

1 ENACTS:

2 **26-18-12**, Utah Code Annotated 1953

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

4 Section 1. Section **26-18-12** is enacted to read:

5 **26-18-12. Requirement of Aging Services Certificate.**

6 (1) As used in this section:

7 (a) "Aging Services Certificate" means a certificate issued by an area agency on a form
8 prepared by the Division of Aging and Adult Services that indicates that a Medicaid applicant has
9 received information regarding the full range of services available to the applicant through the
10 division and the area agency.

11 (b) "Aging Services Pamphlet" means a pamphlet prepared by the Division of Aging
12 Services that provides information about the services available to aged and high risk adults through
13 the division and area agencies.

14 (c) "Area agency" is as defined in Section 62A-3-101.

15 (d) "Discharge plan" means an individualized program of postdischarge care for a resident
16 that:

17 (i) states the medical, functional, behavioral, and social levels necessary for the resident
18 to be discharged in a less restrictive setting;

19 (ii) includes the steps needed to move the resident to a less restrictive setting;

20 (iii) establishes the feasibility of the resident achieving the levels necessary for discharge;

21 and

22 (iv) states the anticipated time frame for that achievement.

23 (e) "Division of Aging and Adult Services" means the Division of Aging and Adult
24 Services within the Department of Human Services.

25 (f) "Resident" means a Medicaid recipient who resides in a nursing care facility.

26 (2) (a) The Division of Aging Services shall distribute Aging Services Pamphlets to each
27 Medicaid-certified facility in the state.

28 (b) A Medicaid-certified facility shall distribute an Aging Services Pamphlet to a person
29 who it admits into the facility after July 1, 1998, to maintain its Medicaid certification.

30 (3) A Medicaid applicant who has not obtained an Aging Services Certificate is not
31 eligible for Medicaid payment for care provided at a nursing care facility.

1 (4) A nursing care facility shall require a Medicaid applicant submit an Aging Services
2 Certificate before rendering care to the applicant.

3 (5) A nursing care facility that renders care to a Medicaid applicant who has not submitted
4 an Aging Services Certificate as required by Subsection (4) is not eligible to receive Medicaid
5 reimbursement from the division for any cost associated with the care of the applicant until ten
6 days after the date that an Aging Services Certificate has been issued to the applicant.

7 (6) The services provided by the Division of Aging and Adult Services shall be considered
8 in developing a discharge plan for a resident.

9 (7) (a) Nothing in this section may be construed as requiring a recipient who is receiving
10 care at a nursing care facility on June 30, 1998, to obtain an Aging Services Certificate to remain
11 eligible for Medicaid.

12 (b) Notwithstanding Subsection (7)(a), any person who applies for Medicaid payment for
13 care provided at a nursing care facility after July 1, 1998, is subject to the requirement of
14 Subsection (3).

15 Section 2. Section **51-2-1** is amended to read:

16 **51-2-1. Audits of political subdivisions, interlocal organizations, and other local**
17 **entities required.**

18 (1) (a) Each of the following entities, except as exempted under Section 51-2-8, shall cause
19 an audit to be made of its accounts by a competent certified public accountant:

20 (i) the governing board of each political subdivision;

21 (ii) the governing board of each interlocal organization having the power to tax or to
22 expend public funds;

23 (iii) the governing board of any local mental health authority established under the
24 authority of Title 62A, Chapter 12;

25 (iv) the governing board of any substance abuse authority established under the authority
26 of Title 62A, Chapter 8;

27 (v) the governing board of any area agency [~~on aging~~] established under the authority of
28 Title 62A, Chapter 3;

29 (vi) the governing board of any nonprofit corporation that receives at least 50% of its funds
30 from federal, state, and local government entities through contracts; and

31 (vii) the governing board of any other entity established by a local governmental unit that

1 receives tax exempt status for bonding or taxing purposes.

2 (b) In municipalities organized under an optional form of municipal government, the
3 council shall cause the audit to be made.

4 (c) The audit shall be made at least annually.

5 (2) The auditors shall review the accounts of all officers of the entity having responsibility
6 for the care, management, collection, or disbursement of moneys belonging to it or appropriated
7 by law or otherwise acquired for its use or benefit.

8 (3) The audits shall:

9 (a) be performed and financial statements presented in accordance with generally accepted
10 auditing standards and accounting principles and procedures adopted by recognized authoritative
11 bodies; and

12 (b) conform to the uniform classification of accounts established or approved by the state
13 auditor or any other classification of accounts established by any federal government agency.

