

1 **RELEASE OF GOVERNOR'S BUDGET**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: David Ure**

5 AN ACT RELATING TO STATE AFFAIRS IN GENERAL; MODIFYING PROVISIONS FOR
6 THE RELEASE OF THE GOVERNOR'S BUDGET; AMENDING THE DATE THE
7 GOVERNOR SUBMITS THE BUDGET TO THE LEGISLATIVE FISCAL ANALYST; AND
8 MAKING TECHNICAL CORRECTIONS.

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

10 AMENDS:

11 **63-38-2**, as last amended by Chapter 136, Laws of Utah 1997

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

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

14 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**
15 **Appropriations based on current tax laws and not to exceed estimated revenues.**

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

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

22 (c) The governor may not release the budget or any portions of the budget to the public
23 until the Legislature convenes in the annual general session.

24 (2) [~~At least 34 days before the submission of any budget, the~~] The governor shall deliver
25 a confidential draft copy of his proposed budget recommendations to the Office of the Legislative
26 Fiscal Analyst no later than 30 days before the Legislature convenes in the annual general session.

27 (3) (a) The budget shall contain a complete plan of proposed expenditures and estimated

1 revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

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

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

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

6 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds
7 of the state;

8 (c) an estimate of the state's financial condition as of the beginning and the end of the
9 period covered by the budget;

10 (d) a complete analysis of lease with an option to purchase arrangements entered into by
11 state agencies;

12 (e) the recommendations for each state agency for new full-time employees for the next
13 fiscal year; which recommendation should be provided also to the State Building Board under
14 Subsection 63A-5-103(2);

15 (f) any explanation the governor may desire to make as to the important features of the
16 budget and any suggestion as to methods for the reduction of expenditures or increase of the state's
17 revenue; and

18 (g) the information detailing certain regulatory fee increases required by Section
19 63-38-3.2.

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

21 (a) the Legislative Department as certified to the governor by the president of the Senate
22 and the speaker of the House;

23 (b) the Executive Department;

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

25 (d) payment and discharge of the principal and interest of the indebtedness of the state of
26 Utah;

27 (e) the salaries payable by the state under the Utah Constitution or under law for the lease
28 agreements planned for the next fiscal year;

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

30 (g) all other appropriations.

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

1 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall require
2 from the proper state officials, including public and higher education officials, all heads of
3 executive and administrative departments and state institutions, bureaus, boards, commissions, and
4 agencies expending or supervising the expenditure of the state moneys, and all institutions
5 applying for state moneys and appropriations, itemized estimates of revenues and expenditures.

6 The entities required by this subsection to submit itemized estimates of revenues and expenditures
7 to the governor, shall also report to the Utah Information Technology Commission created in Title
8 [63E] 63D, Chapter 2, before October 30 of each year. The report to the Information Technology
9 Commission shall include the proposed information technology expenditures and objectives, the
10 proposed appropriation requests and other sources of revenue necessary to fund the proposed
11 expenditures and an analysis of:

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

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

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

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

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

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

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

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

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

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

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

5 (c) The estimate for the Judicial Department, as certified by the state court administrator,
6 shall also be included in the budget without revision, but the governor may make separate
7 recommendations on it. Before preparing the estimates for the Judicial Department, the state court
8 administrator shall report to the Information Technology Commission the proposed information
9 technology expenditures and objectives, the proposed appropriation requests and other sources of
10 revenue necessary to fund the proposed expenditures, including an analysis of:

11 (i) the Judicial Department's information technology goals;

12 (ii) coordination of information technology statewide between all courts;

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

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

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

21 (i) the Office of Education's information technology goals;

22 (ii) coordination of information technology statewide between all public schools;

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

25 (iv) any performance measures used by the Office of Education for implementing
26 information technology goals.

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

31 (i) Higher Education's information technology goals;

1 (ii) coordination of information technology statewide within the state system of higher
2 education;

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

5 (iv) any performance measures used by the state system of higher education for
6 implementing information technology goals.

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

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

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

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

19 (10) (a) In submitting the budget for the Departments of Health and Human Services, the
20 governor shall consider a separate recommendation in his budget for funds to be contracted to:

21 (i) local mental health authorities under Section 17A-3-606;

22 (ii) local substance abuse authorities under Section 62A-8-110.5;

23 (iii) area agencies on aging under Section 62A-3-104.2;

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

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

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

31 (c) If the governor does not include in his budget an amount sufficient to grant the increase

1 described in Subsection (10)(b), he shall include a message to the Legislature regarding his reason
2 for not including that amount.

3 (11) (a) In submitting the budget for the Division of Services for People with Disabilities
4 within the Department of Human Services, the governor shall consider an amount sufficient to
5 grant employees of private nonprofit corporations that contract with that division, the same
6 percentage increase for cost-of-living that he includes in his budget for persons employed by the
7 state.

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

11 (12) The governor shall include the projected revenues and expenditures for collecting the
12 uniform fee and other motor vehicle fees under Section 59-2-406 in the 1996-97 fiscal year budget.

13 (13) (a) The Families, Agencies, and Communities Together Council may propose to the
14 governor under Subsection 63-75-4~~(3)~~(4)(e) a budget recommendation for collaborative service
15 delivery systems operated under Section 63-75-6.5.

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

18 (14) The governor shall include in his budget the state's portion of the budget for the Utah
19 Communications Agency Network established in Title 63C, Chapter 7, Utah Communications
20 Agency Network Act.

Legislative Review Note
as of 1-20-98 5:19 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel