

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

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;
- 19 ▶ reorganizes existing classifications of:
 - 20 • nonlapsing appropriations from accounts and funds; and
 - 21 • appropriations to programs; and
- 22 ▶ adds a public safety answering point emergency telecommunications service fund to

23 the list of nonlapsing programs.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 This bill provides coordination clauses.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-1-6**, as last amended by Laws of Utah 2009, Chapter 183

32 **41-1a-121**, as enacted by Laws of Utah 2011, Chapter 189

33 **41-1a-1221**, as last amended by Laws of Utah 2012, Chapter 397

34 **41-3-601**, as last amended by Laws of Utah 2015, Chapter 93

35 **41-3-604**, as last amended by Laws of Utah 2011, Chapter 189

36 **41-22-36**, as last amended by Laws of Utah 2011, Chapter 189

37 **53C-1-201**, as last amended by Laws of Utah 2016, Chapter 193

38 **54-5-1.5**, as last amended by Laws of Utah 2017, Chapter 396

39 **62A-1-111.5**, as enacted by Laws of Utah 2017, Chapter 330 and further amended by
40 Revisor Instructions, Laws of Utah 2017, Chapter 330

41 **62A-1-202**, as enacted by Laws of Utah 2014, Chapter 37

42 **63I-1-263**, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469,
43 and 470

44 **63I-2-263**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1

45 **63J-1-102**, as last amended by Laws of Utah 2015, Chapter 175

46 **63J-1-104**, as last amended by Laws of Utah 2013, Chapter 310

47 **63J-1-206**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1

48 **63J-1-209**, as renumbered and amended by Laws of Utah 2009, Chapters 183 and 368

49 **63J-1-217**, as last amended by Laws of Utah 2013, Chapter 310

50 **63J-1-601**, as last amended by Laws of Utah 2016, Chapter 271

51 **63J-1-602**, as last amended by Laws of Utah 2010, Chapters 9, 10, 218, 265, 277, 278,
52 287, 324, 379, 391, 399 and last amended by Coordination Clause, Laws of Utah
53 2010, Chapter 265

54 **63J-2-102**, as last amended by Laws of Utah 2017, Chapter 363

55 **63J-2-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382

56 **63J-2-202**, as last amended by Laws of Utah 2012, Chapter 102

57 **63J-4-301**, as last amended by Laws of Utah 2013, Chapter 310

58 **63N-8-103**, as last amended by Laws of Utah 2016, Chapter 51

59 **73-18-25**, as last amended by Laws of Utah 2011, Chapter 189

60 ENACTS:

61 **63J-1-105**, Utah Code Annotated 1953

62 REPEALS AND REENACTS:

63 **63J-1-602.1 (Superseded 09/30/18)**, as last amended by Laws of Utah 2017, Chapters
64 88, 194, and 383

65 **63J-1-602.1 (Effective 09/30/18)**, as last amended by Laws of Utah 2017, Chapters 88,
66 107, 194, and 383

67 **63J-1-602.2**, as last amended by Laws of Utah 2015, Chapters 86, 93, and 189

68 REPEALS:

69 **63J-1-602.3**, as last amended by Laws of Utah 2017, Chapters 396 and 423

70 **63J-1-602.4**, as last amended by Laws of Utah 2017, Chapters 253, 430, and 470

71 **63J-1-602.5**, as last amended by Laws of Utah 2016, Chapter 177

72 **Utah Code Sections Affected by Coordination Clause:**

73 **63I-1-263**, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469,
74 and 470

75 **63J-1-602.1 (Superseded 09/30/18)**, as last amended by Laws of Utah 2017, Chapters
76 88, 194, and 383

77 **63J-1-602.1 (Effective 09/30/18)**, as last amended by Laws of Utah 2017, Chapters 88,
78 107, 194, and 383

79 **63J-1-602.2**, as last amended by Laws of Utah 2015, Chapters 86, 93, and 189

80 **63J-1-602.4**, as last amended by Laws of Utah 2017, Chapters 253, 430, and 470

81

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

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

84 **26-1-6. Fee schedule adopted by department.**

85 (1) The department may adopt a schedule of fees that may be assessed for services

86 rendered by the department, provided that the fees are:

- 87 (a) reasonable and fair; and
- 88 (b) submitted to the Legislature as part of the department's annual appropriations
- 89 request.

90 (2) When the department submits a fee schedule to the Legislature, the Legislature, in
91 accordance with Section [63J-1-504](#), may:

- 92 (a) approve the fee;
- 93 (b) increase or decrease and approve the fee; or
- 94 (c) reject any fee submitted to it.

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

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

98 **41-1a-121. Electronic Payment Fee Restricted Account.**

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

101 (2) There is created within the General Fund a restricted account known as the
102 Electronic Payment Fee Restricted Account.

103 (3) (a) The account shall be funded from the fees imposed and collected under Sections
104 [41-1a-1221](#), [41-3-604](#), [41-22-36](#), and [73-18-25](#).

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

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

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

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

112 **41-1a-1221. Fees to cover the cost of electronic payments.**

113 (1) As used in this section:

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

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

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

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

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

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

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

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

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

131 (4) A fee imposed under this section:

132 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
133 Section [41-1a-121](#); and

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

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

136 **41-3-601. Fees.**

137 (1) The administrator shall collect fees determined by the commission under Section
138 [63J-1-504](#) for each of the following:

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

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

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

- 142 (d) used motorcycle, off-highway vehicle, and small trailer dealer;
 - 143 (e) motor vehicle salesperson's license;
 - 144 (f) motor vehicle salesperson's transfer or reissue fee;
 - 145 (g) motor vehicle manufacturer's license;
 - 146 (h) motor vehicle transporter's license;
 - 147 (i) motor vehicle dismantler's license;
 - 148 (j) motor vehicle crusher's license;
 - 149 (k) motor vehicle remanufacturer's license;
 - 150 (l) body shop's license;
 - 151 (m) distributor or factory branch and distributor branch's license;
 - 152 (n) representative's license;
 - 153 (o) dealer plates;
 - 154 (p) dismantler plates;
 - 155 (q) manufacturer plates;
 - 156 (r) transporter plates;
 - 157 (s) damaged plate replacement;
 - 158 (t) in-transit permits;
 - 159 (u) loaded demonstration permits;
 - 160 (v) additional place of business;
 - 161 (w) special equipment dealer's license;
 - 162 (x) temporary permits; and
 - 163 (y) temporary sports event registration certificates.
- 164 (2) (a) To pay for training certified vehicle inspectors and enforcement under Sections
165 [41-1a-1001](#) through [41-1a-1008](#), the State Tax Commission shall establish and the
166 administrator shall collect inspection fees determined by the commission under Section
167 [63J-1-504](#).
- 168 (b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to
169 be used toward the costs of the division.

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

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

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

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

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

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

179 **41-3-604. Fee to cover the cost of electronic payments.**

180 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

194 and

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

197 (3) The division shall establish the fee under Subsection (2)(a) according to the

198 procedures and requirements of Section [63J-1-504](#).

199 (4) A fee imposed under this section:

200 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
201 Section [41-1a-121](#); and

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

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

204 **41-22-36. Fees to cover the costs of electronic payments.**

205 (1) As used in this section:

206 (a) "Electronic payment" has the same meaning as defined in Section [41-1a-1221](#).

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

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

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

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

214 (4) A fee imposed under this section:

215 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
216 Section [41-1a-121](#);

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

218 (c) need not be separately identified from the fees imposed on registrations and
219 renewals of registration under Section [41-22-8](#).

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

221 **53C-1-201. Creation of administration -- Purpose -- Director -- Participation in**
222 **Risk Management Fund.**

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

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

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

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

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

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

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

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

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

242 (c) The director shall make rules in compliance with Title 63G, Chapter 3, Utah
243 Administrative Rulemaking Act, except that the administration is not subject to Subsections
244 63G-3-301(6) and (7) and Section 63G-3-601, and the director, with the board's approval, may
245 establish a procedure for the expedited approval of rules, based on written findings by the
246 director showing:

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

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

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

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

253 (v) that the director has filed a copy of the rule and a rule analysis, stating the specific

254 reasons and justifications for its findings, with the Office of Administrative Rules and notified
255 interested parties as provided in Subsection 63G-3-301(10).

