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~~text~~ shows text that was in SB0241 but was deleted in SB0241S01.

text shows text that was not in SB0241 but was inserted into SB0241S01.

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Senator Don L. Ipson proposes the following substitute bill:

FUNDS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {} Don L. Ipson

House Sponsor: {} _____

LONG TITLE

General Description:

This bill modifies provisions related to state funds and accounts.

Highlighted Provisions:

This bill:

- ▶ changes the Brain Injury Fund to a restricted account and renames it the Brain Injury Account;
- ▶ clarifies how carry forward funds are deposited into the Division of Services for People with Disabilities Restricted Account;
- ▶ changes the Alternative Eligibility Expendable Revenue Fund to a restricted account and renames it the Alternative Eligibility Account;
- ▶ creates the State Armory ~~Account~~ Fund;
- ▶ modifies the Department of Government Operations' authority to transfer money

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appropriated for certain costs;

- ▶ allows the Division of Finance to transfer money from the Income Tax Fund to the Uniform School Fund under certain circumstances;
- ▶ changes the Transient Room Tax Fund to a fiduciary fund;
- ▶ repeals:
 - the Invasive Species Mitigation Account; and
 - the Prison Project Fund; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

[This bill provides a coordination clause.](#)

Utah Code Sections Affected:

AMENDS:

4-17-115, as last amended by Laws of Utah 2018, Chapter 355

26B-1-318, as last amended by Laws of Utah 2023, Chapter 335 and renumbered and amended by Laws of Utah 2023, Chapter 305

26B-1-335, as enacted by Laws of Utah 2023, Chapter 325

26B-3-910, as enacted by Laws of Utah 2023, Chapter 332

39A-2-102, as renumbered and amended by Laws of Utah 2022, Chapter 373

53F-9-201 (Superseded 01/01/25), as last amended by Laws of Utah 2022, Chapter 456

53F-9-201 (Effective 01/01/25), as last amended by Laws of Utah 2023, Chapter 293

63J-1-206, as last amended by Laws of Utah 2022, Chapters 40, 425

63J-1-207, as renumbered and amended by Laws of Utah 2009, Chapter 183

63N-3-403, as renumbered and amended by Laws of Utah 2015, Chapter 283

REPEALS:

4-17-114, as last amended by Laws of Utah 2018, Chapter 355

63A-5b-1107, as last amended by Laws of Utah 2023, Chapter 534

63B-25-101, as last amended by Laws of Utah 2020, Chapter 152

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Utah Code Sections Affected By Coordination Clause:

26B-1-318, as last amended by Laws of Utah 2023, Chapter 335 and renumbered and amended by Laws of Utah 2023, Chapter 305

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

Section 1. Section **4-17-115** is amended to read:

4-17-115. Cooperative agreements and grants to rehabilitate areas infested with or threatened by invasive species.

The department may:

(1) enter into a cooperative agreement with a political subdivision, a state agency, a federal agency, a tribe, a county weed board, a cooperative weed management area, a nonprofit organization, a university, or a private landowner to:

(a) rehabilitate or treat an area infested with, or threatened by, an invasive species; or

(b) conduct research related to invasive species; and

~~[(2) expend money from the Invasive Species Mitigation Account created in Section 4-17-114; and]~~

~~[(3)]~~ (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to[:]

~~[(a) administer this section; and]~~

~~[(b) give grants from the Invasive Species Mitigation Account]~~ award grants and administer this section.

The following section is affected by a coordination clause at the end of this bill.

Section 2. Section **26B-1-318** is amended to read:

26B-1-318. Brain Injury Account.

(1) There is created ~~[an expendable special revenue fund]~~ a restricted account within the General Fund known as the "Brain Injury ~~[Fund]~~ Account."

(2) The ~~[fund]~~ account shall consist of:

(a) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources; and

(b) additional amounts as appropriated by the Legislature.

~~[(3) The fund shall be administered by the executive director.]~~

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~~[(4) Fund]~~

~~(3)~~ Upon appropriation by the Legislature, account money may be used to:

(a) educate the general public and professionals regarding understanding, treatment, and prevention of brain injury;

(b) provide access to evaluations and coordinate short-term care to assist an individual in identifying services or support needs, resources, and benefits for which the individual may be eligible;

(c) develop and support an information and referral system for persons with a brain injury and their families; and

(d) provide grants to persons or organizations to provide the services described in Subsections ~~[(4)(a), (b), and (c)]~~ (3)(a) through (c).

~~[(5)]~~ (4) Not less than 50% of the ~~[fund]~~ account shall be used each fiscal year to directly assist individuals who meet the qualifications described in Subsection ~~[(6)]~~ (5).

