

1 **DEPARTMENT OF CORRECTIONS**

2 **COMPENSATION ADJUSTMENT**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gary F. Cox**

6 AN ACT RELATING TO CORRECTIONS AND STATE GOVERNMENT; APPROPRIATING
7 \$10,000,000 FOR FISCAL YEAR 1999-2000 TO THE DEPARTMENT OF CORRECTIONS
8 TO BE USED TOWARD ACHIEVING PARITY OF SALARIES FOR STATE
9 CORRECTIONAL OFFICERS; AND REQUIRING THAT THE GOVERNOR INCLUDE
10 FUNDING TO BE APPLIED TO STATE CORRECTIONAL OFFICERS' SALARY PARITY
11 IN HIS BUDGETS FOR FISCAL YEARS 2000-2001 AND 2001-2002.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **63-38-2**, as last amended by Chapters 13 and 254, Laws of Utah 1998

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

16 Section 1. Section **63-38-2** is amended to read:

17 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**
18 **Appropriations based on current tax laws and not to exceed estimated revenues -- Budgetary**
19 **considerations.**

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

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

26 (2) At least 34 days before the submission of any budget, the governor shall deliver a
27 confidential draft copy of his proposed budget recommendations to the Office of the Legislative

28 Fiscal Analyst.

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

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

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

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

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

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

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

41 (e) the recommendations for each state agency for new full-time employees for the next
42 fiscal year; which recommendation should be provided also to the State Building Board under
43 Subsection 63A-5-103(2);

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

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

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

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

51 (b) the Executive Department;

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

53 (d) payment and discharge of the principal and interest of the indebtedness of the state of
54 Utah;

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

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

58 (g) all other appropriations.

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

60 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require
61 from the proper state officials, including public and higher education officials, all heads of
62 executive and administrative departments and state institutions, bureaus, boards, commissions, and
63 agencies expending or supervising the expenditure of the state moneys, and all institutions
64 applying for state moneys and appropriations, itemized estimates of revenues and expenditures.
65 The entities required by this subsection to submit itemized estimates of revenues and expenditures
66 to the governor, shall also report to the Utah Information Technology Commission created in Title
67 63D, Chapter 1, before October 30 of each year. The report to the Information Technology
68 Commission shall include the proposed information technology expenditures and objectives, the
69 proposed appropriation requests and other sources of revenue necessary to fund the proposed
70 expenditures and an analysis of:

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

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

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

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

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

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

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

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

89 (ii) any coordination of information technology with other departments of state and local

90 government;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 121 (i) Higher Education's information technology goals;
- 122 (ii) coordination of information technology statewide within the state system of higher
123 education;
- 124 (iii) any efforts to develop public/private partnerships to accomplish information
125 technology goals; and
- 126 (iv) any performance measures used by the state system of higher education for
127 implementing information technology goals.
- 128 (f) The governor may require the attendance at budget meetings of representatives of
129 public and higher education, state departments and institutions, and other institutions or individuals
130 applying for state appropriations.
- 131 (g) The governor may revise all estimates, except those relating to the Legislative
132 Department, the Judicial Department, and those providing for the payment of principal and interest
133 to the state debt and for the salaries and expenditures specified by the Utah Constitution or under
134 the laws of the state.
- 135 (8) The total appropriations requested for expenditures authorized by the budget may not
136 exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal
137 year.
- 138 (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity does
139 not affect the budget itself or any other item in it.
- 140 (10) (a) In submitting the budget for the Departments of Health and Human Services, the
141 governor shall consider a separate recommendation in his budget for funds to be contracted to:
- 142 (i) local mental health authorities under Section 17A-3-606;
- 143 (ii) local substance abuse authorities under Section 62A-8-110.5;
- 144 (iii) area agencies under Section 62A-3-104.2;
- 145 (iv) programs administered directly by and for operation of the Divisions of Mental Health,
146 Substance Abuse, and Aging and Adult Services; and
- 147 (v) local health departments under Title 26A, Chapter 1, Local Health Departments.
- 148 (b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the governor
149 shall consider an amount sufficient to grant local health departments, local mental health
150 authorities, local substance abuse authorities, and area agencies the same percentage increase for
151 wages and benefits that he includes in his budget for persons employed by the state.

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

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

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

163 (12) (a) The Families, Agencies, and Communities Together Council may propose to the
164 governor under Subsection 63-75-4[(3)(e)] (4) a budget recommendation for collaborative service
165 delivery systems operated under Section 63-75-6.5.

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

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

171 (14) (a) The governor shall include in his budgets for fiscal years 2000-2001 and
172 2001-2002 appropriations to the Department of Corrections for the express purpose of providing
173 selective salary adjustments as necessary to address the salary disparity between state correctional
174 officers, as defined in Subsection (d), and correctional officers employed by counties of the state.

175 (b) These appropriations shall be sufficient to enable the Department of Corrections to
176 achieve parity for its correctional officers' salaries, as compared to county correctional officers'
177 salaries, by the end of fiscal year 2001-2002.

178 (c) If the governor does not include in his budgets for fiscal years 2000-2001 and
179 2001-2002 amounts sufficient to reasonably be expected to result in the increase described in
180 Subsection (b), the governor shall, for each of these fiscal years for which an amount described in
181 Subsection (a) is not included, include a message to the Legislature regarding his reason for not
182 including that amount in the budget.

183 (d) As used in this subsection, "state correctional officer" means a correctional officer,
184 adult probation and parole officer, or corrections investigator who is:

185 (i) employed by the Department of Corrections; and

186 (ii) certified as a peace officer under Title 53, Chapter 6, Part 2, Peace Officer Training
187 and Certification.

188 Section 2. **Appropriation.**

189 (1) Except as provided in H.B. 4, Appropriations Coordination Act, there is appropriated
190 from the General Fund to the Department of Corrections \$10,000,000 for fiscal year 1999-2000.

191 This appropriation shall be applied by the department solely to the remediation of salary disparity
192 between state correctional officers, as described in Subsection (2), and correctional officers
193 employed by counties of the state.

194 (2) As used in this section, "state correctional officer" means a correctional officer, adult
195 probation and parole officer, or corrections investigator who is:

196 (a) employed by the Department of Corrections; and

197 (b) certified as a peace officer under Title 53, Chapter 6, Part 2, Peace Officer Training and
198 Certification.

Legislative Review Note
as of 11-24-98 1:06 PM

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

Office of Legislative Research and General Counsel

Committee Note

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.