14 (4) If the political subdivision, interlocal organization, or other local entity receives federal
15 funding, the audits shall be performed in accordance with both federal and state auditing
16 requirements.

17 Section 3. Section **62A-1-111** is amended to read:

18 **62A-1-111. Department authority.**

19 The department has authority, in addition to all other authority and responsibility granted
20 to it by law, to:

21 (1) adopt rules, not inconsistent with law, as the department may [~~deem~~] consider
22 necessary or desirable for providing social services to the people of this state;

23 (2) establish and manage client trust accounts in the department's institutions and
24 community programs, at the request of the client or his legal guardian or representative, or in
25 accordance with federal law;

26 (3) purchase, as authorized or required by law, services that the department is responsible
27 to provide for legally eligible persons;

28 (4) conduct adjudicative proceedings for clients and providers in accordance with the
29 procedures of Title 63, Chapter 46b, Administrative Procedures Act;

30 (5) establish eligibility standards for its programs, not inconsistent with state or federal law
31 or regulations;

- 1 (6) take necessary steps, including legal action, to recover money or the monetary value
- 2 of services provided to a recipient who was not eligible;
- 3 (7) set and collect fees for its services;
- 4 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
- 5 limited by law;
- 6 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
- 7 department, not inconsistent with state law;
- 8 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
- 9 proceeds thereof, may be credited to the program designated by the donor, and may be used for
- 10 the purposes requested by the donor, as long as the request conforms to state and federal policy;
- 11 all donated funds shall be considered private, nonlapsing funds and may be invested under
- 12 guidelines established by the state treasurer;
- 13 (11) accept and employ volunteer labor or services; the department is authorized to
- 14 reimburse volunteers for necessary expenses, when the department considers that reimbursement
- 15 to be appropriate;
- 16 (12) carry out the responsibility assigned in the Workforce Services Plan by the State
- 17 Council on Workforce Services;
- 18 (13) carry out the responsibility assigned by Section 9-4-802 with respect to coordination
- 19 of services for the homeless;
- 20 (14) carry out the responsibility assigned by Section 62A-5a-105 with respect to
- 21 coordination of services for handicapped students;
- 22 (15) provide training and educational opportunities for its staff;
- 23 (16) collect child support payments and any other monies due to the department;
- 24 (17) examine and audit the expenditures of any public funds provided to local substance
- 25 abuse authorities, local mental health authorities, local area agencies [~~on aging~~] established under
- 26 Chapter 3, and any agency or organization that contracts with or receives funds from those
- 27 authorities or agencies. Those local authorities, area agencies, and any person or entity that
- 28 contracts with or receives funds from those authorities or area agencies, shall provide the
- 29 department with any information it deems necessary to complete its audit;
- 30 (18) apply the provisions of Title 78, Chapter 45, Uniform Civil Liability for Support Act,
- 31 to parents whose child lives out of the home in a department licensed or certified setting; and

1 (19) carry out the responsibilities assigned to it by statute.

2 Section 4. Section **62A-3-101** is amended to read:

3 **62A-3-101. Definitions.**

4 As used in this chapter:

5 (1) "Adult" or "high risk adult" means a person 18 years of age or older who [meets the
6 eligibility standards for adult services as established by the division.] experiences a condition:

7 (a) that places the person at a high risk of being unable to care for himself, as determined
8 by assessment, because of the onset of a physical or cognitive impairment or frailty; and

9 (b) for which the person is not eligible to receive services under Chapter 5, Services to
10 People with Disabilities, or Chapter 12, Mental Health.

11 (2) "Aging" and "aged" means a person 60 years of age or older.

12 (3) "Aging Services Certificate" is as defined in Section 26-18-12.

13 (4) "Aging Services Pamphlet" is as defined in Section 26-18-12.

14 (5) "Area agency" means an area agency that provides services to the aged, high risk
15 adults, or both within a planning and service area.

16 [(3)] (6) "Area agency on aging" means a public or private nonprofit agency or office
17 designated by the division to operate within a planning and service area of the state to develop and
18 implement a broad range of services for [aging and adult persons] the aged in that area.

19 (7) "Area agency on high risk adults" means a public or private nonprofit agency or office
20 designated by the division to operate within a planning and service area of the state to develop and
21 implement a broad range of services for high risk adults in that area.