~~[(6)]~~ (5) An individual who receives services either paid for from the ~~[fund]~~ account, or through an organization under contract with the ~~[fund]~~ account, shall:

(a) be a resident of Utah;

(b) have been diagnosed by a qualified professional as having a brain injury which results in impairment of cognitive or physical function; and

(c) have a need that can be met within the requirements of this section.

~~[(7)]~~ (6) The ~~[fund]~~ account may not duplicate any services or support mechanisms being provided to an individual by any other government or private agency.

~~[(8)]~~ (7) All actual and necessary operating expenses for the Brain Injury Advisory Committee created in Section 26B-1-417 and staff shall be paid by the ~~[fund]~~ account.

~~[(9)]~~ (8) The ~~[fund]~~ account may not be used for medical treatment, long-term care, or acute care.

Section 3. Section **26B-1-335** is amended to read:

26B-1-335. Division of Services for People with Disabilities Restricted Account.

(1) As used in this section, "account" means the Division of Services for People with Disabilities Restricted Account created in Subsection (2).

(2) There is created ~~[in the General Fund an account]~~ a restricted account within the General Fund known as the "Division of Services for People with Disabilities Restricted

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Account."

(3) The account consists of:

(a) carry forward funds from the division's budget; and

(b) unexpended balances lapsed to the account from the division's budget.

(4) At the close of a fiscal year, the division may, without an appropriation, deposit into the account carry forward funds described in Subsection (3).

~~[(4)]~~ (5) Subject to appropriation, the Department of Health and Human Services may expend funds from the account to serve individuals eligible for division services statewide.

Section 4. Section **26B-3-910** is amended to read:

26B-3-910. Alternative eligibility -- Report -- Alternative Eligibility Account.

(1) A child who is not a traditionally eligible child may enroll in the program if:

(a) the child:

(i) has been living in the state for at least 180 days before the day on which the child applies for the program; and

(ii) meets the requirements described in Subsections 26B-3-903(1)(a) through (e); and

(b) the child's parent has unsubsidized employment.

(2) (a) Enrollment under Subsection (1) is subject to funds in the Alternative Eligibility ~~[Expendable Revenue Fund]~~ Account.

(b) The department may create a waiting list for enrollment under Subsection (2)(a) if eligible applicants exceed funds in the Alternative Eligibility ~~[Expendable Revenue Fund]~~ Account.

(3) Notwithstanding Section 26B-3-904, the program benefits, coverage, and cost sharing for a child enrolled under this section shall be equal to the benefits, coverage, and cost sharing provided to a child who:

(a) is eligible under Subsection 26B-3-903(1); and

(b) resides in a household that has a gross family income equal to 200% of the federal poverty level.

(4) Notwithstanding Section 26B-3-906, program services provided to a child enrolled under this section shall be funded by the Alternative Eligibility ~~[Expendable Revenue Fund]~~ Account.

(5) Each year the department enrolls a child in the program under this section, the

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department shall submit a report to the Health and Human Services Interim Committee before November 30 detailing:

- (a) the number of individuals served under the program;
- (b) average duration of coverage for individuals served under the program;
- (c) the cost of the program; and
- (d) any benefits of the program, including data showing:
 - (i) percentage of enrolled individuals who had well-child visits with a primary care practitioner at recommended ages;
 - (ii) percentage of enrolled individuals who received a comprehensive or periodic oral evaluation;
 - (iii) percentage of enrolled individuals who received recommended immunizations at recommended ages;
 - (iv) rate of emergency department visits per 1,000 member months;
 - (v) rate of medication adherence to treat chronic conditions; and
 - (vi) a comparison of utilization patterns before and after enrollment.

(6) (a) There is created [~~an expendable special revenue fund~~] a restricted account within the General Fund known as the "Alternative Eligibility [~~Expendable Revenue Fund~~] Account."

- (b) The Alternative Eligibility [~~Expendable Revenue Fund~~] Account shall consist of:
 - (i) appropriations by the Legislature;
 - (ii) any other funds received as donations for the [~~fund~~] account; and
 - (iii) interest earned on the account.

(c) If the balance of the Alternative Eligibility [~~Expendable Revenue Fund~~] Account exceeds \$4,500,000, state funds shall be transferred from the Alternative Eligibility [~~Expendable Revenue Fund~~] Account to the General Fund in an amount equal to the amount needed to reduce the balance of the Alternative Eligibility [~~Expendable Revenue Fund~~] Account to \$4,500,000.

