

1                   **OFFICE OF PLANNING AND BUDGET RESTRUCTURING**

2                                   **AMENDMENTS**

3   2013 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Jerry W. Stevenson**

6                                   House Sponsor: Brad R. Wilson

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends provisions related to the Governor's Office of Planning and Budget.

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ changes the name of the Governor's Office of Planning and Budget to the
- 14 Governor's Office of Management and Budget;
- 15           ▶ reclassifies the director of the office from director to executive director;
- 16           ▶ updates references in the Utah Code to reflect the new name and the reclassification
- 17 of the director to executive director; and
- 18           ▶ adds additional duties to the office.

19   **Money Appropriated in this Bill:**

20           None

21   **Other Special Clauses:**

22           This bill provides revisor instructions.

23   **Utah Code Sections Affected:**

24   AMENDS:

25           **11-38-102**, as last amended by Laws of Utah 2009, Chapter 368

26           **11-38-201**, as last amended by Laws of Utah 2010, Chapter 286

27           **11-38-203**, as enacted by Laws of Utah 1999, Chapter 24

28           **20A-7-202.5**, as last amended by Laws of Utah 2011, Chapter 17

29           **20A-7-203**, as last amended by Laws of Utah 2011, Chapters 17, 315 and last amended

30 by Coordination Clause, Laws of Utah 2011, Chapter 315  
31       **20A-7-204.1**, as last amended by Laws of Utah 2011, Chapters 297 and 315  
32       **20A-7-214**, as enacted by Laws of Utah 2005, Chapter 236  
33       **36-2-4**, as last amended by Laws of Utah 2010, Chapter 286  
34       **49-11-406**, as last amended by Laws of Utah 2010, Chapter 280  
35       **49-12-203**, as last amended by Laws of Utah 2009, Chapter 51  
36       **49-13-203**, as last amended by Laws of Utah 2010, Chapter 280  
37       **49-20-410**, as last amended by Laws of Utah 2012, Chapter 406  
38       **49-22-401**, as last amended by Laws of Utah 2012, Chapter 298  
39       **53A-17a-105**, as last amended by Laws of Utah 2011, Chapters 7, 342, and 371  
40       **53B-2a-104**, as last amended by Laws of Utah 2009, Chapter 346  
41       **53B-2a-110**, as last amended by Laws of Utah 2009, Chapter 346  
42       **53B-16-210**, as enacted by Laws of Utah 2009, Chapter 346  
43       **59-1-403**, as last amended by Laws of Utah 2012, Chapter 360  
44       **59-5-102**, as last amended by Laws of Utah 2011, Chapters 54 and 384  
45       **59-15-109**, as last amended by Laws of Utah 2011, Chapter 281  
46       **62A-15-612**, as last amended by Laws of Utah 2003, Chapter 16  
47       **63A-1-114**, as last amended by Laws of Utah 2010, Chapter 341  
48       **63A-3-403**, as last amended by Laws of Utah 2010, Chapter 286  
49       **63A-5-101**, as last amended by Laws of Utah 2010, Chapter 286  
50       **63B-2-301**, as last amended by Laws of Utah 2008, Chapter 382  
51       **63B-3-301**, as last amended by Laws of Utah 2012, Chapter 242  
52       **63B-4-201**, as last amended by Laws of Utah 2009, Chapter 344  
53       **63B-4-301**, as last amended by Laws of Utah 2008, Chapter 382  
54       **63C-9-301 (Superseded 05/01/13)**, as last amended by Laws of Utah 2008, Chapters  
55 10 and 382  
56       **63C-9-301 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347  
57       **63C-13-105**, as enacted by Laws of Utah 2011, Chapter 408

- 58           **63F-1-104**, as last amended by Laws of Utah 2011, Chapter 270
- 59           **63F-1-302**, as last amended by Laws of Utah 2009, Chapter 183
- 60           **63F-1-508**, as renumbered and amended by Laws of Utah 2005, Chapter 169
- 61           **63I-4-302**, as enacted by Laws of Utah 2008, Chapter 147
- 62           **63I-4-303**, as enacted by Laws of Utah 2008, Chapter 147
- 63           **63J-1-104**, as last amended by Laws of Utah 2012, Chapter 102
- 64           **63J-1-205**, as last amended by Laws of Utah 2011, Chapter 384
- 65           **63J-1-206**, as last amended by Laws of Utah 2011, Chapter 342
- 66           **63J-1-217**, as renumbered and amended by Laws of Utah 2009, Chapters 183 and 368
- 67           **63J-1-411**, as last amended by Laws of Utah 2011, Chapter 378
- 68           **63J-1-504**, as last amended by Laws of Utah 2011, Chapter 247
- 69           **63J-1-701**, as renumbered and amended by Laws of Utah 2009, Chapter 183
- 70           **63J-1-702**, as renumbered and amended by Laws of Utah 2009, Chapter 183
- 71           **63J-3-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 72           **63J-3-103**, as last amended by Laws of Utah 2010, Chapter 137
- 73           **63J-3-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 74           **63J-4-101**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 75           **63J-4-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 76           **63J-4-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 77           **63J-4-202**, as last amended by Laws of Utah 2011, Chapter 151
- 78           **63J-4-301**, as last amended by Laws of Utah 2009, Chapter 183
- 79           **63J-4-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 80           **63J-4a-201**, as enacted by Laws of Utah 2011, Chapter 151
- 81           **63J-5-201**, as last amended by Laws of Utah 2011, Chapter 326
- 82           **63J-5-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 83           **63J-7-201**, as enacted by Laws of Utah 2008, Chapter 195
- 84           **63M-1-910**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 85           **63M-1-2407**, as last amended by Laws of Utah 2010, Chapter 164

- 86           **63M-1-2603 (Superseded 05/01/13)**, as enacted by Laws of Utah 2008, Chapter 352
- 87           **63M-1-2603 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347
- 88           **63M-1-2606 (Superseded 05/01/13)**, as enacted by Laws of Utah 2008, Chapter 352
- 89           **63M-1-2606 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347
- 90           **63M-1-2607 (Superseded 05/01/13)**, as enacted by Laws of Utah 2008, Chapter 352
- 91           **63M-1-2607 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347
- 92           **63M-1-2609**, as enacted by Laws of Utah 2008, Chapter 352
- 93           **63M-1-2612**, as last amended by Laws of Utah 2009, Chapter 183
- 94           **63M-1-2911**, as enacted by Laws of Utah 2011, Chapter 306
- 95           **64-13e-105**, as last amended by Laws of Utah 2009, Chapter 56
- 96           **67-4-16**, as last amended by Laws of Utah 2000, Chapter 13
- 97           **67-19-11**, as last amended by Laws of Utah 2010, Chapter 249
- 98           **67-19-12**, as last amended by Laws of Utah 2012, Chapter 173
- 99           **67-19d-202**, as last amended by Laws of Utah 2012, Chapter 376
- 100          **67-22-2**, as last amended by Laws of Utah 2012, Chapters 212 and 369

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

103           Section 1. Section **11-38-102** is amended to read:

104           **11-38-102. Definitions.**

105           As used in this chapter:

106           (1) "Affordable housing" means housing occupied or reserved for occupancy by  
 107 households with a gross household income equal to or less than 80% of the median gross  
 108 income of the applicable municipal or county statistical area for households of the same size.

109           (2) "Agricultural land" has the same meaning as "land in agricultural use" under  
 110 Section 59-2-502.

111           (3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial  
 112 land where expansion or redevelopment is complicated by real or perceived environmental  
 113 contamination.

114 (4) "Commission" means the Quality Growth Commission established in Section  
115 11-38-201.

116 (5) "Infill development" means residential, commercial, or industrial development on  
117 unused or underused land, excluding open land and agricultural land, within existing, otherwise  
118 developed urban areas.

119 (6) "Local entity" means a county, city, or town.

120 [~~(7) "OPB" means the Governor's Office of Planning and Budget established under~~  
121 ~~Section 63J-4-201.~~]

122 [~~(8)~~ (7) (a) "Open land" means land that is:

123 (i) preserved in or restored to a predominantly natural, open, and undeveloped  
124 condition; and

125 (ii) used for:

126 (A) wildlife habitat;

127 (B) cultural or recreational use;

128 (C) watershed protection; or

129 (D) another use consistent with the preservation of the land in or restoration of the land  
130 to a predominantly natural, open, and undeveloped condition.

131 (b) (i) "Open land" does not include land whose predominant use is as a developed  
132 facility for active recreational activities, including baseball, tennis, soccer, golf, or other  
133 sporting or similar activity.

134 (ii) The condition of land does not change from a natural, open, and undeveloped  
135 condition because of the development or presence on the land of facilities, including trails,  
136 waterways, and grassy areas, that:

137 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

138 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,  
139 scenic, or aesthetic qualities and for compatible recreational activities.

140 [~~(9)~~ (8) "Program" means the LeRay McAllister Critical Land Conservation Program  
141 established in Section 11-38-301.

142            [~~(10)~~] (9) "Surplus land" means real property owned by the Department of  
143 Administrative Services, the Department of Agriculture and Food, the Department of Natural  
144 Resources, or the Department of Transportation that the individual department determines not  
145 to be necessary for carrying out the mission of the department.

146            Section 2. Section **11-38-201** is amended to read:

147            **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**  
148 **Organization -- Expenses -- Staff.**

149            (1) (a) There is created a Quality Growth Commission consisting of:

150            (i) the director of the Department of Natural Resources;

151            (ii) the commissioner of the Department of Agriculture and Food;

152            (iii) six elected officials at the local government level, three of whom may not be  
153 residents of a county of the first or second class; and

154            (iv) five persons from the profit and nonprofit private sector, two of whom may not be  
155 residents of a county of the first or second class and no more than three of whom may be from  
156 the same political party and one of whom shall be from the residential construction industry,  
157 nominated by the Utah Home Builders Association, and one of whom shall be from the real  
158 estate industry, nominated by the Utah Association of Realtors.

159            (b) (i) The director of the Department of Natural Resources and the commissioner of  
160 the Department of Agriculture and Food may not assume their positions on the commission  
161 until:

162            (A) after May 1, 2005; and

163            (B) the term of the respective predecessor in office, who is a state government level  
164 appointee, expires.

165            (ii) The term of a commission member serving on May 1, 2005 as one of the six  
166 elected local officials or five private sector appointees may not be shortened because of  
167 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees  
168 from counties of the first or second class.

169            (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be

170 appointed by the governor with the consent of the Senate.

171 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from  
172 a list of names provided by the Utah League of Cities and Towns, and shall select the  
173 remaining three from a list of names provided by the Utah Association of Counties.

174 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural  
175 community from a list of names provided by Utah farm organizations.

176 (3) (a) The term of office of each member is four years, except that the governor shall  
177 appoint one of the persons at the state government level, three of the persons at the local  
178 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year  
179 term.

180 (b) No member of the commission may serve more than two consecutive four-year  
181 terms.

182 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as  
183 an appointment under Subsection (2).

184 (5) Commission members shall elect a chair from their number and establish rules for  
185 the organization and operation of the commission.

186 (6) A member may not receive compensation or benefits for the member's service, but  
187 may receive per diem and travel expenses in accordance with:

188 (a) Section 63A-3-106;

189 (b) Section 63A-3-107; and

190 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
191 63A-3-107.

192 (7) A member is not required to give bond for the performance of official duties.

193 (8) Staff services to the commission:

194 (a) shall be provided by ~~[OPB]~~ the Governor's Office of Management and Budget; and

195 (b) may be provided by local entities through the Utah Association of Counties and the  
196 Utah League of Cities and Towns, with funds approved by the commission from those  
197 identified as available to local entities under Subsection 11-38-203(1)(a).

198 Section 3. Section **11-38-203** is amended to read:

199 **11-38-203. Commission may provide assistance to local entities.**

200 The commission may:

201 (1) from funds appropriated to [~~OPB~~] the Governor's Office of Management and  
202 Budget by the Legislature for this purpose, grant money to local entities to help them obtain the  
203 technical assistance they need to:

204 (a) conduct workshops or public hearings or use other similar methods to obtain public  
205 input and participation in the process of identifying for that entity the principles of quality  
206 growth referred to in Subsection 11-38-202(1)(f);

207 (b) identify where and how quality growth areas could be established within the local  
208 entity; and

209 (c) develop or modify the local entity's general plan to incorporate and implement the  
210 principles of quality growth developed by the local entity and to establish quality growth areas;  
211 and

212 (2) require each local entity to which the commission grants money under Subsection  
213 (1) to report to the commission, in a format and upon a timetable determined by the  
214 commission, on that local entity's process of developing quality growth principles and on the  
215 quality growth principles developed by that local entity.

216 Section 4. Section **20A-7-202.5** is amended to read:

217 **20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge**  
218 **to estimate.**

219 (1) Within three working days of receipt of an application for an initiative petition, the  
220 lieutenant governor shall submit a copy of the application to the Governor's Office of  
221 [~~Planning~~] Management and Budget.

222 (2) (a) The Governor's Office of [~~Planning~~] Management and Budget shall prepare an  
223 unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that  
224 contains:

225 (i) a dollar amount representing the total estimated fiscal impact of the proposed law;

226 (ii) if the proposed law would increase or decrease taxes, a dollar amount representing  
227 the total estimated increase or decrease for each type of tax affected under the proposed law  
228 and a dollar amount representing the total estimated increase or decrease in taxes under the  
229 proposed law;

230 (iii) if the proposed law would result in the issuance or a change in the status of bonds,  
231 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
232 decrease in public debt under the proposed law;

233 (iv) a listing of all sources of funding for the estimated costs associated with the  
234 proposed law showing each source of funding and the percentage of total funding provided  
235 from each source;

236 (v) a dollar amount representing the estimated costs or savings, if any, to state and  
237 local government entities under the proposed law; and

238 (vi) a concise explanation, not exceeding 100 words, of the above information and of  
239 the estimated fiscal impact, if any, under the proposed law.

240 (b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office  
241 of [Planning] Management and Budget shall include a summary statement in the initial fiscal  
242 impact statement in substantially the following form:

243 "The Governor's Office of [Planning] Management and Budget estimates that the law  
244 proposed by this initiative would have no significant fiscal impact and would not result in  
245 either an increase or decrease in taxes or debt."

246 (ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of  
247 [Planning] Management and Budget shall include a summary statement in the initial fiscal  
248 impact estimate in substantially the following form:

249 "The Governor's Office of [Planning] Management and Budget estimates that the law  
250 proposed by this initiative would result in a total fiscal expense/savings of \$\_\_\_\_\_, which  
251 includes a (type of tax or taxes) tax increase/decrease of \$\_\_\_\_\_ and a \$\_\_\_\_\_  
252 increase/decrease in state debt."

253 (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise

254 difficult to reasonably express in a summary statement, the Governor's Office of [~~Planning~~  
255 Management and Budget may include in the summary statement a brief explanation that  
256 identifies those factors affecting the variability or difficulty of the estimate.

257 (3) The Governor's Office of [~~Planning~~ Management and Budget shall prepare an  
258 unbiased, good faith estimate of the cost of printing and distributing information related to the  
259 initiative petition in:

260 (a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter  
261 Information Pamphlet; or

262 (b) the newspaper, as required by Section 20A-7-702.

263 (4) Within 25 calendar days from the date that the lieutenant governor delivers a copy  
264 of the application, the Governor's Office of [~~Planning~~ Management and Budget shall:

265 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's  
266 office; and

267 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in  
268 the initiative application.

269 (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days of  
270 the date of delivery of the initial fiscal impact estimate to the lieutenant governor's office, file a  
271 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a  
272 whole, is an inaccurate estimate of the fiscal impact of the initiative.

273 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor  
274 to send notice of the petition to:

275 (A) any person or group that has filed an argument with the lieutenant governor's office  
276 for or against the measure that is the subject of the challenge; and

277 (B) any political issues committee established under Section 20A-11-801 that has filed  
278 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
279 email address, and telephone number of the person designated to receive notice about any  
280 issues relating to the initiative.

281 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the

282 Governor's Office of ~~Planning~~ Management and Budget is based upon reasonable  
283 assumptions, uses reasonable data, and applies accepted analytical methods to present the  
284 estimated fiscal impact of the initiative.

285 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the  
286 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing  
287 evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate  
288 statement of the estimated fiscal impact of the initiative.

289 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate  
290 to a master to examine the issue and make a report in accordance with Utah Rules of Civil  
291 Procedure, Rule 53.

292 (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate  
293 for the measure that meets the requirements of this section.

294 Section 5. Section **20A-7-203** is amended to read:

295 **20A-7-203. Form of initiative petition and signature sheets.**

296 (1) (a) Each proposed initiative petition shall be printed in substantially the following  
297 form:

298 "INITIATIVE PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

299 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
300 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the  
301 regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

302 Each signer says:

303 I have personally signed this petition;

304 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
305 certification of the petition names by the county clerk; and

306 My residence and post office address are written correctly after my name.

307 NOTICE TO SIGNERS:

308 Public hearings to discuss this petition were held at: (list dates and locations of public  
309 hearings.)"

310 (b) The sponsors of an initiative shall attach a copy of the proposed law to each  
311 initiative petition.

312 (2) Each signature sheet shall:

313 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

314 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
315 that line blank for the purpose of binding;

316 (c) contain the title of the initiative printed below the horizontal line;

317 (d) contain the initial fiscal impact estimate's summary statement issued by the  
318 Governor's Office of ~~Planning~~ Management and Budget according to Subsection  
319 20A-7-202.5(2)(b), including any update according to Subsection 20A-7-204.1(4), and the cost  
320 estimate for printing and distributing information related to the initiative petition according to  
321 Subsection 20A-7-202.5(3), printed or typed in not less than 12 point, bold type, at the top of  
322 each signature sheet under the title of the initiative;

323 (e) contain the word "Warning" printed or typed at the top of each signature sheet  
324 under the initial fiscal impact estimate's summary statement;

325 (f) contain, to the right of the word "Warning," the following statement printed or  
326 typed in not less than eight point, single leaded type:

327 "It is a class A misdemeanor for anyone to sign any initiative petition with any other  
328 name than his own, or knowingly to sign his name more than once for the same measure, or to  
329 sign an initiative petition when he knows he is not a registered voter and knows that he does  
330 not intend to become registered to vote before the certification of the petition names by the  
331 county clerk."; and

332 (g) be vertically divided into columns as follows:

333 (i) the first column shall appear at the extreme left of the sheet, be five-eighths inch  
334 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down  
335 the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

336 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
337 Name (must be legible to be counted)";

338 (iii) the next column shall be 2-1/2 inches wide, headed "Signature of Registered  
339 Voter";

340 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

341 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
342 Code"; and

343 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age  
344 information is not required, but it may be used to verify your identity with voter registration  
345 records. If you choose not to provide it, your signature may not be verified as a valid signature  
346 if you change your address before petition signatures are verified or if the information you  
347 provide does not match your voter registration records."

348 (3) The final page of each initiative packet shall contain the following printed or typed  
349 statement:

350 "Verification  
351 State of Utah, County of \_\_\_\_  
352 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

353 I am a resident of Utah and am at least 18 years old;

354 All the names that appear in this packet were signed by persons who professed to be the  
355 persons whose names appear in it, and each of them signed his name on it in my presence;

356 I believe that each has printed and signed his name and written his post office address  
357 and residence correctly, and that each signer is registered to vote in Utah or intends to become  
358 registered to vote before the certification of the petition names by the county clerk.

359 I have not paid or given anything of value to any person who signed this petition to  
360 encourage that person to sign it.

361 \_\_\_\_\_  
362 (Name) (Residence Address) (Date)"

363 (4) The forms prescribed in this section are not mandatory, and, if substantially  
364 followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical  
365 errors.

366 Section 6. Section **20A-7-204.1** is amended to read:

367 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
368 **Changes to an initiative and initial fiscal impact estimate.**

369 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of  
370 ~~[Planning]~~ Management and Budget and before circulating initiative petitions for signature  
371 statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout  
372 Utah as follows:

373 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

374 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
375 County;

376 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

377 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
378 County;

379 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

380 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

381 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
382 County.

383 (b) Of the seven meetings, at least two of the meetings shall be held in a first or second  
384 class county, but not in the same county.

385 (2) At least three calendar days before the date of the public hearing, the sponsors  
386 shall:

387 (a) provide written notice of the public hearing to:

388 (i) the lieutenant governor for posting on the state's website; and

389 (ii) each state senator, state representative, and county commission or county council  
390 member who is elected in whole or in part from the region where the public hearing will be  
391 held; and

392 (b) publish written notice of the public hearing detailing its time, date, and location:

393 (i) in at least one newspaper of general circulation in each county in the region where

394 the public hearing will be held; and

395 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

396 (3) (a) During the public hearing, the sponsors shall either:

397 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
398 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

399 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
400 each speaker and summarizing each speaker's comments.

401 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
402 public.

403 (4) (a) Within 14 days after conducting the seventh public hearing required by  
404 Subsection (1)(a) and before circulating an initiative petition for signatures, the sponsors of the  
405 initiative petition may change the text of the proposed law if:

406 (i) a change to the text is:

407 (A) germane to the text of the proposed law filed with the lieutenant governor under  
408 Section 20A-7-202; and

409 (B) consistent with the requirements of Subsection 20A-7-202(5); and

410 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
411 change the text of the proposed law.

412 (b) (i) Within three working days of receipt of an application addendum to change the  
413 text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of  
414 the application addendum to the Governor's Office of ~~[Planning]~~ Management and Budget.

415 (ii) The Governor's Office of ~~[Planning]~~ Management and Budget shall update the  
416 initial fiscal impact estimate by following the procedures and requirements of Section  
417 20A-7-202.5 to reflect a change to the text of the proposed law.

418 Section 7. Section **20A-7-214** is amended to read:

419 **20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.**

420 (1) No later 60 days after the date of an election in which the voters approve an  
421 initiative petition, the Governor's Office of ~~[Planning]~~ Management and Budget shall:

422 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,  
423 using current financial information and containing the information required by Subsection  
424 20A-7-202.5(2); and

425 (b) deliver a copy of the final fiscal impact statement to:

426 (i) the president of the Senate;

427 (ii) the minority leader of the Senate;

428 (iii) the speaker of the House of Representatives;

429 (iv) the minority leader of the House of Representatives; and

430 (v) the first five sponsors listed on the initiative application.

431 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%  
432 or more, the Legislature shall review the final fiscal impact statement and may, in any  
433 legislative session following the election in which the voters approved the initiative petition:

434 (a) repeal the law established by passage of the initiative;

435 (b) amend the law established by passage of the initiative; or

436 (c) pass a joint or concurrent resolution informing the voters that they may file an  
437 initiative petition to repeal the law enacted by the passage of the initiative.

438 Section 8. Section **36-2-4** is amended to read:

439 **36-2-4. Legislative Compensation Commission created -- Governor's**  
440 **considerations in appointments -- Organization and expenses.**

441 (1) There is created a state Legislative Compensation Commission composed of seven  
442 members appointed by the governor, not more than four of whom shall be from the same  
443 political party.

444 (2) (a) Except as required by Subsection (2)(b), the members shall be appointed for  
445 four-year terms.

446 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
447 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
448 board members are staggered so that approximately half of the board is appointed every two  
449 years.

450 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
451 appointed for the unexpired term in the same manner as the vacated member was chosen.

452 (3) In appointing members of the commission, the governor shall give consideration to  
453 achieving representation from the major geographic areas of the state, and representation from  
454 a broad cross section of occupational, professional, employee, and management interests.

455 (4) The commission shall select a chair. Four members of the commission shall  
456 constitute a quorum. The commission shall not make any final determination without the  
457 concurrence of a majority of its members appointed and serving on the commission being  
458 present.

459 (5) A member may not receive compensation or benefits for the member's service, but  
460 may receive per diem and travel expenses in accordance with:

461 (a) Section 63A-3-106;

462 (b) Section 63A-3-107; and

463 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
464 63A-3-107.

465 (6) (a) The commission shall be a citizen commission and no member or employee of  
466 the legislative, judicial, or executive branch is eligible for appointment to the commission.

467 (b) The executive director of the Governor's Office of Planning Management and  
468 Budget:

469 (i) shall provide staff to the commission; and

470 (ii) is responsible for administration, budgeting, procurement, and related management  
471 functions for the commission.

472 Section 9. Section ~~49-11-406~~ is amended to read:

473 **49-11-406. Governor's appointed executives and senior staff -- Appointed**  
474 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

475 (1) As used in this section:

476 (a) "Defined benefit balance" means the total amount of the contributions made on  
477 behalf of a member to a defined benefit system plus refund interest.

478 (b) "Senior staff" means an at-will employee who reports directly to an elected official,  
479 executive director, or director and includes a deputy director and other similar, at-will  
480 employee positions designated by the governor, the speaker of the House, or the president of  
481 the Senate and filed with the Department of Human Resource Management and the Utah State  
482 Retirement Office.

483 (2) In accordance with this section and subject to federal law, a member who has  
484 service credit from a system may elect to be exempt from coverage under a defined benefit  
485 system and to have the member's defined benefit balance transferred from the defined benefit  
486 system or plan to a defined contribution plan in the member's own name if the member is:

- 487 (a) the state auditor;
- 488 (b) the state treasurer;
- 489 (c) an appointed executive under Subsection 67-22-2(1)(a);
- 490 (d) an employee in the Governor's Office;
- 491 (e) senior staff in the Governor's Office of ~~Planning~~ Management and Budget;
- 492 (f) senior staff in the Governor's Office of Economic Development;
- 493 (g) senior staff in the Commission on Criminal and Juvenile Justice;
- 494 (h) a legislative employee appointed under Subsection 36-12-7(3)(a);
- 495 (i) a legislative employee appointed by the speaker of the House of Representatives, the  
496 House of Representatives minority leader, the president of the Senate, or the Senate minority  
497 leader; or
- 498 (j) senior staff of the Utah Science Technology and Research Initiative created under  
499 Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.