22 [(4)] (8) "Board" means the Board of Aging and Adult Services.

23 [(5)] (9) "Director" means the director of the Division of Aging and Adult Services.

24 [(6)] (10) "Division" means the Division of Aging and Adult Services within the
25 department.

26 [(7)] (11) "Planning and service area" means a geographical area of the state designated
27 by the division for purposes of planning, development, delivery, and overall administration of
28 services for [aging and adult persons] the aged or high risk adults.

29 Section 5. Section **62A-3-104** is amended to read:

30 **62A-3-104. Authority of division.**

31 (1) The division is the sole state agency, as defined by the Older Americans Act of 1965,

1 42 U.S.C. 3001 et seq., to serve as an effective and visible advocate for the aging and adult
2 population of this state, to develop and administer a state plan under the policy direction of the
3 board, and to take primary responsibility for state activities relating to provisions of the Older
4 Americans Act of 1965, as amended.

5 (2) (a) The division has authority to designate planning and service areas for the state, and
6 to designate an area agency on aging within each planning and service area to design and
7 implement a comprehensive and coordinated system of services and programs for the ~~[aging and~~
8 ~~adult populations of the state including, but not limited to, substitute care, nutrition services, access~~
9 ~~services, in-home services, legal services, day care, day treatment services, and protective services]~~
10 aged.

11 (b) ~~[That designation]~~ Designation as an area agency on aging may be withdrawn:

12 (i) upon request of the area agency on aging; or

13 (ii) upon noncompliance with the provisions of the Older Americans Act of 1965, 42
14 U.S.C. 3001 et seq., the federal regulations enacted under that act, the provisions of this chapter,
15 or the rules, policies, or procedures established by the division.

16 (3) (a) The division has the authority to designate planning and service areas for the state
17 and to designate an area agency on high risk adults within each planning and service area in
18 accordance with Subsection (3)(b) to design and implement a comprehensive and coordinated
19 system of services and programs for high risk adults.

20 (b) Before October 1, 1998, the division shall designate as the area agency on high risk
21 adults in a planning and service area:

22 (i) the area agency on aging that operates within the same geographic area if that agency
23 has requested, before July 1, 1998, to expand its current contract with the division to include the
24 responsibility of:

25 (A) being the area agency on high risk adults; or

26 (B) operating the area agency on high risk adults through joint cooperation with one or
27 more existing area agencies on aging without reducing geographical coverage in any service area;
28 or

29 (ii) a public or private nonprofit agency or office if the area agency on aging that operates
30 within the same geographic area has not made a request in accordance with Subsection (3)(b).

31 (c) Designation as an area agency on high risk adults may be withdrawn:

- 1 (i) upon request by the area agency; or
- 2 (ii) upon noncompliance with state or federal laws, or rules, policies, or procedures
- 3 established by the division.

4 [(3)] (4) The division has authority to receive and distribute state and federal funds for the

5 division's programs and services to the aging and adult [population] populations of the state.

6 [(4)] (5) The division has authority to establish, either directly or by contract, programs

7 of advocacy, monitoring, evaluation, technical assistance, and public education to enhance the

8 quality of life for aging and adult citizens of the state.

9 [(5)] (6) In accordance with the rules of the division and Title 63, Chapter 56, Utah

10 Procurement Code, the division may:

- 11 (a) contract with the governing [bodies] body of an area [~~agencies on aging~~] agency to
- 12 provide a comprehensive program of services [~~for aging and adult citizens of the state~~]; and
- 13 (b) contract with public and private entities for special services.

14 [(6)] (7) The division has authority to provide for collection, compilation, and

15 dissemination of information, statistics, and reports relating to issues facing aging and adult

16 citizens.

17 [(7)] (8) The division has authority to prepare and submit reports regarding the operation

18 and administration of the division to the department, the Legislature, and the governor, as

19 requested.

