

PUBLIC UTILITIES COMMITTEE REPORTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill addresses statutorily required reports related to public utilities, energy, and technology topics.

Highlighted Provisions:

This bill:

- ▶ repeals reporting requirements for certain reports to the Public Utilities, Energy, and Technology Interim Committee;
- ▶ consolidates reporting requirements for certain reports to the Public Utilities, Energy, and Technology Interim Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-7-13.5, as last amended by Laws of Utah 2016, Chapter 393

59-1-403, as last amended by Laws of Utah 2018, Chapters 4, 92, and 376

63B-3-301, as last amended by Laws of Utah 2016, Chapters 13 and 144

63F-1-104, as last amended by Laws of Utah 2018, Chapter 200

63F-1-201, as last amended by Laws of Utah 2016, Chapter 13

29 **63F-1-212**, as enacted by Laws of Utah 2017, Chapter 238

30 REPEALS:

31 **63F-1-901**, as enacted by Laws of Utah 2017, Chapter 258

32 **63F-1-902**, as enacted by Laws of Utah 2017, Chapter 258



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

35 Section 1. Section **54-7-13.5** is amended to read:

36 **54-7-13.5. Energy balancing accounts.**

37 (1) As used in this section:

38 (a) "Base rates" means the same as that term is defined in Subsection **54-7-12(1)**.

39 (b) "Energy balancing account" means an electrical corporation account for some or all
40 components of the electrical corporation's incurred actual power costs, including:

41 (i) (A) fuel;

42 (B) purchased power; and

43 (C) wheeling expenses; and

44 (ii) the sum of the power costs described in Subsection (1)(b)(i) less wholesale
45 revenues.

46 (c) "Gas balancing account" means a gas corporation account to recover on a
47 dollar-for-dollar basis, purchased gas costs, and gas cost-related expenses.

48 (2) (a) The commission may authorize an electrical corporation to establish an energy
49 balancing account.

50 (b) An energy balancing account shall become effective upon a commission finding
51 that the energy balancing account is:

52 (i) in the public interest;

53 (ii) for prudently-incurred costs; and

54 (iii) implemented at the conclusion of a general rate case.

55 (c) An electrical corporation:

56 (i) may, with approval from the commission, recover costs under this section through:

57 (A) base rates;

58 (B) contract rates;

59 (C) surcredits; or

60 (D) surcharges; and

61 (ii) shall file a reconciliation of the energy balancing account with the commission at
62 least annually with actual costs and revenues incurred by the electrical corporation.

63 (d) Beginning June 1, 2016, for an electrical corporation with an energy balancing
64 account established before January 1, 2016, the commission shall allow an electrical
65 corporation to recover 100% of the electrical corporation's prudently incurred costs as
66 determined and approved by the commission under this section.

67 (e) An energy balancing account may not alter:

68 (i) the standard for cost recovery; or

69 (ii) the electrical corporation's burden of proof.

70 (f) The collection method described in Subsection (2)(c)(i) shall:

71 (i) apply to the appropriate billing components in base rates; and

72 (ii) be incorporated into base rates in an appropriate commission proceeding.

73 (g) The collection of costs related to an energy balancing account from customers
74 paying contract rates shall be governed by the terms of the contract.

75 (h) Revenues collected in excess of prudently incurred actual costs shall:

76 (i) be refunded as a bill surcredit to an electrical corporation's customers over a period
77 specified by the commission; and

78 (ii) include a carrying charge.

79 (i) Prudently incurred actual costs in excess of revenues collected shall:

80 (i) be recovered as a bill surcharge over a period to be specified by the commission;

81 and

82 (ii) include a carrying charge.

83 (j) The carrying charge applied to the balance in an energy balancing account shall be:

84 (i) determined by the commission; and

85 (ii) symmetrical for over or under collections.

86 (3) (a) The commission may:

87 (i) establish a gas balancing account for a gas corporation; and

88 (ii) set forth procedures for a gas corporation's gas balancing account in the gas

89 corporation's commission-approved tariff.

90 (b) A gas balancing account may not alter:

91 (i) the standard of cost recovery; or

92 (ii) the gas corporation's burden of proof.

93 (4) (a) All allowed costs and revenues associated with an energy balancing account or

94 gas balancing account shall remain in the respective balancing account until charged or

95 refunded to customers.

96 (b) The balance of an energy balancing account or gas balancing account may not be:

97 (i) transferred by the electrical corporation or gas corporation; or

98 (ii) used by the commission to impute earnings or losses to the electrical corporation or

99 gas corporation.

