

OLENE WALKER HOUSING LOAN FUND AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol S. Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the Olene Walker Housing Loan Fund within the Department of Workforce Services.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Finance to annually transfer a certain amount of state liquor sale revenues to the Olene Walker Housing Loan Fund; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-2-301, as last amended by Laws of Utah 2022, Chapter 447

35A-8-502, as renumbered and amended by Laws of Utah 2012, Chapter 212

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

Section 1. Section **32B-2-301** is amended to read:

32B-2-301. State property -- Liquor Control Fund -- Money to be retained by



28 **department -- Department building process.**

29 (1) As used in this section, "base budget" means the same as that term is defined in
30 legislative rule.

31 (2) The following are property of the state:

32 (a) the money received in the administration of this title, except as otherwise provided;
33 and

34 (b) property acquired, administered, possessed, or received by the department.

35 (3) (a) There is created an enterprise fund known as the "Liquor Control Fund."

36 (b) Except as provided in Sections [32B-2-304](#), [32B-2-305](#), and [32B-2-306](#), the
37 department shall deposit the following into the Liquor Control Fund:

38 (i) money received in the administration of this title; and

39 (ii) money received from the markup described in Section [32B-2-304](#).

40 (c) The department may draw from the Liquor Control Fund only to the extent
41 appropriated by the Legislature or provided by statute.

42 (d) The net position of the Liquor Control Fund may not fall below zero.

43 (4) (a) Notwithstanding Subsection (3)(c), the department may draw by warrant from
44 the Liquor Control Fund without an appropriation for an expenditure that is directly incurred by
45 the department:

46 (i) to purchase an alcoholic product;

47 (ii) to transport an alcoholic product from the supplier to a warehouse of the
48 department; or

49 (iii) for variances related to an alcoholic product, including breakage or theft.

50 (b) If the balance of the Liquor Control Fund is not adequate to cover a warrant that the
51 department draws against the Liquor Control Fund, to the extent necessary to cover the
52 warrant, the cash resources of the General Fund may be used.

53 (5) The department's base budget shall include as an appropriation from the Liquor
54 Control Fund:

55 (a) credit card related fees paid by the department;

56 (b) package agency compensation;

57 (c) the department's costs of shipping and warehousing alcoholic products; and

58 (d) the amount needed, as the Division of Human Resource Management determines,

59 to make the median department salary in the previous fiscal year equal the median market
60 salary in the previous fiscal year for the following positions:

- 61 (i) state store manager or equivalent;
- 62 (ii) state store assistant manager or equivalent;
- 63 (iii) full-time sales clerk at a state store or equivalent;
- 64 (iv) part-time sales clerk at a state store or equivalent;
- 65 (v) department warehouse manager or equivalent;
- 66 (vi) department warehouse assistant manager or equivalent;
- 67 (vii) full-time department warehouse worker or equivalent; and
- 68 (viii) part-time department warehouse worker or equivalent.

69 (6) (a) ~~[The]~~ Except as provided in Subsections (8) and (9), the Division of Finance
70 shall transfer annually from the Liquor Control Fund to the General Fund a sum equal to the
71 amount of net profit earned from the sale of liquor since the preceding transfer of money under
72 this Subsection (6).

73 (b) After each fiscal year, the Division of Finance shall calculate the amount for the
74 transfer on or before September 1 and the Division of Finance shall make the transfer on or
75 before September 30.

76 (c) The Division of Finance may make year-end closing entries in the Liquor Control
77 Fund to comply with Subsection 51-5-6(2).

78 (7) (a) By the end of each day, the department shall:

- 79 (i) make a deposit to a qualified depository, as defined in Section 51-7-3; and
- 80 (ii) report the deposit to the state treasurer.

81 (b) A commissioner or department employee is not personally liable for a loss caused
82 by the default or failure of a qualified depository.

83 (c) Money deposited in a qualified depository is entitled to the same priority of
84 payment as other public funds of the state.

85 (8) Before the Division of Finance makes the transfer described in Subsection (6), the
86 department may retain each fiscal year from the Liquor Control Fund \$1,000,000 that the
87 department may use for:

- 88 (a) capital equipment purchases;
- 89 (b) salary increases for department employees;

- 90 (c) performance awards for department employees; or
- 91 (d) information technology enhancements because of changes or trends in technology.
- 92 (9) Before the Division of Finance makes the transfer described in Subsection (6), the
- 93 Division of Finance shall transfer annually from the Liquor Control Fund to the Olene Walker
- 94 Housing Loan Fund created in Section [35A-8-502](#) an amount equal to 25% of net profit earned
- 95 from the sale of liquor since the preceding transfer of money under Subsection (6).

96 Section 2. Section **35A-8-502** is amended to read:

97 **35A-8-502. Creation and administration.**

98 (1) (a) There is created an enterprise fund known as the Olene Walker Housing Loan
99 Fund, administered by the executive director or the executive director's designee.

100 (b) The department is the administrator of the fund.

101 (2) There shall be deposited into the fund:

102 (a) grants, paybacks, bonuses, entitlements, and other money received by the
103 department from the federal government to preserve, rehabilitate, build, restore, or renew
104 housing or for other activities authorized by the fund;

105 (b) transfers, grants, gifts, bequests, and money made available from any source to
106 implement this part, including transfers from the Liquor Control Fund in accordance with
107 Subsection [32B-2-301\(9\)](#); and

108 (c) money appropriated to the fund by the Legislature.

109 (3) The money in the fund shall be invested by the state treasurer according to the
110 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
111 all interest or other earnings derived from money in the fund shall be deposited in the fund.