20 [(8)] (9) The division shall:

- 21 (a) implement and enforce policies established by the board governing all aspects of the
- 22 division's programs for aging and adult persons in the state;
- 23 (b) monitor and evaluate programs provided by or under contract with the division, area
- 24 agencies [~~on aging~~], and any entity that receives funds from an area agency [~~on aging~~] to ensure
- 25 compliance with all applicable state and federal statutes, policies, and procedures;
- 26 (c) examine expenditures of public funds;
- 27 (d) withhold funds from programs based on contract noncompliance;
- 28 (e) review and approve plans of area agencies [~~on aging~~] in order to ensure compliance
- 29 with division policies and to ensure a statewide comprehensive program;
- 30 (f) promote and establish cooperative relationships with state and federal agencies, social
- 31 and health agencies, education and research organizations, and other related groups in order to

1 further programs for aging and adult persons, and prevent duplication of services;

2 (g) advocate for the aging and adult [~~population~~] populations; and

3 (h) promote and conduct research on the problems and needs of aging and adult persons,
4 and submit recommendations for changes in policies, programs, and funding to the governor and
5 the Legislature.

6 (10) The division shall prepare an Aging Services Certificate and an Aging Services
7 Pamphlet for distribution in accordance with Section 26-18-12.

8 Section 6. Section **62A-3-104.1** is amended to read:

9 **62A-3-104.1. Powers and duties of area agencies.**

10 (1) [~~Local area agencies on aging~~] An area agency that provides services to the aged, high
11 risk adults, or both shall within [~~their~~] its respective [~~jurisdictions~~] jurisdiction:

12 (a) advocate [~~for aging citizens~~] by monitoring, evaluating, and providing input on all
13 policies, programs, hearings, and levies that affect those persons;

14 (b) design and implement a comprehensive and coordinated system of services [~~for aging~~
15 ~~persons~~] within a designated planning and service area;

16 (c) conduct periodic reviews and evaluations of [~~aging~~] needs and services;

17 (d) prepare and submit to the division plans for funding and service delivery for services
18 [~~to aging persons~~] within [~~their~~] the designated planning and service [~~areas~~] area;

19 (e) establish, either directly or by contract, programs licensed under Chapter 2 of this title;

20 (f) appoint an area director [~~of aging services~~], prescribe his duties, and provide adequate
21 and qualified staff to carry out the area plan described in Subsection (1)(d);

22 (g) establish rules not contrary to policies of the board and rules of the division, regulating
23 local [~~aging~~] services and facilities;

24 (h) operate other [~~aging~~] services and programs funded by sources other than those
25 administered by the division;

26 (i) establish mechanisms to provide direct citizen input, including an area agency advisory
27 council with a majority of members [~~over the age of 60~~] who are eligible for services from the area
28 agency;

29 (j) establish fee schedules; and

30 (k) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
31 Cooperation Act, and with the requirements and procedures of Title 51, Chapter 2.

1 (2) Before disbursing any public funds, [~~local~~] an area [~~agencies on aging~~] agency shall
2 require that all entities receiving any public funds agree in writing that:

3 (a) the division may examine the [~~entities~~] entity's program and financial records; and

4 (b) the auditor of the local area agency [~~on aging~~] may examine and audit the [~~entities'~~]
5 entity's program and financial records, if requested by the local area agency [~~on aging~~].

6 (3) Local area agencies [~~on aging~~] may receive property, grants, gifts, supplies, materials,
7 including any benefit derived therefrom, and contributions [~~for aging and adult populations~~] for
8 the purpose of providing services pursuant to this part. If those gifts are conditioned upon their
9 use for a specified service or program, they shall be so used.

10 (4) (a) Area agencies [~~on aging~~] shall award all public funds[;] in compliance with the
11 requirements of Title 63, Chapter 56, Utah Procurement Code, or with a county procurement
12 ordinance that requires similar procurement procedures.

13 (b) If all initial bids on [~~the~~] a project are rejected, the area agency [~~on aging~~] shall publish
14 a new invitation to bid. If no satisfactory bid is received by the area agency [~~on aging~~] when the
15 bids received from the second invitation are opened, the area agency [~~on aging~~] may execute a
16 contract without requiring competitive bidding.

17 (c) [~~The~~] An area agency [~~on aging~~] need not comply with the procurement provisions of
18 this section when it disburses public funds to other governmental entities. For purposes of this
19 Subsection (4)(c), "governmental entity" means any political subdivision or institution of higher
20 education of the state.

21 (d) Contracts awarded by an area agency [~~on aging~~] shall be for a fixed amount and limited
22 period. Contracts may be modified due to changes in available funding for the same contract
23 purpose without competition.

24 (5) Local area agencies shall comply with all applicable state and federal statutes, policies,
25 audit requirements, and any directives resulting from those audits.