256 (d) (i) The administration shall comply with Title 67, Chapter 19, Utah State Personnel
257 Management Act, except as provided in this Subsection (3)(d).

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

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

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

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

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

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

281 (ii) The following fees of the administration are subject to the requirements of Section

282 63J-1-504: application, assignment, amendment, affidavit for lost documents, name change,
283 reinstatement, grazing nonuse, extension of time, partial conveyance, patent reissue, collateral
284 assignment, electronic payment, and processing.

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

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

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

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

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

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

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

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

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

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

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

308 (6) In connection with joint ventures and other transactions involving trust lands and
309 minerals approved under Sections 53C-1-303 and 53C-2-401, the administration, with board

310 approval, may become a member of a limited liability company under Title 48, Chapter 3a,
311 Utah Revised Uniform Limited Liability Company Act, as appropriate pursuant to Section
312 48-3a-1405 and is considered a person under Section 48-3a-102.

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

315 Section 8. Section 54-5-1.5 is amended to read:

316 **54-5-1.5. Special regulation fee -- Supplemental Levy Committee -- Supplemental**
317 **fee -- Fee for electrical cooperatives.**

318 (1) (a) A special fee to defray the cost of regulation is imposed upon all public utilities
319 subject to the jurisdiction of the Public Service Commission.

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

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

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

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

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

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

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

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

- 338 (c) Within appropriations by the Legislature:
- 339 (i) the Department of Commerce may use the funds in the Public Utility Regulatory
- 340 Restricted Account to administer:
- 341 (A) the Division of Public Utilities; and
- 342 (B) the Office of Consumer Services; and
- 343 (ii) the Public Service Commission may use the funds in the Public Utility Regulatory
- 344 Restricted Account to administer the Public Service Commission.
- 345 (d) At the end of each fiscal year, the director of the Division of Finance shall transfer
- 346 into the General Fund any balance in the Public Utility Regulatory Restricted Account in
- 347 excess of \$3,000,000.
- 348 (5) (a) The Legislature intends that the public utilities provide all of the funds for the
- 349 administration, support, and maintenance of:
- 350 (i) the Public Service Commission;
- 351 (ii) state agencies within the Department of Commerce involved in the regulation of
- 352 public utilities; and
- 353 (iii) expenditures by the attorney general for utility regulation.
- 354 (b) Notwithstanding Subsection (5)(a), the fee imposed by Subsection (1) shall not
- 355 exceed the greater of:
- 356 (i) (A) for a public utility other than an electrical cooperative, .3% of the public utility's
- 357 gross operating revenues for the preceding calendar year; or
- 358 (B) for an electrical cooperative, .15% of the electrical cooperative's gross operating
- 359 revenues for the preceding calendar year; or
- 360 (ii) \$50.
- 361 (6) (a) There is created a Supplemental Levy Committee to levy additional assessments
- 362 on public utilities when unanticipated costs of regulation occur in any fiscal year.
- 363 (b) The Supplemental Levy Committee shall consist of:
- 364 (i) one member selected by the executive director of the Department of Commerce;
- 365 (ii) one member selected by the chairman of the Public Service Commission;

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

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

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

373 (ii) If the members of the Supplemental Levy Committee have not been appointed
374 within the time prescribed, the governor shall appoint the members of the Supplemental Levy
375 Committee.

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

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

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

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

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

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

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

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

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

400 (i) a distribution electrical cooperative; or

401 (ii) a wholesale electrical cooperative.

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

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

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

410 (ii) \$50.

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

412 **62A-1-111.5. Duties of the department for fiscal year 2018.**

413 Notwithstanding [~~Section~~] Subsection 63J-1-206(2)(c), for fiscal year 2018 only, the
414 department may transfer money from savings related to implementation of Laws of Utah 2017,
415 Chapter 330, and nonlapsing balances from fiscal year 2017 between appropriation line items
416 to allocate resources between the Division of Juvenile Justice Services, the Division of Child
417 and Family Services, and the Division of Substance Abuse and Mental Health to facilitate the
418 department's implementation of Laws of Utah 2017, Chapter 330.

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

420 **62A-1-202. National Professional Men's Basketball Team Support of Women and**
421 **Children Issues Restricted Account.**

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

425 (2) The account shall be funded by:

426 (a) contributions deposited into the account in accordance with Section 41-1a-422;

427 (b) private contributions; and

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

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

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

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

436 (c) are headquartered within the state;

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

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

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

442 (b) An organization that receives a distribution from the department in accordance with
443 Subsection (3) shall expend the distribution only to:

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

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

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

449 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

450 department may make rules providing procedures for an organization to apply to the
451 department to receive a distribution under this Subsection (4).

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

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

455 **63I-1-263. Repeal dates, Titles 63A to 63N.**

456 (1) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

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

458 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
459 1, 2018.

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

462 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
463 2020.

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

466 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
467 2018.

468 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
469 2023.

470 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
471 2020.

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

473 (11) On July 1, 2025:

474 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
475 Development Coordinating Committee," is repealed;

476 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
477 sites for the transplant of species to local government officials having jurisdiction over areas

478 that may be affected by a transplant.";

479 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
480 Coordinating Committee" is repealed;

481 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
482 Coordinating Committee created in Section 63J-4-501 and" is repealed;

483 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
484 Coordinating Committee and" is repealed;

485 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
486 accordingly;

487 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

488 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
489 word "and" is inserted immediately after the semicolon;

490 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

491 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
492 and

493 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
494 renumbered accordingly.

495 (12) (a) Subsection [~~63J-1-602.4(15)~~] 63J-1-602.1(50), relating to the Utah Statewide
496 Radio System Restricted Account, is repealed July 1, 2022.

497 (b) When repealing Subsection [~~63J-1-602.4(15)~~] 63J-1-602.1(50), the Office of
498 Legislative Research and General Counsel shall, in addition to the office's authority under
499 Subsection 36-12-12(3), make necessary changes to subsection numbering and cross
500 references.

501 (13) The Crime Victim Reparations and Assistance Board, created in Section
502 63M-7-504, is repealed July 1, 2027.

503 (14) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2027.

504 (15) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

505 (16) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is

506 repealed January 1, 2021.

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

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

511 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
512 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

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

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

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

518 (ii) (A) for the purchase price of machinery or equipment described in Section
519 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
520 2020; or

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

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

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

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

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

530 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
531 31, 2020; and

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

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

536 (20) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed July
537 1, 2018.

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

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

541 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

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

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

544 (3) On July 1, 2019:

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

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

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

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

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

551 **63J-1-102. Definitions.**

552 As used in this chapter:

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

556 (2) "Budget execution plan" means a proposal submitted by an administrative unit of
557 state government to the Division of Finance enumerating expected revenues and authorized
558 expenditures within line items and among programs.

559 ~~[(1)]~~ (3) "Debt service" means the money that is required annually to cover the
560 repayment of interest and principal on state debt.

561 ~~[(2)]~~ (4) (a) "Dedicated credits" means collections by an agency that are deposited

562 directly into an account for expenditure [~~on a separate line item and program~~] by the agency.

563 (b) "Dedicated credits" includes collections from assessments, contributions,
564 donations, fees, fines, licenses, penalties, rental, sales, non-federal grants, or other collections

565 not:

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

567 (ii) specifically excluded from the definition.

568 (c) "Dedicated credits" does not mean:

569 (i) federal revenues and the related pass through or the related state match paid by one
570 agency to another;

571 (ii) revenues that are not deposited in governmental funds; or

572 (iii) revenues from any contracts.

573 ~~[(3)]~~ (5) "Federal revenues" means collections by an agency from a federal source that
574 are deposited into an account for expenditure [~~on a separate line item and program~~] by the
575 agency.