100 (c) An energy balancing account or gas balancing account that is formed and

101 maintained in accordance with this section does not constitute impermissible retroactive

102 ratemaking or single-issue ratemaking.

103 (5) This section does not create a presumption for or against approval of an energy

104 balancing account.

105 ~~[(6) The commission shall report to the Public Utilities and Technology Interim~~

106 ~~Committee before December 1 in 2017 and 2018 regarding whether allowing an electrical~~

107 ~~corporation to continue to recover costs under Subsection (2)(d) is reasonable and in the public~~

108 ~~interest.]~~

109 Section 2. Section **59-1-403** is amended to read:

110 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

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

- 113 (i) a tax commissioner;
- 114 (ii) an agent, clerk, or other officer or employee of the commission; or
- 115 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
116 town.

117 (b) An official charged with the custody of a return filed with the commission is not
118 required to produce the return or evidence of anything contained in the return in any action or
119 proceeding in any court, except:

- 120 (i) in accordance with judicial order;
- 121 (ii) on behalf of the commission in any action or proceeding under:
 - 122 (A) this title; or
 - 123 (B) other law under which persons are required to file returns with the commission;
- 124 (iii) on behalf of the commission in any action or proceeding to which the commission
125 is a party; or
- 126 (iv) on behalf of any party to any action or proceeding under this title if the report or
127 facts shown by the return are directly involved in the action or proceeding.

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

131 (2) This section does not prohibit:

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

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

136 (c) the inspection by the attorney general or other legal representative of the state of the

137 report or return of any taxpayer:

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

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

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

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

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

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

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

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

159 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the
160 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as
161 requested by the director of the Division of Environmental Response and Remediation, any
162 records, returns, or other information filed with the commission under Chapter 13, Motor and
163 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program

164 participation fee.

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

168 (i) Chapter 13, Part 2, Motor Fuel; or

169 (ii) Chapter 13, Part 4, Aviation Fuel.

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

172 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
173 manufacturer and reported to the commission for the previous calendar year under Section
174 59-14-407; and

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

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

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

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

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

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

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

188 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
189 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
190 Management and Budget, provide to the committee or office the total amount of revenues

191 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the
192 time period specified by the committee or office.

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

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

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

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

204 (m) (i) Notwithstanding Subsection (1), upon request from the state court
205 administrator, the commission shall provide to the state court administrator, the name, address,
206 telephone number, county of residence, and social security number on resident returns filed
207 under Chapter 10, Individual Income Tax Act.

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

210 (n) (i) As used in this Subsection (3)(n):

211 (A) "GOED" means the Governor's Office of Economic Development created in
212 Section 63N-1-201.

213 (B) "Income tax information" means information gained by the commission that is
214 required to be attached to or included in a return filed with the commission under Chapter 7,
215 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

216 (C) "Other tax information" means information gained by the commission that is
217 required to be attached to or included in a return filed with the commission except for a return

218 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
219 Income Tax Act.

220 (D) "Tax information" means income tax information or other tax information.

221 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
222 (3)(n)(ii)(B) or (C), the commission shall at the request of GOED provide to GOED all income
223 tax information.

224 (B) For purposes of a request for income tax information made under Subsection
225 (3)(n)(ii)(A), GOED may not request and the commission may not provide to GOED a person's
226 address, name, social security number, or taxpayer identification number.

227 (C) In providing income tax information to GOED, the commission shall in all
228 instances protect the privacy of a person as required by Subsection (3)(n)(ii)(B).

229 (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
230 (3)(n)(iii)(B), the commission shall at the request of GOED provide to GOED other tax
231 information.

232 (B) Before providing other tax information to GOED, the commission shall redact or
233 remove any name, address, social security number, or taxpayer identification number.

234 (iv) GOED may provide tax information received from the commission in accordance
235 with this Subsection (3)(n) only:

236 (A) as a fiscal estimate, fiscal note information, or statistical information; and

237 (B) if the tax information is classified to prevent the identification of a particular
238 return.

239 (v) (A) A person may not request tax information from GOED under Title 63G,
240 Chapter 2, Government Records Access and Management Act, or this section, if GOED
241 received the tax information from the commission in accordance with this Subsection (3)(n).

242 (B) GOED may not provide to a person that requests tax information in accordance
243 with Subsection (3)(n)(v)(A) any tax information other than the tax information GOED
244 provides in accordance with Subsection (3)(n)(iv).