500 (3) An election made under Subsection (2):

- 501 (a) is final, and no right exists to make any further election;
- 502 (b) is considered a request to be exempt from coverage under a defined benefits  
503 system; and
- 504 (c) shall be made on forms provided by the office.
- 505 (4) The board shall adopt rules to implement and administer this section.

506 Section 10. Section **49-12-203** is amended to read:

507 **49-12-203. Exclusions from membership in system.**

508 (1) The following employees are not eligible for service credit in this system:

509 (a) An employee whose employment status is temporary in nature due to the nature or  
510 the type of work to be performed, provided that:

511 (i) if the term of employment exceeds six months and the employee otherwise qualifies  
512 for service credit in this system, the participating employer shall report and certify to the office  
513 that the employee is a regular full-time employee effective the beginning of the seventh month  
514 of employment; or

515 (ii) if an employee, previously terminated prior to being eligible for service credit in  
516 this system is reemployed within three months of termination by the same participating  
517 employer, the participating employer shall report and certify that the member is a regular  
518 full-time employee when the total of the periods of employment equals six months and the  
519 employee otherwise qualifies for service credit in this system.

520 (b) (i) A current or future employee of a two-year or four-year college or university  
521 who holds, or is entitled to hold, under Section 49-12-204, a retirement annuity contract with  
522 the Teachers' Insurance and Annuity Association of America or with any other public or private  
523 system, organization, or company during any period in which required contributions based on  
524 compensation have been paid on behalf of the employee by the employer.

525 (ii) The employee, upon cessation of the participating employer contributions, shall  
526 immediately become eligible for service credit in this system.

527 (c) An employee serving as an exchange employee from outside the state.

528 (d) An executive department head of the state, a member of the State Tax Commission,  
529 the Public Service Commission, and a member of a full-time or part-time board or commission  
530 who files a formal request for exemption.

531 (e) An employee of the Department of Workforce Services who is covered under  
532 another retirement system allowed under Title 35A, Chapter 4, Employment Security Act.

533 (f) (i) An employee who is employed on or after July 1, 2009 with an employer that has

534 elected, prior to July 1, 2009, to be excluded from participation in this system under Subsection  
535 49-12-202(2)(c).

536 (ii) Notwithstanding the provisions of this Subsection (1)(f), any eligibility for service  
537 credit earned by an employee under this chapter before July 1, 2009 is not affected under this  
538 Subsection (1)(f).

539 (2) Upon filing a written request for exemption with the office, the following  
540 employees shall be exempt from coverage under this system:

541 (a) a full-time student or the spouse of a full-time student and individuals employed in  
542 a trainee relationship;

543 (b) an elected official;

544 (c) an executive department head of the state, a member of the State Tax Commission,  
545 a member of the Public Service Commission, and a member of a full-time or part-time board or  
546 commission;

547 (d) an employee of the Governor's Office of ~~Planning~~ Management and Budget;

548 (e) an employee of the Governor's Office of Economic Development;

549 (f) an employee of the Commission on Criminal and Juvenile Justice;

550 (g) an employee of the Governor's Office;

551 (h) an employee of the State Auditor's Office;

552 (i) an employee of the State Treasurer's Office;

553 (j) any other member who is permitted to make an election under Section 49-11-406;

554 (k) a person appointed as a city manager or chief city administrator or another person  
555 employed by a municipality, county, or other political subdivision, who is an at-will employee;  
556 and

557 (l) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,  
558 Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through  
559 membership in a labor organization that provides retirement benefits to its members.

560 (3) (a) Each participating employer shall prepare a list designating those positions  
561 eligible for exemption under Subsection (2).

562 (b) An employee may not be exempted unless the employee is employed in a position  
563 designated by the participating employer.

564 (4) (a) In accordance with this section, a municipality, county, or political subdivision  
565 may not exempt more than 50 positions or a number equal to 10% of the employees of the  
566 municipality, county, or political subdivision whichever is lesser.

567 (b) A municipality, county, or political subdivision may exempt at least one regular  
568 full-time employee.

569 (5) Each participating employer shall:

570 (a) file employee exemptions annually with the office; and

571 (b) update the employee exemptions in the event of any change.

572 (6) The office may make rules to implement this section.

573 Section 11. Section **49-13-203** is amended to read:

574 **49-13-203. Exclusions from membership in system.**

575 (1) The following employees are not eligible for service credit in this system:

576 (a) An employee whose employment status is temporary in nature due to the nature or  
577 the type of work to be performed, provided that:

578 (i) if the term of employment exceeds six months and the employee otherwise qualifies  
579 for service credit in this system, the participating employer shall report and certify to the office  
580 that the employee is a regular full-time employee effective the beginning of the seventh month  
581 of employment; and

582 (ii) if an employee, previously terminated prior to becoming eligible for service credit  
583 in this system, is reemployed within three months of termination by the same participating  
584 employer, the participating employer shall report and certify to the office that the member is a  
585 regular full-time employee when the total of the periods of employment equals six months and  
586 the employee otherwise qualifies for service credit in this system.

587 (b) (i) A current or future employee of a two-year or four-year college or university  
588 who holds, or is entitled to hold, under Section 49-13-204, a retirement annuity contract with  
589 the Teachers' Insurance and Annuity Association of America or with any other public or private

590 system, organization, or company during any period in which required contributions based on  
591 compensation have been paid on behalf of the employee by the employer.

592 (ii) The employee, upon cessation of the participating employer contributions, shall  
593 immediately become eligible for service credit in this system.

594 (c) An employee serving as an exchange employee from outside the state.

595 (d) An executive department head of the state or a legislative director, senior executive  
596 employed by the governor's office, a member of the State Tax Commission, a member of the  
597 Public Service Commission, and a member of a full-time or part-time board or commission  
598 who files a formal request for exemption.

599 (e) An employee of the Department of Workforce Services who is covered under  
600 another retirement system allowed under Title 35A, Chapter 4, Employment Security Act.

601 (f) (i) An employee who is employed with an employer that has elected to be excluded  
602 from participation in this system under Subsection 49-13-202(5), effective on or after the date  
603 of the employer's election under Subsection 49-13-202(5).

604 (ii) Notwithstanding the provisions of this Subsection (1)(f), any eligibility for service  
605 credit earned by an employee under this chapter before the date of the election under  
606 Subsection 49-13-202(5) is not affected under this Subsection (1)(f).

607 (2) Upon filing a written request for exemption with the office, the following  
608 employees shall be exempt from coverage under this system:

609 (a) a full-time student or the spouse of a full-time student and individuals employed in  
610 a trainee relationship;

611 (b) an elected official;

612 (c) an executive department head of the state, a member of the State Tax Commission,  
613 a member of the Public Service Commission, and a member of a full-time or part-time board or  
614 commission;

615 (d) an employee of the Governor's Office of ~~Planning~~ Management and Budget;

616 (e) an employee of the Governor's Office of Economic Development;

617 (f) an employee of the Commission on Criminal and Juvenile Justice;

- 618 (g) an employee of the Governor's Office;
- 619 (h) an employee of the State Auditor's Office;
- 620 (i) an employee of the State Treasurer's Office;
- 621 (j) any other member who is permitted to make an election under Section 49-11-406;
- 622 (k) a person appointed as a city manager or chief city administrator or another person
- 623 employed by a municipality, county, or other political subdivision, who is an at-will employee;
- 624 (l) an employee of an interlocal cooperative agency created under Title 11, Chapter 13,
- 625 Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through
- 626 membership in a labor organization that provides retirement benefits to its members; and
- 627 (m) an employee of the Utah Science Technology and Research Initiative created under
- 628 Title 63M, Chapter 2, Utah Technology Research and Governing Authority Act.
- 629 (3) (a) Each participating employer shall prepare a list designating those positions
- 630 eligible for exemption under Subsection (2).
- 631 (b) An employee may not be exempted unless the employee is employed in a position
- 632 designated by the participating employer.
- 633 (4) (a) In accordance with this section, a municipality, county, or political subdivision
- 634 may not exempt more than 50 positions or a number equal to 10% of the employees of the
- 635 municipality, county, or political subdivision, whichever is lesser.
- 636 (b) A municipality, county, or political subdivision may exempt at least one regular
- 637 full-time employee.
- 638 (5) Each participating employer shall:
- 639 (a) file employee exemptions annually with the office; and
- 640 (b) update the employee exemptions in the event of any change.
- 641 (6) The office may make rules to implement this section.
- 642 Section 12. Section **49-20-410** is amended to read:
- 643 **49-20-410. High deductible health plan -- Health savings account --**
- 644 **Contributions.**
- 645 (1) (a) In addition to other employee benefit plans offered under Subsection

646 49-20-201(1), the office shall offer at least one federally qualified high deductible health plan  
647 with a health savings account as an optional health plan.

648 (b) The provisions and limitations of the plan shall be:

649 (i) determined by the office in accordance with federal requirements and limitations;

650 and

651 (ii) designed to promote appropriate health care utilization by consumers, including  
652 preventive health care services.

653 (c) A state employee hired on or after July 1, 2011, who is offered a plan under  
654 Subsection 49-20-202(1)(a), shall be enrolled in a federally qualified high deductible health  
655 plan unless the employee chooses a different health benefit plan during the employee's open  
656 enrollment period.

657 (2) The office shall:

658 (a) administer the high deductible health plan in coordination with a health savings  
659 account for medical expenses for each covered individual in the high deductible health plan;

660 (b) offer to all employees training regarding all health plans offered to employees;

661 (c) prepare online training as an option for the training required by Subsections (2)(b)  
662 and (4);

663 (d) ensure the training offered under Subsections (2)(b) and (c) includes information on  
664 changing coverages to the high deductible plan with a health savings account, including  
665 coordination of benefits with other insurances, restrictions on other insurance coverages, and  
666 general tax implications; and

667 (e) coordinate annual open enrollment with the Department of Human Resource  
668 Management to give state employees the opportunity to affirmatively select preferences from  
669 among insurance coverage options.

670 (3) (a) Contributions to the health savings account may be made by the employer.

671 (b) The amount of the employer contributions under Subsection (3)(a) shall be  
672 determined annually by the office, after consultation with the Department of Human Resource  
673 Management and the Governor's Office of ~~Planning~~ Management and Budget so that the

674 annual employer contribution amount reflects the difference in the actuarial value between the  
675 program's health maintenance organization coverage and the federally qualified high deductible  
676 health plan coverage, after taking into account any difference in employee premium  
677 contribution.

678 (c) The office shall distribute the annual amount determined under Subsection (3)(b) to  
679 employees in two equal amounts with a pay date in January and a pay date in July of each plan  
680 year.

681 (d) An employee may also make contributions to the health savings account.

682 (4) The program shall offer a state employee and the employee's eligible dependents  
683 the option to continue coverage under the employee's high deductible health plan in place of a  
684 conversion policy under Section 31A-22-723 if:

685 (a) the employee was covered by the state employee's high deductible health plan for at  
686 least the four years before the date of termination of employment;

687 (b) the employee or the employee's eligible dependents have exhausted federal  
688 COBRA coverage with the same or similar state employee's high deductible health plan; and

689 (c) the employee pays the premium group rate determined by the office for the  
690 coverage.

691 (5) (a) An employer participating in a plan offered under Subsection 49-20-202(1)(a)  
692 shall require each employee to complete training on the health plan options available to the  
693 employee.

694 (b) The training required by Subsection (5)(a):

695 (i) shall include materials prepared by the office under Subsection (2);

696 (ii) may be completed online; and

697 (iii) shall be completed:

698 (A) before the end of the 2012 open enrollment period for current enrollees in the  
699 program; and

700 (B) for employees hired on or after July 1, 2011, before the employee's selection of a  
701 plan in the program.

702 Section 13. Section **49-22-401** is amended to read:

703 **49-22-401. Contributions -- Rates.**

704 (1) Up to the amount allowed by federal law, the participating employer shall make a  
705 nonelective contribution of 10% of the participant's compensation to a defined contribution  
706 plan.

707 (2) (a) The participating employer shall contribute the 10% nonelective contribution  
708 described in Subsection (1) to a defined contribution plan qualified under Section 401(k) of the  
709 Internal Revenue Code which:

710 (i) is sponsored by the board; and

711 (ii) has been grandfathered under Section 1116 of the Federal Tax Reform Act of 1986.

712 (b) The member may make voluntary deferrals to:

713 (i) the qualified 401(k) plan which receives the employer contribution described in this  
714 Subsection (2); or

715 (ii) at the member's option, another defined contribution plan established by the  
716 participating employer.

717 (c) In addition to the percent specified under Subsection (2)(a), the participating  
718 employer shall pay the corresponding Tier I system amortization rate of the employee's  
719 compensation to the office to be applied to the employer's corresponding Tier I system liability.

720 (3) (a) Except as provided under Subsection (3)(c), the total amount contributed by the  
721 participating employer under Subsection (2)(a) vests to the member upon accruing four years  
722 employment as a regular full-time employee under this title.

723 (b) The total amount contributed by the member under Subsection (2)(b) vests to the  
724 member's benefit immediately and is nonforfeitable.

725 (c) Upon filing a written request for exemption with the office, the following  
726 employees are exempt from the vesting requirements of Subsection (3)(a):

727 (i) an executive department head of the state;

728 (ii) a member of the State Tax Commission;

729 (iii) a member of the Public Service Commission;

- 730 (iv) an employee of the Governor's Office of ~~[Planning]~~ Management and Budget;
- 731 (v) an employee of the Governor's Office of Economic Development;
- 732 (vi) an employee of the Commission on Criminal and Juvenile Justice;
- 733 (vii) an employee of the Governor's Office;
- 734 (viii) an employee of the State Auditor's Office;
- 735 (ix) an employee of the State Treasurer's Office;
- 736 (x) a person appointed as a city manager or appointed as a city administrator or another
- 737 at-will employee of a municipality, county, or other political subdivision;
- 738 (xi) an employee of an interlocal cooperative agency created under Title 11, Chapter
- 739 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided
- 740 through membership in a labor organization that provides retirement benefits to its members;
- 741 and
- 742 (xii) an employee of the Utah Science Technology and Research Initiative created
- 743 under Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.
- 744 (d) (i) A participating employer shall prepare a list designating those positions eligible
- 745 for exemption under Subsection (3)(c).
- 746 (ii) An employee may not be exempted unless the employee is employed in a position
- 747 designated by the participating employer under Subsection (3)(c).
- 748 (e) (i) In accordance with this section, a municipality, county, or political subdivision
- 749 may not exempt more than 50 positions or a number equal to 10% of the employees of the
- 750 municipality, county, or political subdivision, whichever is less.
- 751 (ii) A municipality, county, or political subdivision may exempt at least one regular
- 752 full-time employee.
- 753 (f) Each participating employer shall:
- 754 (i) file each employee exemption annually with the office; and
- 755 (ii) update an employee exemption in the event of any change.
- 756 (g) (i) The office shall make rules to implement this Subsection (3).
- 757 (ii) The rules made under Subsection (3)(g)(i) shall include provisions to allow the

758 exemption provided under Subsection (3)(c) to apply to all contributions made beginning on or  
759 after July 1, 2011, on behalf of an exempted employee who began the employment before May  
760 8, 2012.

761 (4) (a) Contributions made by a participating employer under Subsection (2)(a) shall be  
762 invested in a default option selected by the board until the member is vested in accordance with  
763 Subsection (3)(a).

764 (b) A member may direct the investment of contributions including associated  
765 investment gains and losses made by a participating employer under Subsection (2)(a) only  
766 after the contributions have vested in accordance with Subsection (3)(a).

767 (c) A member may direct the investment of contributions made by the member under  
768 Subsection (3)(b).

769 (5) No loans shall be available from contributions made by a participating employer  
770 under Subsection (2)(a).

771 (6) No hardship distributions shall be available from contributions made by a  
772 participating employer under Subsection (2)(a).

773 (7) (a) Except as provided in Subsection (7)(b), if a member terminates employment  
774 with a participating employer prior to the vesting period described in Subsection (3)(a), all  
775 contributions made by a participating employer on behalf of the member including associated  
776 investment gains and losses under Subsection (2)(a) are subject to forfeiture.

777 (b) If a member who terminates employment with a participating employer prior to the  
778 vesting period described in Subsection (3)(a) subsequently enters employment with the same or  
779 another participating employer within 10 years of the termination date of the previous  
780 employment:

781 (i) all contributions made by the previous participating employer on behalf of the  
782 member including associated investment gains and losses shall be reinstated upon the member's  
783 employment as a regular full-time employee; and

784 (ii) the length of time that the member worked with the previous employer shall be  
785 included in determining whether the member has completed the vesting period under

786 Subsection (3)(a).

787 (c) The office shall establish a forfeiture account and shall specify the uses of the  
788 forfeiture account, which may include an offset against administrative costs or employer  
789 contributions made under this section.

790 (8) The office may request from any other qualified 401(k) plan under Subsection (2)  
791 any relevant information pertaining to the maintenance of its tax qualification under the  
792 Internal Revenue Code.

793 (9) The office may take any action which in its judgment is necessary to maintain the  
794 tax-qualified status of its 401(k) defined contribution plan under federal law.

795 Section 14. Section **53A-17a-105** is amended to read:

796 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**  
797 **School Program allocations.**

798 (1) Except as provided in Subsection (2) or (4), if the number of weighted pupil units  
799 in a program is underestimated, the State Board of Education shall reduce the value of the  
800 weighted pupil unit in that program so that the total amount paid for the program does not  
801 exceed the amount appropriated for the program.

802 (2) If the number of weighted pupil units in a program is overestimated, the State  
803 Board of Education shall spend excess money appropriated for the following purposes giving  
804 priority to the purpose described in Subsection (2)(a):

805 (a) to support the value of the weighted pupil unit in a program within the basic  
806 state-supported school program in which the number of weighted pupil units is underestimated;

807 (b) to support the state guarantee per weighted pupil unit provided under the voted  
808 local levy program established in Section 53A-17a-133 or the board local levy program  
809 established in Section 53A-17a-164, if:

810 (i) local contributions to the voted local levy program or board local levy program are  
811 overestimated; or

812 (ii) the number of weighted pupil units within school districts qualifying for a  
813 guarantee is underestimated;

814 (c) to support the state supplement to local property taxes allocated to charter schools,  
815 if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or

816 (d) to support a school district with a loss in student enrollment as provided in Section  
817 53A-17a-139.

818 (3) If local contributions from the minimum basic tax rate imposed under Section  
819 53A-17a-135 are overestimated, the State Board of Education shall reduce the value of the  
820 weighted pupil unit for all programs within the basic state-supported school program so the  
821 total state contribution to the basic state-supported school program does not exceed the amount  
822 of state funds appropriated.

823 (4) If local contributions from the minimum basic tax rate imposed under Section  
824 53A-17a-135 are underestimated, the State Board of Education shall:

825 (a) spend the excess local contributions for the purposes specified in Subsection (2),  
826 giving priority to supporting the value of the weighted pupil unit in programs within the basic  
827 state-supported school program in which the number of weighted pupil units is underestimated;  
828 and

829 (b) reduce the state contribution to the basic state-supported school program so the  
830 total cost of the basic state-supported school program does not exceed the total state and local  
831 funds appropriated to the basic state-supported school program plus the local contributions  
832 necessary to support the value of the weighted pupil unit in programs within the basic  
833 state-supported school program in which the number of weighted pupil units is underestimated.

834 (5) Except as provided in Subsection (2) or (4), the State Board of Education shall  
835 reduce the guarantee per weighted pupil unit provided under the voted local levy program  
836 established in Section 53A-17a-133 or board local levy program established in Section  
837 53A-17a-164, if:

838 (a) local contributions to the voted local levy program or board local levy program are  
839 overestimated; or

840 (b) the number of weighted pupil units within school districts qualifying for a  
841 guarantee is underestimated.

842 (6) Money appropriated to the State Board of Education is nonlapsing.

843 (7) The State Board of Education shall report actions taken by the board under this  
844 section to the Office of the Legislative Fiscal Analyst and the Governor's Office of [~~Planning~~  
845 Management and Budget.

846 Section 15. Section **53B-2a-104** is amended to read:

847 **53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers**  
848 **and duties.**

849 (1) The Utah College of Applied Technology Board of Trustees is vested with the  
850 control, management, and supervision of the Utah College of Applied Technology college  
851 campuses in a manner consistent with the policy and purpose of this title and the specific  
852 powers and responsibilities granted to it.

853 (2) The Utah College of Applied Technology Board of Trustees shall:

854 (a) ensure that the Utah College of Applied Technology college campuses comply with  
855 the requirements in Section 53B-2a-106;

856 (b) appoint the president for the Utah College of Applied Technology in accordance  
857 with Section 53B-2a-102;

858 (c) advise the president of the Utah College of Applied Technology and the State  
859 Board of Regents on issues related to career and technical education, including articulation  
860 with institutions of higher education and public education;

861 (d) receive budget requests from each college campus, compile and prioritize the  
862 requests, and submit the request to:

863 (i) the Legislature; and

864 (ii) the Governor's Office of [~~Planning~~ Management and Budget;

865 (e) receive funding requests pertaining to capital facilities and land purchases from  
866 each college campus, ensure that the requests comply with Section 53B-2a-112, prioritize the  
867 requests, and submit the prioritized requests to the State Building Board;

868 (f) in conjunction with the Utah College of Applied Technology president, establish  
869 benchmarks, provide oversight, evaluate program performance, and obtain independent audits

870 to ensure that campuses follow the non-credit career and technical education mission described  
871 in this part;

872 (g) approve programs for the Utah College of Applied Technology;

873 (h) approve the tuition rates for the Utah College of Applied Technology;

874 (i) prepare and submit an annual report detailing its progress and recommendations on  
875 career and technical education issues to the governor and to the Legislature's Education Interim  
876 Committee by October 31 of each year, which shall include information detailing:

877 (i) how the career and technical education needs of secondary students are being met,  
878 including what access secondary students have to programs offered at college campuses;

879 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and  
880 industry described in Subsection 53B-2a-106(1)(c)(ii) is being provided;

881 (iii) performance outcomes, including:

882 (A) entered employment;

883 (B) job retention; and

884 (C) earnings; and

885 (iv) student tuition and fees; and

886 (j) collaborate with the State Board of Regents, the State Board of Education, the State  
887 System of Public Education, the State System of Higher Education, the Department of  
888 Workforce Services, and the Governor's Office of Economic Development on the delivery of  
889 career and technical education.

890 (3) The Utah College of Applied Technology Board of Trustees, the president of the  
891 Utah College of Applied Technology, and the Utah College of Applied Technology's college  
892 campuses, presidents, and boards of directors may not conduct a feasibility study or perform  
893 another act relating to offering a degree or awarding credit.

894 Section 16. Section **53B-2a-110** is amended to read:

895 **53B-2a-110. Campus board of directors -- Powers and duties.**

896 (1) A campus board of directors shall:

897 (a) assist the campus president in preparing a budget request for its annual operations

898 to the Utah College of Applied Technology Board of Trustees;

899 (b) after consulting with the Utah College of Applied Technology, other higher  
900 education institutions, school districts, and charter schools within its region, prepare a  
901 comprehensive strategic plan for delivering career and technical education within its region;

902 (c) consult with business, industry, the Department of Workforce Services, the  
903 Governor's Office of Economic Development, and the Governor's Office of [~~Planning~~  
904 Management and Budget on an ongoing basis to determine what workers and skills are needed  
905 for employment in Utah businesses and industries;

906 (d) develop programs based upon the information gathered in accordance with  
907 Subsection (1)(c), including expedited program approval and termination procedures to meet  
908 market needs;

909 (e) adopt an annual budget and fund balances;

910 (f) develop policies for the operation of career and technical education facilities under  
911 its jurisdiction;

912 (g) establish human resources and compensation policies for all employees in  
913 accordance with policies of the Utah College of Applied Technology Board of Trustees;

914 (h) approve credentials for employees and assign employees to duties in accordance  
915 with the Utah College of Applied Technology Board of Trustees policies and accreditation  
916 guidelines;

917 (i) conduct annual program evaluations;

918 (j) appoint program advisory committees and other advisory groups to provide counsel,  
919 support, and recommendations for updating and improving the effectiveness of training  
920 programs and services;

921 (k) approve regulations, both regular and emergency, to be issued and executed by the  
922 campus president;

923 (l) coordinate with local school boards, school districts, and charter schools to meet the  
924 career and technical education needs of secondary students; and

925 (m) develop policies and procedures for the admission, classification, instruction, and

926 examination of students in accordance with the policies and accreditation guidelines of the  
927 Utah College of Applied Technology and the State Board of Education.

928 (2) Subsection (1)(g) does not apply to a campus president.

929 (3) A campus board of directors may not exercise any jurisdiction over career and  
930 technical education provided by a school district or charter school or provided by a higher  
931 education institution independently of a college campus.

932 (4) If a program advisory committee or other advisory group submits a printed  
933 recommendation to the campus board of directors, the campus board of directors shall  
934 acknowledge the recommendation with a printed response that explains the campus board of  
935 directors' action regarding the recommendation and the reasons for the action.

936 Section 17. Section **53B-16-210** is amended to read:

937 **53B-16-210. Salt Lake Community College -- School of Applied Technology**  
938 **Board of Directors -- Membership -- Duties.**

939 (1) Salt Lake Community College's School of Applied Technology shall have a board  
940 of directors composed of the following 14 members:

941 (a) one elected local school board member appointed by the board of education for the  
942 Salt Lake City School District;

943 (b) one elected local school board member appointed by the board of education for the  
944 Granite School District;

945 (c) one elected local school board member appointed by the board of education for the  
946 Canyons School District;

947 (d) one elected local school board member appointed by the board of education for the  
948 Jordan School District;

949 (e) one elected local school board member appointed by the board of education for the  
950 Murray School District;

951 (f) one member of the Salt Lake Community College board of trustees, appointed by  
952 the chair of the board of trustees;

953 (g) one representative of groups who advocate for or provide services to populations of

954 disadvantaged students, appointed by the president of Salt Lake Community College, in  
955 consultation with the School of Applied Technology's Board of Directors; and

956 (h) seven representatives of business or industry employers within the region,  
957 appointed by the president of Salt Lake Community College, in consultation with the School of  
958 Applied Technology's Board of Directors, from names provided by business and industry  
959 associations representing sectors that employ workers with career and technical education.