576 ~~[(4) "Fixed collections" means collections that are:]~~

577 ~~[(a) fixed at a specific amount by law or by an appropriation act; and]~~

578 ~~[(b) required to be deposited into a separate line item and program.]~~

579 ~~[(5)]~~ (6) "Free revenue" includes:

580 (a) collections that are required by law to be deposited in:

581 (i) the General Fund;

582 (ii) the Education Fund;

583 (iii) the Uniform School Fund; or

584 (iv) the Transportation Fund;

585 (b) collections that are not otherwise designated by law;

586 (c) collections that are not externally restricted; and

587 (d) collections that are not included in an approved work program.

588 (7) (a) "Item of appropriation" means an authorization of expenditure contained in
589 legislation that appropriates funds and includes the following:

590 (i) the name of the agency and line item to which authorization is granted; and
 591 (ii) sources of finance from which authorization is granted and associated amounts
 592 authorized.

593 (b) "Item of appropriation" also includes:

- 594 (i) a schedule of programs;
- 595 (ii) intent language;
- 596 (iii) approved full-time equivalent employment;
- 597 (iv) authorized capital outlay; and
- 598 (v) other conditions of appropriation.

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

601 ~~[(6)]~~ (9) "Major revenue types" means:

- 602 (a) free revenue;
- 603 (b) restricted revenue; and
- 604 (c) dedicated credits~~[-and]~~;
- 605 ~~[(d) fixed collections.]~~

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

609 ~~[(7)]~~ (11) "Restricted revenue" means collections that are:

- 610 (a) deposited, by law, into a separate fund, subfund, or account; and
- 611 (b) designated for a specific program or purpose.

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

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

615 **63J-1-104. Revenue types -- Disposition of free revenue and restricted revenue.**

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

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

618 and

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

620 (b) Each agency shall:

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

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

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

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

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

628 (c) Any free revenue funds appropriated by the Legislature to an agency that remain
629 unexpended at the end of the fiscal year lapse to the source fund unless the Legislature provides
630 by law that those funds are nonlapsing.

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

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

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

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

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

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

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

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

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

651 ~~[(f) develop a new work program that:]~~

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

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

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

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

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

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

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

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

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

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

673 ~~[(5) (a) The Legislature may establish by law the maximum amount of fixed collections~~

674 that an agency may expend.]

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

678 ~~[(c) If an agency receives fixed collections greater than the maximum amount of~~
679 ~~expendable fixed collections established by law, those excess amounts lapse to the General~~
680 ~~Fund, the Education Fund, the Transportation Fund, or the Transportation Investment Fund of~~
681 ~~2005 as designated by the director of the Division of Finance at the end of the fiscal year.]~~

682 ~~[(6)] (4) Unless otherwise specifically provided by law, when an agency has a program~~
683 ~~or line item that is funded by [more than one major revenue type: (a) the agency shall expend~~
684 ~~its dedicated credits and fixed collections first, and (b) if the program or line item includes]~~
685 ~~both free revenue and restricted revenue, an agency shall expend those revenues based upon a~~
686 ~~proration of the amounts appropriated from each of those major revenue types.~~

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

688 **63J-1-105. Revenue types -- Disposition of dedicated credits.**

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

691 (2) Except as provided in Subsections (3) and (4), an agency may not expend dedicated
692 credits in excess of the amount appropriated to a line item as dedicated credits by the
693 Legislature.

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

698 (4) Notwithstanding the requirements of Subsection (3), when an agency's dedicated
699 credits revenue represents over 90% of the budget of the line item for which the dedicated
700 credits are collected, the agency may expend 100% of the excess of the amount appropriated if
701 the expenditure is authorized by an amended budget execution plan approved as provided in

702 Subsection (3) and Section [63J-1-209](#).

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

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

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

709 (6) (a) All excess dedicated credits not received or expended in compliance with
710 Subsection (3), (4), or (7) lapse to the General Fund or other appropriate fund as free or
711 restricted revenue at the end of the fiscal year.

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

714 (7) (a) When an agency has a line item that is funded by more than one major revenue
715 type, one of which is dedicated credits, the agency shall completely expend authorized
716 dedicated credits within the current fiscal year and allocate unused spending authorization
717 among other funding sources based upon a proration of the amounts appropriated from each of
718 those major revenue types not attributable to dedicated credits, unless the Legislature has
719 designated a portion of the dedicated credits as nonlapsing, in which case the agency shall
720 completely expend within the current fiscal year authorized dedicated credits minus the portion
721 of dedicated credits designated as nonlapsing, and allocate unused spending authorization
722 among the other funding sources based upon a proration of the amounts appropriated from each
723 of those major revenue types not attributable to dedicated credits.

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

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

729 (8) Each agency shall include in its annual budget request estimates of dedicated

730 credits revenue that is identified by, collected for, or set by the agency.

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

732 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**
 733 **Transfer of funds -- Exclusion.**

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

736 ~~[(2)]~~ (1) (a) Except as provided in Subsection (2)(b), (3)(e), or where expressly
 737 exempted in the appropriating act:

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

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

742 (b) This section does not apply to:

743 (i) the Legislature and its committees; and

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

746 ~~[(3)]~~ (2) (a) Each item of appropriation ~~[item]~~ is to be expended subject to any
 747 schedule of programs and any restriction attached to the item of appropriation ~~[item]~~, as
 748 designated by the Legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

782 ~~[(g)]~~ (f) (i) The procedures for transferring money between programs within ~~[an item of~~
783 ~~appropriation]~~ a line item as provided by Subsection ~~[(3)]~~ (2)(e) do not apply to money
784 appropriated to the State Board of Education for the Minimum School Program or capital
785 outlay programs created in Title 53A, Chapter 21, Public Education Capital Outlay Act.

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

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

789 **63J-1-209. Director of finance to exercise accounting control -- Budget execution**
790 **plans -- Allotments and expenditures.**

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

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

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

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

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

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

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

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

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

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

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

816 [~~(5)~~] (6) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue
817 Procedures and Control Act, the aggregate of the [~~work program changes~~] budget execution
818 plan revisions may not exceed the total appropriations or other funds from any source that are
819 available to the [~~department~~] agency line item for the fiscal year in question.

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

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

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

824 (7) Upon [~~request, review, and approval by the governor~~] transmittal of the new budget
825 execution plan to the entities in Subsection (4), the Division of Finance shall permit all
826 expenditures to be made from the appropriations or other funds from any source on the basis of
827 those [~~work programs~~] budget execution plans.

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

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

831 **63J-1-217. Overexpenditure of budget by agency -- Prorating budget income**
832 **shortfall.**

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

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

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

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

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

- 842 (c) Each agency with an overexpended line item shall:
- 843 (i) prepare a written report explaining the reasons for the overexpenditure; and
- 844 (ii) present the report to:
- 845 (A) the Board of Examiners as required by Section 63G-9-301; and
- 846 (B) the Office of the Legislative Fiscal Analyst.
- 847 (3) (a) As used in this Subsection (3):
- 848 (i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and
- 849 (ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.
- 850 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the
- 851 adopted estimated revenues were prepared in consensus with the Governor's Office of
- 852 Management and Budget, the governor shall:
- 853 (i) direct state agencies to reduce commitments and expenditures by an amount
- 854 proportionate to the amount of the deficiency; and
- 855 (ii) direct the Division of Finance to reduce allotments to institutions of higher
- 856 education by an amount proportionate to the amount of the deficiency.
- 857 (c) The governor's directions under Subsection (3)(b) are rescinded when the
- 858 Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.
- 859 (4) (a) A department may not receive an advance of funds that cannot be covered by
- 860 anticipated revenue within the ~~[work program]~~ budget execution plan of the fiscal year, unless
- 861 the governor allocates money from the governor's emergency appropriations.
- 862 (b) All allocations made from the governor's emergency appropriations shall be
- 863 reported to the budget subcommittee of the Legislative Management Committee by notifying
- 864 the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the
- 865 allocation.
- 866 (c) Emergency appropriations shall be allocated only to support activities having
- 867 existing legislative approval and appropriation, and may not be allocated to any activity or
- 868 function rejected directly or indirectly by the Legislature.
- 869 Section 19. Section **63J-1-601** is amended to read:

870 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
871 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
872 **accounts and funds -- Institutions of higher education to report unexpended balances.**

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

876 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
877 shall close out to the proper fund or account all remaining unexpended and unencumbered
878 balances of appropriations made by the Legislature, except:

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

880 (i) enterprise funds;

881 (ii) internal service funds;

882 (iii) trust and agency funds;

883 (iv) capital projects funds;

884 (v) discrete component unit funds;

885 (vi) debt service funds; and

886 (vii) permanent funds;

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

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

889 63J-1-602.1 [~~through 63J-1-602.5~~] or 63J-1-602.2;

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

892 (d) acquisition and development funds appropriated to the Division of Parks and
893 Recreation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

925 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this

926 section.

