

Effective 5/10/2016

63J-1-201 Governor's proposed budget to Legislature -- Contents -- Preparation -- Appropriations based on current tax laws and not to exceed estimated revenues.

- (1) The governor shall deliver, not later than 30 days before the date the Legislature convenes in the annual general session, a confidential draft copy of the governor's proposed budget recommendations to the Office of the Legislative Fiscal Analyst according to the requirements of this section.
- (2)
 - (a) When submitting a proposed budget, the governor shall, within the first three days of the annual general session of the Legislature, submit to the presiding officer of each house of the Legislature:
 - (i) a proposed budget for the ensuing fiscal year;
 - (ii) a schedule for all of the proposed changes to appropriations in the proposed budget, with each change clearly itemized and classified; and
 - (iii) as applicable, a document showing proposed changes in estimated revenues that are based on changes in state tax laws or rates.
 - (b) The proposed budget shall include:
 - (i) a projection of:
 - (A) estimated revenues by major tax type;
 - (B) 15-year trends for each major tax type;
 - (C) estimated receipts of federal funds; and
 - (D) appropriations for the next fiscal year;
 - (ii) the source of changes to all direct, indirect, and in-kind matching funds for all federal grants or assistance programs included in the budget;
 - (iii) changes to debt service;
 - (iv) a plan of proposed changes to appropriations and estimated revenues for the next fiscal year that is based upon the current fiscal year state tax laws and rates and considers projected changes in federal grants or assistance programs included in the budget;
 - (v) an itemized estimate of the proposed changes to appropriations for:
 - (A) the Legislative Department as certified to the governor by the president of the Senate and the speaker of the House;
 - (B) the Executive Department;
 - (C) the Judicial Department as certified to the governor by the state court administrator;
 - (D) changes to salaries payable by the state under the Utah Constitution or under law for lease agreements planned for the next fiscal year; and
 - (E) all other changes to ongoing or one-time appropriations, including dedicated credits, restricted funds, nonlapsing balances, grants, and federal funds;
 - (vi) for each line item, the average annual dollar amount of staff funding associated with all positions that were vacant during the last fiscal year;
 - (vii) deficits or anticipated deficits;
 - (viii) the recommendations for each state agency for new full-time employees for the next fiscal year, which shall also be provided to the State Building Board as required by Subsection 63A-5-103(3);
 - (ix) a written description and itemized report submitted by a state agency to the Governor's Office of Management and Budget under Section 63J-1-220, including:
 - (A) a written description and an itemized report provided at least annually detailing the expenditure of the state money, or the intended expenditure of any state money that has not been spent; and

- (B) a final written itemized report when all the state money is spent;
 - (x) any explanation that the governor may desire to make as to the important features of the budget and any suggestion as to methods for the reduction of expenditures or increase of the state's revenue; and
 - (xi) information detailing certain fee increases as required by Section 63J-1-504.
- (3) For the purpose of preparing and reporting the proposed budget:
- (a) The governor shall require the proper state officials, including all public and higher education officials, all heads of executive and administrative departments and state institutions, bureaus, boards, commissions, and agencies expending or supervising the expenditure of the state money, and all institutions applying for state money and appropriations, to provide itemized estimates of changes in revenues and appropriations.
 - (b) The governor may require the persons and entities subject to Subsection (3)(a) to provide other information under these guidelines and at times as the governor may direct, which may include a requirement for program productivity and performance measures, where appropriate, with emphasis on outcome indicators.
 - (c) The governor may require representatives of public and higher education, state departments and institutions, and other institutions or individuals applying for state appropriations to attend budget meetings.
- (4)
- (a) The Governor's Office of Management and Budget shall provide to the Office of Legislative Fiscal Analyst, as soon as practicable, but no later than 30 days before the date the Legislature convenes in the annual general session, data, analysis, or requests used in preparing the governor's budget recommendations, notwithstanding the restrictions imposed on such recommendations by available revenue.
 - (b) The information under Subsection (4)(a) shall include:
 - (i) actual revenues and expenditures for the fiscal year ending the previous June 30;
 - (ii) estimated or authorized revenues and expenditures for the current fiscal year;
 - (iii) requested revenues and expenditures for the next fiscal year;
 - (iv) detailed explanations of any differences between the amounts appropriated by the Legislature in the current fiscal year and the amounts reported under Subsections (4)(b)(ii) and (iii);
 - (v) a statement of agency and program objectives, effectiveness measures, and program size indicators; and
 - (vi) other budgetary information required by the Legislature in statute.
 - (c) The budget information under Subsection (4)(a) shall cover:
 - (i) all items of appropriation, funds, and accounts included in appropriations acts for the current and previous fiscal years; and
 - (ii) any new appropriation, fund, or account items requested for the next fiscal year.
 - (d) The information provided under Subsection (4)(a) may be provided as a shared record under Section 63G-2-206 as considered necessary by the Governor's Office of Management and Budget.
- (5)
- (a) In submitting the budget for the Department of Public Safety, the governor shall include a separate recommendation in the governor's budget for maintaining a sufficient number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to or below the number specified in Subsection 32B-1-201(2).
 - (b) If the governor does not include in the governor's budget an amount sufficient to maintain the number of alcohol-related law enforcement officers described in Subsection (5)(a), the

governor shall include a message to the Legislature regarding the governor's reason for not including that amount.

- (6)
 - (a) The governor may revise all estimates, except those relating to the Legislative Department, the Judicial Department, and those providing for the payment of principal and interest to the state debt and for the salaries and expenditures specified by the Utah Constitution or under the laws of the state.
 - (b) 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 separate recommendations on the estimate.
- (7) The total appropriations requested for expenditures authorized by the budget may not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal year.
- (8) If any item of the budget as enacted is held invalid upon any ground, the invalidity does not affect the budget itself or any other item in it.

Amended by Chapter 298, 2016 General Session