960 (2) The School of Applied Technology's Board of Directors shall:

961 (a) consult on an ongoing basis with:

962 (i) Salt Lake Community College;

963 (ii) school districts and charter schools within its region;

964 (iii) business and industry;

965 (iv) craft, trade, and apprenticeship programs;

966 (v) the Department of Workforce Services;

967 (vi) the Governor's Office of Economic Development; and

968 (vii) the Governor's Office of ~~Planning~~ Management and Budget;

969 (b) prepare a comprehensive strategic plan for delivering career and technical  
970 education within Salt Lake County;

971 (c) make recommendations regarding what skills are needed for employment in  
972 businesses and industries;

973 (d) recommend the development of programs based upon the information gathered in  
974 accordance with Subsection (2)(a), including expedited program approval and termination  
975 procedures to meet market needs;

976 (e) conduct annual program evaluations;

977 (f) jointly appoint School of Applied Technology program advisory committees and  
978 other School of Applied Technology program advisory groups with the dean of the School of  
979 Applied Technology to provide counsel, support, and recommendations for updating and  
980 improving the effectiveness of non-credit career and technical education programs and  
981 services;

982 (g) coordinate with local school boards, school districts, and charter schools to protect  
983 and enhance the non-credit career and technical education needs of secondary students;

984 (h) adopt an annual budget and fund balances for the School of Applied Technology;

985 (i) develop policies and procedures for the operation of the School of Applied  
986 Technology facilities under its jurisdiction;

987 (j) recommend credentials for employees and the assignment of employees to duties in  
988 accordance with:

989 (i) State Board of Regents and Salt Lake Community College policies;

990 (ii) the Council on Occupational Education accreditation guidelines; and

991 (iii) the Northwest Commission on Colleges and Universities accreditation guidelines;

992 (k) develop policies and procedures for the admission, classification, instruction, and  
993 examination of students in accordance with the policies and accreditation guidelines of the  
994 Council on Occupational Education, the Northwest Commission on Colleges and Universities,  
995 the State Board of Regents, Salt Lake Community College Board of Trustees, and the State  
996 Board of Education; and

997 (l) communicate regularly with the president of Salt Lake Community College  
998 regarding career and technical education issues.

999 (3) If a program advisory committee or other advisory group submits a written  
1000 recommendation to the School of Applied Technology's Board of Directors, the board of  
1001 directors shall acknowledge the recommendation with a printed response that explains the  
1002 board of directors' action regarding the recommendation and the reasons for the action.

1003 (4) (a) If the School of Applied Technology Board of Directors has specific  
1004 recommendations to the Salt Lake Community College president, the recommendations shall  
1005 be in a written form.

1006 (b) Recommendations described under Subsection (4)(a) may include:

1007 (i) additions, deletions, or expansions of non-credit career and technical education  
1008 programs at Salt Lake Community College;

1009 (ii) updates and improvements in the effectiveness of School of Applied Technology

1010 non-credit career and technical education programs and services, including expedited program  
1011 approval and termination of procedures, consistent with Board of Regents' policy;

1012 (iii) responsibilities described under Subsection (2); and

1013 (iv) other recommendations relating to the non-credit career and technical education  
1014 mission of Salt Lake Community College.

1015 (c) If the president of Salt Lake Community College rejects a specific recommendation  
1016 of the board of directors, the president shall:

1017 (i) notify the board of directors in writing within 10 working days of the rejection and  
1018 the reasons for the rejection; and

1019 (ii) provide the board of directors an opportunity to modify its specific  
1020 recommendation and resubmit it to the president.

1021 (5) The president of Salt Lake Community College and the chair of the School of  
1022 Applied Technology's Board of Directors shall annually meet with the Utah College of Applied  
1023 Technology Board of Trustees to provide:

1024 (a) the information described in Subsection 53B-16-209(4)(g); and

1025 (b) a report on the implementation of specific recommendations described in  
1026 Subsection (4).

1027 (6) Salt Lake Community College School of Applied Technology shall provide staff  
1028 support for the School of Applied Technology's Board of Directors.

1029 Section 18. Section **59-1-403** is amended to read:

1030 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1031 (1) (a) Any of the following may not divulge or make known in any manner any  
1032 information gained by that person from any return filed with the commission:

1033 (i) a tax commissioner;

1034 (ii) an agent, clerk, or other officer or employee of the commission; or

1035 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
1036 town.

1037 (b) An official charged with the custody of a return filed with the commission is not

1038 required to produce the return or evidence of anything contained in the return in any action or  
1039 proceeding in any court, except:

1040 (i) in accordance with judicial order;

1041 (ii) on behalf of the commission in any action or proceeding under:

1042 (A) this title; or

1043 (B) other law under which persons are required to file returns with the commission;

1044 (iii) on behalf of the commission in any action or proceeding to which the commission  
1045 is a party; or

1046 (iv) on behalf of any party to any action or proceeding under this title if the report or  
1047 facts shown by the return are directly involved in the action or proceeding.

1048 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
1049 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
1050 pertinent to the action or proceeding.

1051 (2) This section does not prohibit:

1052 (a) a person or that person's duly authorized representative from receiving a copy of  
1053 any return or report filed in connection with that person's own tax;

1054 (b) the publication of statistics as long as the statistics are classified to prevent the  
1055 identification of particular reports or returns; and

1056 (c) the inspection by the attorney general or other legal representative of the state of the  
1057 report or return of any taxpayer:

1058 (i) who brings action to set aside or review a tax based on the report or return;

1059 (ii) against whom an action or proceeding is contemplated or has been instituted under  
1060 this title; or

1061 (iii) against whom the state has an unsatisfied money judgment.

1062 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
1063 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
1064 Rulemaking Act, provide for a reciprocal exchange of information with:

1065 (i) the United States Internal Revenue Service; or

1066           (ii) the revenue service of any other state.

1067           (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1068 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
1069 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
1070 other written statements with the federal government, any other state, any of the political  
1071 subdivisions of another state, or any political subdivision of this state, except as limited by  
1072 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal  
1073 government grant substantially similar privileges to this state.

1074           (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1075 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
1076 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
1077 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
1078 due.

1079           (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
1080 Division of Solid and Hazardous Waste, as defined in Section 19-6-102, as requested by the  
1081 director of the Division of Solid and Hazardous Waste, any records, returns, or other  
1082 information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or  
1083 Section 19-6-410.5 regarding the environmental assurance program participation fee.

1084           (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
1085 provide that person sales and purchase volume data reported to the commission on a report,  
1086 return, or other information filed with the commission under:

1087               (i) Chapter 13, Part 2, Motor Fuel; or  
1088               (ii) Chapter 13, Part 4, Aviation Fuel.

1089           (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,  
1090 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1091               (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1092 manufacturer and reported to the commission for the previous calendar year under Section  
1093 59-14-407; and

1094 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1095 manufacturer for which a tax refund was granted during the previous calendar year under  
1096 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1097 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
1098 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
1099 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1100 (h) Notwithstanding Subsection (1), the commission may:

1101 (i) provide to the Division of Consumer Protection within the Department of  
1102 Commerce and the attorney general data:

1103 (A) reported to the commission under Section 59-14-212; or

1104 (B) related to a violation under Section 59-14-211; and

1105 (ii) upon request, provide to any person data reported to the commission under  
1106 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1107 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee  
1108 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of  
1109 ~~Planning~~ Management and Budget, provide to the committee or office the total amount of  
1110 revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act,  
1111 for the time period specified by the committee or office.

1112 (j) Notwithstanding Subsection (1), the commission shall make the directory required  
1113 by Section 59-14-603 available for public inspection.

1114 (k) Notwithstanding Subsection (1), the commission may share information with  
1115 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1116 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
1117 Recovery Services within the Department of Human Services any relevant information  
1118 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
1119 who has become obligated to the Office of Recovery Services.

1120 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of  
1121 Recovery Services to any other state's child support collection agency involved in enforcing

1122 that support obligation.

1123 (m) (i) Notwithstanding Subsection (1), upon request from the state court  
1124 administrator, the commission shall provide to the state court administrator, the name, address,  
1125 telephone number, county of residence, and Social Security number on resident returns filed  
1126 under Chapter 10, Individual Income Tax Act.

1127 (ii) The state court administrator may use the information described in Subsection  
1128 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

1129 (n) Notwithstanding Subsection (1), the commission shall at the request of a  
1130 committee, commission, or task force of the Legislature provide to the committee, commission,  
1131 or task force of the Legislature any information relating to a tax imposed under Chapter 9,  
1132 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

1133 (o) (i) As used in this Subsection (3)(o), "office" means the:

1134 (A) Office of the Legislative Fiscal Analyst; or

1135 (B) Office of Legislative Research and General Counsel.

1136 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),  
1137 the commission shall at the request of an office provide to the office all information:

1138 (A) gained by the commission; and

1139 (B) required to be attached to or included in returns filed with the commission.

1140 (iii) (A) An office may not request and the commission may not provide to an office a  
1141 person's:

1142 (I) address;

1143 (II) name;

1144 (III) Social Security number; or

1145 (IV) taxpayer identification number.

1146 (B) The commission shall in all instances protect the privacy of a person as required by  
1147 Subsection (3)(o)(iii)(A).

1148 (iv) An office may provide information received from the commission in accordance  
1149 with this Subsection (3)(o) only:

- 1150 (A) as:
- 1151 (I) a fiscal estimate;
- 1152 (II) fiscal note information; or
- 1153 (III) statistical information; and
- 1154 (B) if the information is classified to prevent the identification of a particular return.
- 1155 (v) (A) A person may not request information from an office under Title 63G, Chapter
- 1156 2, Government Records Access and Management Act, or this section, if that office received the
- 1157 information from the commission in accordance with this Subsection (3)(o).
- 1158 (B) An office may not provide to a person that requests information in accordance with
- 1159 Subsection (3)(o)(v)(A) any information other than the information the office provides in
- 1160 accordance with Subsection (3)(o)(iv).
- 1161 (p) Notwithstanding Subsection (1), the commission may provide to the governing
- 1162 board of the agreement or a taxing official of another state, the District of Columbia, the United
- 1163 States, or a territory of the United States:
- 1164 (i) the following relating to an agreement sales and use tax:
- 1165 (A) information contained in a return filed with the commission;
- 1166 (B) information contained in a report filed with the commission;
- 1167 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or
- 1168 (D) a document filed with the commission; or
- 1169 (ii) a report of an audit or investigation made with respect to an agreement sales and
- 1170 use tax.
- 1171 (q) Notwithstanding Subsection (1), the commission may provide information
- 1172 concerning a taxpayer's state income tax return or state income tax withholding information to
- 1173 the Driver License Division if the Driver License Division:
- 1174 (i) requests the information; and
- 1175 (ii) provides the commission with a signed release form from the taxpayer allowing the
- 1176 Driver License Division access to the information.
- 1177 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah 911

1178 Committee the information requested by the Utah 911 Committee under Subsection  
1179 53-10-602(3).

1180 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1181 Educational Savings Plan information related to a resident or nonresident individual's  
1182 contribution to a Utah Educational Savings Plan account as designated on the resident or  
1183 nonresident's individual income tax return as provided under Section 59-10-1313.

1184 (t) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
1185 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the  
1186 Department of Health or its designee with the adjusted gross income of an individual if:

1187 (i) an eligibility worker with the Department of Health or its designee requests the  
1188 information from the commission; and

1189 (ii) the eligibility worker has complied with the identity verification and consent  
1190 provisions of Sections 26-18-2.5 and 26-40-105.

1191 (u) Notwithstanding Subsection (1), the commission may provide to a county, as  
1192 determined by the commission, information declared on an individual income tax return in  
1193 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption  
1194 authorized under Section 59-2-103.

1195 (4) (a) Each report and return shall be preserved for at least three years.

1196 (b) After the three-year period provided in Subsection (4)(a) the commission may  
1197 destroy a report or return.

1198 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

1199 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,  
1200 the person shall be dismissed from office and be disqualified from holding public office in this  
1201 state for a period of five years thereafter.

1202 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in  
1203 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with  
1204 Subsection (3)(o)(v):

1205 (i) is not guilty of a class A misdemeanor; and

- 1206 (ii) is not subject to:
- 1207 (A) dismissal from office in accordance with Subsection (5)(b); or
- 1208 (B) disqualification from holding public office in accordance with Subsection (5)(b).
- 1209 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

1210 Section 19. Section **59-5-102** is amended to read:

1211 **59-5-102. Severance tax -- Rate -- Computation -- Annual exemption -- Tax credit**  
1212 **-- Tax rate reduction -- Study by Revenue and Taxation Interim Committee.**

1213 (1) (a) Subject to Subsection (1)(b), a person owning an interest in oil or gas produced  
1214 from a well in the state, including a working interest, royalty interest, payment out of  
1215 production, or any other interest, or in the proceeds of the production of oil or gas, shall pay to  
1216 the state a severance tax on the basis of the value determined under Section 59-5-103.1 of the  
1217 oil or gas:

1218 (i) produced; and

1219 (ii) (A) saved;

1220 (B) sold; or

1221 (C) transported from the field where the substance was produced.

1222 (b) This section applies to an interest in oil or gas produced from a well in the state or  
1223 in the proceeds of the production of oil or gas produced from a well in the state except for:

1224 (i) an interest of the United States in oil or gas or in the proceeds of the production of  
1225 oil or gas;

1226 (ii) an interest of the state or a political subdivision of the state in oil or gas or in the  
1227 proceeds of the production of oil or gas; or

1228 (iii) an interest of an Indian or Indian tribe as defined in Section 9-9-101 in oil or gas or  
1229 in the proceeds of the production of oil or gas produced from land under the jurisdiction of the  
1230 United States.

1231 (2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows:

1232 (i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and

1233 (ii) 5% of the value of the oil from \$13.01 and above per barrel for oil.

1234 (b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:

1235 (i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for  
1236 gas; and

1237 (ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.

1238 (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of  
1239 the value of the natural gas liquids.

1240 (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst  
1241 and the Governor's Office of [~~Planning~~] Management and Budget shall prepare a revenue  
1242 forecast estimating the amount of revenues that:

1243 (A) would be generated by the taxes imposed by this part for the calendar year  
1244 beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and

1245 (B) will be generated by the taxes imposed by this part for the calendar year beginning  
1246 on January 1, 2004.

1247 (ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through  
1248 (c) shall be:

1249 (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated  
1250 under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection  
1251 (2)(d)(i)(A); or

1252 (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated  
1253 under Subsection (2)(d)(i)(B) is greater than the amount of revenues estimated under  
1254 Subsection (2)(d)(i)(A).

1255 (iii) For purposes of Subsection (2)(d)(ii):

1256 (A) subject to Subsection (2)(d)(iv)(B):

1257 (I) if an increase is required under Subsection (2)(d)(ii)(A), the total increase in the tax  
1258 rates shall be by the amount necessary to generate for the calendar year beginning on January 1,  
1259 2005 revenues equal to the amount by which the revenues estimated under Subsection  
1260 (2)(d)(i)(A) exceed the revenues estimated under Subsection (2)(d)(i)(B); or

1261 (II) if a decrease is required under Subsection (2)(d)(ii)(B), the total decrease in the tax

1262 rates shall be by the amount necessary to reduce for the calendar year beginning on January 1,  
1263 2005 revenues equal to the amount by which the revenues estimated under Subsection  
1264 (2)(d)(i)(B) exceed the revenues estimated under Subsection (2)(d)(i)(A); and

1265 (B) an increase or decrease in each tax rate under Subsection (2)(d)(ii) shall be in  
1266 proportion to the amount of revenues generated by each tax rate under this part for the calendar  
1267 year beginning on January 1, 2003.

1268 (iv) (A) The commission shall calculate any tax rate increase or decrease required by  
1269 Subsection (2)(d)(ii) using the best information available to the commission.

1270 (B) If the tax rates described in Subsections (2)(a) through (c) are increased or  
1271 decreased as provided in this Subsection (2)(d), the commission shall mail a notice to each  
1272 person required to file a return under this part stating the tax rate in effect on January 1, 2005  
1273 as a result of the increase or decrease.

1274 (3) If oil or gas is shipped outside the state:

1275 (a) the shipment constitutes a sale; and

1276 (b) the oil or gas is subject to the tax imposed by this section.

1277 (4) (a) Except as provided in Subsection (4)(b), if the oil or gas is stockpiled, the tax is  
1278 not imposed until the oil or gas is:

1279 (i) sold;

1280 (ii) transported; or

1281 (iii) delivered.

1282 (b) Notwithstanding Subsection (4)(a), if oil or gas is stockpiled for more than two  
1283 years, the oil or gas is subject to the tax imposed by this section.

1284 (5) A tax is not imposed under this section upon:

1285 (a) stripper wells, unless the exemption prevents the severance tax from being treated  
1286 as a deduction for federal tax purposes;

1287 (b) the first 12 months of production for wildcat wells started after January 1, 1990; or

1288 (c) the first six months of production for development wells started after January 1,  
1289 1990.

1290           (6) (a) Subject to Subsections (6)(b) and (c), a working interest owner who pays for all  
1291 or part of the expenses of a recompletion or workover may claim a nonrefundable tax credit  
1292 equal to 20% of the amount paid.

1293           (b) The tax credit under Subsection (6)(a) for each recompletion or workover may not  
1294 exceed \$30,000 per well during each calendar year.

1295           (c) If any amount of tax credit a taxpayer is allowed under this Subsection (6) exceeds  
1296 the taxpayer's tax liability under this part for the calendar year for which the taxpayer claims  
1297 the tax credit, the amount of tax credit exceeding the taxpayer's tax liability for the calendar  
1298 year may be carried forward for the next three calendar years.

1299           (7) A 50% reduction in the tax rate is imposed upon the incremental production  
1300 achieved from an enhanced recovery project.

1301           (8) The taxes imposed by this section are:

1302           (a) in addition to all other taxes provided by law; and

1303           (b) delinquent, unless otherwise deferred, on June 1 next succeeding the calendar year  
1304 when the oil or gas is:

1305           (i) produced; and

1306           (ii) (A) saved;

1307           (B) sold; or

1308           (C) transported from the field.

1309           (9) With respect to the tax imposed by this section on each owner of oil or gas or in the  
1310 proceeds of the production of those substances produced in the state, each owner is liable for  
1311 the tax in proportion to the owner's interest in the production or in the proceeds of the  
1312 production.

1313           (10) The tax imposed by this section shall be reported and paid by each producer that  
1314 takes oil or gas in kind pursuant to agreement on behalf of the producer and on behalf of each  
1315 owner entitled to participate in the oil or gas sold by the producer or transported by the  
1316 producer from the field where the oil or gas is produced.

1317           (11) Each producer shall deduct the tax imposed by this section from the amounts due

1318 to other owners for the production or the proceeds of the production.

1319 (12) (a) The Revenue and Taxation Interim Committee shall review the applicability of  
1320 the tax provided for in this chapter to coal-to-liquids, oil shale, and tar sands technology on or  
1321 before the October 2011 interim meeting.

1322 (b) The Revenue and Taxation Interim Committee shall address in its review the cost  
1323 and benefit of not applying the tax provided for in this chapter to coal-to-liquids, oil shale, and  
1324 tar sands technology.

1325 (c) The Revenue and Taxation Interim Committee shall report its findings and  
1326 recommendations under this Subsection (12) to the Legislative Management Committee on or  
1327 before the November 2011 interim meeting.

1328 Section 20. Section **59-15-109** is amended to read:

1329 **59-15-109. Tax money to be paid to state treasurer.**

1330 (1) Taxes collected under this chapter shall be paid by the commission to the state  
1331 treasurer daily for deposit as follows:

1332 (a) the greater of the following shall be deposited into the Alcoholic Beverage  
1333 Enforcement and Treatment Restricted Account created in Section 32B-2-403:

1334 (i) an amount calculated by:

1335 (A) determining an amount equal to 40% of the revenue collected for the fiscal year  
1336 two years preceding the fiscal year for which the deposit is made; and

1337 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

1338 (ii) \$4,350,000; and

1339 (b) the revenue collected in excess of the amount deposited in accordance with  
1340 Subsection (1)(a) shall be deposited into the General Fund.

1341 (2) (a) The commission shall notify the entities described in Subsection (2)(b) not later  
1342 than the September 1 preceding the fiscal year of the deposit of:

1343 (i) the amount of the proceeds of the beer excise tax collected in accordance with this  
1344 section for the fiscal year two years preceding the fiscal year of deposit; and

1345 (ii) an amount equal to 40% of the amount listed in Subsection (2)(a)(i).

1346 (b) The notification required by Subsection (2)(a) shall be sent to:

1347 (i) the Governor's Office of ~~Planning~~ Management and Budget; and

1348 (ii) the Legislative Fiscal Analyst.

1349 Section 21. Section **62A-15-612** is amended to read:

1350 **62A-15-612. Allocation of pediatric state hospital beds -- Formula.**

1351 (1) As used in this section:

1352 (a) "Pediatric beds" means the total number of patient beds located in the children's  
1353 unit and the youth units at the state hospital, as determined by the superintendent of the state  
1354 hospital.

1355 (b) "Mental health catchment area" means a county or group of counties governed by a  
1356 local mental health authority.

1357 (2) The board shall establish by rule a formula to separately allocate to local mental  
1358 health authorities pediatric beds for persons who meet the requirements of Subsection  
1359 62A-15-610(2)(b). On July 1, 1996, 72 pediatric beds shall be allocated to local mental health  
1360 authorities under this section. That number shall be reviewed and adjusted as necessary every  
1361 three years according to the state's population of persons under 18 years of age. All population  
1362 figures utilized shall reflect the most recent available population estimates from the Governor's  
1363 Office of ~~Planning~~ Management and Budget.

1364 (3) The formula established under Subsection (2) becomes effective on July 1, 1996,  
1365 and shall provide for allocation of beds based on the percentage of the state's population of  
1366 persons under the age of 18 located within a mental health catchment area. Each community  
1367 mental health center shall be allocated at least one bed.

1368 (4) A local mental health authority may sell or loan its allocation of beds to another  
1369 local mental health authority.

1370 (5) The division shall allocate 72 pediatric beds at the state hospital to local mental  
1371 health authorities for their use in accordance with the formula established under this section. If  
1372 a local mental health authority is unable to access a bed allocated to it under that formula, the  
1373 division shall provide that local mental health authority with funding equal to the reasonable,

1374 average daily cost of an acute care bed purchased by the local mental health authority.

1375 (6) The board shall periodically review and make changes in the formula established  
1376 under Subsection (2) as necessary to accurately reflect changes in the state's population.

1377 Section 22. Section **63A-1-114** is amended to read:

1378 **63A-1-114. Rate Committee -- Membership -- Duties.**

1379 (1) (a) There is created a Rate Committee which shall consist of:

1380 (i) the executive director of the Governor's Office of [~~Planning~~] Management and  
1381 Budget, or a designee;

1382 (ii) the executive directors of three state agencies that use services and pay rates to one  
1383 of the department internal service funds, or their designee, appointed by the governor for a  
1384 two-year term;

1385 (iii) the executive director of the Department of Administrative Services, or a designee;

1386 (iv) the director of the Division of Finance, or a designee; and

1387 (v) the chief information officer.

1388 (b) (i) The committee shall elect a chair from its members, except that the chair may  
1389 not be from an agency that receives payment of a rate set by the committee.

1390 (ii) Members of the committee who are state government employees and who do not  
1391 receive salary, per diem, or expenses from their agency for their service on the committee shall  
1392 receive no compensation, benefits, per diem, or expenses for the members' service on the  
1393 committee.

1394 (c) The Department of Administrative Services shall provide staff services to the  
1395 committee.

1396 (2) (a) A division described in Section 63A-1-109 that manages an internal service  
1397 fund shall submit to the committee a proposed rate and fee schedule for services rendered by  
1398 the division to an executive branch entity or an entity that subscribes to services rendered by  
1399 the division.

1400 (b) The committee shall:

1401 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings

1402 Act;

1403 (ii) review the proposed rate and fee schedules and may approve, increase, or decrease

1404 the rate and fee;

1405 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

1406 (A) the Governor's Office of [~~Planning~~] Management and Budget; and

1407 (B) the legislative appropriations subcommittees that, in accordance with Section

1408 63J-1-410, approve the internal service fund agency's rates, fees, and budget; and

1409 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an

1410 internal service fund agency begins a new service or introduces a new product between annual

1411 general sessions of the Legislature.

1412 (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate,

1413 fee, or amount that has been approved by the Legislature.

1414 Section 23. Section **63A-3-403** is amended to read:

1415 **63A-3-403. Utah Transparency Advisory Board -- Creation -- Membership --**

1416 **Duties.**

1417 (1) There is created within the division the Utah Transparency Advisory Board

1418 comprised of members knowledgeable about public finance or providing public access to

1419 public financial information as follows:

1420 (a) one member designated by the director of the Division of Finance;

1421 (b) one member designated by the executive director of the Governor's Office of

1422 [~~Planning~~] Management and Budget;

1423 (c) one member appointed by the governor on advice from the Judicial Council, who

1424 shall serve until June 30, 2009;

1425 (d) one member appointed by the governor on advice from the Legislative Fiscal

1426 Analyst;

1427 (e) one member of the Senate, appointed by the governor on advice from the president

1428 of the Senate;

1429 (f) one member of the House of Representatives, appointed by the governor on advice

1430 from the speaker of the House of Representatives;

1431 (g) one member designated by the director of the Department of Technology Services;

1432 (h) one member appointed by the governor from a state institution of higher education,

1433 who shall serve for one year beginning on July 1, 2009 and ending on June 30, 2010; and

1434 (i) three additional members appointed by the governor, who shall each serve one-year  
1435 terms as follows:

1436 (i) for the term beginning on July 1, 2009 and ending on June 30, 2010, represent the  
1437 following entities:

1438 (A) a school district;

1439 (B) a charter school; and

1440 (C) a public transit district created under Title 17B, Chapter 2a, Part 8, Public Transit  
1441 District Act; and

1442 (ii) for the term beginning on July 1, 2010 and ending on June 30, 2011, represent the  
1443 following entities:

1444 (A) a county;

1445 (B) a municipality; and

1446 (C) (I) a local district under Title 17B, Limited Purpose Local Government Entities -  
1447 Local Districts, that is not a public transit district created under Title 17B, Chapter 2a, Part 8,  
1448 Public Transit District Act; or

1449 (II) a special service district under Title 17D, Chapter 1, Special Service District Act.