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

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

931 **63J-1-602. Nonlapsing appropriations.**

932 (1) The [~~revenue collections,~~] appropriations from a fund or account[;] and
933 appropriations to a program that are listed in [Sections] Section 63J-1-602.1 [through
934 63J-1-602.5] or 63J-1-602.2 are nonlapsing.

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

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

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

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

940 (3) Each legislative appropriations subcommittee shall review the accounts and funds
941 that have been granted nonlapsing authority under the provisions of this section or Section
942 63J-1-603.

943 Section 21. Section 63J-1-602.1 (Superseded 09/30/18) is repealed and reenacted to
944 read:

945 **63J-1-602.1 (Superseded 09/30/18). List of nonlapsing appropriations from**
946 **accounts and funds.**

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

948 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
949 and Leadership Restricted Account created in Section 4-42-102.

950 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

951 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
952 Section 9-18-102.

953 (4) The National Professional Men's Soccer Team Support of Building Communities

- 954 Restricted Account created in Section [9-19-102](#).
- 955 (5) Funds collected for directing and administering the C-PACE district created in
- 956 Section [11-42a-302](#).
- 957 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
- 958 Section [24-4-117](#).
- 959 (7) Funds collected from the program fund for local health department expenses
- 960 incurred in responding to a local health emergency under Section [26-1-38](#).
- 961 (8) Funds collected from the emergency medical services grant program, as provided in
- 962 Section [26-8a-207](#).
- 963 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).
- 964 (10) The Children with Cancer Support Restricted Account created in Section
- 965 [26-21a-304](#).
- 966 (11) State funds for matching federal funds in the Children's Health Insurance Program
- 967 as provided in Section [26-40-108](#).
- 968 (12) The Children with Heart Disease Support Restricted Account created in Section
- 969 [26-58-102](#).
- 970 (13) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 971 (14) The Criminal Background Check Restricted Account created in Section
- 972 [31A-3-105](#).
- 973 (15) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
- 974 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 975 (16) The Title Licensee Enforcement Restricted Account created in Section
- 976 [31A-23a-415](#).
- 977 (17) The Health Insurance Actuarial Review Restricted Account created in Section
- 978 [31A-30-115](#).
- 979 (18) The Insurance Fraud Investigation Restricted Account created in Section
- 980 [31A-31-108](#).
- 981 (19) The Underage Drinking Prevention Media and Education Campaign Restricted

- 982 Account created in Section [32B-2-306](#).
- 983 (20) The Youth Development Organization Restricted Account created in Section
- 984 [35A-8-1903](#).
- 985 (21) The Youth Character Organization Restricted Account created in Section
- 986 [35A-8-2003](#).
- 987 (22) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 988 products or services, as provided in Section [35A-13-202](#).
- 989 (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 990 (24) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
- 991 the Motor Vehicle Division.
- 992 (25) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 993 created by Section [41-3-110](#) to the State Tax Commission.
- 994 (26) The Utah Law Enforcement Memorial Support Restricted Account created in
- 995 Section [53-1-120](#).
- 996 (27) The State Disaster Recovery Restricted Account to the Division of Emergency
- 997 Management, as provided in Section [53-2a-603](#).
- 998 (28) The Department of Public Safety Restricted Account to the Department of Public
- 999 Safety, as provided in Section [53-3-106](#).
- 1000 (29) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
- 1001 [53-8-303](#).
- 1002 (30) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 1003 (31) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 1004 (32) A certain portion of money collected for administrative costs under the School
- 1005 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 1006 (33) The School Readiness Restricted Account created in Section [53F-9-402](#).
- 1007 (34) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
- 1008 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 1009 (35) Certain fines collected by the Division of Occupational and Professional Licensing

1010 for violation of unlawful or unprofessional conduct that are used for education and enforcement
1011 purposes, as provided in Section [58-17b-505](#).

1012 (36) Certain fines collected by the Division of Occupational and Professional Licensing
1013 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
1014 Section [58-63-103](#).

1015 (37) The Relative Value Study Restricted Account created in Section [59-9-105](#).

1016 (38) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

1017 (39) Funds paid to the Division of Real Estate for the cost of a criminal background
1018 check for a mortgage loan license, as provided in Section [61-2c-202](#).

1019 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
1020 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1021 [61-2f-204](#).

1022 (41) Certain funds donated to the Department of Human Services, as provided in
1023 Section [62A-1-111](#).

1024 (42) The National Professional Men's Basketball Team Support of Women and
1025 Children Issues Restricted Account created in Section [62A-1-202](#).

1026 (43) Certain funds donated to the Division of Child and Family Services, as provided
1027 in Section [62A-4a-110](#).

1028 (44) The Choose Life Adoption Support Restricted Account created in Section
1029 [62A-4a-608](#).

1030 (45) Funds collected by the Office of Administrative Rules for publishing, as provided
1031 in Section [63G-3-402](#).

1032 (46) The Immigration Act Restricted Account created in Section [63G-12-103](#).

1033 (47) Money received by the military installation development authority, as provided in
1034 Section [63H-1-504](#).

1035 (48) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).

1036 (49) The Unified Statewide 911 Emergency Service Account created in Section
1037 [63H-7a-304](#).

- 1038 (50) The Utah Statewide Radio System Restricted Account created in Section
1039 [63H-7a-403.](#)
- 1040 (51) The Employability to Careers Program Restricted Account created in Section
1041 [63J-4-703.](#)
- 1042 (52) The Motion Picture Incentive Account created in Section [63N-8-103.](#)
- 1043 (53) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1044 as provided under Section [63N-10-301.](#)
- 1045 (54) Funds collected by the housing of state probationary inmates or state parole
1046 inmates, as provided in Subsection [64-13e-104\(2\).](#)
- 1047 (55) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1048 and State Lands, as provided in Section [65A-8-103.](#)
- 1049 (56) Certain funds received by the Office of the State Engineer for well drilling fines or
1050 bonds, as provided in Section [73-3-25.](#)
- 1051 (57) The Water Resources Conservation and Development Fund, as provided in
1052 Section [73-23-2.](#)
- 1053 (58) Funds donated or paid to a juvenile court by private sources, as provided in
1054 Subsection [78A-6-203\(1\)\(c\).](#)
- 1055 (59) Fees for certificate of admission created under Section [78A-9-102.](#)
- 1056 (60) Funds collected for adoption document access as provided in Sections [78B-6-141,](#)
1057 [78B-6-144,](#) and [78B-6-144.5.](#)
- 1058 (61) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1059 Park, Jordan River State Park, and Green River State Park, as provided under Section
1060 [79-4-403.](#)
- 1061 (62) Certain funds received by the Division of Parks and Recreation from the sale or
1062 disposal of buffalo, as provided under Section [79-4-1001.](#)
- 1063 (63) Funds collected for indigent defense as provided in Title 77, Chapter 32, Part 8,
1064 Utah Indigent Defense Commission.
- 1065 Section 22. Section [63J-1-602.1](#) (Effective 09/30/18) is repealed and reenacted to read:

1066 **63J-1-602.1 (Effective 09/30/18). List of nonlapsing appropriations from accounts**
1067 **and funds.**

1068 Appropriations made from the following accounts or funds are nonlapsing:

1069 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
1070 and Leadership Restricted Account created in Section [4-42-102](#).