26 Section 7. Section **62A-3-104.2** is amended to read:

27 **62A-3-104.2. Contracts for services.**

28 When an area agency [~~on aging~~] has established a plan to provide services authorized by
29 this chapter, and those services meet standards fixed by rules of the board, the area agency [~~on~~
30 ~~aging~~] may enter into a contract with the division for services to be furnished by that area agency
31 [~~on aging~~] for an agreed compensation to be paid by the division.

1 Section 8. Section **62A-3-105** is amended to read:

2 **62A-3-105. Matching requirements for state and federal older American funds.**

3 (1) State and federal Older American Act funds provided by the division, through a
4 formula and by contract, to local area agencies on aging to provide programs and services under
5 this chapter[;] shall be matched by funds from those area agencies in an amount at least equal to:

6 (a) 10% of [~~those state and federal funds received. The term "fund" does not~~] service
7 dollars; and

8 (b) 25% of administrative dollars.

9 (2) An area agency on aging may include services, property, or other in-kind contributions
10 to meet the administrative dollars match but may only use cash to meet the service dollars match.

11 Section 9. Section **62A-3-107** is amended to read:

12 **62A-3-107. Board -- Policymaking authority.**

13 (1) The board is the program policymaking body for the division and for programs funded
14 with state and federal money under Sections 62A-3-104.1 and 62A-3-104.2. In establishing policy
15 and reviewing existing policy, the board shall seek input from local area agencies [~~on aging~~],
16 consumers, providers, advocates, division staff, and other interested parties as determined by the
17 board.

18 (2) The board shall establish, by rule, procedures for developing its policies which ensure
19 that local area agencies [~~on aging~~] are given opportunity to comment and provide input on any new
20 policy of the board[;] and on any proposed changes in the board's existing policy. The board shall
21 also provide a mechanism for review of its existing policy[;] and for consideration of policy
22 changes that are proposed by those local area agencies.

23 Section 10. Section **62A-3-108** is amended to read:

24 **62A-3-108. Allocation of funds to local area agencies -- Formulas.**

25 (1) The board shall establish by rule [~~a formula~~] formulas for allocating funds to local area
26 agencies [~~on aging~~] through contracts, to provide programs and services [~~for the aging and aged~~.
27 ~~This formula shall provide for allocation of funds~~] in accordance with this part based on need.
28 Determination of need shall be based on the number of eligible persons located in the local area
29 which the division is authorized to serve, unless federal regulations require otherwise or the board
30 establishes, by valid and accepted data, that other defined factors are relevant and reliable
31 indicators of need. [~~The formula~~] Formulas established by the board shall include a differential

1 to compensate for additional costs of providing services in rural areas.

2 (2) ~~[The formula]~~ Formulas established under Subsection (1) shall be in effect on or before
3 July 1, ~~[1990]~~ 1998, and ~~[applies]~~ apply to all state and federal funds appropriated by the
4 Legislature to the division for local area agencies ~~[on aging]~~, but does not apply to:

5 (a) funds that local area agencies ~~[on aging]~~ receive from sources other than the division;

6 (b) funds that local area agencies ~~[on aging]~~ receive from the division to operate a specific
7 program within its jurisdiction which is available to all residents of the state;

8 (c) funds that a local area agency ~~[on aging]~~ receives from the division to meet a need that
9 exists only within that local area; and

10 (d) funds that a local area agency ~~[on aging]~~ receives from the division for research
11 projects.

12 Section 11. Section **62A-3-301** is amended to read:

13 **62A-3-301. Definitions.**

14 As used in this part:

15 (1) "Abuse" means:

16 (a) attempting to cause, or intentionally or knowingly causing physical harm or
17 intentionally placing another in fear of imminent physical harm;

18 (b) physical injury caused by criminally negligent acts or omissions;

19 (c) unlawful detention or unreasonable confinement;

20 (d) gross lewdness; or

21 (e) deprivation of life sustaining treatment, except:

22 (i) as provided in Title 75, Chapter 2, Part 11, Personal Choice and Living Will Act; or

23 (ii) when informed consent, as defined in Section 76-5-111, has been obtained.

24 (2) "Adult" means a person who is 18 years of age or older.

25 ~~[(2)]~~ (3) "Bodily injury" means physical pain, illness, or any impairment of physical
26 condition.

27 ~~[(3)]~~ (4) "Caretaker" means any person, corporation, or public institution that has assumed
28 by relationship, contract, or court order the responsibility to provide food, shelter, clothing,
29 medical, and other necessities to a disabled or elder adult.