(d) [~~Money~~] The Legislature may appropriate money in the Alternative Eligibility [~~Expendable Revenue Fund shall be used~~] Account to provide benefits to a child enrolled in the program under this section.

Section 5. Section **39A-2-102** is amended to read:

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39A-2-102. Responsibilities of State Armory Board.

(1) The board shall supervise and control all facilities, ranges, training lands, and all real property held or acquired for the military purposes of the state.

(2) The board may:

(a) provide suitable facilities, ranges, and training lands for the different organizations of the National Guard;

(b) lease real property throughout the state wherever necessary for the use of organizations of the National Guard and for the storage of state and government property at a rental that the board considers reasonable;

(c) erect facilities and ranges at places within the state that it considers necessary upon lands to which it has acquired the legal title;

(d) expend military funds to acquire legal title to lands and to construct facilities and ranges;

(e) sell and lease property that the board holds under Subsection (1) for purposes consistent with the mission of the Utah National Guard; and

(f) conduct meetings and take official action in person or as necessary via electronic means, including telephone or video teleconferencing, or a combination of these methods.

(3) (a) Subject to Subsection (3)(b), the board may take options for the purchase of any premises under lease to the state for National Guard purposes:

(i) at any time during the life of the lease; and

(ii) when the purchase is in the state's interest.

(b) An option is not binding upon the board until it is approved by the Legislature.

(4) (a) Before legally binding the state to sell or lease any real property owned by the National Guard, the board shall submit a description of the proposed sale to the Legislative Management Committee for its review and recommendations.

(b) Before legally binding the state to purchase any interest in real property, the board shall submit a description of the proposed sale to the Legislative Management Committee for its review and recommendations.

(c) The Legislative Management Committee shall review each proposal and may approve or disapprove the sale.

~~(5) The proceeds from the sales and leases of real property authorized by this section~~

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shall be appropriated to the State Armory Board to be applied toward the acquisition and sale of real property, and the construction of new armories.]

[(6) Funds may be deposited into a public treasury investment fund to earn interest until use.]

(5) (a) There is created ~~fa restricted account within the General Fund~~an expendable special revenue fund known as the "State Armory ~~Account~~Fund."

(b) The State Armory ~~Account~~Fund shall consist of:

(i) proceeds from the sales and leases of real property authorized by this section;

(ii) appropriations by the Legislature; and

(iii) interest earned on the ~~account~~fund.

(c) ~~The Legislature may appropriate money from the State Armory Account to~~Subject to the Legislative Management Committee's review and recommendation, the State Armory Board may expend money in the State Armory Fund to pay for the acquisition and sale of real property and the construction of new armories.

Section 6. Section **53F-9-201 (Superseded 01/01/25)** is amended to read:

53F-9-201 (Superseded 01/01/25). Uniform School Fund -- Contents -- Trust

Distribution Account.

(1) As used in this section:

(a) "Annual distribution calculation" means, for a given fiscal year, the average of:

(i) 4% of the average market value of the State School Fund for that fiscal year; and

(ii) the distribution amount for the prior fiscal year, multiplied by the sum of:

(A) one;

(B) the percent change in student enrollment from the school year two years prior to the prior school year; and

(C) the actual total percent change of the consumer price index during the last 12 months as measured in June of the prior fiscal year.

(b) "Average market value of the State School Fund" means the results of a calculation completed by the SITFO director each fiscal year that averages the value of the State School Fund for the past 20 consecutive quarters ending in the prior fiscal year.

(c) "Consumer price index" means the Consumer Price Index for All Urban Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of

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the United States Department of Labor.

(d) "SITFO director" means the director of the School and Institutional Trust Fund Office appointed under Section 53D-1-401.

(e) "State School Fund investment earnings distribution amount" or "distribution amount" means, for a fiscal year, the lesser of:

(i) the annual distribution calculation; or

(ii) 4% of the average market value of the State School Fund.

(2) The Uniform School Fund, a special revenue fund, established by Utah

Constitution,

Article X, Section 5, consists of:

(a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;

(b) money transferred to the fund [~~pursuant to~~] under Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act; [~~and~~]

(c) money transferred to the fund under Section 63J-1-207; and

[~~(c)~~] (d) all other constitutional or legislative allocations to the fund, including:

(i) appropriations for the Minimum School Program, enrollment growth, and inflation under Section 53F-9-201.1; and

(ii) revenues received by donation.

(3) (a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.

(b) The Trust Distribution Account consists of:

(i) in accordance with Subsection (4), quarterly deposits of the State School Fund investment earnings distribution amount from the prior fiscal year;

(ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and

(iii) any unused appropriation for the administration of the School LAND Trust Program, as described in Subsection 53F-2-404(1)(c).