1071 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1072 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
1073 Section [9-18-102](#).

1074 (4) The National Professional Men's Soccer Team Support of Building Communities
1075 Restricted Account created in Section [9-19-102](#).

1076 (5) Funds collected for directing and administering the C-PACE district created in
1077 Section [11-42a-302](#).

1078 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
1079 Section [24-4-117](#).

1080 (7) Funds collected from the program fund for local health department expenses
1081 incurred in responding to a local health emergency under Section [26-1-38](#).

1082 (8) Funds collected from the emergency medical services grant program, as provided in
1083 Section [26-8a-207](#).

1084 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

1085 (10) The Children with Cancer Support Restricted Account created in Section
1086 [26-21a-304](#).

1087 (11) State funds for matching federal funds in the Children's Health Insurance Program
1088 as provided in Section [26-40-108](#).

1089 (12) The Children with Heart Disease Support Restricted Account created in Section
1090 [26-58-102](#).

1091 (13) The Technology Development Restricted Account created in Section [31A-3-104](#).

1092 (14) The Criminal Background Check Restricted Account created in Section
1093 [31A-3-105](#).

- 1094 (15) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
1095 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 1096 (16) The Title Licensee Enforcement Restricted Account created in Section
1097 [31A-23a-415](#).
- 1098 (17) The Health Insurance Actuarial Review Restricted Account created in Section
1099 [31A-30-115](#).
- 1100 (18) The Insurance Fraud Investigation Restricted Account created in Section
1101 [31A-31-108](#).
- 1102 (19) The Underage Drinking Prevention Media and Education Campaign Restricted
1103 Account created in Section [32B-2-306](#).
- 1104 (20) The Youth Development Organization Restricted Account created in Section
1105 [35A-8-1903](#).
- 1106 (21) The Youth Character Organization Restricted Account created in Section
1107 [35A-8-2003](#).
- 1108 (22) Money received by the Utah State Office of Rehabilitation for the sale of certain
1109 products or services, as provided in Section [35A-13-202](#).
- 1110 (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1111 (24) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
1112 the Motor Vehicle Division.
- 1113 (25) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
1114 created by Section [41-3-110](#) to the State Tax Commission.
- 1115 (26) The Utah Law Enforcement Memorial Support Restricted Account created in
1116 Section [53-1-120](#).
- 1117 (27) The State Disaster Recovery Restricted Account to the Division of Emergency
1118 Management, as provided in Section [53-2a-603](#).
- 1119 (28) The Department of Public Safety Restricted Account to the Department of Public
1120 Safety, as provided in Section [53-3-106](#).
- 1121 (29) The Utah Highway Patrol Aero Bureau Restricted Account created in Section

- 1122 [53-8-303.](#)
- 1123 (30) The DNA Specimen Restricted Account created in Section [53-10-407.](#)
- 1124 (31) The Canine Body Armor Restricted Account created in Section [53-16-201.](#)
- 1125 (32) A certain portion of money collected for administrative costs under the School
- 1126 Institutional Trust Lands Management Act, as provided under Section [53C-3-202.](#)
- 1127 (33) The School Readiness Restricted Account created in Section [53F-9-402.](#)
- 1128 (34) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5,](#)
- 1129 subject to Subsection [54-5-1.5\(4\)\(d\).](#)
- 1130 (35) Certain fines collected by the Division of Occupational and Professional Licensing
- 1131 for violation of unlawful or unprofessional conduct that are used for education and enforcement
- 1132 purposes, as provided in Section [58-17b-505.](#)
- 1133 (36) Certain fines collected by the Division of Occupational and Professional Licensing
- 1134 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
- 1135 Section [58-63-103.](#)
- 1136 (37) The Relative Value Study Restricted Account created in Section [59-9-105.](#)
- 1137 (38) The Cigarette Tax Restricted Account created in Section [59-14-204.](#)
- 1138 (39) Funds paid to the Division of Real Estate for the cost of a criminal background
- 1139 check for a mortgage loan license, as provided in Section [61-2c-202.](#)
- 1140 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
- 1141 check for principal broker, associate broker, and sales agent licenses, as provided in Section
- 1142 [61-2f-204.](#)
- 1143 (41) Certain funds donated to the Department of Human Services, as provided in
- 1144 Section [62A-1-111.](#)
- 1145 (42) The National Professional Men's Basketball Team Support of Women and
- 1146 Children Issues Restricted Account created in Section [62A-1-202.](#)
- 1147 (43) Certain funds donated to the Division of Child and Family Services, as provided
- 1148 in Section [62A-4a-110.](#)
- 1149 (44) The Choose Life Adoption Support Restricted Account created in Section

- 1150 [62A-4a-608.](#)
- 1151 [\(45\) Funds collected by the Office of Administrative Rules for publishing, as provided](#)
1152 [in Section 63G-3-402.](#)
- 1153 [\(46\) The Immigration Act Restricted Account created in Section 63G-12-103.](#)
- 1154 [\(47\) Money received by the military installation development authority, as provided in](#)
1155 [Section 63H-1-504.](#)
- 1156 [\(48\) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.](#)
- 1157 [\(49\) The Unified Statewide 911 Emergency Service Account created in Section](#)
1158 [63H-7a-304.](#)
- 1159 [\(50\) The Utah Statewide Radio System Restricted Account created in Section](#)
1160 [63H-7a-403.](#)
- 1161 [\(51\) The Employability to Careers Program Restricted Account created in Section](#)
1162 [63J-4-703.](#)
- 1163 [\(52\) The Motion Picture Incentive Account created in Section 63N-8-103.](#)
- 1164 [\(53\) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,](#)
1165 [as provided under Section 63N-10-301.](#)
- 1166 [\(54\) Funds collected by the housing of state probationary inmates or state parole](#)
1167 [inmates, as provided in Subsection 64-13e-104\(2\).](#)
- 1168 [\(55\) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,](#)
1169 [and State Lands, as provided in Section 65A-8-103.](#)
- 1170 [\(56\) Certain funds received by the Office of the State Engineer for well drilling fines or](#)
1171 [bonds, as provided in Section 73-3-25.](#)
- 1172 [\(57\) The Water Resources Conservation and Development Fund, as provided in](#)
1173 [Section 73-23-2.](#)
- 1174 [\(58\) Funds donated or paid to a juvenile court by private sources, as provided in](#)
1175 [Subsection 78A-6-203\(1\)\(c\).](#)
- 1176 [\(59\) Fees for certificate of admission created under Section 78A-9-102.](#)
- 1177 [\(60\) Funds collected for adoption document access as provided in Sections 78B-6-141,](#)

1178 [78B-6-144](#), and [78B-6-144.5](#).

1179 (61) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1180 Park, Jordan River State Park, and Green River State Park, as provided under Section
1181 79-4-403.

1182 (62) Certain funds received by the Division of Parks and Recreation from the sale or
1183 disposal of buffalo, as provided under Section [79-4-1001](#).

1184 (63) Funds collected for indigent defense as provided in Title 77, Chapter 32, Part 8,
1185 Utah Indigent Defense Commission.

1186 Section 23. Section [63J-1-602.2](#) is repealed and reenacted to read:

1187 **[63J-1-602.2](#). List of nonlapsing appropriations to programs.**

1188 Appropriations made to the following programs are nonlapsing:

1189 (1) The Legislature and its committees.

1190 (2) The Percent-for-Art Program created in Section [9-6-404](#).

1191 (3) The LeRay McAllister Critical Land Conservation Program created in Section
1192 [11-38-301](#).

