

**LEGISLATIVE BUDGETING FOR COLA FOR
LOCAL HEALTH AUTHORITIES**

2003 GENERAL SESSION

STATE OF UTAH

This act modifies the Budgetary Procedures Act to require the Legislature to consider providing an increase for certain local human services agencies that is consistent with the increase for state employees.

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

AMENDS:

63-38-2, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

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

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

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

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

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

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

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

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

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

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

(b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and

32 funds of the state;

33 (c) an estimate of the state's financial condition as of the beginning and the end of the

34 period covered by the budget;

35 (d) a complete analysis of lease with an option to purchase arrangements entered into

36 by state agencies;

37 (e) the recommendations for each state agency for new full-time employees for the next

38 fiscal year; which recommendation should be provided also to the State Building Board under

39 Subsection 63A-5-103(2);

40 (f) any explanation the governor may desire to make as to the important features of the

41 budget and any suggestion as to methods for the reduction of expenditures or increase of the

42 state's revenue; and

43 (g) the information detailing certain regulatory fee increases required by Section

44 63-38-3.2.

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

46 (a) the Legislative Department as certified to the governor by the president of the

47 Senate and the speaker of the House;

48 (b) the Executive Department;

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

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

51 (e) the salaries payable by the state under the Utah Constitution or under law for the

52 lease agreements planned for the next fiscal year;

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

54 (g) all other appropriations.

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

56 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall

57 require from the proper state officials, including public and higher education officials, all heads

58 of executive and administrative departments and state institutions, bureaus, boards,

59 commissions, and agencies expending or supervising the expenditure of the state moneys, and

60 all institutions applying for state moneys and appropriations, itemized estimates of revenues

61 and expenditures. The entities required by this Subsection (7)(a)(i) to submit itemized

62 estimates of revenues and expenditures to the governor, shall also report to the Utah

Information Technology Commission created in Title 63D, Chapter 1, Information Technology Act, before October 30 of each year. The report to the Information Technology Commission shall include the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures and an analysis of:

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

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

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

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

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

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

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

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

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

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

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

(c) The estimate for the Judicial Department, as certified by the state court administrator, shall also be included in the budget without revision, but the governor may make

94 separate recommendations on it. Before preparing the estimates for the Judicial Department,
95 the state court administrator shall report to the Information Technology Commission the
96 proposed information technology expenditures and objectives, the proposed appropriation
97 requests and other sources of revenue necessary to fund the proposed expenditures, including
98 an analysis of:

- 99 (i) the Judicial Department's information technology goals;
- 100 (ii) coordination of information technology statewide between all courts;
- 101 (iii) any efforts to develop public/private partnerships to accomplish information
102 technology goals; and
- 103 (iv) any performance measures used by the entity for implementing information
104 technology goals.

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

- 109 (i) the Office of Education's information technology goals;
- 110 (ii) coordination of information technology statewide between all public schools;
- 111 (iii) any efforts to develop public/private partnerships to accomplish information
112 technology goals; and
- 113 (iv) any performance measures used by the Office of Education for implementing
114 information technology goals.

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

- 119 (i) Higher Education's information technology goals;
- 120 (ii) coordination of information technology statewide within the state system of higher
121 education;
- 122 (iii) any efforts to develop public/private partnerships to accomplish information
123 technology goals; and
- 124 (iv) any performance measures used by the state system of higher education for

125 implementing information technology goals.

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

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

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

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

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

141 (i) local mental health authorities under Section 62A-15-110;

142 (ii) local substance abuse authorities under Section 62A-15-110;

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

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

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

147 and

148 (vi) counties for the operation of Children's Justice Centers under Section 67-5b-102.

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

154 (c) If the governor does not include in his budget an amount sufficient to grant the
155 increase described in Subsection (10)(b), he shall include a message to the Legislature

156 regarding his reason for not including that amount.

157 (11) (a) In submitting the budget for the Division of Services for People with
158 Disabilities, the Division of Child and Family Services, and the Division of Youth Corrections
159 within the Department of Human Services, the governor shall consider an amount sufficient to
160 grant employees of corporations that provide direct services under contract with those
161 divisions, the same percentage increase for cost-of-living that he includes in his budget for
162 persons employed by the state.

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

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

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

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

174 (14) In adopting a budget for each fiscal year, the Legislature shall consider an amount
175 sufficient to grant local health departments, local mental health authorities, local substance
176 abuse authorities, and area agencies on aging the same percentage increase for wages and
177 benefits that is included in the budget for persons employed by the state.