(i).

1429 (l) A motion picture company or digital media company may claim a motion picture
1430 tax credit on its tax return for the amount listed on the tax credit certificate issued by the office.

1431 (m) A motion picture company or digital media company that claims a tax credit under
1432 Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in
1433 accordance with Subsection 63N-8-104(6).

1434 (3) (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit
1435 certificates under this part in a fiscal year.

1436 (b) If the office does not issue tax credit certificates in a fiscal year totaling the amount
1437 authorized under Subsection (3)(a), it may carry over that amount for issuance in subsequent
1438 fiscal years.

1439 Section 29. Section 73-18-25 is amended to read:

1440 **73-18-25. Fees to cover the costs of electronic payments.**

1441 (1) As used in this section:

1442 (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.

1443 (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.

1444 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
1445 registrations and renewals of registration under Section 73-18-7.

1446 (b) The fee described under Subsection (2)(a) shall be imposed regardless of the
1447 method of payment for a particular transaction.

1448 (3) The Motor Vehicle Division shall establish the fee according to the procedures and
1449 requirements of Section 63J-1-504.

1450 (4) A fee imposed under this section:

1451 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
1452 Section 41-1a-121;

1453 (b) is not subject to Subsection [~~63J-2-202(2)~~] 63J-1-105(3) or (4); and

1454 (c) need not be separately identified from the fees imposed on registrations and
1455 renewals of registration under Section [73-18-7](#).

1456 Section 30. **Repealer.**

1457 This bill repeals:

1458 Section [63J-1-602.3](#), List of nonlapsing funds and accounts -- Title 46 through Title
1459 **60.**

1460 Section [63J-1-602.4](#), List of nonlapsing funds and accounts -- Title 61 through Title
1461 **63N.**

1462 Section [63J-1-602.5](#), List of nonlapsing funds and accounts -- Title 64 and
1463 **thereafter.**

1464 Section 31. **Effective date.**

1465 This bill takes effect on $\hat{H} \rightarrow$ ~~May 8~~ **July 1** $\leftarrow \hat{H}$, 2018, except that the amendments
1465a to Section

1466 [63J-1-602.1](#) (Effective 09/30/18) take effect on September 30, 2018.

Legislative Review Note
Office of Legislative Research and General Counsel