1193 (4) The Division of Wildlife Resources for the appraisal and purchase of lands under
1194 the Pelican Management Act, as provided in Section [23-21a-6](#).

1195 (5) The primary care grant program created in Section [26-10b-102](#).

1196 (6) The Utah Health Care Workforce Financial Assistance Program created in Section
1197 [26-46-102](#).

1198 (7) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).

1199 (8) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

1200 (9) The General Assistance program administered by the Department of Workforce
1201 Services, as provided in Section [35A-3-401](#).

1202 (10) A new program or agency that is designated as nonlapsing under Section
1203 [36-24-101](#).

1204 (11) The Utah National Guard, created in Title 39, Militia and Armories.

1205 (12) The State Tax Commission under Section [41-1a-1201](#) for the:

- 1206 (a) purchase and distribution of license plates and decals; and
- 1207 (b) administration and enforcement of motor vehicle registration requirements.
- 1208 (13) The Search and Rescue Financial Assistance Program, as provided in Section
- 1209 53-2a-1102.
- 1210 (14) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1211 (15) The State Board of Education, as provided in Section 53F-2-205.
- 1212 (16) The State Board of Regents for teacher preparation programs, as provided in
- 1213 Section 53B-6-104.
- 1214 (17) The Medical Education Program administered by the Medical Education Council,
- 1215 as provided in Section 53B-24-202.
- 1216 (18) The Division of Services for People with Disabilities, as provided in Section
- 1217 62A-5-102.
- 1218 (19) The Division of Fleet Operations for the purpose of upgrading underground
- 1219 storage tanks under Section 63A-9-401.
- 1220 (20) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 1221 (21) The Office of Administrative Rules for publishing, as provided in Section
- 1222 63G-3-402.
- 1223 (22) The Utah Science Technology and Research Initiative created in Section
- 1224 63M-2-301.
- 1225 (23) The Governor's Office of Economic Development to fund the Enterprise Zone
- 1226 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1227 (24) The Department of Human Resource Management user training program, as
- 1228 provided in Section 67-19-6.
- 1229 (25) The University of Utah Poison Control Center program, as provided in Section
- 1230 69-2-5.5.
- 1231 (26) A public safety answering point's emergency telecommunications service fund, as
- 1232 provided in Section 69-2-301.
- 1233 (27) The Traffic Noise Abatement Program created in Section 72-6-112.

1234 (28) The Judicial Council for compensation for special prosecutors, as provided in
1235 Section 77-10a-19.

1236 (29) A state rehabilitative employment program, as provided in Section 78A-6-210.

1237 (30) The Utah Geological Survey, as provided in Section 79-3-401.

1238 (31) The Bonneville Shoreline Trail Program created under Section 79-5-503.

1239 (32) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
1240 78B-6-144.5.

1241 (33) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent
1242 Defense Commission.

1243 Section 24. Section **63J-2-102** is amended to read:

1244 **63J-2-102. Definitions.**

1245 As used in this chapter:

1246 (1) (a) "Agency" means each department, commission, board, council, agency,
1247 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
1248 unit, bureau, panel, or other administrative unit of the state.

1249 (b) "Agency" does not include the legislative branch, the board of regents, the Utah
1250 Higher Education Assistance Authority, the board of trustees of each higher education
1251 institution, each higher education institution and its associated branches, centers, divisions,
1252 institutes, foundations, hospitals, colleges, schools, or departments, a public education entity,
1253 or an independent agency.

1254 (2) ~~[(a)] "Dedicated credits [revenues]" means [revenues from collections by an agency~~
1255 ~~that are deposited directly into an account for expenditure on a separate line item and program]~~
1256 the same as that term is defined in Section 63J-1-102.

1257 ~~[(b) "Dedicated credits revenues" does not mean:]~~

1258 ~~[(i) federal revenues and the related pass through or the related state match paid by one~~
1259 ~~agency to another;]~~

1260 ~~[(ii) revenues that are not deposited in governmental funds; or]~~

1261 ~~[(iii) revenues from any contracts.]~~

1262 (3) "Fees" means revenue collected by an agency for performing a service or providing
 1263 a function that the agency deposits or accounts for as dedicated credits ~~[or fixed collections].~~

1264 ~~[(4) (a) "Fixed collections revenues" means revenue from collections:]~~

1265 ~~[(i) fixed by law or by the appropriation act at a specific amount; and]~~

1266 ~~[(ii) required by law to be deposited into a separate line item and program.]~~

1267 ~~[(b) "Fixed collections revenues" does not mean:]~~

1268 ~~[(i) federal revenues and the related pass through or the related state match paid by one~~
 1269 ~~agency to another;]~~

1270 ~~[(ii) revenues that are not deposited in governmental funds;]~~

1271 ~~[(iii) revenues from any contracts; and]~~

1272 ~~[(iv) revenues received by the Attorney General's Office from billings for professional~~
 1273 ~~services.]~~

1274 ~~[(5)]~~ (4) (a) "Governmental fund" means funds used to account for the acquisition, use,
 1275 and balances of expendable financial resources and related liabilities using a measurement
 1276 focus that emphasizes the flow of financial resources.

1277 (b) "Governmental fund" does not include internal service funds, enterprise funds,
 1278 capital projects funds, debt service funds, or trust and agency funds as established in Section
 1279 [51-5-4](#).

1280 ~~[(6)]~~ (5) "Independent agency" means the Utah State Retirement Office and the Utah
 1281 Housing Corporation.

1282 ~~[(7)]~~ (6) "Program" means the ~~[function or service provided by an agency for which the~~
 1283 ~~agency collects fees]~~ same as that term is defined in Section [63J-1-102](#).

1284 ~~[(8)]~~ (7) "Revenue types" means the categories established by the Division of Finance
 1285 under the authority of this chapter that classify revenue according to the purpose for which it is
 1286 collected.

1287 Section 25. Section **63J-2-201** is amended to read:

1288 **63J-2-201. Accounting for fee revenues.**

1289 (1) The Division of Finance shall:

- 1290 (a) establish revenue types;
- 1291 (b) develop a computerized master file of revenue types containing, for each revenue
1292 type:
- 1293 (i) the definition of each revenue type;
- 1294 (ii) if available, a historical record of the amount collected for the revenue type for
1295 each of the five years;
- 1296 (iii) the agency that collected the revenue;
- 1297 (iv) the program, organization, and fund into which the revenue was originally
1298 recorded each year;
- 1299 (v) a general description of the function where the largest portion of the revenue was
1300 spent each year;
- 1301 (vi) the specific legal authority that authorizes the agency to collect the revenue;
- 1302 (vii) the rates charged to the individuals or entities that pay the revenue;
- 1303 (viii) the general methodology used to determine the rate charged to individuals or
1304 entities that pay the revenue;
- 1305 (ix) for dedicated credits [~~revenues and fixed collections revenues~~], the revenue
1306 estimate used by the agency to prepare their budget;
- 1307 (x) the amount appropriated as dedicated credits [~~revenues and fixed collections~~
1308 ~~revenues~~] in the annual appropriation act; and
- 1309 (xi) for revenues other than dedicated credits [~~revenues and fixed collections~~
1310 ~~revenues~~], an estimate of the amount of revenue, if available or reasonably calculable; and
- 1311 (c) make the computerized file available to the Budget Office and the Office of
1312 Legislative Fiscal Analyst upon request.
- 1313 (2) Each agency shall provide the Division of Finance with the information required by
1314 this section.
- 1315 Section 26. Section **63J-2-202** is amended to read:
- 1316 **63J-2-202. Disposition of revenues.**
- 1317 [~~(1) (a) Each agency shall include in its annual budget request estimates of dedicated~~

1318 ~~credits revenues and fixed collections revenues that are identified by, collected for, or set by the~~
1319 ~~agency.]~~

1320 ~~[(b)]~~ (1) If the Legislature or the Division of Finance establishes a new revenue type by
1321 law, the agency shall include that new revenue type in its budget request for the next fiscal
1322 year.