30 ~~[(4)]~~ (5) "Counsel" means an attorney licensed to practice in this state.

31 ~~[(5)]~~ (6) "Disabled adult" means a person 18 years of age or older who is impaired because

1 of mental illness, mental deficiency, physical illness or disability, or other cause, to the extent that
2 he lacks sufficient understanding or capacity to make or communicate informed decisions
3 concerning his person, or is unable to care for his own personal safety or provide necessities such
4 as food, shelter, clothing, or medical care, without which physical injury or illness may occur. A
5 person who is, in good faith, under treatment solely of a spiritual means, through prayer, in
6 accordance with the tenets and practices of a recognized church or religious denomination, and by
7 an accredited practitioner thereof shall not be considered a disabled or elder adult for that reason
8 alone.

9 ~~[(6)]~~ (7) "Elder abuse" means abuse, neglect, or exploitation of an elder adult.

10 ~~[(7)]~~ (8) "Elder adult" means a person 65 years of age or older.

11 ~~[(8)]~~ (9) "Emergency" means that a disabled or elder adult is at risk of death or immediate
12 and serious harm to himself or others.

13 ~~[(9)]~~ (10) "Emotional or psychological abuse" means deliberate conduct that is directed
14 at a disabled or elder adult through verbal or nonverbal means, and that causes the disabled or elder
15 adult to suffer emotional distress or to fear bodily injury, harm, or restraint.

16 ~~[(10)]~~ (11) "Exploitation" means exploitation of a disabled or elder adult as that offense
17 is described in Subsection 76-5-111(4).

18 ~~[(11)]~~ (12) "Informed consent" means the same as that term is defined in Section 76-5-111.

19 ~~[(12)]~~ (13) "Neglect" means:

20 (a) the failure of a caretaker to provide habilitation, care, nutrition, clothing, shelter,
21 supervision, or medical care;

22 (b) a pattern of conduct by a caretaker, without the disabled or elder adult's informed
23 consent, resulting in deprivation of food, water, medication, medical services, shelter, cooling,
24 heating, or other services necessary to maintain minimum physical or mental health; or

25 (c) the failure or inability of a disabled adult to provide those services for himself.

26 ~~[(13)]~~ (14) "Protected person" means a disabled or elder adult for whom the court has
27 ordered protective services including disabled or elder adults for whom emergency protective
28 services are established under the provisions of this part.

29 ~~[(14)]~~ (15) "Protective services" means services provided by the offices of Adult Protective
30 Services within the division, including investigation of allegations of abuse, emotional or
31 psychological abuse, neglect, or exploitation, and other services provided either by voluntary

1 agreement or as authorized by court order to assist disabled or elder adults in need of protection,
2 for the purpose of discontinuing and preventing further abuse, neglect, or exploitation. Those
3 services may include the services of guardian and conservator provided in accordance with Title
4 75, Utah Uniform Probate Code, when no other agency or individual can appropriately provide the
5 service. The services provided by the offices of Adult Protective Services shall be consistent, if
6 at all possible, with the accustomed lifestyle of the disabled or elder adult.

7 Section 12. Section **63-38-2** is amended to read:

8 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**
9 **Appropriations based on current tax laws and not to exceed estimated revenues.**

10 (1) (a) The governor shall, within three days after the convening of the Legislature in the
11 annual general session, submit a budget for the ensuing fiscal year by delivering it to the presiding
12 officer of each house of the Legislature together with a schedule for all of the proposed
13 appropriations of the budget, clearly itemized and classified.

14 (b) The budget message shall include a projection of estimated revenues and expenditures
15 for the next fiscal year.

16 (2) At least 34 days before the submission of any budget, the governor shall deliver a
17 confidential draft copy of his proposed budget recommendations to the Office of the Legislative
18 Fiscal Analyst.

19 (3) (a) The budget shall contain a complete plan of proposed expenditures and estimated
20 revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

21 (b) The budget may be accompanied by a separate document showing proposed
22 expenditures and estimated revenues based on changes in state tax laws or rates.