1450 (2) The board shall:

1451 (a) advise the division on matters related to the implementation and administration of  
1452 this part;

1453 (b) develop plans, make recommendations, and assist in implementing the provisions  
1454 of this part;

1455 (c) determine what public financial information shall be provided by participating state  
1456 and local entities, provided that the public financial information:

1457 (i) only includes records that:

1458 (A) are classified as public under Title 63G, Chapter 2, Government Records Access  
1459 and Management Act;

1460 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or  
1461 revenues, regardless of the source; and

1462 (C) are owned, held, or administered by the participating state or local entity that is  
1463 required to provide the record; and

1464 (ii) is of the type or nature that should be accessible to the public via a website based  
1465 on considerations of:

1466 (A) the cost effectiveness of providing the information;

1467 (B) the value of providing the information to the public; and

1468 (C) privacy and security considerations;

1469 (d) evaluate the cost effectiveness of implementing specific information resources and  
1470 features on the website;

1471 (e) establish size or budget thresholds to identify those local entities that qualify as  
1472 participating local entities as defined in this part, giving special consideration to the budget and  
1473 resource limitations of an entity with a current annual budget of less than \$10,000,000;

1474 (f) require participating local entities to provide public financial information in  
1475 accordance with the requirements of this part, with a specified content, reporting frequency,  
1476 and form;

1477 (g) require a participating local entity's website to be accessible by link or other direct  
1478 route from the Utah Public Finance Website if the participating local entity does not use the  
1479 Utah Public Finance Website; and

1480 (h) determine the search methods and the search criteria that shall be made available to  
1481 the public as part of a website used by a participating local entity under the requirements of this  
1482 part, which criteria may include:

1483 (i) fiscal year;

1484 (ii) expenditure type;

1485 (iii) name of the agency;

1486 (iv) payee;

1487 (v) date; and

1488 (vi) amount.

1489 (3) The board shall annually elect a chair and a vice chair from its members.

1490 (4) (a) Except for a member appointed under Subsections (1)(c) and (h), each member  
1491 shall serve a two-year term.

1492 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
1493 appointed for the remainder of the unexpired term.

1494 (5) The board shall meet as it determines necessary to accomplish its duties.

1495 (6) Reasonable notice shall be given to each member of the board before any meeting.

1496 (7) A majority of the board constitutes a quorum for the transaction of business.

1497 (8) A member may not receive compensation or benefits for the member's service, but  
1498 may receive per diem and travel expenses in accordance with:

1499 (a) Section 63A-3-106;

1500 (b) Section 63A-3-107; and

1501 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1502 63A-3-107.

1503 Section 24. Section **63A-5-101** is amended to read:

1504 **63A-5-101. Creation -- Composition -- Appointment -- Per diem and expenses --**  
1505 **Administrative services.**

1506 (1) (a) There is created a State Building Board composed of eight members, seven of  
1507 whom shall be appointed by the governor for terms of four years.

1508 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
1509 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1510 board members are staggered so that approximately half of the board is appointed every two  
1511 years.

1512 (2) When a vacancy occurs in the membership for any reason, the replacement shall be  
1513 appointed for the unexpired term.

1514 (3) The executive director of the Governor's Office of [~~Planning~~] Management and  
1515 Budget or the executive director's designee is a nonvoting member of the board.

1516 (4) Each member shall hold office until a successor is appointed and qualified, but no  
1517 member shall serve more than two consecutive terms.

1518 (5) One member shall be designated by the governor as chair.

1519 (6) A member may not receive compensation or benefits for the member's service, but  
1520 may receive per diem and travel expenses in accordance with:

1521 (a) Section 63A-3-106;

1522 (b) Section 63A-3-107; and

1523 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1524 63A-3-107.

1525 (7) The members of the board are not required to give bond for the performance of  
1526 their official duties.

1527 (8) The department shall provide administrative and staff services to enable the board  
1528 to exercise its powers and discharge its duties, and shall provide necessary space and  
1529 equipment for the board.

1530 Section 25. Section **63B-2-301** is amended to read:

1531 **63B-2-301. Legislative intent -- Additional projects.**

1532 It is the intent of the Legislature that:

1533 (1) The Department of Employment Security use money in the special administrative  
1534 fund to plan, design, and construct a Davis County facility under the supervision of the director  
1535 of the Division of Facilities Construction and Management unless supervisory authority is  
1536 delegated by him as authorized by Section 63A-5-206.

1537 (2) The University of Utah may use donated funds to plan, design, and construct the  
1538 Nora Eccles Harrison addition under the supervision of the director of the Division of Facilities  
1539 Construction and Management unless supervisory authority is delegated by him as authorized  
1540 by Section 63A-5-206.

1541 (3) The University of Utah may use hospital funds to plan, design, and construct the

1542 West Patient Services Building under the supervision of the director of the Division of  
1543 Facilities Construction and Management unless supervisory authority is delegated by him as  
1544 authorized by Section 63A-5-206.

1545 (4) The University of Utah may use federal funds to plan, design, and construct the  
1546 Computational Science Building under the supervision of the director of the Division of  
1547 Facilities Construction and Management unless supervisory authority is delegated by him as  
1548 authorized by Section 63A-5-206.

1549 (5) The Board of Regents may issue revenue bonds to provide:

1550 (a) \$6,700,000 to plan, design, and construct single student housing at Utah State  
1551 University under the supervision of the director of the Division of Facilities Construction and  
1552 Management unless supervisory authority is delegated by him as authorized by Section  
1553 63A-5-206; and

1554 (b) additional money necessary to:

1555 (i) pay costs incident to the issuance and sale of the bonds;

1556 (ii) pay interest on the bonds that accrues during construction and acquisition of the  
1557 project and for up to one year after construction is completed; and

1558 (iii) fund any reserve requirements for the bonds.

1559 (6) Utah State University may use federal funds to plan, design, and construct the  
1560 Natural Resources Lab addition under the supervision of the director of the Division of  
1561 Facilities Construction and Management unless supervisory authority is delegated by him as  
1562 authorized by Section 63A-5-206.

1563 (7) Utah State University may use funds derived from property sales to plan, design,  
1564 and construct emergency relocation facilities for the Farmington Botanical Gardens under the  
1565 supervision of the director of the Division of Facilities Construction and Management unless  
1566 supervisory authority is delegated by him as authorized by Section 63A-5-206.

1567 (8) Utah State University may use institutional funds to plan, design, and construct an  
1568 institutional residence for the president under the supervision of the director of the Division of  
1569 Facilities Construction and Management unless supervisory authority is delegated by him as

1570 authorized by Section 63A-5-206.

1571 (9) Weber State University may use discretionary funds to construct a remodel and  
1572 expansion of the stores building and mail service facilities under the supervision of the director  
1573 of the Division of Facilities Construction and Management unless supervisory authority is  
1574 delegated by him as authorized by Section 63A-5-206.

1575 (10) Weber State University may use fees and auxiliary revenue to plan, design, and  
1576 construct a remodel and expansion of the Shepherd Student Union Building under the  
1577 supervision of the director of the Division of Facilities Construction and Management unless  
1578 supervisory authority is delegated by him as authorized by Section 63A-5-206.

1579 (11) Southern Utah University may use donated funds to plan, design, and construct an  
1580 alumni house under the supervision of the director of the Division of Facilities Construction  
1581 and Management unless supervisory authority is delegated by him as authorized by Section  
1582 63A-5-206.

1583 (12) The College of Eastern Utah may use auxiliary revenues and other fees to:

1584 (a) make lease or other payments;

1585 (b) redeem revenue bonds or repay loans issued on behalf of the college; and

1586 (c) plan, design, and construct a 200 person residence hall under the supervision of the  
1587 director of the Division of Facilities Construction and Management unless supervisory  
1588 authority is delegated by him as authorized by Section 63A-5-206.

1589 (13) The Sevier Valley Applied Technology Center may use private and Community  
1590 Impact Board funds, if approved, to plan, design, and construct a performing arts/multi-use  
1591 facility under the supervision of the director of the Division of Facilities Construction and  
1592 Management unless supervisory authority is delegated by him as authorized by Section  
1593 63A-5-206.

1594 (14) Ogden City and Weber County may have offices and related space for their  
1595 attorneys included in the Ogden Courts building if the city and county are able to provide  
1596 upfront funding to cover all costs associated with the design and construction of that space. In  
1597 addition, the city and county shall cover their proportionate share of all operations and

1598 maintenance costs of their facility, including future major repairs to the building.

1599           (15) If the Legislature authorizes the Division of Facilities Construction and  
1600 Management to enter into a lease purchase agreement for the Department of Human Services  
1601 facility at 1385 South State Street in Salt Lake City or for the State Board of Education facility  
1602 and adjacent space in Salt Lake City, or for both of those facilities, the State Building  
1603 Ownership Authority, at the reasonable rates and amounts it may determine, and with technical  
1604 assistance from the state treasurer, the director of the Division of Finance, and the executive  
1605 director of the Governor's Office of ~~Planning~~ Management and Budget, may seek out the  
1606 most cost effective lease purchase plans available to the state and may, pursuant to Title 63B,  
1607 Chapter 1, Part 3, State Building Ownership Authority Act, certificate out interests in, or  
1608 obligations of the authority pertaining to:

- 1609           (a) the lease purchase obligation; or
- 1610           (b) lease rental payments under the lease purchase obligation.

1611           (16) Salt Lake Community College may use donated funds to plan, design, and  
1612 construct an amphitheater under the supervision of the director of the Division of Facilities  
1613 Construction and Management unless supervisory authority is delegated by him as authorized  
1614 by Section 63A-5-206.

1615           (17) For the Tax Commission building, that:

1616           (a) All costs associated with the construction and furnishing of the Tax Commission  
1617 building that are incurred before the issuance of the 1993 general obligation bonds be  
1618 reimbursed by bond proceeds.

1619           (b) The maximum amount of cost that may be reimbursed from the 1993 general  
1620 obligation bond proceeds for the Tax Commission building and furnishings may not exceed  
1621 \$14,230,000.

1622           (c) This intent statement for Subsection (17) constitutes a declaration of official intent  
1623 under Section 1.103-18 of the U.S. Treasury Regulations.

1624           Section 26. Section **63B-3-301** is amended to read:

1625           **63B-3-301. Legislative intent -- Additional projects.**

1626 (1) It is the intent of the Legislature that, for any lease purchase agreement that the  
1627 Legislature may authorize the Division of Facilities Construction and Management to enter into  
1628 during its 1994 Annual General Session, the State Building Ownership Authority, at the  
1629 reasonable rates and amounts it may determine, and with technical assistance from the state  
1630 treasurer, the director of the Division of Finance, and the executive director of the Governor's  
1631 Office of [~~Planning~~] Management and Budget, may seek out the most cost effective and  
1632 prudent lease purchase plans available to the state and may, pursuant to Title 63B, Chapter 1,  
1633 Part 3, State Building Ownership Authority Act, certificate out interests in, or obligations of the  
1634 authority pertaining to:

- 1635 (a) the lease purchase obligation; or
- 1636 (b) lease rental payments under the lease purchase obligation.

1637 (2) It is the intent of the Legislature that the Department of Transportation dispose of  
1638 surplus real properties and use the proceeds from those properties to acquire or construct  
1639 through the Division of Facilities Construction and Management a new District Two Complex.

1640 (3) It is the intent of the Legislature that the State Building Board allocate funds from  
1641 the Capital Improvement appropriation and donations to cover costs associated with the  
1642 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered  
1643 by insurance proceeds.

1644 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1645 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
1646 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
1647 which participation interests may be created, to provide up to \$10,600,000 for the construction  
1648 of a Natural Resources Building in Salt Lake City, together with additional amounts necessary  
1649 to:

- 1650 (i) pay costs of issuance;
- 1651 (ii) pay capitalized interest; and
- 1652 (iii) fund any debt service reserve requirements.

1653 (b) It is the intent of the Legislature that the authority seek out the most cost effective

1654 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1655 director of the Division of Finance, and the executive director of the Governor's Office of  
1656 [~~Planning~~] Management and Budget.

1657 (c) It is the intent of the Legislature that the operating budget for the Department of  
1658 Natural Resources not be increased to fund these lease payments.

1659 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1660 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
1661 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
1662 which participation interests may be created, to provide up to \$8,300,000 for the acquisition of  
1663 the office buildings currently occupied by the Department of Environmental Quality and  
1664 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake  
1665 City, together with additional amounts necessary to:

- 1666 (i) pay costs of issuance;
- 1667 (ii) pay capitalized interest; and
- 1668 (iii) fund any debt service reserve requirements.

1669 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1670 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1671 director of the Division of Finance, and the executive director of the Governor's Office of  
1672 [~~Planning~~] Management and Budget.

1673 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1674 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
1675 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
1676 which participation interests may be created, to provide up to \$9,000,000 for the acquisition or  
1677 construction of up to two field offices for the Department of Human Services in the  
1678 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 1679 (i) pay costs of issuance;
- 1680 (ii) pay capitalized interest; and
- 1681 (iii) fund any debt service reserve requirements.

1682 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1683 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1684 director of the Division of Finance, and the executive director of the Governor's Office of  
1685 ~~[Planning]~~ Management and Budget.

1686 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1687 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
1688 Act, to issue or execute obligations or enter into or arrange for lease purchase agreements in  
1689 which participation interests may be created, to provide up to \$5,000,000 for the acquisition or  
1690 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together  
1691 with additional amounts necessary to:

- 1692 (i) pay costs of issuance;
- 1693 (ii) pay capitalized interest; and
- 1694 (iii) fund any debt service reserve requirements.

1695 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1696 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1697 director of the Division of Finance, and the executive director of the Governor's Office of  
1698 ~~[Planning]~~ Management and Budget.

1699 (c) It is the intent of the Legislature that the operating budget for the Department of  
1700 Alcoholic Beverage Control not be increased to fund these lease payments.

1701 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1702 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
1703 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
1704 which participation interests may be created, to provide up to \$6,800,000 for the construction  
1705 of a Prerelease and Parole Center for the Department of Corrections, containing a minimum of  
1706 300 beds, together with additional amounts necessary to:

- 1707 (i) pay costs of issuance;
- 1708 (ii) pay capitalized interest; and
- 1709 (iii) fund any debt service reserve requirements.

1710 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1711 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1712 director of the Division of Finance, and the executive director of the Governor's Office of  
1713 [~~Planning~~] Management and Budget.

1714 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex  
1715 in Salt Lake City, becomes law, it is the intent of the Legislature that:

1716 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees  
1717 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,  
1718 the Office of the Legislative Fiscal Analyst, the Governor's Office of [~~Planning~~] Management  
1719 and Budget, and the State Building Board participate in a review of the proposed facility design  
1720 for the Courts Complex no later than December 1994; and

1721 (b) although this review will not affect the funding authorization issued by the 1994  
1722 Legislature, it is expected that Division of Facilities Construction and Management will give  
1723 proper attention to concerns raised in these reviews and make appropriate design changes  
1724 pursuant to the review.

1725 (10) It is the intent of the Legislature that:

1726 (a) the Division of Facilities Construction and Management, in cooperation with the  
1727 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,  
1728 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003  
1729 to the Division of Juvenile Justice Services;

1730 (b) the development process use existing prototype proposals unless it can be  
1731 quantifiably demonstrated that the proposals cannot be used;

1732 (c) the facility is designed so that with minor modifications, it can accommodate  
1733 detention, observation and assessment, transition, and secure programs as needed at specific  
1734 geographical locations;

1735 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division  
1736 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to  
1737 design and construct one facility and design the other;

1738 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile  
1739 Justice Services shall:

1740 (A) determine the location for the facility for which design and construction are fully  
1741 funded; and

1742 (B) in conjunction with the Division of Facilities Construction and Management,  
1743 determine the best methodology for design and construction of the fully funded facility;

1744 (e) the Division of Facilities Construction and Management submit the prototype as  
1745 soon as possible to the Infrastructure and General Government Appropriations Subcommittee  
1746 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for  
1747 review;

1748 (f) the Division of Facilities Construction and Management issue a Request for  
1749 Proposal for one of the facilities, with that facility designed and constructed entirely by the  
1750 winning firm;

1751 (g) the other facility be designed and constructed under the existing Division of  
1752 Facilities Construction and Management process;

1753 (h) that both facilities follow the program needs and specifications as identified by  
1754 Division of Facilities Construction and Management and the Division of Youth Corrections  
1755 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

1756 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

1757 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair  
1758 Park Master Study be used by the Division of Facilities Construction and Management to  
1759 develop a master plan for the State Fair Park that:

1760 (a) identifies capital facilities needs, capital improvement needs, building  
1761 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

1762 (b) establishes priorities for development, estimated costs, and projected timetables.

1763 (12) It is the intent of the Legislature that:

1764 (a) the Division of Facilities Construction and Management, in cooperation with the  
1765 Division of Parks and Recreation and surrounding counties, develop a master plan and general

1766 program for the phased development of Antelope Island;

1767 (b) the master plan:

1768 (i) establish priorities for development;

1769 (ii) include estimated costs and projected time tables; and

1770 (iii) include recommendations for funding methods and the allocation of

1771 responsibilities between the parties; and

1772 (c) the results of the effort be reported to the Natural Resources, Agriculture, and

1773 Environmental Quality Appropriations Subcommittee and Infrastructure and General

1774 Government Appropriations Subcommittee.

1775 (13) It is the intent of the Legislature to authorize the University of Utah to use:

1776 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under

1777 the supervision of the director of the Division of Facilities Construction and Management

1778 unless supervisory authority is delegated by the director; and

1779 (b) donated and other nonappropriated funds to plan, design, and construct the Biology

1780 Research Building under the supervision of the director of the Division of Facilities

1781 Construction and Management unless supervisory authority is delegated by the director.

1782 (14) It is the intent of the Legislature to authorize Utah State University to use:

1783 (a) federal and other funds to plan, design, and construct the Bee Lab under the

1784 supervision of the director of the Division of Facilities Construction and Management unless

1785 supervisory authority is delegated by the director;

1786 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic

1787 Facility addition and renovation under the supervision of the director of the Division of

1788 Facilities Construction and Management unless supervisory authority is delegated by the

1789 director;

1790 (c) donated and other nonappropriated funds to plan, design, and construct a renovation

1791 to the Nutrition and Food Science Building under the supervision of the director of the

1792 Division of Facilities Construction and Management unless supervisory authority is delegated

1793 by the director; and

1794 (d) federal and private funds to plan, design, and construct the Millville Research  
1795 Facility under the supervision of the director of the Division of Facilities Construction and  
1796 Management unless supervisory authority is delegated by the director.

1797 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

1798 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades  
1799 Office and Learning Center under the supervision of the director of the Division of Facilities  
1800 Construction and Management unless supervisory authority is delegated by the director;

1801 (b) institutional funds to plan, design, and construct the relocation and expansion of a  
1802 temporary maintenance compound under the supervision of the director of the Division of  
1803 Facilities Construction and Management unless supervisory authority is delegated by the  
1804 director; and

1805 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the  
1806 supervision of the director of the Division of Facilities Construction and Management unless  
1807 supervisory authority is delegated by the director.

1808 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

1809 (a) federal funds to plan, design, and construct a Community Services Building under  
1810 the supervision of the director of the Division of Facilities Construction and Management  
1811 unless supervisory authority is delegated by the director; and

1812 (b) donated and other nonappropriated funds to plan, design, and construct a stadium  
1813 expansion under the supervision of the director of the Division of Facilities Construction and  
1814 Management unless supervisory authority is delegated by the director.

1815 (17) It is the intent of the Legislature to authorize the Department of Corrections to use  
1816 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional  
1817 Facility in Gunnison under the supervision of the director of the Division of Facilities  
1818 Construction and Management unless supervisory authority is delegated by the director.

1819 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the  
1820 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City  
1821 to plan and design an Armory in Provo, Utah, under the supervision of the director of the

1822 Division of Facilities Construction and Management unless supervisory authority is delegated  
1823 by the director.

1824 (19) It is the intent of the Legislature that the Utah Department of Transportation use  
1825 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in  
1826 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

1827 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology  
1828 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building  
1829 and purchase equipment for use in that building that could be used in metal trades or other  
1830 programs in other Applied Technology Centers.

1831 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center  
1832 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be  
1833 considered as the highest priority projects for construction funding in fiscal year 1996.

1834 (22) It is the intent of the Legislature that:

1835 (a) the Division of Facilities Construction and Management complete physical space  
1836 utilization standards by June 30, 1995, for the use of technology education activities;

1837 (b) these standards are to be developed with and approved by the State Office of  
1838 Education, the Board of Regents, and the Utah State Building Board;

1839 (c) these physical standards be used as the basis for:

1840 (i) determining utilization of any technology space based on number of stations capable  
1841 and occupied for any given hour of operation; and

1842 (ii) requests for any new space or remodeling;

1843 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the  
1844 Ogden-Weber Applied Technology Center are exempt from this process; and

1845 (e) the design of the Davis Applied Technology Center take into account the utilization  
1846 formulas established by the Division of Facilities Construction and Management.

1847 (23) It is the intent of the Legislature that Utah Valley State College may use the  
1848 money from the bond allocated to the remodel of the Signetics building to relocate its technical  
1849 education programs at other designated sites or facilities under the supervision of the director

1850 of the Division of Facilities Construction and Management unless supervisory authority is  
1851 delegated by the director.

1852 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995  
1853 project for the Bridgerland Applied Technology Center be used to design and construct the  
1854 space associated with Utah State University and design the technology center portion of the  
1855 project.

1856 (25) It is the intent of the Legislature that the governor provide periodic reports on the  
1857 expenditure of the funds provided for electronic technology, equipment, and hardware to the  
1858 Public Utilities and Technology Interim Committee, the Infrastructure and General  
1859 Government Appropriations Subcommittee, and the Legislative Management Committee.

1860 Section 27. Section **63B-4-201** is amended to read:

1861 **63B-4-201. Legislative intent statements -- Capital facilities.**

1862 (1) (a) It is the intent of the Legislature that the University of Utah use institutional and  
1863 other funds to plan, design, and construct two campus child care centers under the supervision  
1864 of the director of the Division of Facilities Construction and Management unless supervisory  
1865 authority is delegated by the director.

1866 (b) The university shall work with Salt Lake City and the surrounding neighborhood to  
1867 ensure site compatibility for future recreational development by the city.

1868 (2) It is the intent of the Legislature that the University of Utah use institutional funds  
1869 to plan, design, and construct:

1870 (a) the Union Parking structure under the supervision of the director of the Division of  
1871 Facilities Construction and Management unless supervisory authority is delegated by the  
1872 director;

1873 (b) the stadium renovation under the supervision of the director of the Division of  
1874 Facilities Construction and Management unless supervisory authority is delegated by the  
1875 director;

1876 (c) the Huntsman Cancer Institute under the supervision of the director of the Division  
1877 of Facilities Construction and Management unless supervisory authority is delegated by the

1878 director;

1879 (d) the Business Case Method Building under the supervision of the director of the  
1880 Division of Facilities Construction and Management unless supervisory authority is delegated  
1881 by the director; and

1882 (e) the Fine Arts Museum expansion under the supervision of the director of the  
1883 Division of Facilities Construction and Management unless supervisory authority is delegated  
1884 by the director.

1885 (3) It is the intent of the Legislature that Utah State University use institutional funds to  
1886 plan, design, and construct:

1887 (a) a student health services facility under the supervision of the director of the  
1888 Division of Facilities Construction and Management unless supervisory authority is delegated  
1889 by the director;

1890 (b) a women’s softball field under the supervision of the director of the Division of  
1891 Facilities Construction and Management unless supervisory authority is delegated by the  
1892 director;

1893 (c) an addition to the Nutrition and Food Services Building under the supervision of  
1894 the director of the Division of Facilities Construction and Management unless supervisory  
1895 authority is delegated by the director; and

1896 (d) a Human Resource Research Center under the supervision of the director of the  
1897 Division of Facilities Construction and Management unless supervisory authority is delegated  
1898 by the director.

1899 (4) It is the intent of the Legislature that Weber State University use institutional funds  
1900 to plan, design, and construct:

1901 (a) a track renovation under the supervision of the director of the Division of Facilities  
1902 Construction and Management unless supervisory authority is delegated by the director; and

1903 (b) the Dee Events Center offices under the supervision of the director of the Division  
1904 of Facilities Construction and Management unless supervisory authority is delegated by the  
1905 director.

1906 (5) It is the intent of the Legislature that Southern Utah University use:  
1907 (a) institutional funds to plan, design, and construct an institutional residence under the  
1908 supervision of the director of the Division of Facilities Construction and Management unless  
1909 supervisory authority is delegated by the director; and

1910 (b) project revenues and other funds to plan, design, and construct the Shakespearean  
1911 Festival support facilities under the supervision of the director of the Division of Facilities  
1912 Construction and Management unless supervisory authority is delegated by the director.

1913 (6) It is the intent of the Legislature that Dixie College use institutional funds to plan,  
1914 design, and construct an institutional residence under the supervision of the director of the  
1915 Division of Facilities Construction and Management unless supervisory authority is delegated  
1916 by the director.

1917 (7) It is the intent of the Legislature that the Division of Forestry, Fire, and State Lands  
1918 use federal and other funds to plan, design, and construct a wetlands enhancement facility  
1919 under the supervision of the director of the Division of Facilities Construction and  
1920 Management unless supervisory authority is delegated by the director.

1921 (8) (a) As provided in Subsection 63A-5-209(2), the funds appropriated to the Project  
1922 Reserve Fund may only be used for the award of contracts in excess of the construction budget  
1923 if these funds are required to meet the intent of the project.