245 (o) Notwithstanding Subsection (1), the commission may provide to the governing
246 board of the agreement or a taxing official of another state, the District of Columbia, the United
247 States, or a territory of the United States:

248 (i) the following relating to an agreement sales and use tax:

249 (A) information contained in a return filed with the commission;

250 (B) information contained in a report filed with the commission;

251 (C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

252 (D) a document filed with the commission; or

253 (ii) a report of an audit or investigation made with respect to an agreement sales and
254 use tax.

255 (p) Notwithstanding Subsection (1), the commission may provide information
256 concerning a taxpayer's state income tax return or state income tax withholding information to
257 the Driver License Division if the Driver License Division:

258 (i) requests the information; and

259 (ii) provides the commission with a signed release form from the taxpayer allowing the
260 Driver License Division access to the information.

261 (q) Notwithstanding Subsection (1), the commission shall provide to the Utah
262 Communications Authority, or a division of the Utah Communications Authority, the
263 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and
264 [63H-7a-502](#).

265 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah
266 Educational Savings Plan information related to a resident or nonresident individual's
267 contribution to a Utah Educational Savings Plan account as designated on the resident or
268 nonresident's individual income tax return as provided under Section [59-10-1313](#).

269 (s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under
270 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the
271 Department of Health or its designee with the adjusted gross income of an individual if:

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

274 (ii) the eligibility worker has complied with the identity verification and consent
275 provisions of Sections [26-18-2.5](#) and [26-40-105](#).

276 (t) Notwithstanding Subsection (1), the commission may provide to a county, as
277 determined by the commission, information declared on an individual income tax return in
278 accordance with Section [59-10-103.1](#) that relates to eligibility to claim a residential exemption
279 authorized under Section [59-2-103](#).

280 (u) Notwithstanding Subsection (1), the commission shall provide a report regarding
281 any access line provider that is over 90 days delinquent in payment to the commission of
282 amounts the access line provider owes under Title 69, Chapter 2, Part 4, 911 Emergency
283 Service Charges, to ~~[(i) the board of the Utah Communications Authority created in Section~~
284 [63H-7a-201](#), and ~~(ii) the Public Utilities, Energy, and Technology Interim Committee.]~~ the
285 board of the Utah Communications Authority created in Section [63H-7a-201](#).

286 (v) Notwithstanding Subsection (1), the commission shall provide the Department of
287 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the
288 previous calendar year under Section [59-24-103.5](#).

289 (w) Notwithstanding Subsection (1), the commission may, upon request, provide to the
290 Department of Workforce Services any information received under Chapter 10, Part 4,
291 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

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

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

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

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

299 (c) Notwithstanding Subsection (5)(a) or (b), GOED, when requesting information in
300 accordance with Subsection (3)(n)(iii), or an individual who requests information in
301 accordance with Subsection (3)(n)(v):

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

303 (ii) is not subject to:

304 (A) dismissal from office in accordance with Subsection (5)(b); or

305 (B) disqualification from holding public office in accordance with Subsection (5)(b).

306 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

307 Section 3. Section 63B-3-301 is amended to read:

308 **63B-3-301. Legislative intent -- Additional projects.**

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

318 (a) the lease purchase obligation; or

319 (b) lease rental payments under the lease purchase obligation.

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

323 (3) It is the intent of the Legislature that the State Building Board allocate funds from
324 the Capital Improvement appropriation and donations to cover costs associated with the
325 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered

326 by insurance proceeds.

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

- 333 (i) pay costs of issuance;
- 334 (ii) pay capitalized interest; and
- 335 (iii) fund any debt service reserve requirements.

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

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

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

- 349 (i) pay costs of issuance;
- 350 (ii) pay capitalized interest; and
- 351 (iii) fund any debt service reserve requirements.

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

353 and prudent lease purchase plan available with technical assistance from the state treasurer, the
354 director of the Division of Finance, and the executive director of the Governor's Office of
355 Management and Budget.

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

- 362 (i) pay costs of issuance;
- 363 (ii) pay capitalized interest; and
- 364 (iii) fund any debt service reserve requirements.

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

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

- 375 (i) pay costs of issuance;
- 376 (ii) pay capitalized interest; and
- 377 (iii) fund any debt service reserve requirements.

378 (b) It is the intent of the Legislature that the authority seek out the most cost effective
379 and prudent lease purchase plan available with technical assistance from the state treasurer, the

380 director of the Division of Finance, and the executive director of the Governor's Office of
381 Management and Budget.

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

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

- 390 (i) pay costs of issuance;
- 391 (ii) pay capitalized interest; and
- 392 (iii) fund any debt service reserve requirements.