1323 ~~[(c)(i)]~~ (2) (a) Except as provided in Subsection ~~[(1)(c)(ii)]~~ (2)(b), if any agency fails
1324 to include the estimates of a revenue type in its annual budget request, the Division of Finance
1325 shall deposit the money collected in that revenue type into the General Fund or other
1326 appropriate fund as free or restricted revenue.

1327 ~~[(ii)]~~ (b) The Division of Finance may not deposit the money collected from a revenue
1328 type not included in an agency's annual budget request into the General Fund or other
1329 appropriate fund if the agency did not include the estimates of the revenue type in its annual
1330 budget request because the Legislature had not yet established or authorized the new revenue
1331 type by law.

1332 ~~[(2)(a)(i)(A)]~~ Except as provided in Subsection (2)(a)(i)(B) or (2)(b), each agency that
1333 receives dedicated credits and fixed collections revenues greater than the amount appropriated
1334 to them by the Legislature in the annual appropriations act may expend the excess up to 25% of
1335 the amount appropriated if the expenditure is authorized by an amended work program
1336 approved as provided in Section [63J-1-209](#).]

1337 ~~[(B)]~~ Except for line items covering tuition and federal vocational funds at institutions
1338 of higher learning, any expenditure of dedicated credits in excess of amounts appropriated by
1339 the Legislature may not be used to permanently increase personnel within the agency unless
1340 approved by the Legislature.]

1341 ~~[(ii)]~~ The Division of Finance shall deposit the balance of that excess into the General
1342 Fund or other appropriate fund as free or restricted revenue.]

1343 ~~[(b)]~~ Notwithstanding the requirements of Subsection (2)(a), when an agency's
1344 dedicated credits and fixed collections revenues represent over 90% of the budget of the
1345 program for which they are collected, the agency may expend 100% of the excess of the

1346 amount appropriated if the expenditure is authorized by an amended work program approved as
1347 provided in Section ~~63J-1-209~~.]

1348 [~~(3) Each agency that receives dedicated credits or fixed collections shall report, to the~~
1349 ~~Division of Finance, any balances remaining in those funds at the conclusion of each fiscal~~
1350 ~~year.~~]

1351 Section 27. Section **63J-4-301** is amended to read:

1352 **63J-4-301. Duties of the executive director and office.**

1353 (1) The executive director and the office shall:

1354 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary
1355 Procedures Act;

1356 (b) under the direct supervision of the governor, assist the governor in the preparation
1357 of the governor's budget recommendations;

1358 (c) [~~advise the governor with regard to approval or revision of agency work programs~~]
1359 review agency budget execution plans as specified in Section ~~63J-1-209~~;

1360 (d) establish benchmarking practices for measuring operational costs, quality of
1361 service, and effectiveness across all state agencies and programs;

1362 (e) assist agencies with the development of an operational plan that uses continuous
1363 improvement tools and operational metrics to increase statewide capacity and improve
1364 interagency integration;

1365 (f) review and assess agency budget requests and expenditures using a clear set of goals
1366 and measures;

1367 (g) develop and maintain enterprise portfolio and electronic information systems to
1368 select and oversee the execution of projects, ensure a return on investment, and trace and report
1369 performance metrics; and

1370 (h) perform other duties and responsibilities as assigned by the governor.

1371 (2) (a) The executive director of the Governor's Office of Management and Budget or
1372 the executive director's designee is the Federal Assistance Management Officer.

1373 (b) In acting as the Federal Assistance Management Officer, the executive director or

1374 designee shall:

1375 (i) study the administration and effect of federal assistance programs in the state and
1376 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and
1377 the Executive Appropriations Committee, of alternative recommended methods and procedures
1378 for the administration of these programs;

1379 (ii) assist in the coordination of federal assistance programs that involve or are
1380 administered by more than one state agency; and

1381 (iii) analyze and advise on applications for new federal assistance programs submitted
1382 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

1383 Section 28. Section **63N-8-103** is amended to read:

1384 **63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives --**
1385 **Refundable tax credit incentives.**

1386 (1) (a) There is created within the General Fund a restricted account known as the
1387 Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives
1388 for state-approved productions by a motion picture company.

1389 (b) All interest generated from investment of money in the restricted account shall be
1390 deposited in the restricted account.

1391 (c) The restricted account shall consist of an annual appropriation by the Legislature.

1392 (d) The office shall:

1393 (i) with the advice of the board, administer the restricted account; and

1394 (ii) make payments from the restricted account as required under this section.

1395 (e) The cost of administering the restricted account shall be paid from money in the
1396 restricted account.

1397 (2) (a) A motion picture company or digital media company seeking disbursement of
1398 an incentive allowed under an agreement with the office shall follow the procedures and
1399 requirements of this Subsection (2).

1400 (b) The motion picture company or digital media company shall provide the office with
1401 a report identifying and documenting the dollars left in the state and new state revenues

1402 generated by the motion picture company or digital media company for its state-approved
1403 production, including any related tax returns by the motion picture company, payroll company,
1404 digital media company, or loan-out corporation under Subsection (2)(d).

1405 (c) For a motion picture company, an independent certified public accountant shall:

1406 (i) review the report submitted by the motion picture company; and

1407 (ii) attest to the accuracy and validity of the report, including the amount of dollars left
1408 in the state.

1409 (d) The motion picture company, digital media company, payroll company, or loan-out
1410 corporation shall provide the office with a document that expressly directs and authorizes the
1411 State Tax Commission to disclose the entity's tax returns and other information concerning the
1412 entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section
1413 6103, Internal Revenue Code, to the office.

1414 (e) The office shall submit the document described in Subsection (2)(d) to the State
1415 Tax Commission.

1416 (f) Upon receipt of the document described in Subsection (2)(d), the State Tax
1417 Commission shall provide the office with the information requested by the office that the
1418 motion picture company, digital media company, payroll company, or loan-out corporation
1419 directed or authorized the State Tax Commission to provide to the office in the document
1420 described in Subsection (2)(d).

1421 (g) Subject to Subsection (3), for a motion picture company the office shall:

1422 (i) review the report from the motion picture company described in Subsection (2)(b)
1423 and verify that it was reviewed by an independent certified public accountant as described in
1424 Subsection (2)(c); and

1425 (ii) based upon the certified public accountant's attestation under Subsection (2)(c),
1426 determine the amount of the incentive that the motion picture company is entitled to under its
1427 agreement with the office.

1428 (h) Subject to Subsection (3), for a digital media company, the office shall:

1429 (i) ensure the digital media project results in new state revenue; and

1430 (ii) based upon review of new state revenue, determine the amount of the incentive that
1431 a digital media company is entitled to under its agreement with the office.

1432 (i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office
1433 shall pay the incentive from the restricted account to the motion picture company,
1434 notwithstanding Subsections [51-5-3\(23\)\(b\)](#) and [~~[63J-1-104\(4\)\(c\)](#)~~] [63J-1-105\(6\)](#).

1435 (j) If the incentive is in the form of a refundable tax credit under Section [59-7-614.5](#) or
1436 [59-10-1108](#), the office shall:

1437 (i) issue a tax credit certificate to the motion picture company or digital media
1438 company; and

1439 (ii) provide a duplicate copy of the tax credit certificate to the State Tax Commission.

1440 (k) A motion picture company or digital media company may not claim a motion
1441 picture tax credit under Section [59-7-614.5](#) or [59-10-1108](#) unless the motion picture company
1442 or digital media company has received a tax credit certificate for the claim issued by the office
1443 under Subsection (2)(j)(i).

1444 (l) A motion picture company or digital media company may claim a motion picture
1445 tax credit on its tax return for the amount listed on the tax credit certificate issued by the office.

1446 (m) A motion picture company or digital media company that claims a tax credit under
1447 Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in
1448 accordance with Subsection [63N-8-104\(6\)](#).

1449 (3) (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit
1450 certificates under this part in a fiscal year.