1924 (b) It is the intent of the Legislature that:

1925 (i) up to \$2,000,000 of the amount may be used to award the construction contract for  
1926 the Ogden Court Building; and

1927 (ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996  
1928 Legislature.

1929 (9) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
1930 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue  
1931 or execute obligations or enter into or arrange for a lease purchase agreement in which  
1932 participation interests may be created to provide up to \$539,700 for the purchase and  
1933 demolition of the Keyston property and construction of parking facilities adjacent to the State

1934 Office of Education Building in Salt Lake City, with additional amounts necessary to:

- 1935 (i) pay costs of issuance;
- 1936 (ii) pay capitalized interest; and
- 1937 (iii) fund any debt service reserve requirements.

1938 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1939 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1940 director of the Division of Finance, and the executive director of the Governor's Office of  
1941 [Planning] Management and Budget.

1942 (10) (a) It is the intent of the Legislature that the money appropriated for Phase One of  
1943 the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State  
1944 University is to include design of full code compliance, life safety, space necessary to maintain  
1945 required programs, and seismic upgrades.

1946 (b) The design shall identify the full scope and cost of Phase Two of the remodeling for  
1947 funding consideration in the fiscal year 1997 budget cycle.

1948 (11) It is the intent of the Legislature that:

1949 (a) the fiscal year 1996 appropriation for the Davis County Higher Education land  
1950 purchase includes up to \$250,000 for planning purposes;

1951 (b) the Division of Facilities Construction and Management, the Board of Regents, and  
1952 the assigned institution of higher education work jointly to ensure the following elements are  
1953 part of the planning process:

- 1954 (i) projections of student enrollment and programmatic needs for the next 10 years;
- 1955 (ii) review and make recommendations for better use of existing space, current  
1956 technologies, public/private partnerships, and other alternatives as a means to reduce the need  
1957 for new facilities and still accommodate the projected student needs; and

1958 (iii) use of a master plan that includes issues of utilities, access, traffic circulation,  
1959 drainage, rights of way, future developments, and other infrastructure items considered  
1960 appropriate; and

1961 (c) every effort is used to minimize expenditures for this part until a definitive decision

1962 has been made by BRACC relative to Hill Air Force Base.

1963 (12) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
1964 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue  
1965 or execute obligations or enter into or arrange for a lease purchase agreement in which  
1966 participation interests may be created, to provide up to \$7,400,000 for the acquisition and  
1967 improvement of the Human Services Building located at 120 North 200 West, Salt Lake City,  
1968 Utah, with associated parking for the Department of Human Services together with additional  
1969 amounts necessary to:

- 1970 (i) pay costs of issuance;
- 1971 (ii) pay capitalized interest; and
- 1972 (iii) fund any debt service reserve requirements.

1973 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1974 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1975 director of the Division of Finance, and the executive director of the Governor's Office of  
1976 ~~Planning~~ Management and Budget.

1977 (13) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
1978 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue  
1979 or execute obligations or enter into or arrange for a lease purchase agreement in which  
1980 participation interests may be created to provide up to \$63,218,600 for the construction of a  
1981 Salt Lake Courts Complex together with additional amounts necessary to:

- 1982 (i) pay costs of issuance;
- 1983 (ii) pay capitalized interest; and
- 1984 (iii) fund any debt service reserve requirements.

1985 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1986 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1987 director of the Division of Finance, and the executive director of the Governor's Office of  
1988 ~~Planning~~ Management and Budget.

1989 (c) It is the intent of the Legislature that the Division of Facilities Construction and

1990 Management lease land to the State Building Ownership Authority for the construction of a  
1991 Salt Lake Courts Complex.

1992 (14) It is the intent of the Legislature that:

1993 (a) the Board of Regents use the higher education design project money to design no  
1994 more than two higher education projects from among the following projects:

1995 (i) College of Eastern Utah - Student Center;

1996 (ii) Snow College - Noyes Building;

1997 (iii) University of Utah - Gardner Hall;

1998 (iv) Utah State University - Widtsoe Hall; or

1999 (v) Southern Utah University - Physical Education Building; and

2000 (b) the higher education institutions that receive approval from the Board of Regents to  
2001 design projects under this chapter design those projects under the supervision of the director of  
2002 the Division of Facilities Construction and Management unless supervisory authority is  
2003 delegated by the director.

2004 (15) It is the intent of the Legislature that:

2005 (a) the Board of Regents may authorize the University of Utah to use institutional  
2006 funds and donated funds to design Gardner Hall; and

2007 (b) if authorized by the Board of Regents, the University of Utah may use institutional  
2008 funds and donated funds to design Gardner Hall under the supervision of the director of the  
2009 Division of Facilities Construction and Management unless supervisory authority is delegated  
2010 by the director.

2011 (16) It is the intent of the Legislature that the Division of Facilities Construction and  
2012 Management use up to \$250,000 of the capital improvement money to fund the site  
2013 improvements required at the San Juan campus of the College of Eastern Utah.

2014 Section 28. Section **63B-4-301** is amended to read:

2015 **63B-4-301. Bonds for golf course at Wasatch Mountain State Park.**

2016 (1) The State Building Ownership Authority under authority of Title 63B, Chapter 1,  
2017 Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into

2018 or arrange for a lease purchase agreement in which participation interests may be created, to  
2019 provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for  
2020 the Division of Parks and Recreation, together with additional amounts necessary to:

- 2021 (a) pay costs of issuance;
- 2022 (b) pay capitalized interest; and
- 2023 (c) fund any debt service reserve requirements.

2024 (2) (a) The State Building Ownership Authority shall work cooperatively with the  
2025 Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase  
2026 plan available.

2027 (b) The state treasurer, the director of the Division of Finance, and the executive  
2028 director of the Governor's Office of [~~Planning~~] Management and Budget shall provide technical  
2029 assistance to accomplish the purpose specified in Subsection (2)(a).

2030 Section 29. Section **63C-9-301 (Superseded 05/01/13)** is amended to read:

2031 **63C-9-301 (Superseded 05/01/13). Board powers -- Subcommittees.**

2032 (1) The board shall:

2033 (a) except as provided in Subsection (2), exercise complete jurisdiction and  
2034 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

2035 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,  
2036 capitol hill grounds, and their contents;

2037 (c) before October 1 of each year, review and approve the executive director's annual  
2038 budget request for submittal to the governor and Legislature;

2039 (d) by October 1 of each year, prepare and submit a recommended budget request for  
2040 the upcoming fiscal year for the capitol hill complex to:

2041 (i) the governor, through the Governor's Office of [~~Planning~~] Management and Budget;  
2042 and

2043 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,  
2044 through the Office of Legislative Fiscal Analyst;

2045 (e) review and approve the executive director's:

- 2046 (i) annual work plan;
- 2047 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
- 2048 capitol hill grounds; and
- 2049 (iii) furnishings plan for placement and care of objects under the care of the board;
- 2050 (f) approve all changes to the buildings and their grounds, including:
- 2051 (i) restoration, remodeling, and rehabilitation projects;
- 2052 (ii) usual maintenance program; and
- 2053 (iii) any transfers or loans of objects under the board's care;
- 2054 (g) define and identify all significant aspects of the capitol hill complex, capitol hill
- 2055 facilities, and capitol hill grounds, after consultation with the:
- 2056 (i) Division of Facilities Construction and Management;
- 2057 (ii) State Library Division;
- 2058 (iii) Division of Archives and Records Service;
- 2059 (iv) Division of State History;
- 2060 (v) Office of Museum Services; and
- 2061 (vi) Arts Council;
- 2062 (h) inventory, define, and identify all significant contents of the buildings and all
- 2063 state-owned items of historical significance that were at one time in the buildings, after
- 2064 consultation with the:
- 2065 (i) Division of Facilities Construction and Management;
- 2066 (ii) State Library Division;
- 2067 (iii) Division of Archives and Records Service;
- 2068 (iv) Division of State History;
- 2069 (v) Office of Museum Services; and
- 2070 (vi) Arts Council;
- 2071 (i) maintain archives relating to the construction and development of the buildings, the
- 2072 contents of the buildings and their grounds, including documents such as plans, specifications,
- 2073 photographs, purchase orders, and other related documents, the original copies of which shall

2074 be maintained by the Division of Archives and Records Service;

2075 (j) comply with federal and state laws related to program and facility accessibility; and

2076 (k) establish procedures for receiving, hearing, and deciding complaints or other issues

2077 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their

2078 use.

2079 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative  
2080 area, as defined in Section 36-5-1, is reserved to the Legislature; and

2081 (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is  
2082 reserved to the governor.

2083 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill  
2084 complex, capitol hill facilities, and capitol hill grounds by following the procedures and  
2085 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2086 (b) A person who violates a rule adopted by the board under the authority of this  
2087 Subsection (3) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the  
2088 amount of any actual damages, expenses, and costs related to the violation of the rule that are  
2089 incurred by the state.

2090 (c) The board may take any other legal action allowed by law.

2091 (d) If any violation of a rule adopted by the board is also an offense under Title 76,  
2092 Utah Criminal Code, the violation is subject to the civil penalty, damages, expenses, and costs  
2093 allowed under this Subsection (3) in addition to any criminal prosecution.

2094 (e) The board may not apply this section or rules adopted under the authority of this  
2095 section in a manner that violates a person's rights under the Utah Constitution or the First  
2096 Amendment to the United States Constitution, including the right of persons to peaceably  
2097 assemble.

2098 (f) The board shall send proposed rules under this section to the legislative general  
2099 counsel and the governor's general counsel for review and comment before the board adopts the  
2100 rules.

2101 (4) The board is exempt from the requirements of Title 63G, Chapter 6, Utah

2102 Procurement Code, but shall adopt procurement rules substantially similar to the requirements  
2103 of that chapter.

2104 (5) (a) The board may:

2105 (i) establish subcommittees made up of board members and members of the public to  
2106 assist and support the executive director in accomplishing the executive director's duties;

2107 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

2108 (iii) assign and allocate specific duties and responsibilities to any other state agency, if  
2109 the other agency agrees to perform the duty or accept the responsibility;

2110 (iv) contract with another state agency to provide services;

2111 (v) delegate by specific motion of the board any authority granted to it by this section  
2112 to the executive director;

2113 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public  
2114 property contiguous to East Capitol Boulevard and capitol hill;

2115 (vii) provide wireless Internet service to the public without a fee in any capitol hill  
2116 facility; and

2117 (viii) when necessary, consult with the:

2118 (A) Division of Facilities Construction and Management;

2119 (B) State Library Division;

2120 (C) Division of Archives and Records Service;

2121 (D) Division of State History;

2122 (E) Office of Museum Services; and

2123 (F) Arts Council.

2124 (b) The board's provision of wireless Internet service under Subsection (5)(a)(vii) shall  
2125 be discontinued in the legislative area if the president of the Senate and the speaker of the  
2126 House of Representatives each submit a signed letter to the board indicating that the service is  
2127 disruptive to the legislative process and is to be discontinued.

2128 (c) If a budget subcommittee is established by the board, the following shall serve as ex  
2129 officio, nonvoting members of the budget subcommittee:

2130 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office  
2131 of Legislative Fiscal Analyst; and

2132 (ii) the executive director of the Governor's Office of [~~Planning~~] Management and  
2133 Budget, or the executive director's designee, who shall be from the Governor's Office of  
2134 [~~Planning~~] Management and Budget.

2135 (d) If a preservation and maintenance subcommittee is established by the board, the  
2136 board may, by majority vote, appoint one or each of the following to serve on the  
2137 subcommittee as voting members of the subcommittee:

2138 (i) an architect, who shall be selected from a list of three architects submitted by the  
2139 American Institute of Architects; or

2140 (ii) an engineer, who shall be selected from a list of three engineers submitted by the  
2141 American Civil Engineers Council.

2142 (e) If the board establishes any subcommittees, the board may, by majority vote,  
2143 appoint up to two people who are not members of the board to serve, at the will of the board, as  
2144 nonvoting members of a subcommittee.

2145 (f) Members of each subcommittee shall, at the first meeting of each calendar year,  
2146 select one individual to act as chair of the subcommittee for a one-year term.

2147 (6) (a) The board, and the employees of the board, may not move the office of the  
2148 governor, lieutenant governor, president of the Senate, speaker of the House of  
2149 Representatives, or a member of the Legislature from the State Capitol unless the removal is  
2150 approved by:

2151 (i) the governor, in the case of the governor's office;

2152 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2153 (iii) the president of the Senate, in the case of the president's office or the office of a  
2154 member of the Senate; or

2155 (iv) the speaker of the House of Representatives, in the case of the speaker's office or  
2156 the office of a member of the House.

2157 (b) The board and the employees of the board have no control over the furniture,

2158 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the  
2159 members of the Legislature except as necessary to inventory or conserve items of historical  
2160 significance owned by the state.

2161 (c) The board and the employees of the board have no control over records and  
2162 documents produced by or in the custody of a state agency, official, or employee having an  
2163 office in a building on the capitol hill complex.

2164 (d) Except for items identified by the board as having historical significance, and  
2165 except as provided in Subsection (6)(b), the board and the employees of the board have no  
2166 control over moveable furnishings and equipment in the custody of a state agency, official, or  
2167 employee having an office in a building on the capitol hill complex.

2168 Section 30. Section **63C-9-301 (Effective 05/01/13)** is amended to read:

2169 **63C-9-301 (Effective 05/01/13). Board powers -- Subcommittees.**

2170 (1) The board shall:

2171 (a) except as provided in Subsection (2), exercise complete jurisdiction and  
2172 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

2173 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,  
2174 capitol hill grounds, and their contents;

2175 (c) before October 1 of each year, review and approve the executive director's annual  
2176 budget request for submittal to the governor and Legislature;

2177 (d) by October 1 of each year, prepare and submit a recommended budget request for  
2178 the upcoming fiscal year for the capitol hill complex to:

2179 (i) the governor, through the Governor's Office of ~~Planning~~ Management and Budget;  
2180 and

2181 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,  
2182 through the Office of Legislative Fiscal Analyst;

2183 (e) review and approve the executive director's:

2184 (i) annual work plan;

2185 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and

2186 capitol hill grounds; and  
2187 (iii) furnishings plan for placement and care of objects under the care of the board;  
2188 (f) approve all changes to the buildings and their grounds, including:  
2189 (i) restoration, remodeling, and rehabilitation projects;  
2190 (ii) usual maintenance program; and  
2191 (iii) any transfers or loans of objects under the board's care;  
2192 (g) define and identify all significant aspects of the capitol hill complex, capitol hill  
2193 facilities, and capitol hill grounds, after consultation with the:  
2194 (i) Division of Facilities Construction and Management;  
2195 (ii) State Library Division;  
2196 (iii) Division of Archives and Records Service;  
2197 (iv) Division of State History;  
2198 (v) Office of Museum Services; and  
2199 (vi) Arts Council;  
2200 (h) inventory, define, and identify all significant contents of the buildings and all  
2201 state-owned items of historical significance that were at one time in the buildings, after  
2202 consultation with the:  
2203 (i) Division of Facilities Construction and Management;  
2204 (ii) State Library Division;  
2205 (iii) Division of Archives and Records Service;  
2206 (iv) Division of State History;  
2207 (v) Office of Museum Services; and  
2208 (vi) Arts Council;  
2209 (i) maintain archives relating to the construction and development of the buildings, the  
2210 contents of the buildings and their grounds, including documents such as plans, specifications,  
2211 photographs, purchase orders, and other related documents, the original copies of which shall  
2212 be maintained by the Division of Archives and Records Service;  
2213 (j) comply with federal and state laws related to program and facility accessibility; and

2214 (k) establish procedures for receiving, hearing, and deciding complaints or other issues  
2215 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their  
2216 use.

2217 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative  
2218 area, as defined in Section 36-5-1, is reserved to the Legislature; and

2219 (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is  
2220 reserved to the governor.

2221 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill  
2222 complex, capitol hill facilities, and capitol hill grounds by following the procedures and  
2223 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2224 (b) A person who violates a rule adopted by the board under the authority of this  
2225 Subsection (3) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the  
2226 amount of any actual damages, expenses, and costs related to the violation of the rule that are  
2227 incurred by the state.

2228 (c) The board may take any other legal action allowed by law.

2229 (d) If any violation of a rule adopted by the board is also an offense under Title 76,  
2230 Utah Criminal Code, the violation is subject to the civil penalty, damages, expenses, and costs  
2231 allowed under this Subsection (3) in addition to any criminal prosecution.

2232 (e) The board may not apply this section or rules adopted under the authority of this  
2233 section in a manner that violates a person's rights under the Utah Constitution or the First  
2234 Amendment to the United States Constitution, including the right of persons to peaceably  
2235 assemble.

2236 (f) The board shall send proposed rules under this section to the legislative general  
2237 counsel and the governor's general counsel for review and comment before the board adopts the  
2238 rules.

2239 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah  
2240 Procurement Code, but shall adopt procurement rules substantially similar to the requirements  
2241 of that chapter.

2242 (5) (a) The board may:

2243 (i) establish subcommittees made up of board members and members of the public to

2244 assist and support the executive director in accomplishing the executive director's duties;

2245 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

2246 (iii) assign and allocate specific duties and responsibilities to any other state agency, if

2247 the other agency agrees to perform the duty or accept the responsibility;

2248 (iv) contract with another state agency to provide services;

2249 (v) delegate by specific motion of the board any authority granted to it by this section

2250 to the executive director;

2251 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public

2252 property contiguous to East Capitol Boulevard and capitol hill;

2253 (vii) provide wireless Internet service to the public without a fee in any capitol hill

2254 facility; and

2255 (viii) when necessary, consult with the:

2256 (A) Division of Facilities Construction and Management;

2257 (B) State Library Division;

2258 (C) Division of Archives and Records Service;

2259 (D) Division of State History;

2260 (E) Office of Museum Services; and

2261 (F) Arts Council.

2262 (b) The board's provision of wireless Internet service under Subsection (5)(a)(vii) shall

2263 be discontinued in the legislative area if the president of the Senate and the speaker of the

2264 House of Representatives each submit a signed letter to the board indicating that the service is

2265 disruptive to the legislative process and is to be discontinued.

2266 (c) If a budget subcommittee is established by the board, the following shall serve as ex

2267 officio, nonvoting members of the budget subcommittee:

2268 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office

2269 of Legislative Fiscal Analyst; and

2270 (ii) the executive director of the Governor's Office of [~~Planning~~] Management and  
2271 Budget, or the executive director's designee, who shall be from the Governor's Office of  
2272 [~~Planning~~] Management and Budget.

2273 (d) If a preservation and maintenance subcommittee is established by the board, the  
2274 board may, by majority vote, appoint one or each of the following to serve on the  
2275 subcommittee as voting members of the subcommittee:

2276 (i) an architect, who shall be selected from a list of three architects submitted by the  
2277 American Institute of Architects; or

2278 (ii) an engineer, who shall be selected from a list of three engineers submitted by the  
2279 American Civil Engineers Council.

2280 (e) If the board establishes any subcommittees, the board may, by majority vote,  
2281 appoint up to two people who are not members of the board to serve, at the will of the board, as  
2282 nonvoting members of a subcommittee.

2283 (f) Members of each subcommittee shall, at the first meeting of each calendar year,  
2284 select one individual to act as chair of the subcommittee for a one-year term.

2285 (6) (a) The board, and the employees of the board, may not move the office of the  
2286 governor, lieutenant governor, president of the Senate, speaker of the House of  
2287 Representatives, or a member of the Legislature from the State Capitol unless the removal is  
2288 approved by:

2289 (i) the governor, in the case of the governor's office;

2290 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2291 (iii) the president of the Senate, in the case of the president's office or the office of a  
2292 member of the Senate; or

2293 (iv) the speaker of the House of Representatives, in the case of the speaker's office or  
2294 the office of a member of the House.

2295 (b) The board and the employees of the board have no control over the furniture,  
2296 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the  
2297 members of the Legislature except as necessary to inventory or conserve items of historical

2298 significance owned by the state.

2299 (c) The board and the employees of the board have no control over records and  
2300 documents produced by or in the custody of a state agency, official, or employee having an  
2301 office in a building on the capitol hill complex.

2302 (d) Except for items identified by the board as having historical significance, and  
2303 except as provided in Subsection (6)(b), the board and the employees of the board have no  
2304 control over moveable furnishings and equipment in the custody of a state agency, official, or  
2305 employee having an office in a building on the capitol hill complex.

2306 Section 31. Section **63C-13-105** is amended to read:

2307 **63C-13-105. Authority staff and expenses.**

2308 The Governor's Office of [~~Planning~~] Management and Budget shall:

- 2309 (1) provide any necessary staff support for the authority; and
- 2310 (2) cover authority expenses.

2311 Section 32. Section **63F-1-104** is amended to read:

2312 **63F-1-104. Purposes.**

2313 The department shall:

2314 (1) lead state executive branch agency efforts to reengineer the state's information  
2315 technology architecture with the goal of coordinating central and individual agency information  
2316 technology in a manner that:

- 2317 (a) ensures compliance with the executive branch agency strategic plan; and
- 2318 (b) ensures that cost-effective, efficient information and communication systems and  
2319 resources are being used by agencies to:

- 2320 (i) reduce data, hardware, and software redundancy;
- 2321 (ii) improve system interoperability and data accessibility between agencies; and
- 2322 (iii) meet the agency's and user's business and service needs;

2323 (2) (a) coordinate an executive branch strategic plan for all agencies;

2324 (b) identify best practices from agencies and other public and private sector entities;

2325 and

2326 (c) develop and implement processes to replicate information technology best practices  
2327 and standards throughout the executive branch;

2328 (3) oversee the expanded use and implementation of project and contract management  
2329 principles as they relate to information technology projects within the executive branch;

2330 (4) serve as general contractor between the state's information technology users and  
2331 private sector providers of information technology products and services;

2332 (5) work toward building stronger partnering relationships with providers;

2333 (6) develop service level agreements with executive branch departments and agencies  
2334 to ensure quality products and services are delivered on schedule and within budget;

2335 (7) develop standards for application development including a standard methodology  
2336 and cost-benefit analysis that all agencies shall utilize for application development activities;

2337 (8) determine and implement statewide efforts to standardize data elements and  
2338 determine data ownership assignments among executive branch agencies;

2339 (9) develop systems and methodologies to review, evaluate, and prioritize existing  
2340 information technology projects within the executive branch and report to the governor and the  
2341 Public Utilities and Technology Interim Committee on a semiannual basis regarding the status  
2342 of information technology projects; and

2343 (10) assist the Governor's Office of [~~Planning~~] Management and Budget with the  
2344 development of information technology budgets for agencies.

2345 Section 33. Section **63F-1-302** is amended to read:

2346 **63F-1-302. Information Technology Rate Committee -- Membership -- Duties.**

2347 (1) (a) There is created an Information Technology Rate Committee which shall consist  
2348 of:

2349 (i) the executive director of the Governor's Office of [~~Planning~~] Management and  
2350 Budget, or a designee;

2351 (ii) the executive directors, or their designee, of three executive branch agencies that  
2352 use services and pay rates to one of the department internal service funds, appointed by the  
2353 governor for a two-year term;

- 2354 (iii) the director of the Division of Finance, or a designee; and
- 2355 (iv) the chief information officer.
- 2356 (b) (i) The director of the Division of Finance shall serve as chair of the committee.
- 2357 (ii) Members of the committee who are state government employees and who do not
- 2358 receive salary, per diem, or expenses from their agency for their service on the committee shall
- 2359 receive no compensation, benefits, per diem, or expenses for the member's service on the
- 2360 committee.
- 2361 (c) The department shall provide staff services to the committee.
- 2362 (2) (a) Any internal service funds managed by the department shall submit to the
- 2363 committee a proposed rate and fee schedule for services rendered by the department to an
- 2364 executive branch agency or an entity that subscribes to services rendered by the department.
- 2365 (b) The committee shall:
- 2366 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
- 2367 Act;
- 2368 (ii) review the proposed rate and fee schedule and determine if the proposed fee is
- 2369 based on cost recovery as required by Subsection 63F-1-301(2)(b);
- 2370 (iii) review the proposed rate and fee schedules and may approve, increase, or decrease
- 2371 the rate and fee;
- 2372 (iv) recommend a proposed rate and fee schedule for each internal service fund to:
- 2373 (A) the Governor's Office of ~~Planning~~ Management and Budget; and
- 2374 (B) the Office of Legislative Fiscal Analyst for review by the Legislature in accordance
- 2375 with Section 63J-1-410, which requires the Legislature to approve the internal service fund
- 2376 agency's rates, fees, and budget in an appropriations act; and
- 2377 (v) in accordance with Section 63J-1-410, review and approve, increase or decrease an
- 2378 interim rate, fee, or amount when an internal service fund agency begins a new service or
- 2379 introduces a new product between annual general sessions of the Legislature, which rate, fee, or
- 2380 amount shall be submitted to the Legislature at the next annual general session.
- 2381 (c) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate,

2382 fee, or amount that has been approved by the Legislature.

2383 Section 34. Section **63F-1-508** is amended to read:

2384 **63F-1-508. Committee to award grants to counties for inventory and mapping of**

2385 **R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**

2386 (1) There is created within the center a committee to award grants to counties to  
2387 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as  
2388 provided by Subsection (5).

2389 (2) (a) The committee shall consist of:

2390 (i) the center manager;

2391 (ii) a representative of the Governor's Office of ~~Planning~~ Management and Budget;

2392 (iii) a representative of Utah State University Extension;

2393 (iv) a representative of the Utah Association of Counties; and

2394 (v) three county commissioners.

2395 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall  
2396 be selected by the organizations they represent.

2397 (c) The committee members specified in Subsection (2)(a)(v) shall be:

2398 (i) selected by the Utah Association of Counties;

2399 (ii) from rural counties; and

2400 (iii) from different regions of the state.

2401 (3) (a) The committee shall select a chair from its membership.

2402 (b) The committee shall meet upon the call of the chair or a majority of the committee  
2403 members.

2404 (c) Four members shall constitute a quorum.