(4) If, at the end of a fiscal year, the Trust Distribution Account has a balance remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a) for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount of the remaining balance from the prior fiscal year toward the current fiscal year's distribution

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amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the remaining balance from the prior fiscal year.

(5) On or before October 1 of each year, the SITFO director shall:

(a) in accordance with this section, determine the distribution amount for the following fiscal year; and

(b) report the amount described in Subsection (5)(a) as the funding amount, described in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:

(i) the State Treasurer;

(ii) the Legislative Fiscal Analyst;

(iii) the Division of Finance;

(iv) the director of the Land Trusts Protection and Advocacy Office, appointed under Section 53D-2-203;

(v) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

(vi) the state board; and

(vii) the Governor's Office of Planning and Budget.

(6) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301 shall:

(a) annually review the distribution amount; and

(b) make recommendations, if necessary, to the Legislature for changes to the formula for calculating the distribution amount.

(7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust Distribution Account funds for the School LAND Trust Program as described in Subsections 53F-2-404(1)(a) and (c).

Section 7. Section **53F-9-201 (Effective 01/01/25)** is amended to read:

53F-9-201 (Effective 01/01/25). Uniform School Fund -- Contents -- Trust

Distribution Account.

(1) As used in this section:

(a) "Annual distribution calculation" means, for a given fiscal year, the average of:

(i) 5% of the average market value of the State School Fund for that fiscal year; and

(ii) the distribution amount for the prior fiscal year, multiplied by the sum of:

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(A) one;

(B) the percent change in student enrollment from the school year two years prior to the prior school year; and

(C) the actual total percent change of the consumer price index during the last 12 months as measured in June of the prior fiscal year.

(b) "Average market value of the State School Fund" means the results of a calculation completed by the SITFO director each fiscal year that averages the value of the State School Fund for the past 20 consecutive quarters ending in the prior fiscal year.

(c) "Consumer price index" means the Consumer Price Index for All Urban Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of the United States Department of Labor.

(d) "SITFO director" means the director of the School and Institutional Trust Fund Office appointed under Section 53D-1-401.

(e) "State School Fund investment earnings distribution amount" or "distribution amount" means, for a fiscal year, the lesser of:

(i) the annual distribution calculation; or

(ii) 5% of the average market value of the State School Fund.

(2) The Uniform School Fund, a special revenue fund, established by Utah Constitution, Article X, Section 5, consists of:

(a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;

(b) money transferred to the fund [~~pursuant to~~] under Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act; [~~and~~]

(c) money transferred to the fund under Section 63J-1-207; and

[~~(c)~~] (d) all other constitutional or legislative allocations to the fund, including:

(i) appropriations for the Minimum School Program, enrollment growth, and inflation under Section 53F-9-201.1; and

(ii) revenues received by donation.

(3) (a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.

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(b) The Trust Distribution Account consists of:

- (i) in accordance with Subsection (4), quarterly deposits of the State School Fund investment earnings distribution amount from the prior fiscal year;
- (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and
- (iii) any unused appropriation for the administration of the School LAND Trust Program, as described in Subsection 53F-2-404(1)(c).

(4) If, at the end of a fiscal year, the Trust Distribution Account has a balance remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a) for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount of the remaining balance from the prior fiscal year toward the current fiscal year's distribution amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the remaining balance from the prior fiscal year.

(5) On or before October 1 of each year, the SITFO director shall:

(a) in accordance with this section, determine the distribution amount for the following fiscal year; and

(b) report the amount described in Subsection (5)(a) as the funding amount, described in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:

(i) the State Treasurer;

(ii) the Legislative Fiscal Analyst;

(iii) the Division of Finance;

(iv) the director of the Land Trusts Protection and Advocacy Office, appointed under Section 53D-2-203;

(v) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

(vi) the state board; and

(vii) the Governor's Office of Planning and Budget.

(6) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301 shall:

(a) annually review the distribution amount; and

(b) make recommendations, if necessary, to the Legislature for changes to the formula for calculating the distribution amount.

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(7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust Distribution Account funds for the School LAND Trust Program as described in Subsections 53F-2-404(1)(a) and (c).

Section 8. Section **63J-1-206** is amended to read:

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

(1) (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly exempted in the appropriating act:

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

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

(b) This section does not apply to:

(i) the Legislature and its committees; and

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

(2) (a) Each item of appropriation is to be expended subject to any schedule of programs and any restriction attached to the item of appropriation, as designated by the Legislature.