1451 (b) If the office does not issue tax credit certificates in a fiscal year totaling the amount
1452 authorized under Subsection (3)(a), it may carry over that amount for issuance in subsequent
1453 fiscal years.

1454 Section 29. Section **73-18-25** is amended to read:

1455 **73-18-25. Fees to cover the costs of electronic payments.**

1456 (1) As used in this section:

1457 (a) "Electronic payment" has the same meaning as defined in Section [41-1a-1221](#).

1458 (b) "Electronic payment fee" has the same meaning as defined in Section [41-1a-1221](#).

1459 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
1460 registrations and renewals of registration under Section [73-18-7](#).

1461 (b) The fee described under Subsection (2)(a) shall be imposed regardless of the
1462 method of payment for a particular transaction.

1463 (3) The Motor Vehicle Division shall establish the fee according to the procedures and
1464 requirements of Section [63J-1-504](#).

1465 (4) A fee imposed under this section:

1466 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
1467 Section [41-1a-121](#);

1468 (b) is not subject to Subsection [~~[63J-2-202](#)~~(2)] [63J-1-105](#)(3) or (4); and

1469 (c) need not be separately identified from the fees imposed on registrations and
1470 renewals of registration under Section [73-18-7](#).

1471 **Section 30. Repealer.**

1472 This bill repeals:

1473 Section [63J-1-602.3](#), **List of nonlapsing funds and accounts -- Title 46 through Title**
1474 **60.**

1475 Section [63J-1-602.4](#), **List of nonlapsing funds and accounts -- Title 61 through Title**
1476 **63N.**

1477 Section [63J-1-602.5](#), **List of nonlapsing funds and accounts -- Title 64 and**
1478 **thereafter.**

1479 **Section 31. Effective date.**

1480 This bill takes effect on July 1, 2018, except that the amendments to Section
1481 [63J-1-602.1](#) (Effective 09/30/18) take effect on September 30, 2018.

1482 **Section 32. Coordinating H.B. 475 with H.B. 105 -- Technical amendment.**

1483 If this H.B. 475 and H.B. 105, Medicaid Sanctions Amendments, both pass and become
1484 law, the Legislature intends that:

1485 (1) the amendments to Section [63J-1-602.1](#) (Superseded 09/30/18) and Section

1486 63J-1-602.1 (Effective 09/30/18) in this bill supersede the amendments to Section 63J-1-602.1
1487 (Superseded 09/30/18) and Section 63J-1-602.1 (Effective 09/30/18) in H.B. 105;

1488 (2) that the language "Sanctions collected as dedicated credits from Medicaid providers
1489 under Subsection 26-18-3(7)." be added as a subsection to Section 63J-1-602.2, numerically
1490 according to title placement; and

1491 (3) the reference to "Section 63J-1-602.1" in Section 26-18-3 in H.B. 105 be changed
1492 to "Section 63J-1-602.2" when the Office of Legislative Research and General Counsel
1493 prepares the Utah Code database for publication.

1494 Section 33. **Coordinating H.B. 475 with H.B. 149 -- Technical amendment.**

1495 If this H.B. 475 and H.B. 149, Department of Alcoholic Beverage Control Funding
1496 Amendments, both pass and become law, the Legislature intends that the amendments to
1497 Section 63J-1-602.2 in this bill supersede the amendments to Section 63J-1-602.2 in H.B. 149,
1498 and that the language "Funds that the Department of Alcoholic Beverage Control retains in
1499 accordance with Subsection 32B-2-301(7)(a)(ii) or (b)." be added as a subsection to Section
1500 63J-1-602.2 in this bill, numerically according to title placement, when the Office of
1501 Legislative Research and General Counsel prepares the Utah Code database for publication.

1502 Section 34. **Coordinating H.B. 475 with H.B. 380 -- Technical amendment.**

1503 If this H.B. 475 and H.B. 380, Utah School Readiness Initiative Amendments, both
1504 pass and become law, the Legislature intends that the amendments to Section 63J-1-602.2 in
1505 this bill supersede the amendments to Section 63J-1-602.2 in H.B. 380, and that the cross
1506 reference to the School Readiness Restricted Account be changed from "53F-9-402" to
1507 "35A-3-210", when the Office of Legislative Research and General Counsel prepares the Utah
1508 Code database for publication.

1509 Section 35. **Coordinating H.B. 475 with H.B. 390 -- Technical amendment.**

1510 If this H.B. 475 and H.B. 390, Rural Economic Development Incentives, both pass and
1511 become law, the Legislature intends that the repeal of Section 63J-1-602.4 in this bill
1512 supersedes the amendments to Section 63J-1-602.4 in H.B. 390, and that the language
1513 "Appropriations to fund the Governor's Office of Economic Development's Rural Employment

1514 Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment
1515 Expansion Program." be added as a subsection to Section 63J-1-602.2, numerically according
1516 to title placement, when the Office of Legislative Research and General Counsel prepares the
1517 Utah Code database for publication.

1518 Section 36. **Coordinating H.B. 475 with H.B. 395 -- Technical amendment.**

1519 If this H.B. 475 and H.B. 395, Technology Innovation Amendments, both pass and
1520 become law, the Legislature intends that the repeal of Section 63J-1-602.4 in this bill
1521 supersedes the amendments to Section 63J-1-602.4 in H.B. 395, and that the language
1522 "Appropriations to the Department of Technology Services for technology innovation as
1523 provided under Section 63F-4-202." be added as a subsection to Section 63J-1-602.2,
1524 numerically according to title placement, when the Office of Legislative Research and General
1525 Counsel prepares the Utah Code database for publication.

1526 Section 37. **Coordinating H.B. 475 with S.B. 54 -- Technical amendment.**

1527 If this H.B. 475 and S.B. 54, Marriage and Premarital Counseling and Education
1528 Amendments, both pass and become law, the Legislature intends that:

1529 (1) the amendments to Section 63J-1-602.1 (Effective 09/30/18) in this bill supersede
1530 the amendments to Section 63J-1-602.1 (Effective 09/30/18) in S.B. 54;

1531 (2) the language "Dedicated credits accrued to the Utah Marriage Commission as
1532 provided under Subsection 17-16-21(2)(d)(ii)." be added as a subsection to Section
1533 63J-1-602.2, numerically according to title placement; and

1534 (3) the reference to "Subsection 63J-1-602.1(8)" in Section 63I-1-263 in S.B. 54 be
1535 updated to the correct citation to the language added to Section 63J-1-602.2 in Subsection (2)
1536 above, and that the language ", referring to dedicated credits accrued to the Utah Marriage
1537 Commission," be added after the corrected citation, when the Office of Legislative Research
1538 and General Counsel prepares the Utah Code database for publication.

1539 Section 38. **Coordinating H.B. 475 with S.B. 161 -- Technical amendment.**

1540 If this H.B. 475 and S.B. 161, Nurse Home Visiting Pay-for-success Program, both pass
1541 and become law, the Legislature intends that the amendments to Section 63J-1-602.1

1542 (Superseded 09/30/18) and Section 63J-1-602.1 (Effective 09/30/18) in this bill supersede the
1543 amendments to Section 63J-1-602.1 (Superseded 09/30/18) and Section 63J-1-602.1 (Effective
1544 09/30/18) in S.B. 161, and that:

1545 (1) the language "The Nurse Home Visiting Restricted Account created in Section
1546 26-62-601." be added as a subsection to Section 63J-1-602.1 (Superseded 09/30/18) and
1547 Section 63J-1-602.1 (Effective 09/30/18), numerically according to title placement; and

1548 (2) the subsection reference to the fund in Subsection 63I-1-263(12) in S.B. 161 be
1549 updated to reflect the fund's placement in Section 63J-1-602.1 (Superseded 09/30/18) and
1550 Section 63J-1-602.1 (Effective 09/30/18), and that the language ", Nurse Home Visiting
1551 Restricted Account" be added after each updated subsection reference, when the Office of
1552 Legislative Research and General Counsel prepares the Utah Code database for publication.