2405 (4) (a) Committee members who are state government employees shall receive no  
2406 additional compensation for their work on the committee.

2407 (b) Committee members who are not state government employees shall receive no  
2408 compensation or expenses from the state for their work on the committee.

2409 (5) (a) The committee shall award grants to counties to:

2410 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)  
2411 technology; and

2412 (ii) photograph:

2413 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;

2414 (B) structures or natural features that may be indicative of the purpose for which an  
2415 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational  
2416 facilities, or scenic overlooks; and

2417 (C) evidence of valid and existing rights on federal lands, such as mines and  
2418 agricultural facilities.

2419 (b) (i) The committee may allow counties, while they are conducting the activities  
2420 described in Subsection (5)(a), to use grant money to inventory, map, or photograph other  
2421 natural or cultural resources.

2422 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing  
2423 programs underway by state agencies, counties, or institutions of higher education.

2424 (c) Maps and other data acquired through the grants shall become a part of the State  
2425 Geographic Information Database.

2426 (d) Counties shall provide an opportunity to interested parties to submit information  
2427 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as  
2428 provided in Subsections (5)(a) and (5)(b).

2429 (6) (a) The committee shall develop a request for proposals process and issue a request  
2430 for proposals.

2431 (b) The request for proposals shall require each grant applicant to submit an  
2432 implementation plan and identify any monetary or in-kind contributions from the county.

2433 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,  
2434 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)  
2435 which are located on federal lands that:

2436 (i) a federal land management agency proposes for special management, such as lands  
2437 to be managed as an area of critical environmental concern or primitive area; or

2438 (ii) are proposed to receive a special designation by Congress, such as lands to be  
2439 designated as wilderness or a national conservation area.

2440 (7) Each county that receives a grant under the provision of this section shall provide a  
2441 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state  
2442 database.

2443 Section 35. Section **63I-4-302** is amended to read:

2444 **63I-4-302. Governor to require review of commercial activities.**

2445 Beginning with fiscal year 2009-10, the governor shall at least once every two fiscal  
2446 years:

2447 (1) select at least three commercial activities that are being performed by an agency for  
2448 examination; and

2449 (2) require the Governor's Office of [~~Planning~~] Management and Budget to conduct the  
2450 examination.

2451 Section 36. Section **63I-4-303** is amended to read:

2452 **63I-4-303. Duties of the Governor's Office of Management and Budget.**

2453 (1) The Governor's Office of [~~Planning~~] Management and Budget shall:

2454 (a) determine the amount of an appropriation that is no longer needed by an executive  
2455 branch agency because all or a portion of the agency's provision of a good or service is  
2456 privatized; and

2457 (b) adjust the governor's budget recommendations to reflect the amount determined  
2458 under Subsection (1)(a).

2459 (2) The Governor's Office of [~~Planning~~] Management and Budget shall report its  
2460 findings to the Legislature.

2461 (3) This section does not prevent the governor from recommending in a budget  
2462 recommendation the restoration of a portion of the appropriation to an agency that is reduced  
2463 under this section.

2464 Section 37. Section **63J-1-104** is amended to read:

2465 **63J-1-104. Revenue types -- Disposition of funds collected or credited by a state**

2466 **agency.**

2467 (1) (a) The Division of Finance shall:

2468 (i) account for revenues in accordance with generally accepted accounting principles;

2469 and

2470 (ii) use the major revenue types in internal accounting.

2471 (b) Each agency shall:

2472 (i) use the major revenue types to account for revenues;

2473 (ii) deposit revenues and other public funds received by them by following the  
2474 procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

2475 (iii) expend revenues and public funds as required by this chapter.

2476 (2) (a) Each agency shall deposit its free revenues into the appropriate fund.

2477 (b) An agency may expend free revenues up to the amount specifically appropriated by  
2478 the Legislature.

2479 (c) Any free revenue funds appropriated by the Legislature to an agency that remain  
2480 unexpended at the end of the fiscal year lapse to the source fund unless the Legislature provides  
2481 by law that those funds are nonlapsing.

2482 (3) (a) Each agency shall deposit its restricted revenues into the applicable restricted  
2483 account or fund.

2484 (b) Revenues in a restricted account or fund do not lapse to another account or fund  
2485 unless otherwise specifically provided for by law or legislative appropriation.

2486 (c) The Legislature may appropriate restricted revenues from a restricted account or  
2487 fund for the specific purpose or program designated by law.

2488 (d) If the fund equity of a restricted account or fund is insufficient to provide the  
2489 accounts appropriated from it by the Legislature, the Division of Finance may reduce the  
2490 appropriation to a level that ensures that the fund equity is not less than zero.

2491 (e) Any restricted revenues appropriated by the Legislature to an agency that remain  
2492 unexpended at the end of the fiscal year lapse to the applicable restricted account or fund unless  
2493 the Legislature provides by law that those appropriations, or the program or line item financed

2494 by those appropriations, are nonlapsing.

2495 (4) (a) An agency may expend dedicated credits for any purpose within the program or  
2496 line item.

2497 (b) (i) Except as provided in Subsection (4)(b)(ii), an agency may not expend dedicated  
2498 credits in excess of the amount appropriated as dedicated credits by the Legislature.

2499 (ii) In order to expend dedicated credits in excess of the amount appropriated as  
2500 dedicated credits by the Legislature, the following procedure shall be followed:

2501 (A) The agency seeking to make the excess expenditure shall:

2502 (I) develop a new work program that:

2503 (Aa) consists of the currently approved work program and the excess expenditure  
2504 sought to be made; and

2505 (Bb) complies with the requirements of Section 63J-2-202;

2506 (II) prepare a written justification for the new work program that sets forth the purpose  
2507 and necessity of the excess expenditure; and

2508 (III) submit the new work program and the written justification for the new work  
2509 program to the Division of Finance.

2510 (B) The Division of Finance shall process the new work program with written  
2511 justification and make this information available to the Governor's Office of [~~Planning~~  
2512 Management and Budget and the legislative fiscal analyst.

2513 (iii) An expenditure of dedicated credits in excess of amounts appropriated as  
2514 dedicated credits by the Legislature may not be used to permanently increase personnel within  
2515 the agency unless:

2516 (A) the increase is approved by the Legislature; or

2517 (B) the money is deposited as a dedicated credit in a line item covering tuition or  
2518 federal vocational funds at an institution of higher education.

2519 (c) (i) All excess dedicated credits lapse to the appropriate fund at the end of the fiscal  
2520 year unless the Legislature has designated the entire program or line item that is partially or  
2521 fully funded from dedicated credits as nonlapsing.

2522 (ii) The Division of Finance shall determine the appropriate fund into which the  
2523 dedicated credits lapse.

2524 (5) (a) The Legislature may establish by law the maximum amount of fixed collections  
2525 that an agency may expend.

2526 (b) If an agency receives less than the maximum amount of expendable fixed  
2527 collections established by law, the agency's authority to expend is limited to the amount of  
2528 fixed collections that it receives.

2529 (c) If an agency receives fixed collections greater than the maximum amount of  
2530 expendable fixed collections established by law, those excess amounts lapse to the General  
2531 Fund, the Education Fund, the Transportation Fund, or the Transportation Investment Fund of  
2532 2005 as designated by the director of the Division of Finance at the end of the fiscal year.

2533 (6) Unless otherwise specifically provided by law, when an agency has a program or  
2534 line item that is funded by more than one major revenue type:

2535 (a) the agency shall expend its dedicated credits and fixed collections first; and

2536 (b) if the program or line item includes both free revenue and restricted revenue, an  
2537 agency shall expend those revenues based upon a proration of the amounts appropriated from  
2538 each of those major revenue types.

2539 Section 38. Section **63J-1-205** is amended to read:

2540 **63J-1-205. Revenue volatility report.**

2541 (1) Beginning in 2011 and continuing every three years after 2011, the Legislative  
2542 Fiscal Analyst and the Governor's Office of [~~Planning~~] Management and Budget shall, by  
2543 December 20, submit a joint revenue volatility report to the Executive Appropriations  
2544 Committee.

2545 (2) The Legislative Fiscal Analyst and the Governor's Office of [~~Planning~~]  
2546 Management and Budget shall ensure that the report:

2547 (a) discusses the tax base and the tax revenue volatility of the revenue streams that  
2548 provide the source of funding for the state budget;

2549 (b) identifies the balances in the General Fund Budget Reserve Account and the

2550 Education Fund Budget Reserve Account; and

2551 (c) analyzes the adequacy of the balances in the General Fund Budget Reserve Account  
2552 and the Education Fund Budget Reserve Account in relation to the volatility of the revenue  
2553 streams.

2554 Section 39. Section **63J-1-206** is amended to read:

2555 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**  
2556 **Transfer of funds -- Exclusion.**

2557 (1) As used in this section, "work program" means a budget that contains revenues and  
2558 expenditures for specific purposes or functions within an item of appropriation.

2559 (2) (a) Except as provided in Subsection (2)(b), (3)(e), or where expressly exempted in  
2560 the appropriating act:

2561 (i) all money appropriated by the Legislature is appropriated upon the terms and  
2562 conditions set forth in this chapter; and

2563 (ii) any department, agency, or institution that accepts money appropriated by the  
2564 Legislature does so subject to the requirements of this chapter.

2565 (b) This section does not apply to:

2566 (i) the Legislature and its committees; and

2567 (ii) the Investigation Account of the Water Resources Construction Fund, which is  
2568 governed by Section 73-10-8.

2569 (3) (a) Each appropriation item is to be expended subject to any schedule of programs  
2570 and any restriction attached to the appropriation item, as designated by the Legislature.

2571 (b) Each schedule of programs or restriction attached to an appropriation item:

2572 (i) is a restriction or limitation upon the expenditure of the respective appropriation  
2573 made;

2574 (ii) does not itself appropriate any money; and

2575 (iii) is not itself an item of appropriation.

2576 (c) An appropriation or any surplus of any appropriation may not be diverted from any  
2577 department, agency, institution, or division to any other department, agency, institution, or

2578 division.

2579 (d) The money appropriated subject to a schedule or programs or restriction may be  
2580 used only for the purposes authorized.

2581 (e) In order for a department, agency, or institution to transfer money appropriated to it  
2582 from one program to another program within an item of appropriation, the following procedure  
2583 shall be followed:

2584 (i) The department, agency, or institution seeking to make the transfer shall prepare:

2585 (A) a new work program for the fiscal year involved that consists of the currently  
2586 approved work program and the transfer sought to be made; and

2587 (B) a written justification for the new work program that sets forth the purpose and  
2588 necessity for the transfer.

2589 (ii) The Division of Finance shall process the new work program with written  
2590 justification and make this information available to the Governor's Office of [~~Planning~~  
2591 Management and Budget and the legislative fiscal analyst.

2592 (f) (i) Except as provided in Subsection (3)(f)(ii), money may not be transferred from  
2593 one item of appropriation to any other item of appropriation.

2594 (ii) The state superintendent may transfer money appropriated for the Minimum School  
2595 Program between line items of appropriation in accordance with Section 53A-17a-105.

2596 (g) (i) The procedures for transferring money between programs within an item of  
2597 appropriation as provided by Subsection (3)(e) do not apply to money appropriated to the State  
2598 Board of Education for the Minimum School Program or capital outlay programs created in  
2599 Title 53A, Chapter 21, Public Education Capital Outlay Act.

2600 (ii) The state superintendent may transfer money appropriated for the programs  
2601 specified in Subsection (3)(g)(i) only as provided by Section 53A-17a-105.

2602 Section 40. Section **63J-1-217** is amended to read:

2603 **63J-1-217. Overexpenditure of budget by agency -- Prorating budget income**  
2604 **shortfall.**

2605 (1) Expenditures of departments, agencies, and institutions of state government shall be

2606 kept within revenues available for such expenditures.

2607 (2) (a) Line items of appropriation shall not be overexpended.

2608 (b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the  
2609 close of a fiscal year:

2610 (i) the director of the Division of Finance may make payments from the line item to  
2611 vendors for goods or services that were received on or before June 30; and

2612 (ii) the director of the Division of Finance shall immediately reduce the agency's line  
2613 item budget in the current year by the amount of the overexpenditure.

2614 (c) Each agency with an overexpended line item shall:

2615 (i) prepare a written report explaining the reasons for the overexpenditure; and

2616 (ii) present the report to:

2617 (A) the Board of Examiners as required by Section 63G-9-301; and

2618 (B) the Office of the Legislative Fiscal Analyst.

2619 (3) (a) As used in this Subsection (3):

2620 (i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and

2621 (ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.

2622 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the  
2623 adopted estimated revenues were prepared in consensus with the Governor's Office of  
2624 ~~Planning~~ Management and Budget, the governor shall:

2625 (i) direct state agencies to reduce commitments and expenditures by an amount  
2626 proportionate to the amount of the deficiency; and

2627 (ii) direct the Division of Finance to reduce allotments to institutions of higher  
2628 education by an amount proportionate to the amount of the deficiency.

2629 (c) The governor's directions under Subsection (3)(b) are rescinded when the  
2630 Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.

2631 (4) (a) A department may not receive an advance of funds that cannot be covered by  
2632 anticipated revenue within the work program of the fiscal year, unless the governor allocates  
2633 money from the governor's emergency appropriations.

2634 (b) All allocations made from the governor's emergency appropriations shall be  
2635 reported to the budget subcommittee of the Legislative Management Committee by notifying  
2636 the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the  
2637 allocation.

2638 (c) Emergency appropriations shall be allocated only to support activities having  
2639 existing legislative approval and appropriation, and may not be allocated to any activity or  
2640 function rejected directly or indirectly by the Legislature.

2641 Section 41. Section **63J-1-411** is amended to read:

2642 **63J-1-411. Internal service funds -- End of fiscal year -- Unused authority for**  
2643 **capital acquisition.**

2644 (1) An internal service fund agency's authority to acquire capital assets under  
2645 Subsection 63J-1-410(8)(a) shall lapse if the acquisition of the capital asset does not occur in  
2646 the fiscal year in which the authorization is included in the appropriations act, unless the  
2647 Legislature identifies the authority to acquire the capital asset as nonlapsing authority:

2648 (a) for a specific one-time project and a limited period of time in the Legislature's  
2649 initial appropriation to the agency; or

2650 (b) in a supplemental appropriation in accordance with Subsection (2).

2651 (2) (a) An internal service fund agency's authority to acquire capital assets may be  
2652 retained as nonlapsing authorization if the internal service fund agency includes a one-time  
2653 project's list as part of the budget request that it submits to the governor and the Legislature at  
2654 the annual general session of the Legislature immediately before the end of the fiscal year in  
2655 which the agency may have unused capital acquisition authority.

2656 (b) The governor:

2657 (i) may approve some or all of the items from an agency's one-time project's list; and

2658 (ii) shall identify and prioritize any approved one-time projects in the budget that the  
2659 governor submits to the Legislature.

2660 (c) The Legislature:

2661 (i) may approve some or all of the specific items from an agency's one-time project's

2662 list as an approved capital acquisition for an agency's appropriation balance;

2663 (ii) shall identify any authorized one-time projects in the appropriate line item  
2664 appropriation; and

2665 (iii) may prioritize one-time projects in intent language.

2666 (3) An internal service fund agency shall submit a status report of outstanding  
2667 nonlapsing authority to acquire capital assets and associated one-time projects to the  
2668 Governor's Office of ~~Planning~~ Management and Budget and the Legislative Fiscal Analyst's  
2669 Office with the proposed budget submitted by the governor as provided under Section  
2670 63J-1-201.

2671 Section 42. Section **63J-1-504** is amended to read:

2672 **63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and**  
2673 **assessing fees without legislative approval.**

2674 (1) As used in this section:

2675 (a) (i) "Agency" means each department, commission, board, council, agency,  
2676 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
2677 unit, bureau, panel, or other administrative unit of the state.

2678 (ii) "Agency" does not mean the Legislature or its committees.

2679 (b) "Fee agency" means any agency that is authorized to establish fees.

2680 (c) "Fee schedule" means the complete list of fees charged by a fee agency and the  
2681 amount of those fees.

2682 (2) Each fee agency shall adopt a schedule of fees assessed for services provided by the  
2683 fee agency that are:

2684 (a) reasonable, fair, and reflect the cost of services provided; and

2685 (b) established according to a cost formula determined by the executive director of the  
2686 Governor's Office of ~~Planning~~ Management and Budget and the director of the Division of  
2687 Finance in conjunction with the agency seeking to establish the fee.

2688 (3) Except as provided in Subsection (6), a fee agency may not:

2689 (a) set fees by rule; or

2690 (b) create, change, or collect any fee unless the fee has been established according to  
2691 the procedures and requirements of this section.

2692 (4) Each fee agency that is proposing a new fee or proposing to change a fee shall:

2693 (a) present each proposed fee at a public hearing, subject to the requirements of Title  
2694 52, Chapter 4, Open and Public Meetings Act;

2695 (b) increase, decrease, or affirm each proposed fee based on the results of the public  
2696 hearing;

2697 (c) except as provided in Subsection (6), submit the fee schedule to the Legislature as  
2698 part of the agency's annual appropriations request; and

2699 (d) where necessary, modify the fee schedule to implement the Legislature's actions.

2700 (5) (a) Each fee agency shall submit its fee schedule or special assessment amount to  
2701 the Legislature for its approval on an annual basis.

2702 (b) The Legislature may approve, increase or decrease and approve, or reject any fee  
2703 submitted to it by a fee agency.

2704 (6) After conducting the public hearing required by this section, a fee agency may  
2705 establish and assess fees without first obtaining legislative approval if:

2706 (a) (i) the Legislature creates a new program that is to be funded by fees to be set by the  
2707 Legislature;

2708 (ii) the new program's effective date is before the Legislature's next annual general  
2709 session; and

2710 (iii) the fee agency submits the fee schedule for the new program to the Legislature for  
2711 its approval at a special session, if allowed in the governor's call, or at the next annual general  
2712 session of the Legislature, whichever is sooner;

2713 (b) the Division of Occupational and Professional licensing makes a special assessment  
2714 against qualified beneficiaries under the Residence Lien Restriction and Lien Recovery Fund  
2715 Act as provided in Subsection 38-11-206(1); or

2716 (c) (i) the fee agency proposes to increase or decrease an existing fee for the purpose of  
2717 adding or removing a transactional fee that is charged or assessed by a non-governmental third

2718 party but is included as part of the fee charged by the fee agency;

2719 (ii) the amount of the increase or decrease in the fee is equal to the amount of the  
2720 transactional fee charged or assessed by the non-governmental third party; and

2721 (iii) the increased or decreased fee is submitted to the Legislature for its approval at a  
2722 special session, if allowed in the governor's call, or at the next annual session of the  
2723 Legislature, whichever is sooner.

2724 (7) (a) Each fee agency that wishes to change any fee shall submit to the governor as  
2725 part of the agency's annual appropriation request a list that identifies:

2726 (i) the title or purpose of the fee;

2727 (ii) the present amount of the fee;

2728 (iii) the proposed new amount of the fee;

2729 (iv) the percent that the fee will have increased if the Legislature approves the higher  
2730 fee;

2731 (v) the estimated total annual revenue change that will result from the change in the  
2732 fee;

2733 (vi) the account or fund into which the fee will be deposited; and

2734 (vii) the reason for the change in the fee.

2735 (b) (i) The governor may review and approve, modify and approve, or reject the fee  
2736 increases.

2737 (ii) The governor shall transmit the list required by Subsection (7)(a), with any  
2738 modifications, to the Legislative Fiscal Analyst with the governor's budget recommendations.

2739 (c) Bills approving any fee change shall be filed before the beginning of the  
2740 Legislature's annual general session, if possible.

2741 (8) (a) Except as provided in Subsection (8)(b), the School and Institutional Trust  
2742 Lands Administration, established in Section 53C-1-201, is exempt from the requirements of  
2743 this section.

2744 (b) The following fees of the School and Institutional Trust Lands Administration are  
2745 subject to the requirements of this section: application, assignment, amendment, affidavit for

2746 lost documents, name change, reinstatement, grazing nonuse, extension of time, partial  
2747 conveyance, patent reissue, collateral assignment, electronic payment, and processing.

2748 Section 43. Section **63J-1-701** is amended to read:

2749 **63J-1-701. Request for in-depth budget review of agency or program -- Form of**  
2750 **budget submitted.**

2751 The Legislative Management Committee, upon recommendation of an appropriations  
2752 subcommittee of the Legislature, may request of the governor for any designated fiscal year, an  
2753 in-depth budget review of any state department, agency, institution, or program. When  
2754 responding to a request for an in-depth budget review, the governor shall submit for the  
2755 department, agency, institution, or program for the fiscal year indicated a budget prepared in  
2756 accordance with Section 63J-1-702 and using the format and procedures developed by the  
2757 executive director of the Governor's Office of [Planning] Management and Budget in  
2758 cooperation with the legislative fiscal analyst. This format shall be constructed to assist the  
2759 analyst and the Legislature in reviewing the justification for selected departments, agencies,  
2760 and institutions or any of their programs and activities.

2761 Section 44. Section **63J-1-702** is amended to read:

2762 **63J-1-702. Purpose of review -- Information submitted.**

2763 The purpose of an in-depth budget review is to determine whether each department,  
2764 agency, institution, or program warrants continuation of its current level of expenditure or at a  
2765 different level, or if it should be terminated. The budget for a state department, agency,  
2766 institution, or program subject to an in-depth budget review shall be a detailed plan in which  
2767 programs and activities within programs are organized and budgeted after analysis and  
2768 evaluation are made of all proposed expenditures. In the presentation of the budget of a  
2769 department, agency, institution, or program subject to in-depth budget review, the governor  
2770 shall include the following:

2771 (1) a statement of agency and program objectives, effectiveness measures, and program  
2772 size indicators;

2773 (2) alternative funding levels for each program with effectiveness measures and

2774 program size indicators detailed for each alternative funding level. Alternative funding levels  
2775 shall be determined as percentages of the appropriations level authorized by the Legislature for  
2776 the current fiscal year. The percentages shall be determined for each in-depth budget review by  
2777 the executive director of the Governor's Office of [~~Planning~~] Management and Budget in  
2778 consultation with the legislative fiscal analyst;

2779 (3) a priority ranking of all programs and activities in successively increasing levels of  
2780 performance and funding;

2781 (4) other budgetary information requested by the legislative fiscal analyst; and

2782 (5) a statement containing further recommendations of the governor as appropriate.

2783 Section 45. Section **63J-3-102** is amended to read:

2784 **63J-3-102. Purpose of chapter -- Limitations on state mandated property tax,**  
2785 **state appropriations, and state debt.**

2786 (1) (a) It is the purpose of this chapter to:

2787 (i) place a limitation on the state mandated property tax rate under Title 53A, Chapter  
2788 17a, Minimum School Program Act;

2789 (ii) place limitations on state government appropriations based upon the combined  
2790 changes in population and inflation; and

2791 (iii) place a limitation on the state's outstanding general obligation debt.

2792 (b) The limitations imposed by this chapter are in addition to limitations on tax levies,  
2793 rates, and revenues otherwise provided for by law.

2794 (2) (a) This chapter may not be construed as requiring the state to collect the full  
2795 amount of tax revenues permitted to be appropriated by this chapter.

2796 (b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the  
2797 appropriations of state government.

2798 (3) The recommendations and budget analysis prepared by the Governor's Office of  
2799 [~~Planning~~] Management and Budget and the Office of the Legislative Fiscal Analyst, as  
2800 required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with  
2801 the limitations imposed under this chapter.

2802 Section 46. Section **63J-3-103** is amended to read:

2803 **63J-3-103. Definitions.**

2804 As used in this chapter:

2805 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations  
2806 from unrestricted General Fund and Education Fund sources.

2807 (b) "Appropriations" includes appropriations that are contingent upon available  
2808 surpluses in the General Fund and Education Fund.

2809 (c) "Appropriations" does not mean:

2810 (i) public education expenditures;

2811 (ii) Utah Education Network expenditures in support of public education;

2812 (iii) Utah College of Applied Technology expenditures in support of public education;

2813 (iv) Tax Commission expenditures related to collection of income taxes in support of  
2814 public education;

2815 (v) debt service expenditures;

2816 (vi) emergency expenditures;

2817 (vii) expenditures from all other fund or subfund sources;

2818 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;

2819 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve

2820 Account established in Section 63J-1-312;

2821 (x) transfers into, or appropriations made to, the Education Budget Reserve Account  
2822 established in Section 63J-1-313;

2823 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the  
2824 State Disaster Recovery Restricted Account created in Section 53-2-403;

2825 (xii) money appropriated to fund the total one-time project costs for the construction of  
2826 capital developments as defined in Section 63A-5-104;

2827 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund  
2828 Restricted Account created by Section 72-2-118;

2829 (xiv) transfers or deposits into or appropriations made to the Transportation Investment

2830 Fund of 2005 created by Section 72-2-124;

2831 (xv) transfers or deposits into or appropriations made to:

2832 (A) the Department of Transportation from any source; or

2833 (B) any transportation-related account or fund from any source; or

2834 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,  
2835 Fire, and State Lands to provide money for wildland fire control expenses incurred during the  
2836 current or previous fire years.

2837 (2) "Base year real per capita appropriations" means the result obtained for the state by  
2838 dividing the fiscal year 1985 actual appropriations of the state less debt money by:

2839 (a) the state's July 1, 1983 population; and

2840 (b) the fiscal year 1983 inflation index divided by 100.

2841 (3) "Calendar year" means the time period beginning on January 1 of any given year  
2842 and ending on December 31 of the same year.

2843 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate  
2844 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,  
2845 Chapter 4.

2846 (5) "Fiscal year" means the time period beginning on July 1 of any given year and  
2847 ending on June 30 of the subsequent year.

2848 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual  
2849 capital and operations appropriations from General Fund and non-Uniform School Fund  
2850 income tax revenue sources, less debt money.

2851 (7) "Inflation index" means the change in the general price level of goods and services  
2852 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic  
2853 Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

2854 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could  
2855 be, or could have been, spent in any given year under the limitations of this chapter.

