

Senator Scott K. Jenkins proposes the following substitute bill:

**PARAMETERS ON GOVERNOR'S ABILITY TO
ENTER AGREEMENTS BINDING THE STATE**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Kevin S. Garn

LONG TITLE

General Description:

This bill requires legislative approval of certain interstate agreements.

Highlighted Provisions:

This bill:

- ▶ provides definitions; and
- ▶ requires legislative approval of certain interstate agreements.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 63, Recodification of Title 63 State Affairs in General, by providing technical renumbering.

Utah Code Sections Affected:

ENACTS:

63-8a-101, Utah Code Annotated 1953

63-8a-102, Utah Code Annotated 1953

63-8a-201, Utah Code Annotated 1953



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

27 Section 1. Section **63-8a-101** is enacted to read:

28 **CHAPTER 8a. INTERSTATE COMPACTS AND AGREEMENTS**

29 **Part 1. General Provisions**

30 **63-8a-101. Title.**

31 This chapter is known as "Interstate Compacts and Agreements."

32 Section 2. Section **63-8a-102** is enacted to read:

33 **63-8a-102. Definitions.**

34 As used in this chapter:

35 (1) "Agency head" means a cabinet officer, an elected official, an executive director, or
36 a board or commission vested with the authority to administer or make policy for a state
37 agency.

38 (2) "Executive officer" means:

39 (a) the governor;

40 (b) the lieutenant governor;

41 (c) the attorney general;

42 (d) the state treasurer;

43 (e) the state auditor;

44 (f) agency head; or

45 (g) any other person or entity vested with the authority to enter into an agreement on
46 behalf of the state.

47 (3) (a) "Interstate agreement" means any agreement entered into between this state and:

48 (i) one or more other states;

49 (ii) an Indian tribe as defined in Section 9-9-402; or

50 (iii) a foreign government.

51 (b) "Interstate agreement" includes an interstate compact, whether or not the compact
52 requires federal congressional approval.

53 (c) "Interstate agreement" does not mean:

54 (i) an agreement entered into by the governor dealing with extradition or other matters
55 dealing with incarceration; or

56 (ii) an agreement entered into by an executive officer under authority that:

- 57 (A) is granted by the Legislature; and
- 58 (B) explicitly authorizes the executive officer to enter into the agreement.
- 59 (4) (a) "State agency" means:
- 60 (i) each department, commission, board, council, agency, institution, officer,
- 61 corporation, fund, division, office, committee, authority, hospital, college, university,
- 62 laboratory, library, unit, bureau, panel, program, or other instrumentality of the state; and
- 63 (ii) each state public education entity.
- 64 (b) "State agency" does not mean:
- 65 (i) a legislative branch agency;
- 66 (ii) an independent agency;
- 67 (iii) a county, municipality, school district, local district, or special service district; or
- 68 (iv) any administrative subdivision of a county, municipality, school district, local
- 69 district, or special service district.

70 Section 3. Section **63-8a-201** is enacted to read:

71 **Part 2. Legislative Approval of Interstate Agreements**

72 **63-8a-201. Approval of significant interstate agreements -- Validity.**

73 (1) (a) Before legally binding the state by executing an interstate agreement on or after

74 May 5, 2008, an executive officer shall:

75 (i) submit the proposed interstate agreement to the governor for the governor's written

76 approval or rejection; and

77 (ii) if the governor approves the interstate agreement, submit the interstate agreement

78 to the Legislature in an annual general session or a special session for its approval by:

79 (A) a concurrent resolution approving or rejecting the agreement; or

80 (B) enacting the agreement into law.

81 (b) (i) If the governor and the Legislature approve the interstate agreement, the

82 executive officer may execute the agreement.

83 (ii) If the governor or the Legislature rejects the interstate agreement, the executive

84 officer may not execute the agreement.

85 (2) If an executive officer executes an interstate agreement without obtaining the

86 governor's approval or the Legislature's approval as required by Subsection (1), the agreement

87 is void ab initio.

88 Section 4. **Coordinating S.B. 144 with H.B. 63 -- Technical renumbering.**
89 If this S.B. 144 and H.B. 63, Recodification of Title 63 State Affairs in General, both
90 pass, it is the intent of the Legislature that the Office of Legislative Research and General
91 Counsel, in preparing the Utah Code database for publication renumber Sections 63-8a-101
92 through 63-8a-201 to 63G-11-101 through 63G-11-201 and change all internal references.

Fiscal Note

**S.B. 144 1st Sub. (Green) - Parameters on Governor's Ability to Enter
Agreements Binding the State**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