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

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

399 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
400 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
401 the Office of the Legislative Fiscal Analyst, the Governor's Office of Management and Budget,
402 and the State Building Board participate in a review of the proposed facility design for the
403 Courts Complex no later than December 1994; and

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

407 pursuant to the review.

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

409 (a) the Division of Facilities Construction and Management, in cooperation with the
410 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
411 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
412 to the Division of Juvenile Justice Services;

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

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

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

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

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

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

427 (e) the Division of Facilities Construction and Management submit the prototype as
428 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
429 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
430 review;

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

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

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

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

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

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

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

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

447 (a) the Division of Facilities Construction and Management, in cooperation with the
448 Division of Parks and Recreation and surrounding counties, develop a master plan and general
449 program for the phased development of Antelope Island;

450 (b) the master plan:

451 (i) establish priorities for development;

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

453 (iii) include recommendations for funding methods and the allocation of
454 responsibilities between the parties; and

455 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
456 Environmental Quality Appropriations Subcommittee and Infrastructure and General
457 Government Appropriations Subcommittee.

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

459 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
460 the supervision of the director of the Division of Facilities Construction and Management

461 unless supervisory authority is delegated by the director; and

462 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
463 Research Building under the supervision of the director of the Division of Facilities
464 Construction and Management unless supervisory authority is delegated by the director.

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

466 (a) federal and other funds to plan, design, and construct the Bee Lab under the
467 supervision of the director of the Division of Facilities Construction and Management unless
468 supervisory authority is delegated by the director;

469 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
470 Facility addition and renovation under the supervision of the director of the Division of
471 Facilities Construction and Management unless supervisory authority is delegated by the
472 director;

473 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
474 to the Nutrition and Food Science Building under the supervision of the director of the
475 Division of Facilities Construction and Management unless supervisory authority is delegated
476 by the director; and

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

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

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

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

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

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

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

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

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

502 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
503 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
504 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
505 Division of Facilities Construction and Management unless supervisory authority is delegated
506 by the director.

507 (19) It is the intent of the Legislature that the Utah Department of Transportation use
508 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
509 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

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

514 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center

515 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
516 considered as the highest priority projects for construction funding in fiscal year 1996.

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

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

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

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

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

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

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

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

530 (23) It is the intent of the Legislature that Utah Valley State College may use the
531 money from the bond allocated to the remodel of the Signetics building to relocate its technical
532 education programs at other designated sites or facilities under the supervision of the director
533 of the Division of Facilities Construction and Management unless supervisory authority is
534 delegated by the director.

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

539 (25) It is the intent of the Legislature that the governor provide periodic reports on the
540 expenditure of the funds provided for electronic technology, equipment, and hardware to [~~the~~
541 ~~Public Utilities, Energy, and Technology Interim Committee,~~] the Infrastructure and General

542 Government Appropriations Subcommittee, and the Legislative Management Committee.

543 Section 4. Section **63F-1-104** is amended to read:

544 **63F-1-104. Purposes.**

545 The department shall:

546 (1) lead state executive branch agency efforts to establish and reengineer the state's
547 information technology architecture with the goal of coordinating central and individual agency
548 information technology in a manner that:

549 (a) ensures compliance with the executive branch agency strategic plan; and

550 (b) ensures that cost-effective, efficient information and communication systems and
551 resources are being used by agencies to:

552 (i) reduce data, hardware, and software redundancy;

553 (ii) improve system interoperability and data accessibility between agencies; and

554 (iii) meet the agency's and user's business and service needs;

555 (2) coordinate an executive branch strategic plan for all agencies;

556 (3) develop and implement processes to replicate information technology best practices
557 and standards throughout the executive branch;

558 (4) at least once every odd-numbered year:

559 (a) evaluate the adequacy of the department's and the executive branch agencies' data
560 and information technology system security standards through an independent third party
561 assessment; and

562 (b) communicate the results of the independent third party assessment to the
563 appropriate executive branch agencies and to the president of the Senate and the speaker of the
564 House of Representatives;

565 (5) oversee the expanded use and implementation of project and contract management
566 principles as they relate to information technology projects within the executive branch;

567 (6) serve as general contractor between the state's information technology users and
568 private sector providers of information technology products and services;