2856 (b) "Maximum allowable appropriations limit" does not mean actual appropriations  
2857 spent or actual expenditures.

2858 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two  
 2859 fiscal years previous to the fiscal year for which the maximum allowable inflation and  
 2860 population appropriations limit is being computed under this chapter.

2861 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal  
 2862 years previous to the fiscal year for which the maximum allowable inflation and population  
 2863 appropriations limit is being computed under this chapter.

2864 (11) "Population" means the number of residents of the state as of July 1 of each year  
 2865 as calculated by the Governor's Office of ~~[Planning]~~ Management and Budget according to the  
 2866 procedures and requirements of Section 63J-3-202.

2867 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and  
 2868 other monetary exaction and interest connected with it that are recorded as unrestricted revenue  
 2869 of the General Fund and from non-Uniform School Fund income tax revenues, except as  
 2870 specifically exempted by this chapter.

2871 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,  
 2872 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an  
 2873 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

2874 Section 47. Section **63J-3-202** is amended to read:

2875 **63J-3-202. Computing formula elements.**

2876 (1) For purposes of calculating fiscal year inflation indexes for the previous fiscal year,  
 2877 the Governor's Office of ~~[Planning]~~ Management and Budget shall use:

2878 (a) the actual quarterly data released by the U.S. Department of Commerce as of  
 2879 January 31 of each year; and

2880 (b) the most recent U.S. Bureau of Census population estimates as of January 31 of  
 2881 each year.

2882 (2) (a) For purposes of computing the inflation index, the Governor's Office of  
 2883 ~~[Planning]~~ Management and Budget shall:

2884 (i) assign the bureau's 1982 calendar year inflation index value of 100 to fiscal year  
 2885 1989 for purposes of computing fiscal year index values;

2886 (ii) compute all subsequent fiscal year inflation indexes after having assigned the fiscal  
2887 year 1989 inflation index a value of 100; and

2888 (iii) use the quarterly index values published by the Bureau of Economic Analysis,  
2889 U.S. Department of Commerce, to compute fiscal year index values.

2890 (b) If the bureau changes its calendar base year, appropriate adjustments are to be made  
2891 in this chapter to accommodate those changes.

2892 (3) (a) For purposes of computing the most recent fiscal year's population, the  
2893 Governor's Office of [~~Planning~~] Management and Budget shall convert the April 1 decennial  
2894 census estimate to a July 1 estimate, unless otherwise estimated by the Bureau of Census.

2895 (b) If the bureau changes the state's July 1, 1983 base year population after it conducts  
2896 the 1990 Census, appropriate adjustments shall be made in this chapter to accommodate those  
2897 changes.

2898 Section 48. Section **63J-4-101** is amended to read:

2899 **CHAPTER 4. GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET**

2900 **63J-4-101. Title.**

2901 This chapter is known as the "Governor's Office of [~~Planning~~] Management and  
2902 Budget."

2903 Section 49. Section **63J-4-102** is amended to read:

2904 **63J-4-102. Definitions.**

2905 As used in this chapter:

2906 (1) "Committee" means the Resource Development Coordinating Committee created  
2907 by this chapter.

2908 (2) [~~"Director"~~] "Executive director" means the chief administrative officer of the  
2909 Governor's Office of [~~Planning~~] Management and Budget appointed as provided in this chapter.

2910 (3) "Office" means the Governor's Office of [~~Planning~~] Management and Budget  
2911 created by this chapter.

2912 (4) "Political subdivision" means a county, municipality, local district, special service  
2913 district, school district, interlocal cooperation agreement entity, or any administrative subunit

2914 of them.

2915 (5) "State planning coordinator" means the person appointed as planning coordinator as  
2916 provided in this chapter.

2917 Section 50. Section **63J-4-201** is amended to read:

2918 **63J-4-201. Creation.**

2919 There is created within the governor's office the Governor's Office of [~~Planning~~]  
2920 Management and Budget to be administered by [a] an executive director.

2921 Section 51. Section **63J-4-202** is amended to read:

2922 **63J-4-202. Appointment of executive director, state planning coordinator, and**  
2923 **inspector general of Medicaid Services.**

2924 (1) (a) The governor shall appoint, to serve at the governor's pleasure:

2925 (i) [a] an executive director of the Governor's Office of [~~Planning~~] Management and  
2926 Budget; and

2927 (ii) a state planning coordinator.

2928 (b) The state planning coordinator is considered part of the office for purposes of  
2929 administration.

2930 (2) The governor shall establish the executive director's salary within the salary range  
2931 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2932 (3) (a) In accordance with Section 63J-4a-201, the governor shall appoint, with the  
2933 advice and consent of the Senate, the inspector general of the Office of Inspector General of  
2934 Medicaid Services.

2935 (b) The Office of Inspector General of Medicaid Services is considered part of the  
2936 office for purposes of administration.

2937 Section 52. Section **63J-4-301** is amended to read:

2938 **63J-4-301. Duties of the executive director and office.**

2939 (1) The executive director and the office shall:

2940 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary  
2941 Procedures Act;

2942 (b) under the direct supervision of the governor, assist the governor in the preparation  
2943 of the governor's budget recommendations;

2944 (c) advise the governor with regard to approval or revision of agency work programs as  
2945 specified in Section 63J-1-209; ~~and~~

2946 (d) establish benchmarking practices for measuring operational costs, quality of  
2947 service, and effectiveness across all state agencies and programs;

2948 (e) assist agencies with the development of an operational plan that uses continuous  
2949 improvement tools and operational metrics to increase statewide capacity and improve  
2950 interagency integration;

2951 (f) review and assess agency budget requests and expenditures using a clear set of goals  
2952 and measures;

2953 (g) develop and maintain enterprise portfolio and electronic information systems to  
2954 select and oversee the execution of projects, ensure a return on investment, and trace and report  
2955 performance metrics; and

2956 ~~(h)~~ (h) perform other duties and responsibilities as assigned by the governor.

2957 (2) (a) The executive director of the Governor's Office of ~~Planning~~ Management and  
2958 Budget or the executive director's designee is the Federal Assistance Management Officer.

2959 (b) In acting as the Federal Assistance Management Officer, the executive director or  
2960 designee shall:

2961 (i) study the administration and effect of federal assistance programs in the state and  
2962 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and  
2963 the Executive Appropriations Committee, of alternative recommended methods and procedures  
2964 for the administration of these programs;

2965 (ii) assist in the coordination of federal assistance programs that involve or are  
2966 administered by more than one state agency; and

2967 (iii) analyze and advise on applications for new federal assistance programs submitted  
2968 to the governor for approval as required by Chapter 5, Federal Funds Procedures.

2969 Section 53. Section **63J-4-501** is amended to read:

2970 **63J-4-501. Creation.**

2971 There is created the Resource Development Coordinating Committee within the  
2972 Governor's Office of [~~Planning~~] Management and Budget to:

- 2973 (1) assist the state planning coordinator in fulfilling the responsibilities of reviewing  
2974 and coordinating technical and policy actions that may affect the physical resources of the state;  
2975 and
- 2976 (2) facilitate the exchange of information on those actions among state agencies and  
2977 other levels of government.

2978 Section 54. Section **63J-4a-201** is amended to read:

2979 **63J-4a-201. Creation of office -- Inspector general -- Appointment -- Term.**

- 2980 (1) There is created, within the Governor's Office of [~~Planning~~] Management and  
2981 Budget, the Office of Inspector General of Medicaid Services.
- 2982 (2) The governor shall appoint the inspector general, with the advice and consent of the  
2983 Senate.
- 2984 (3) A person appointed as the inspector general shall:
  - 2985 (a) be a certified public accountant or a certified internal auditor; and
  - 2986 (b) have the following qualifications:
    - 2987 (i) a general knowledge of the type of methodology and controls necessary to audit,  
2988 investigate, and identify fraud, waste, and abuse;
    - 2989 (ii) strong management skills;
    - 2990 (iii) extensive knowledge of, and at least seven years experience with, performance  
2991 audit methodology;
    - 2992 (iv) the ability to oversee and execute an audit; and
    - 2993 (v) strong interpersonal skills.
- 2994 (4) The inspector general:
  - 2995 (a) shall serve a term of two years; and
  - 2996 (b) may be removed by the governor, for cause.
- 2997 (5) If the inspector general is removed for cause, a new inspector general shall be

2998 appointed, with the advice and consent of the Senate, to serve a two-year term.

2999 Section 55. Section **63J-5-201** is amended to read:

3000 **63J-5-201. Legislative Appropriation Subcommittees to review certain federal**  
3001 **funds reauthorizations -- Executive Appropriations review -- Legislative approval.**

3002 (1) The Governor's Office of [~~Planning~~] Management and Budget shall annually  
3003 prepare and submit a federal funds request summary for each agency to the Legislative Fiscal  
3004 Analyst at the same time the governor submits the confidential draft budget under Section  
3005 63J-1-201.

3006 (2) (a) The Legislative Fiscal Analyst, as directed by the Executive Appropriations  
3007 Committee, may include federal funds in the base budget appropriations act or acts, when those  
3008 acts are prepared as provided in JR3-2-402.

3009 (b) The Legislative Fiscal Analyst shall submit a federal funds request summary for  
3010 each agency to the legislative appropriations subcommittee responsible for that agency's budget  
3011 for review during each annual general session.

3012 (3) Each legislative appropriations subcommittee shall review the federal funds request  
3013 summary and may:

3014 (a) recommend that the agency accept the federal funds or participate in the federal  
3015 program for the fiscal year under consideration; or

3016 (b) recommend that the agency not accept the federal funds or not participate in the  
3017 federal program for the fiscal year under consideration.

3018 (4) The Legislative Executive Appropriations Committee shall:

3019 (a) review each subcommittee's recommendation;

3020 (b) determine whether or not the agency should be authorized to accept the federal  
3021 funds or participate in the federal program; and

3022 (c) direct the Legislative Fiscal Analyst to include or exclude those federal funds and  
3023 federal programs in an annual appropriations act for approval by the Legislature.

3024 (5) Legislative approval of an appropriations act containing federal funds constitutes  
3025 legislative approval of the federal grants or awards associated with the federal funds for the

3026 purposes of compliance with the requirements of this chapter.

3027 Section 56. Section **63J-5-202** is amended to read:

3028 **63J-5-202. Governor to approve certain new federal funds requests.**

3029 (1) (a) Before obligating the state to accept or receive new federal funds or to  
3030 participate in a new federal program, and no later than three months after submitting a new  
3031 federal funds request, and, where possible, before formally submitting the new federal funds  
3032 request, an executive branch agency shall submit a federal funds request summary to the  
3033 governor or the governor's designee for approval or rejection when:

3034 (i) the state will receive total payments of \$1,000,000 or less per year if the new federal  
3035 funds request is approved;

3036 (ii) receipt of the new federal funds will require no additional permanent full-time  
3037 employees, permanent part-time employees, or combination of additional permanent full-time  
3038 employees and permanent part-time employees; and

3039 (iii) no new state money will be required to match the new federal funds or to  
3040 implement the new federal program for which the grant is issued.

3041 (b) The Governor's Office of ~~Planning~~ Management and Budget shall report each new  
3042 federal funds request that is approved by the governor or the governor's designee and each new  
3043 federal funds request granted by the federal government to:

3044 (i) the Legislature's Executive Appropriations Committee;

3045 (ii) the Office of the Legislative Fiscal Analyst; and

3046 (iii) the Office of Legislative Research and General Counsel.

3047 (2) The governor or the governor's designee shall approve or reject each new federal  
3048 funds request submitted under the authority of this section.

3049 (3) (a) If the governor or the governor's designee approves the new federal funds  
3050 request, the executive branch agency may accept the new federal funds or participate in the new  
3051 federal program.

3052 (b) If the governor or the governor's designee rejects the new federal funds request, the  
3053 executive branch agency may not accept the new federal funds or participate in the new federal

3054 program.

3055 (4) If an executive branch agency fails to obtain the governor's or the governor's  
3056 designee's approval under this section, the governor may require the agency to:

3057 (a) withdraw the new federal funds request;

3058 (b) return the federal funds;

3059 (c) withdraw from the federal program; or

3060 (d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

3061 Section 57. Section **63J-7-201** is amended to read:

3062 **63J-7-201. Governor to approve certain grant requests.**

3063 (1) (a) Before obligating the state to accept or receive a grant, an executive branch  
3064 agency shall submit a grant summary to the governor or the governor's designee for approval or  
3065 rejection when:

3066 (i) the executive branch agency would receive a grant of at least \$10,000 but no more  
3067 than \$50,000 if the grant is approved;

3068 (ii) receipt of the grant will require no additional permanent full-time employees,  
3069 permanent part-time employees, or combination of additional permanent full-time employees  
3070 and permanent part-time employees; and

3071 (iii) no new state money will be required to match the grant.

3072 (b) The Governor's Office of ~~Planning~~ Management and Budget shall report each  
3073 grant authorized under this section to:

3074 (i) the Legislature's Executive Appropriations Committee; and

3075 (ii) the Office of the Legislative Fiscal Analyst.

3076 (2) The governor or the governor's designee shall approve or reject each grant  
3077 submitted under the authority of this section.

3078 (3) (a) If the governor or the governor's designee approves the grant, the executive  
3079 branch agency may accept the grant.

3080 (b) If the governor or the governor's designee rejects the grant, the executive branch  
3081 agency may not accept the grant.

3082 (4) If an executive branch agency fails to obtain the governor's or the governor's  
3083 designee's approval under this section, the governor may require the agency to return the grant.

3084 Section 58. Section **63M-1-910** is amended to read:

3085 **63M-1-910. Annual policy considerations.**

3086 (1) The board shall determine annually which industries or groups of industries shall be  
3087 targeted industries as defined in Section 63M-1-902.

3088 (2) In designating an economically disadvantaged rural area, the board shall consider  
3089 the average agricultural and nonagricultural wage, personal income, unemployment, and  
3090 employment in the area.

3091 (3) In evaluating the economic impact of applications for assistance, the board shall use  
3092 an econometric cost-benefit model or models adopted by the Governor's Office of [~~Planning~~]  
3093 Management and Budget.

3094 (4) The board may establish:

3095 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of  
3096 return to the state comparable to prevailing market-based rates such as the prime rate, U.S.  
3097 Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators  
3098 such as the rate of unemployment; and

3099 (b) minimum applicant expense ratios, as long as they are at least equal to those  
3100 required under Subsection 63M-1-906(1)(a) or 63M-1-908(1)(b)(i)(A).

3101 Section 59. Section **63M-1-2407** is amended to read:

3102 **63M-1-2407. Reports of new state revenues, partial rebates, and tax credits.**

3103 (1) Before December 1 of each year, the office shall submit a report to the Governor's  
3104 Office of [~~Planning~~] Management and Budget, the Office of Legislative Fiscal Analyst, and the  
3105 Division of Finance identifying:

3106 (a) (i) the total estimated amount of new state revenues created from new commercial  
3107 projects in the development zones; and

3108 (ii) the estimated amount of new state revenues from new commercial projects in the  
3109 development zones that will be generated from:

- 3110 (A) sales tax;
- 3111 (B) income tax; and
- 3112 (C) corporate franchise and income tax;
- 3113 (b) (i) the total estimated amount of partial rebates as defined in Section 63M-1-2408
- 3114 that the office projects will be required to be paid in the next fiscal year; and
- 3115 (ii) the estimated amount of partial rebates as defined in Section 63M-1-2408 that are
- 3116 attributable to:
  - 3117 (A) sales tax;
  - 3118 (B) income tax; and
  - 3119 (C) corporate franchise and income tax; and
- 3120 (c) the total estimated amount of tax credits that the office projects that business
- 3121 entities, local government entities, or community development and renewal agencies will
- 3122 qualify to claim under this part.
- 3123 (2) By the first business day of each month, the office shall submit a report to the
- 3124 Governor's Office of ~~Planning~~ Management and Budget, the Office of Legislative Fiscal
- 3125 Analyst, and the Division of Finance identifying:
  - 3126 (a) each new agreement entered into by the office since the last report;
  - 3127 (b) the estimated amount of new state revenues that will be generated under each
  - 3128 agreement; and
  - 3129 (c) the estimated amount of tax credits that a business entity, local government entity,
  - 3130 or community development and renewal agency could qualify for under each agreement.
- 3131 Section 60. Section **63M-1-2603 (Superseded 05/01/13)** is amended to read:
- 3132 **63M-1-2603 (Superseded 05/01/13). Government Procurement Private Proposal**
- 3133 **Program -- Proposals -- Rulemaking.**
- 3134 (1) There is created within the office the Government Procurement Private Proposal
- 3135 Program.
- 3136 (2) In accordance with this part, the board may:
  - 3137 (a) accept a proposal for a project;

3138 (b) solicit comments, suggestions, and modifications to a project in accordance with  
3139 Section 63G-6-408.5; and

3140 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
3141 Rulemaking Act, establishing requirements, including time limits for any action required by the  
3142 affected department, a directly affected state entity or school district, or the Governor's Office  
3143 of ~~[Planning]~~ Management and Budget, for the procurement of a project to the extent not  
3144 governed by Title 63G, Chapter 6, Utah Procurement Code.

3145 Section 61. Section **63M-1-2603 (Effective 05/01/13)** is amended to read:

3146 **63M-1-2603 (Effective 05/01/13). Government Procurement Private Proposal**  
3147 **Program -- Proposals -- Rulemaking.**

3148 (1) There is created within the office the Government Procurement Private Proposal  
3149 Program.

3150 (2) In accordance with this part, the board may:

3151 (a) accept a proposal for a project;

3152 (b) solicit comments, suggestions, and modifications to a project in accordance with  
3153 Section 63G-6a-711; and

3154 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
3155 Rulemaking Act, establishing requirements, including time limits for any action required by the  
3156 affected department, a directly affected state entity or school district, or the Governor's Office  
3157 of ~~[Planning]~~ Management and Budget, for the procurement of a project to the extent not  
3158 governed by Title 63G, Chapter 6a, Utah Procurement Code.

3159 Section 62. Section **63M-1-2606 (Superseded 05/01/13)** is amended to read:

3160 **63M-1-2606 (Superseded 05/01/13). Review of initial proposal -- Affected**  
3161 **department review.**

3162 (1) The committee shall review and evaluate an initial proposal submitted in  
3163 accordance with:

3164 (a) this part; and

3165 (b) any rule established by the board under Section 63M-1-2603.

3166 (2) If the committee, in its sole discretion, determines to proceed with the project, the  
3167 committee shall submit a copy of the initial proposal to:

3168 (a) the affected department; and

3169 (b) the Governor's Office of [~~Planning~~] Management and Budget.

3170 (3) (a) An affected department, directly affected state entity, and school district  
3171 receiving a copy of the initial proposal under Subsection (2) or (4) shall review the initial  
3172 proposal and provide the committee with any comment, suggestion, or modification to the  
3173 project.

3174 (b) After receiving an initial proposal, the Governor's Office of [~~Planning~~]  
3175 Management and Budget shall prepare an economic feasibility report containing:

3176 (i) information concerning the economic feasibility and effectiveness of the project  
3177 based upon competent evidence;

3178 (ii) a dollar amount representing the total estimated fiscal impact of the project to the  
3179 affected department and the state; and

3180 (iii) any other matter the committee requests or is required by the board by rule.

3181 (4) In reviewing an initial proposal, the affected department shall share the initial  
3182 proposal with any other state entity or school district that will be directly affected if the  
3183 proposal is ultimately adopted, if the confidentiality of the initial proposal is maintained.

3184 (5) If the committee determines to proceed with the project, the committee shall submit  
3185 a copy of the initial proposal, including any comment, suggestion, or modification to the initial  
3186 proposal, to:

3187 (a) the chief procurement officer in accordance with Section 63G-6-408.5; and

3188 (b) the Executive Appropriations Committee, for informational purposes.

3189 (6) Before taking any action under Subsection (5), the committee shall consider:

3190 (a) any comment, suggestion, or modification to the initial proposal submitted in  
3191 accordance with Subsection (3);

3192 (b) the extent to which the project is practical, efficient, and economically beneficial to  
3193 the state and the affected department;

3194 (c) the economic feasibility report prepared by the Governor's Office of [Planning]  
3195 Management and Budget; and

3196 (d) any other reasonable factor identified by the committee or required by the board by  
3197 rule.

3198 Section 63. Section **63M-1-2606 (Effective 05/01/13)** is amended to read:

3199 **63M-1-2606 (Effective 05/01/13). Review of initial proposal -- Affected**  
3200 **department review.**

3201 (1) The committee shall review and evaluate an initial proposal submitted in  
3202 accordance with:

3203 (a) this part; and

3204 (b) any rule established by the board under Section 63M-1-2603.

3205 (2) If the committee, in its sole discretion, determines to proceed with the project, the  
3206 committee shall submit a copy of the initial proposal to:

3207 (a) the affected department; and

3208 (b) the Governor's Office of [Planning] Management and Budget.

3209 (3) (a) An affected department, directly affected state entity, and school district  
3210 receiving a copy of the initial proposal under Subsection (2) or (4) shall review the initial  
3211 proposal and provide the committee with any comment, suggestion, or modification to the  
3212 project.

3213 (b) After receiving an initial proposal, the Governor's Office of [Planning]  
3214 Management and Budget shall prepare an economic feasibility report containing:

3215 (i) information concerning the economic feasibility and effectiveness of the project  
3216 based upon competent evidence;

3217 (ii) a dollar amount representing the total estimated fiscal impact of the project to the  
3218 affected department and the state; and

3219 (iii) any other matter the committee requests or is required by the board by rule.

3220 (4) In reviewing an initial proposal, the affected department shall share the initial  
3221 proposal with any other state entity or school district that will be directly affected if the

3222 proposal is ultimately adopted, if the confidentiality of the initial proposal is maintained.

3223 (5) If the committee determines to proceed with the project, the committee shall submit  
3224 a copy of the initial proposal, including any comment, suggestion, or modification to the initial  
3225 proposal, to:

3226 (a) the chief procurement officer in accordance with Section 63G-6a-711; and

3227 (b) the Executive Appropriations Committee, for informational purposes.

3228 (6) Before taking any action under Subsection (5), the committee shall consider:

3229 (a) any comment, suggestion, or modification to the initial proposal submitted in  
3230 accordance with Subsection (3);

3231 (b) the extent to which the project is practical, efficient, and economically beneficial to  
3232 the state and the affected department;

3233 (c) the economic feasibility report prepared by the Governor's Office of ~~Planning~~  
3234 Management and Budget; and

3235 (d) any other reasonable factor identified by the committee or required by the board by  
3236 rule.

3237 Section 64. Section **63M-1-2607 (Superseded 05/01/13)** is amended to read:

3238 **63M-1-2607 (Superseded 05/01/13). Acceptance of initial proposal -- Obtaining**  
3239 **detailed proposals.**

3240 (1) If an initial proposal is accepted under Section 63M-1-2606, the chief procurement  
3241 officer shall:

3242 (a) take action under Section 63G-6-408.5 to initiate a procurement process to obtain  
3243 one or more detailed proposals using information from portions of the initial proposal that are  
3244 not protected records under Title 63G, Chapter 2, Government Records and Access  
3245 Management Act;

3246 (b) consult with the committee during the procurement process; and

3247 (c) submit all detailed proposals that meet the guidelines established under Subsection  
3248 63M-1-2608(1), including the detailed proposal submitted by the private entity that submitted  
3249 the initial proposal for the project, to:

3250 (i) the committee; and  
3251 (ii) the Governor's Office of [~~Planning~~] Management and Budget.  
3252 (2) The office is considered the purchasing agency for a procurement process initiated  
3253 under this part.

3254 Section 65. Section **63M-1-2607 (Effective 05/01/13)** is amended to read:  
3255 **63M-1-2607 (Effective 05/01/13). Acceptance of initial proposal -- Obtaining**  
3256 **detailed proposals.**

3257 (1) If an initial proposal is accepted under Section 63M-1-2606, the chief procurement  
3258 officer shall:

3259 (a) take action under Section 63G-6a-711 to initiate a procurement process to obtain  
3260 one or more detailed proposals using information from portions of the initial proposal that are  
3261 not protected records under Title 63G, Chapter 2, Government Records Access and  
3262 Management Act;

3263 (b) consult with the committee during the procurement process; and

3264 (c) submit all detailed proposals that meet the guidelines established under Subsection  
3265 63M-1-2608(1), including the detailed proposal submitted by the private entity that submitted  
3266 the initial proposal for the project, to:

3267 (i) the committee; and  
3268 (ii) the Governor's Office of [~~Planning~~] Management and Budget.  
3269 (2) The office is considered the purchasing agency for a procurement process initiated  
3270 under this part.

3271 Section 66. Section **63M-1-2609** is amended to read:  
3272 **63M-1-2609. Receipt of detailed proposals -- Economic feasibility report --**  
3273 **Acceptance of a detailed proposal.**

3274 (1) If the committee, in its sole discretion, determines that a detailed proposal does not  
3275 substantially meet the guidelines established under Subsection 63M-1-2608(1), the committee  
3276 may elect not to review the detailed proposal.

3277 (2) (a) After receiving a detailed proposal, the Governor's Office of [~~Planning~~]

3278 Management and Budget shall update the economic feasibility report prepared under Section  
3279 63M-1-2606.

3280 (b) A detailed proposal that is to be reviewed by the committee shall be submitted to  
3281 the affected department, a directly affected state entity, and a directly affected school district  
3282 for comment or suggestion.

3283 (3) In determining which, if any, of the detailed proposals to accept, in addition to the  
3284 proposal evaluation criteria, the committee shall consider the following factors:

3285 (a) any comment, suggestion, or modification offered in accordance with Subsection  
3286 63M-1-2606(3) or Subsection (2)(b);

3287 (b) the economic feasibility report updated in accordance with Subsection (2)(a);

3288 (c) the source of funding and any resulting constraint necessitated by the funding  
3289 source;

3290 (d) any alternative funding proposal;

3291 (e) the extent to which the project is practical, efficient, and economically beneficial to  
3292 the state and the affected department; and

3293 (f) any other reasonable factor identified by the committee or required by the board by  
3294 rule.

