

**Effective 5/12/2015**

**Superseded 5/10/2016**

**63A-3-201 Appointment of accounting and other officers and employees by director of the Division of Finance -- Delegation of powers and duties by director -- Background checks.**

- (1) With the approval of the executive director, the director of the Division of Finance shall appoint an accounting officer and other administrative officers that are necessary to efficiently and economically perform the functions of the Division of Finance.
- (2) The director of the Division of Finance may:
  - (a) organize the division and employ other assistants to discharge the functions of the division;
  - (b) delegate to assistants, officers, and employees any of the powers and duties of the office subject to his or her control and subject to any conditions he may prescribe; and
  - (c) delegate the powers and duties of the office only by written order filed with the lieutenant governor.
- (3)
  - (a) As used in this Subsection (3):
    - (i) "Public employee" means a person employed by a state agency.
    - (ii) "Public funds" means money, funds, and accounts, regardless of the source from which the money, funds, and accounts are derived, that are owned, held, or administered by a state agency.
    - (iii) "Public funds position" means employment with a state agency that requires:
      - (A) physical or electronic access to public funds;
      - (B) performing internal control functions or accounting;
      - (C) creating reports on public funds; or
      - (D) using, operating, or accessing state systems that account for or help account for public funds.
    - (iv) "State agency" means an executive branch:
      - (A) department;
      - (B) agency;
      - (C) board;
      - (D) commission;
      - (E) division;
      - (F) office; or
      - (G) state educational institution with the exception of an institution defined in Subsection 53B-1-102(1).
  - (b) The Division of Finance may require that a public employee who applies for or holds a public funds position:
    - (i) submit a fingerprint card in a form acceptable to the division;
    - (ii) consent to a criminal background check by:
      - (A) the Federal Bureau of Investigation;
      - (B) the Utah Bureau of Criminal Identification; or
      - (C) another agency of any state that performs criminal background checks; or
    - (iii) consent to a credit history report, subject to the requirements of the Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq.
  - (c) The Division of Finance may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules to implement this section.