

1 **COST-OF-LIVING ADJUSTMENT FOR YOUTH**
2 **CORRECTIONS PRIVATE PROVIDERS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Blake D. Chard**

6 AN ACT RELATING TO STATE AFFAIRS IN GENERAL; REQUIRING THE GOVERNOR
7 TO INCLUDE IN THE BUDGET FOR THE DEPARTMENT OF HUMAN SERVICES
8 COST-OF-LIVING INCREASES FOR CONTRACT PROVIDERS WITH THE DIVISIONS OF
9 CHILD AND FAMILY SERVICES AND YOUTH CORRECTIONS.

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

11 AMENDS:

12 **63-38-2**, as last amended by Chapter 21, Laws of Utah 1999

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

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

15 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**
16 **Appropriations based on current tax laws and not to exceed estimated revenues.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (b) the Executive Department;

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

50 (d) payment and discharge of the principal and interest of the indebtedness of the state of
51 Utah;

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

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

55 (g) all other appropriations.

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

57 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require
58 from the proper state officials, including public and higher education officials, all heads of

59 executive and administrative departments and state institutions, bureaus, boards, commissions, and
60 agencies expending or supervising the expenditure of the state moneys, and all institutions
61 applying for state moneys and appropriations, itemized estimates of revenues and expenditures.

62 The entities required by this Subsection (7)(a)(i) to submit itemized estimates of revenues and
63 expenditures to the governor, shall also report to the Utah Information Technology Commission
64 created in Title 63D, Chapter 1, before October 30 of each year. The report to the Information
65 Technology Commission shall include the proposed information technology expenditures and
66 objectives, the proposed appropriation requests and other sources of revenue necessary to fund the
67 proposed expenditures and an analysis of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119 (ii) coordination of information technology statewide within the state system of higher
120 education;

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

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

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

128 (g) The governor may revise all estimates, except those relating to the Legislative
129 Department, the Judicial Department, and those providing for the payment of principal and interest
130 to the state debt and for the salaries and expenditures specified by the Utah Constitution or under
131 the laws of the state.

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

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

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

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

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

141 (iii) area agencies under Section 62A-3-104.2;

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

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

145 (b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the governor
146 shall consider an amount sufficient to grant local health departments, local mental health
147 authorities, local substance abuse authorities, and area agencies the same percentage increase for
148 wages and benefits that he includes in his budget for persons employed by the state.

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

152 (11) (a) In submitting the budget for the Division of Services for People with Disabilities,
153 the Division of Child and Family Services, and the Division of Youth Corrections within the
154 Department of Human Services, the governor shall consider an amount sufficient to grant
155 employees of [~~private nonprofit~~] corporations that provide direct services under contract with [~~that~~
156 ~~division~~] those divisions, the same percentage increase for cost-of-living that he includes in his
157 budget for persons employed by the state.

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

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

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

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

Legislative Review Note
as of 2-1-00 12:41 PM

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

Office of Legislative Research and General Counsel