3295 (4) (a) If the committee accepts a detailed proposal, the accepted detailed proposal  
3296 shall be submitted to the board for approval.

3297 (b) If the affected department or a directly affected state entity or school district  
3298 disputes the detailed proposal approved by the board, the Governor's Office of [~~Planning~~]  
3299 Management and Budget shall consider the detailed proposal and any comment, suggestion, or  
3300 modification and determine whether to proceed with a project agreement.

3301 (c) If there is no funding for a project that is the subject of a detailed proposal and the  
3302 committee determines to proceed with the project, the office shall submit a report to the  
3303 Governor's Office of [~~Planning~~] Management and Budget and the Executive Appropriations  
3304 Committee detailing the position of the board, the affected department, a directly affected state  
3305 entity or school district.

3306 (5) A detailed proposal received from a private entity other than the private entity that  
3307 submitted the initial proposal may not be accepted in place of the detailed proposal offered by  
3308 the private entity that submitted the initial proposal solely because of a lower cost if the lower  
3309 cost is within the amount of the fee paid by the private entity that submitted the initial proposal  
3310 for review of the initial proposal.

3311 Section 67. Section **63M-1-2612** is amended to read:

3312 **63M-1-2612. Private Proposal Restricted Special Revenue Fund -- Fees.**

3313 (1) There is created a restricted special revenue fund within the office called the Private  
3314 Proposal Restricted Special Revenue Fund.

3315 (2) Money collected from the payment of a fee required by this part shall be deposited  
3316 in the Private Proposal Restricted Special Revenue Fund.

3317 (3) The board or the committee may use the money in the Private Proposal Restricted  
3318 Special Revenue Fund to offset:

3319 (a) the expense of hiring staff and engaging any outside consultant to review a proposal  
3320 under this part; and

3321 (b) any expense incurred by the Governor's Office of [~~Planning~~] Management and  
3322 Budget or the affected department in the fulfillment of its duties under this part.

3323 (4) The board shall establish a fee in accordance with Section 63J-1-504 for:

3324 (a) reviewing an initial proposal;

3325 (b) reviewing any detailed proposal; and

3326 (c) preparing any project agreement.

3327 (5) The board may waive the fee established under Subsection (4) if the board  
3328 determines that it is:

3329 (a) reasonable; and

3330 (b) in the best interest of the state.

3331 Section 68. Section **63M-1-2911** is amended to read:

3332 **63M-1-2911. Reports of tax credits.**

3333 (1) Before December 1 of each year, the office shall submit a report to the Governor's

3334 Office of [~~Planning~~] Management and Budget, the Office of Legislative Fiscal Analyst, and the  
3335 Division of Finance identifying:

- 3336 (a) the total amount listed on tax credit certificates the office issues under this part; and
- 3337 (b) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax  
3338 credit applicants.

3339 (2) By the first business day of each month, the office shall submit a report to the  
3340 Governor's Office of [~~Planning~~] Management and Budget, the Office of Legislative Fiscal  
3341 Analyst, and the Division of Finance identifying:

- 3342 (a) each new agreement entered into by the office since the last report;
- 3343 (b) the total amount listed on tax credit certificates the office issues under this part; and
- 3344 (c) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax  
3345 credit applicants.

3346 Section 69. Section **64-13e-105** is amended to read:

3347 **64-13e-105. Procedures for setting the final state daily incarceration rate.**

3348 (1) (a) Before September 1 of each year, the department shall calculate, and inform the  
3349 counties and CCJJ of the average actual state daily incarceration rate for the most recent three  
3350 years for which the data is available.

3351 (b) The actual state daily incarceration rates used to calculate the average rate  
3352 described in Subsection (1)(a) may not be less than the rates presented to the Executive  
3353 Appropriations Committee of the Legislature for purposes of setting the appropriation for the  
3354 department's budget.

3355 (2) Before September 15 of each year, the following parties shall meet to review and  
3356 discuss the average actual state daily incarceration rate, described in Subsection (1) and the  
3357 compilation described in Subsection 64-13e-104(7):

- 3358 (a) as designated by the Utah Sheriffs Association:
  - 3359 (i) one sheriff of a county that is currently under contract with the department to house  
3360 state inmates; and
  - 3361 (ii) one sheriff of a county that is currently receiving reimbursement from the

3362 department for housing state probationary inmates or state parole inmates;

3363 (b) the executive director of the department or the executive director's designee;

3364 (c) as designated by the Utah Association of Counties:

3365 (i) one member of the legislative body of one county that is currently under contract

3366 with the department to house state inmates; and

3367 (ii) one member of the legislative body of one county that is currently receiving

3368 reimbursement from the department for housing state probationary inmates or state parole

3369 inmates;

3370 (d) the executive director of the Commission on Criminal and Juvenile Justice or the

3371 executive director's designee; and

3372 (e) the executive director of the Governor's Office of [~~Planning~~] Management and

3373 Budget or the executive director's designee.

3374 (3) (a) The average actual state daily incarceration rate, reviewed and discussed under

3375 Subsection (2), may not be used for purposes of calculating payment or reimbursement under

3376 this chapter, unless approved by the Legislature in the annual appropriations act.

3377 (b) Nothing in this chapter prohibits the Legislature from setting the final state daily

3378 incarceration rate at an amount higher or lower than:

3379 (i) the average actual state incarceration rate; or

3380 (ii) the final state daily incarceration rate that was used during the preceding fiscal year.

3381 Section 70. Section **67-4-16** is amended to read:

3382 **67-4-16. State financial advisor -- Duties -- Conflict of interest restrictions.**

3383 (1) The state treasurer may hire a state financial advisor on a fee-for-service basis.

3384 (2) The state financial advisor shall advise the state treasurer, the executive director of

3385 the Governor's Office of [~~Planning~~] Management and Budget, the director of the Division of

3386 Finance, the director of the Division of Facilities Construction and Management, and the

3387 Legislature and its staff offices on the issuance of bonds and other debt, and on all other public

3388 debt matters generally.

3389 (3) The financial advisor may assist in the preparation of the official statement,

3390 represent the state's creditworthiness before credit rating agencies, and assist in the preparation,  
3391 marketing, or issuance of public debt.

3392 (4) (a) The state financial advisor or the firm that the advisor represents may not  
3393 negotiate to underwrite debt issued by the state of Utah for which he has provided financial  
3394 advisor services.

3395 (b) The state financial advisor may enter a competitive bid, either for his own account  
3396 or in cooperation with others, in response to a call for public bids for the sale of state debt.

3397 (5) (a) Fees directly related to the preparation, marketing, or issuance of public debt,  
3398 including ordinary and necessary expenses, may be paid from the debt proceeds.

3399 (b) Fees for other services shall be paid from the state treasurer's budget.

3400 Section 71. Section **67-19-11** is amended to read:

3401 **67-19-11. Use of department facilities -- Field office facilities cost allocation --**  
3402 **Funding for department.**

3403 (1) (a) All officers and employees of the state and its political subdivisions shall allow  
3404 the department to use public buildings under their control, and furnish heat, light, and furniture,  
3405 for any examination, training, hearing, or investigation authorized by this chapter.

3406 (b) The cost of the department's use of facilities shall be paid by the agency housing a  
3407 field office staff.

3408 (2) The executive director shall:

3409 (a) prepare an annual budget request for the department;

3410 (b) submit the budget request to the governor and the Legislature; and

3411 (c) before charging a fee for services provided by the department's internal service fund  
3412 to an executive branch agency, the executive director shall:

3413 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established  
3414 under Subsection (3); and

3415 (ii) obtain the approval of the Legislature as required under Section 63J-1-410.

3416 (3) (a) There is created a Rate Committee which shall consist of:

3417 (i) the executive director of the Governor's Office of [Planning] Management and

3418 Budget, or a designee;

3419       (ii) the executive directors of three state agencies that use services and pay rates to one

3420 of the department internal service funds, or their designee, appointed by the governor for a

3421 two-year term;

3422       (iii) the director of the Division of Finance, or a designee;

3423       (iv) the executive director of the Department of Human Resource Management, or a

3424 designee; and

3425       (v) the attorney general or designee.

3426       (b) (i) The committee shall elect a chair from its members, except that the chair may

3427 not be from an agency that receives payment of a rate set by the committee.

3428       (ii) Members of the committee who are state government employees and who do not

3429 receive salary, per diem, or expenses from their agency for their service on the committee shall

3430 receive no compensation, benefits, per diem, or expenses for the members' service on the

3431 committee.

3432       (c) The Department of Human Resource Management shall provide staff services to the

3433 committee.

3434       (4) (a) The department shall submit to the committee a proposed rate and fee schedule

3435 for:

3436       (i) human resource management services rendered; and

3437       (ii) costs incurred by the Office of the Attorney General in defending the state in a

3438 grievance under review by the Career Service Review Office.

3439       (b) The committee shall:

3440       (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings

3441 Act;

3442       (ii) review the proposed rate and fee schedules and may approve, increase, or decrease

3443 the rate and fee;

3444       (iii) recommend a proposed rate and fee schedule for the internal service fund to:

3445       (A) the Governor's Office of ~~Planning~~ Management and Budget; and

3446 (B) the legislative appropriations subcommittees that, in accordance with Section  
3447 63J-1-410, approve the internal service fund rates, fees, and budget; and

3448 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the  
3449 department begins a new service or introduces a new product between annual general sessions  
3450 of the Legislature.

3451 (c) The committee may in accordance with Subsection 63J-1-410(4) decrease a rate,  
3452 fee, or amount that has been approved by the Legislature.

3453 Section 72. Section **67-19-12** is amended to read:

3454 **67-19-12. State pay plans -- Applicability of section -- Exemptions -- Duties of the**  
3455 **executive director.**

3456 (1) (a) This section, and the rules adopted by the department to implement this section,  
3457 apply to each career and noncareer employee not specifically exempted under Subsection (2).

3458 (b) If not exempted under Subsection (2), an employee is considered to be in classified  
3459 service.

3460 (2) The following employees are exempt from this section:

3461 (a) members of the Legislature and legislative employees;

3462 (b) members of the judiciary and judicial employees;

3463 (c) elected members of the executive branch and employees under schedule AC as  
3464 provided under Subsection 67-19-15(1)(c);

3465 (d) employees of the State Board of Education who are licensed by the State Board of  
3466 Education;

3467 (e) officers, faculty, and other employees of state institutions of higher education;

3468 (f) employees in a position that is specified by statute to be exempt from this

3469 Subsection (2);

3470 (g) employees in the Office of the Attorney General;

3471 (h) department heads and other persons appointed by the governor under statute;

3472 (i) exempt employees as provided under Subsection 67-19-15(1)(l);

3473 (j) employees of the Utah Schools for the Deaf and the Blind who are:

- 3474 (i) educators as defined by Section 53A-25b-102; or
- 3475 (ii) educational interpreters as classified by the department; and
- 3476 (k) temporary employees under schedule IN or TL as provided under Subsections
- 3477 67-19-15(1)(o) and (p).
- 3478 (3) (a) The executive director shall prepare, maintain, and revise a position
- 3479 classification plan for each employee position not exempted under Subsection (2) to provide
- 3480 equal pay for equal work.
- 3481 (b) Classification of positions shall be based upon similarity of duties performed and
- 3482 responsibilities assumed, so that the same job requirements and the same salary range may be
- 3483 applied equitably to each position in the same class.
- 3484 (c) The executive director shall allocate or reallocate the position of each employee in
- 3485 classified service to one of the classes in the classification plan.
- 3486 (d) (i) The department shall conduct periodic studies and desk audits to provide that the
- 3487 classification plan remains reasonably current and reflects the duties and responsibilities
- 3488 assigned to and performed by employees.
- 3489 (ii) The executive director shall determine the schedule for studies and desk audits after
- 3490 considering factors such as changes in duties and responsibilities of positions or agency
- 3491 reorganizations.
- 3492 (4) (a) With the approval of the governor, the executive director shall develop and
- 3493 adopt pay plans for each position in classified service.
- 3494 (b) The executive director shall design each pay plan to achieve, to the degree that
- 3495 funds permit, comparability of state salary ranges to salary ranges used by private enterprise
- 3496 and other public employment for similar work.
- 3497 (c) The executive director shall adhere to the following in developing each pay plan:
- 3498 (i) Each pay plan shall consist of sufficient salary ranges to permit adequate salary
- 3499 differential among the various classes of positions in the classification plan.
- 3500 (ii) (A) The executive director shall assign each class of positions in the classification
- 3501 plan to a salary range and shall set the width of the salary range to reflect the normal growth

3502 and productivity potential of employees in that class.

3503 (B) The width of the ranges need not be uniform for all classes of positions in the plan.

3504 (iii) (A) The executive director shall issue rules for the administration of pay plans.

3505 (B) The executive director shall issue rules providing for salary adjustments.

3506 (iv) Merit increases shall be granted, on a uniform and consistent basis in accordance  
3507 with appropriations made by the Legislature, to employees who receive a rating of "successful"  
3508 or higher in an annual evaluation of their productivity and performance.

3509 (v) By October 31 of each year, the executive director shall submit market  
3510 comparability adjustments to the executive director of the Governor's Office of [~~Planning~~]  
3511 Management and Budget for consideration to be included as part of the affected agency's base  
3512 budgets.

3513 (vi) By October 31 of each year, the executive director shall recommend a  
3514 compensation package to the governor.

3515 (vii) (A) Adjustments shall incorporate the results of a total compensation market  
3516 survey of salary ranges and benefits of a reasonable cross section of comparable benchmark  
3517 positions in private and public employment in the state.

3518 (B) The survey may also study comparable unusual positions requiring recruitment in  
3519 other states.

3520 (C) The executive director may cooperate with other public and private employers in  
3521 conducting the survey.

3522 (viii) (A) The executive director shall establish criteria to assure the adequacy and  
3523 accuracy of the survey and shall use methods and techniques similar to and consistent with  
3524 those used in private sector surveys.

3525 (B) Except as provided under Sections 67-19-12.1 and 67-19-12.3, the survey shall  
3526 include a reasonable cross section of employers.

3527 (C) The executive director may cooperate with or participate in any survey conducted  
3528 by other public and private employers.

3529 (D) The executive director shall obtain information for the purpose of constructing the

3530 survey from the Division of Workforce Information and Payment Services and shall include  
3531 employer name, number of persons employed by the employer, employer contact information  
3532 and job titles, county code, and salary if available.

3533 (E) The department shall acquire and protect the needed records in compliance with the  
3534 provisions of Section 35A-4-312.

3535 (ix) The establishing of a salary range is a nondelegable activity and is not appealable  
3536 under the grievance procedures of Sections 67-19-30 through 67-19-32, Chapter 19a,  
3537 Grievance Procedures, or otherwise.

3538 (x) The governor shall:

3539 (A) consider salary adjustments recommended under Subsection (4)(c)(vi) in preparing  
3540 the executive budget and shall recommend the method of distributing the adjustments;

3541 (B) submit compensation recommendations to the Legislature; and

3542 (C) support the recommendation with schedules indicating the cost to individual  
3543 departments and the source of funds.

3544 (xi) If funding is approved by the Legislature in a general appropriations act, the  
3545 adjustments take effect on the July 1 following the enactment.

3546 (5) (a) The executive director shall issue rules for the granting of incentive awards,  
3547 including awards for cost saving actions, awards for commendable actions by an employee, or  
3548 a market-based award to attract or retain employees.

3549 (b) An agency may not grant a market-based award unless the award is previously  
3550 approved by the department.

3551 (c) In accordance with Subsection (5)(b), an agency requesting the department's  
3552 approval of a market-based award shall submit a request and documentation, subject to  
3553 Subsection (5)(d), to the department.

3554 (d) In the documentation required in Subsection (5)(c), the requesting agency shall  
3555 identify for the department:

3556 (i) any benefit the market-based award would provide for the agency, including:

3557 (A) budgetary advantages; or

3558 (B) recruitment advantages;  
3559 (ii) a mission critical need to attract or retain unique or hard to find skills in the market;  
3560 or  
3561 (iii) any other advantage the agency would gain through the utilization of a  
3562 market-based award.

3563 (6) (a) The executive director shall regularly evaluate the total compensation program  
3564 of state employees in the classified service.

3565 (b) The department shall determine if employee benefits are comparable to those  
3566 offered by other private and public employers using information from:

3567 (i) the most recent edition of the Employee Benefits Survey Data conducted by the U.S.  
3568 Chamber of Commerce Research Center; or

3569 (ii) the most recent edition of a nationally recognized benefits survey.

3570 (7) (a) The executive director shall submit proposals for a state employee  
3571 compensation plan to the governor by October 31 of each year, setting forth findings and  
3572 recommendations affecting employee compensation.

3573 (b) The governor shall consider the executive director's proposals in preparing budget  
3574 recommendations for the Legislature.

3575 (c) The governor's budget proposals to the Legislature shall include a specific  
3576 recommendation on employee compensation.

3577 Section 73. Section **67-19d-202** is amended to read:

3578 **67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund**  
3579 **and the Elected Official Post-Retirement Benefits Trust Fund.**

3580 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust  
3581 Fund and the Elected Official Post-Retirement Benefits Trust Fund composed of three  
3582 members:

3583 (i) the state treasurer or designee;

3584 (ii) the director of the Division of Finance or designee; and

3585 (iii) the executive director of the Governor's Office of Planning Management and

3586 Budget or designee.

3587       (b) The state treasurer is chair of the board.

3588       (c) Three members of the board are a quorum.

3589       (d) A member may not receive compensation or benefits for the member's service, but

3590 may receive per diem and travel expenses in accordance with:

3591       (i) Section 63A-3-106;

3592       (ii) Section 63A-3-107; and

3593       (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

3594 63A-3-107.

3595       (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the

3596 board of trustees.

3597       (ii) The Division of Finance shall provide accounting services for the trust fund.

3598       (2) The board shall:

3599       (a) on behalf of the state, act as trustee of the State Post-Retirement Benefits Trust

3600 Fund created under Section 67-19d-201 and the Elected Official Post-Retirement Benefits

3601 Trust Fund created under Section 67-19d-201.5 and exercise the state's fiduciary

3602 responsibilities;

3603       (b) meet at least twice per year;

3604       (c) review and approve all policies, projections, rules, criteria, procedures, forms,

3605 standards, performance goals, and actuarial reports;

3606       (d) review and approve the budget for each trust fund described under Subsection

3607 (2)(a);

3608       (e) review financial records for each trust fund described under Subsection (2)(a),

3609 including trust fund receipts, expenditures, and investments;

3610       (f) commission and obtain actuarial studies of the liabilities for each trust fund

3611 described under Subsection (2)(a);

3612       (g) for purposes of the State Post-Retirement Benefits Trust Fund, establish labor

3613 additive rates to charge all federal, state, and other programs to cover:

3614 (i) the annual required contribution as determined by actuary; and  
3615 (ii) the administrative expenses of the trust fund; and  
3616 (h) do any other things necessary to perform the state's fiduciary obligations under each  
3617 trust fund described under Subsection (2)(a).

3618 (3) The attorney general shall:  
3619 (a) act as legal counsel and provide legal representation to the board of trustees; and  
3620 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each  
3621 meeting of the board of trustees.

3622 Section 74. Section **67-22-2** is amended to read:

3623 **67-22-2. Compensation -- Other state officers.**

3624 (1) As used in this section:

3625 (a) "Appointed executive" means the:

- 3626 (i) Commissioner of the Department of Agriculture and Food;
- 3627 (ii) Commissioner of the Insurance Department;
- 3628 (iii) Commissioner of the Labor Commission;
- 3629 (iv) Director, Department of Alcoholic Beverage Control;
- 3630 (v) Commissioner of the Department of Financial Institutions;
- 3631 (vi) Executive Director, Department of Commerce;
- 3632 (vii) Executive Director, Commission on Criminal and Juvenile Justice;
- 3633 (viii) Adjutant General;
- 3634 (ix) Executive Director, Department of Heritage and Arts;
- 3635 (x) Executive Director, Department of Corrections;
- 3636 (xi) Commissioner, Department of Public Safety;
- 3637 (xii) Executive Director, Department of Natural Resources;
- 3638 (xiii) Executive Director, Governor's Office of [~~Planning~~] Management and Budget;
- 3639 (xiv) Executive Director, Department of Administrative Services;
- 3640 (xv) Executive Director, Department of Human Resource Management;
- 3641 (xvi) Executive Director, Department of Environmental Quality;

- 3642 (xvii) Director, Governor's Office of Economic Development;
- 3643 (xviii) Executive Director, Utah Science Technology and Research Governing
- 3644 Authority;
- 3645 (xix) Executive Director, Department of Workforce Services;
- 3646 (xx) Executive Director, Department of Health, Nonphysician;
- 3647 (xxi) Executive Director, Department of Human Services;
- 3648 (xxii) Executive Director, Department of Transportation;
- 3649 (xxiii) Executive Director, Department of Technology Services; and
- 3650 (xxiv) Executive Director, Department of Veterans Affairs.
- 3651 (b) "Board or commission executive" means:
- 3652 (i) Members, Board of Pardons and Parole;
- 3653 (ii) Chair, State Tax Commission;
- 3654 (iii) Commissioners, State Tax Commission;
- 3655 (iv) Executive Director, State Tax Commission;
- 3656 (v) Chair, Public Service Commission; and
- 3657 (vi) Commissioners, Public Service Commission.
- 3658 (c) "Deputy" means the person who acts as the appointed executive's second in
- 3659 command as determined by the Department of Human Resource Management.
- 3660 (2) (a) The executive director of the Department of Human Resource Management
- 3661 shall:
- 3662 (i) before October 31 of each year, recommend to the governor a compensation plan for
- 3663 the appointed executives and the board or commission executives; and
- 3664 (ii) base those recommendations on market salary studies conducted by the Department
- 3665 of Human Resource Management.
- 3666 (b) (i) The Department of Human Resource Management shall determine the salary
- 3667 range for the appointed executives by:
- 3668 (A) identifying the salary range assigned to the appointed executive's deputy;
- 3669 (B) designating the lowest minimum salary from those deputies' salary ranges as the

3670 minimum salary for the appointed executives' salary range; and

3671 (C) designating 105% of the highest maximum salary range from those deputies' salary  
3672 ranges as the maximum salary for the appointed executives' salary range.

3673 (ii) If the deputy is a medical doctor, the Department of Human Resource Management  
3674 may not consider that deputy's salary range in designating the salary range for appointed  
3675 executives.

3676 (c) In establishing the salary ranges for board or commission executives, the  
3677 Department of Human Resource Management shall set the maximum salary in the salary range  
3678 for each of those positions at 90% of the salary for district judges as established in the annual  
3679 appropriation act under Section 67-8-2.

3680 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a  
3681 specific salary for each appointed executive within the range established under Subsection  
3682 (2)(b).

3683 (ii) If the executive director of the Department of Health is a physician, the governor  
3684 shall establish a salary within the highest physician salary range established by the Department  
3685 of Human Resource Management.

3686 (iii) The governor may provide salary increases for appointed executives within the  
3687 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

3688 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
3689 exempt positions.

3690 (c) The governor may develop standards and criteria for reviewing the appointed  
3691 executives.

3692 (4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are  
3693 not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial  
3694 Salary Act, shall be established as provided in Section 67-19-15.

3695 (5) (a) The Legislature fixes benefits for the appointed executives and the board or  
3696 commission executives as follows:

3697 (i) the option of participating in a state retirement system established by Title 49, Utah

3698 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered  
3699 by the State Retirement Office in accordance with the Internal Revenue Code and its  
3700 accompanying rules and regulations;

- 3701 (ii) health insurance;
- 3702 (iii) dental insurance;
- 3703 (iv) basic life insurance;
- 3704 (v) unemployment compensation;
- 3705 (vi) workers' compensation;
- 3706 (vii) required employer contribution to Social Security;
- 3707 (viii) long-term disability income insurance;
- 3708 (ix) the same additional state-paid life insurance available to other noncareer service  
3709 employees;
- 3710 (x) the same severance pay available to other noncareer service employees;
- 3711 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as  
3712 follows:

- 3713 (A) sick leave;
- 3714 (B) converted sick leave if accrued prior to January 1, 2014;
- 3715 (C) educational allowances;
- 3716 (D) holidays; and
- 3717 (E) annual leave except that annual leave shall be accrued at the maximum rate  
3718 provided to Schedule B state employees;
- 3719 (xii) the option to convert accumulated sick leave to cash or insurance benefits as  
3720 provided by law or rule upon resignation or retirement according to the same criteria and  
3721 procedures applied to Schedule B state employees;
- 3722 (xiii) the option to purchase additional life insurance at group insurance rates according  
3723 to the same criteria and procedures applied to Schedule B state employees; and
- 3724 (xiv) professional memberships if being a member of the professional organization is a  
3725 requirement of the position.

3726 (b) Each department shall pay the cost of additional state-paid life insurance for its  
3727 executive director from its existing budget.

3728 (6) The Legislature fixes the following additional benefits:

3729 (a) for the executive director of the State Tax Commission a vehicle for official and  
3730 personal use;

3731 (b) for the executive director of the Department of Transportation a vehicle for official  
3732 and personal use;

3733 (c) for the executive director of the Department of Natural Resources a vehicle for  
3734 commute and official use;

3735 (d) for the Commissioner of Public Safety:

3736 (i) an accidental death insurance policy if POST certified; and

3737 (ii) a public safety vehicle for official and personal use;

3738 (e) for the executive director of the Department of Corrections:

3739 (i) an accidental death insurance policy if POST certified; and

3740 (ii) a public safety vehicle for official and personal use;

3741 (f) for the Adjutant General a vehicle for official and personal use; and

3742 (g) for each member of the Board of Pardons and Parole a vehicle for commute and  
3743 official use.

3744 Section 75. **Revisor instructions.**

3745 The Legislature intends that if S.B. 176, Office of Planning and Budget Restructuring  
3746 Amendments, passes, the Office of Legislative Research and General Counsel in preparing the  
3747 Utah Code database for publication, change any reference to "Office of Planning and Budget"  
3748 to "Office of Management and Budget".