23 (4) The budget shall be accompanied by a statement showing:

24 (a) the revenues and expenditures for the last fiscal year;

25 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds
26 of the state;

27 (c) an estimate of the state's financial condition as of the beginning and the end of the
28 period covered by the budget;

29 (d) a complete analysis of lease with an option to purchase arrangements entered into by
30 state agencies;

31 (e) the recommendations for each state agency for new full-time employees for the next

1 fiscal year; which recommendation should be provided also to the State Building Board under
2 Subsection 63A-5-103(2);

3 (f) any explanation the governor may desire to make as to the important features of the
4 budget and any suggestion as to methods for the reduction of expenditures or increase of the state's
5 revenue; and

6 (g) the information detailing certain regulatory fee increases required by Section
7 63-38-3.2.

8 (5) The budget shall include an itemized estimate of the appropriations for:

9 (a) the Legislative Department as certified to the governor by the president of the Senate
10 and the speaker of the House;

11 (b) the Executive Department;

12 (c) the Judicial Department as certified to the governor by the state court administrator;

13 (d) payment and discharge of the principal and interest of the indebtedness of the state of
14 Utah;

15 (e) the salaries payable by the state under the Utah Constitution or under law for the lease
16 agreements planned for the next fiscal year;

17 (f) other purposes that are set forth in the Utah Constitution or under law; and

18 (g) all other appropriations.

19 (6) Deficits or anticipated deficits shall be included in the budget.

20 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require
21 from the proper state officials, including public and higher education officials, all heads of
22 executive and administrative departments and state institutions, bureaus, boards, commissions, and
23 agencies expending or supervising the expenditure of the state moneys, and all institutions
24 applying for state moneys and appropriations, itemized estimates of revenues and expenditures.

25 The entities required by this subsection to submit itemized estimates of revenues and expenditures
26 to the governor, shall also report to the Utah Information Technology Commission created in Title
27 [63E] 63D, Chapter [2] 1, before October 30 of each year. The report to the Information
28 Technology Commission shall include the proposed information technology expenditures and
29 objectives, the proposed appropriation requests and other sources of revenue necessary to fund the
30 proposed expenditures and an analysis of:

31 (A) the entity's need for appropriations for information technology;

1 (B) how the entity's development of information technology coordinates with other state
2 or local government entities;

3 (C) any performance measures used by the entity for implementing information
4 technology goals; and

5 (D) any efforts to develop public/private partnerships to accomplish information
6 technology goals.

7 (ii) (A) The governor may also require other information under these guidelines and at
8 times as the governor may direct.

9 (B) These guidelines may include a requirement for program productivity and performance
10 measures, where appropriate, with emphasis on outcome indicators.

11 (b) The estimate for the Legislative Department as certified by the presiding officers of
12 both houses shall be included in the budget without revision by the governor. Before preparing
13 the estimates for the Legislative Department, the Legislature shall report to the Information
14 Technology Commission the proposed information technology expenditures and objectives, the
15 proposed appropriation requests and other sources of revenue necessary to fund the proposed
16 expenditures, including an analysis of:

17 (i) the Legislature's implementation of information technology goals;

18 (ii) any coordination of information technology with other departments of state and local
19 government;

20 (iii) any efforts to develop public/private partnerships to accomplish information
21 technology goals; and

22 (iv) any performance measures used by the entity for implementing information
23 technology goals.

24 (c) The estimate for the Judicial Department, as certified by the state court administrator,
25 shall also be included in the budget without revision, but the governor may make separate
26 recommendations on it. Before preparing the estimates for the Judicial Department, the state court
27 administrator shall report to the Information Technology Commission the proposed information
28 technology expenditures and objectives, the proposed appropriation requests and other sources of
29 revenue necessary to fund the proposed expenditures, including an analysis of:

30 (i) the Judicial Department's information technology goals;

31 (ii) coordination of information technology statewide between all courts;

1 (iii) any efforts to develop public/private partnerships to accomplish information
2 technology goals; and

3 (iv) any performance measures used by the entity for implementing information
4 technology goals.

5 (d) Before preparing the estimates for the State Office of Education, the state
6 superintendent shall report to the Information Technology Commission the proposed information
7 technology expenditures and objectives, the proposed appropriation requests and other sources of
8 revenue necessary to fund the proposed expenditures, including an analysis of:

9 (i) the Office of Education's information technology goals;

10 (ii) coordination of information technology statewide between all public schools;

11 (iii) any efforts to develop public/private partnerships to accomplish information
12 technology goals; and

13 (iv) any performance measures used by the Office of Education for implementing
14 information technology goals.