- 569 (7) work toward building stronger partnering relationships with providers;
- 570 (8) develop service level agreements with executive branch departments and agencies
- 571 to ensure quality products and services are delivered on schedule and within budget;
- 572 (9) develop standards for application development including a standard methodology
- 573 and cost-benefit analysis that all agencies shall utilize for application development activities;
- 574 (10) determine and implement statewide efforts to standardize data elements;
- 575 (11) develop systems and methodologies to review, evaluate, and prioritize existing
- 576 information technology projects within the executive branch and report to the governor and the
- 577 Public Utilities, Energy, and Technology Interim Committee in accordance with Section
- 578 63F-1-201 on a semiannual basis regarding the status of information technology projects;
- 579 (12) assist the Governor's Office of Management and Budget with the development of
- 580 information technology budgets for agencies; and
- 581 (13) ensure that any training or certification required of a public official or public
- 582 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
- 583 22, State Training and Certification Requirements, if the training or certification is required:
- 584 (a) under this title;
- 585 (b) by the department; or
- 586 (c) by an agency or division within the department.
- 587 Section 5. Section **63F-1-201** is amended to read:
- 588 **63F-1-201. Chief information officer -- Appointment -- Powers -- Reporting.**
- 589 (1) The director of the department shall serve as the state's chief information officer.
- 590 (2) The chief information officer shall:
- 591 (a) advise the governor on information technology policy; and
- 592 (b) perform those duties given the chief information officer by statute.
- 593 (3) (a) The chief information officer shall report annually to:
- 594 (i) the governor; and
- 595 (ii) the Public Utilities, Energy, and Technology Interim Committee.

596 (b) The report required under Subsection (3)(a) shall:
597 (i) summarize the state's current and projected use of information technology;
598 (ii) summarize the executive branch strategic plan including a description of major
599 changes in the executive branch strategic plan; ~~[and]~~
600 (iii) provide a brief description of each state agency's information technology plan[:];
601 ~~[(4)(a) In accordance with this section, the chief information officer shall prepare an~~
602 ~~interbranch information technology coordination plan that provides for the coordination where~~
603 ~~possible of the development, acquisition, and maintenance of information technology and~~
604 ~~information systems of:]~~
605 ~~[(i) the executive branch;]~~
606 ~~[(ii) the judicial branch;]~~
607 ~~[(iii) the legislative branch;]~~
608 ~~[(iv) the Board of Regents; and]~~
609 ~~[(v) the State Board of Education.]~~
610 ~~[(b) In the development of the interbranch coordination plan, the chief information~~
611 ~~officer shall consult with the entities described in Subsection (4)(a):]~~
612 ~~[(c) The interbranch coordination plan:]~~
613 ~~[(i) is an advisory document; and]~~
614 ~~[(ii) does not bind any entity described in Subsection (4)(a):]~~
615 ~~[(d) (i) The chief information officer shall submit the interbranch coordination plan to~~
616 ~~the Public Utilities, Energy, and Technology Interim Committee for comment.]~~
617 ~~[(ii) The chief information officer may modify the interbranch coordination plan:]~~
618 ~~[(A) at the request of the Public Utilities, Energy, and Technology Interim Committee;~~
619 ~~or]~~
620 ~~[(B) to improve the coordination between the entities described in Subsection (4)(a):]~~
621 ~~[(iii) Any amendment to the interbranch coordination plan is subject to this Subsection~~
622 ~~(4) in the same manner as the interbranch coordination plan is subject to this Subsection (4):]~~

623 ~~[(5) In a manner consistent with the interbranch coordination plan created in~~
624 ~~accordance with Subsection (4), the chief information officer shall maintain liaisons with:]~~
625 ~~[(a) the judicial branch;]~~
626 ~~[(b) the legislative branch;]~~
627 ~~[(c) the Board of Regents;]~~
628 ~~[(d) the State Board of Education;]~~
629 ~~[(e) local government;]~~
630 ~~[(f) the federal government;]~~
631 ~~[(g) business and industry, and]~~
632 ~~[(h) those members of the public who use information technology or systems of the~~
633 ~~state.]]~~

634 (iv) include the status of information technology projects described in Subsection
635 63F-1-104(11);
636 (v) include the performance report described in Section 63F-1-212; and
637 (vi) include the expenditure of the funds provided for electronic technology,
638 equipment, and hardware.

639 Section 6. Section **63F-1-212** is amended to read:

640 **63F-1-212. Report to the Legislature.**

641 The department shall, in accordance with Section 63F-1-201, before November 1 of
642 each year, report to the Public Utilities, Energy, and Technology Interim Committee on:

- 643 (1) performance measures that the department uses to assess the department's
644 effectiveness in performing the department's duties under this chapter; and
645 (2) the department's performance, evaluated in accordance with the performance
646 measures described in Subsection (1).

647 Section 7. **Repealer.**

648 This bill repeals:

649 Section **63F-1-901, Title.**

650 Section **63F-1-902**, Executive branch agencies -- Data security review -- Report to
651 **Legislature.**