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

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

(ii) does not itself appropriate any money; and

(iii) is not itself an item of appropriation.

(c) (i) An appropriation or any surplus of any appropriation may not be diverted from any department, agency, institution, division, or line item to any other department, agency, institution, division, or line item.

(ii) If the money appropriated to an agency to pay lease payments under the program established in Section 63A-5b-703 exceeds the amount required for the agency's lease payments to the Division of Facilities Construction and Management, the agency may:

(A) transfer money from the lease payments line item to other line items within the

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agency; and

(B) retain and use the excess money for other purposes.

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

(e) In order for a department, agency, or institution to transfer money appropriated to it from one program to another program, the department, agency, or institution shall revise its budget execution plan as provided in Section 63J-1-209.

(f) (i) The procedures for transferring money between programs within a line item as provided by Subsection (2)(e) do not apply to money appropriated to the State Board of Education for the Minimum School Program or capital outlay programs created in Title 53F, Chapter 3, State Funding -- Capital Outlay Programs.

(ii) The state superintendent may transfer money appropriated for the programs specified in Subsection (2)(f)(i) only as provided by Section 53F-2-205.

(3) Notwithstanding Subsection (2)(c)(i):

(a) the state superintendent may transfer money appropriated for the Minimum School Program between line items in accordance with Section 53F-2-205; and

(b) the Department of Government Operations may transfer money appropriated [~~for the purpose of paying the costs of paid employee parental leave and postpartum recovery leave under Section 63A-17-511 to another department, agency, institution, or division~~] to another department, agency, institution, or division for the purpose of paying the costs of pay for performance under Section 63A-17-112.

Section 9. Section **63J-1-207** is amended to read:

63J-1-207. Uniform School Fund -- Appropriations.

(1) Appropriations made from the General Fund to the Uniform School Fund to assist in financing the state's portion of the minimum school program, as provided by law, shall be conditioned upon available revenue.

(2) If revenues to the General Fund are not sufficient to permit transfers to the Uniform School Fund as provided by appropriation, the state fiscal officers shall withhold transfers from the General Fund to the Uniform School Fund during the fiscal period, as in their judgment the available revenues justify until:

(a) all other appropriations made by law have been provided for;

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- (b) any modifications to department and agency work programs have been made; and
- (c) the governor has approved the transfer.

(3) Transfers from the General Fund to the Uniform School Fund shall be made at such times as required to equalize the property levy for each fiscal year.

(4) If, at the end of a fiscal year, there is a deficit in the Uniform School Fund, the Division of Finance may transfer from the Income Tax Fund to the Uniform School Fund an amount equal to the deficit.

Section 10. Section **63N-3-403** is amended to read:

63N-3-403. Transient Room Tax Fund -- Source of revenues -- Interest -- Expenditure or pledge of revenues.

(1) There is created [~~an expendable special revenue~~] a fiduciary fund held by the state in a purely custodial capacity known as the Transient Room Tax Fund.

(2) (a) The fund shall be funded by the portion of the sales and use tax described in Subsection 59-12-301(2).

(b) (i) The fund shall earn interest.

(ii) Any interest earned on fund money shall be deposited into the fund.

(3) (a) Subject to Subsection (3)(b), the executive director shall expend or pledge the money deposited into the fund:

(i) to mitigate the impacts of traffic and parking relating to a convention facility within a county of the first class;

(ii) for a purpose listed in Section 17-31-2, except that any requirements in Section 17-31-2 for the expenditure of money do not apply; or

(iii) for a combination of Subsections (3)(a)(i) and (ii).

(b) The executive director may not expend more than \$20,000,000 in total to mitigate the impacts of traffic and parking relating to a convention facility within a county of the first class.

Section 11. **Repealer.**

This bill repeals:

Section **4-17-114, Invasive Species Mitigation Account created.**

Section **63A-5b-1107, Development of new correctional facilities.**

Section **63B-25-101, General obligation bonds for prison project -- Maximum**

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amount -- Use of proceeds.

Section 12. **Effective date.**

(1) Except as provided in Subsection (2), this bill takes effect on July 1, 2024.

(2) The actions affecting Section 53F-9-201 (Effective 01/01/25) take effect on January 1, 2025.

Section 13. Coordinating S.B. 241 with H.B. 73

If this S.B. 241, Funds Amendments, and H.B. 73, Rehabilitation Services Amendments, both pass and become law, the Legislature intends that, on July 1, 2024, the amendments to Section 26B-1-318 in H.B.73 supersede the amendments to Section 26B-1-318 in S.B. 241.