15 (e) Before preparing the estimates for the state system of Higher Education, the
16 commissioner shall report to the Information Technology Commission the proposed information
17 technology expenditures and objectives, the proposed appropriation requests and other sources of
18 revenue necessary to fund the proposed expenditures, including an analysis of:

19 (i) Higher Education's information technology goals;

20 (ii) coordination of information technology statewide within the state system of higher
21 education;

22 (iii) any efforts to develop public/private partnerships to accomplish information
23 technology goals; and

24 (iv) any performance measures used by the state system of higher education for
25 implementing information technology goals.

26 (f) The governor may require the attendance at budget meetings of representatives of
27 public and higher education, state departments and institutions, and other institutions or individuals
28 applying for state appropriations.

29 (g) The governor may revise all estimates, except those relating to the Legislative
30 Department, the Judicial Department, and those providing for the payment of principal and interest
31 to the state debt and for the salaries and expenditures specified by the Utah Constitution or under

1 the laws of the state.

2 (8) The total appropriations requested for expenditures authorized by the budget may not
3 exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal
4 year.

5 (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity
6 does not affect the budget itself or any other item in it.

7 (10) (a) In submitting the budget for the Departments of Health and Human Services, the
8 governor shall consider a separate recommendation in his budget for funds to be contracted to:

9 (i) local mental health authorities under Section 17A-3-606;

10 (ii) local substance abuse authorities under Section 62A-8-110.5;

11 (iii) area agencies [~~on aging~~] under Section 62A-3-104.2;

12 (iv) programs administered directly by and for operation of the Divisions of Mental
13 Health, Substance Abuse, and Aging and Adult Services; and

14 (v) local health departments under Title 26A, Chapter 1, Local Health Departments.

15 (b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the governor
16 shall consider an amount sufficient to grant local health departments, local mental health
17 authorities, local substance abuse authorities, and area agencies [~~on aging~~] the same percentage
18 increase for wages and benefits that he includes in his budget for persons employed by the state.

19 (c) If the governor does not include in his budget an amount sufficient to grant the increase
20 described in Subsection (10)(b), he shall include a message to the Legislature regarding his reason
21 for not including that amount.

22 (11) (a) In submitting the budget for the Division of Services for People with Disabilities
23 within the Department of Human Services, the governor shall consider an amount sufficient to
24 grant employees of private nonprofit corporations that contract with that division, the same
25 percentage increase for cost-of-living that he includes in his budget for persons employed by the
26 state.

27 (b) If the governor does not include in his budget an amount sufficient to grant the increase
28 described in Subsection (11)(a), he shall include a message to the Legislature regarding his reason
29 for not including that amount.

30 (12) The governor shall include the projected revenues and expenditures for collecting the
31 uniform fee and other motor vehicle fees under Section 59-2-406 in the 1996-97 fiscal year budget.

1 (13) (a) The Families, Agencies, and Communities Together Council may propose to the
2 governor under Subsection 63-75-4(3)(e) a budget recommendation for collaborative service
3 delivery systems operated under Section 63-75-6.5.

4 (b) The Legislature may, through a specific program schedule, designate funds
5 appropriated for collaborative service delivery systems operated under Section 63-75-6.5.

6 (14) The governor shall include in his budget the state's portion of the budget for the Utah
7 Communications Agency Network established in Title 63C, Chapter 7, Utah Communications
8 Agency Network Act.

9 Section 13. Section **63A-9-701** is amended to read:

10 **63A-9-701. Subscription to motor pool by certain local government entities.**

11 (1) The following local government entities may subscribe to the central motor pool
12 service provided by the division subject to the conditions established in Subsection (2):

13 (a) local health departments as defined in Title 26A, Chapter 1, Part 1, Local Health
14 Department Act;

15 (b) local substance abuse authorities as defined in Section 17A-3-701;

16 (c) local area agencies [~~on aging~~], as authorized by Section 62A-3-104, or [its] their
17 subcontractors who are local governmental or public entities; and

18 (d) local mental health authorities as defined in Section 17A-3-602.

19 (2) The local government entities outlined in Subsection (1) may subscribe to the central
20 motor pool service provided by the division only if:

21 (a) the director of the local government entity determines it will result in substantial cost
22 savings or increased efficiency to the local government entity; and

23 (b) the central motor pool has sufficient vehicles available.

24 Section 14. **Effective date.**

25 This act takes effect on July 1, 1998.

Legislative Review Note
as of 1-21-98 3:07 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel