

**UNIFORM ALLOWANCE FOR UTAH HIGHWAY
PATROL**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: R. Mont Evans

AN ACT RELATING TO PUBLIC SAFETY; AMENDING THE SUPERINTENDENT OF THE UTAH HIGHWAY PATROL'S DUTIES TO INCLUDE **h PURCHASING BASIC UNIFORMS FOR NEW**

7a TROOPERS AND h PROVIDING BY RULE AN ALLOWANCE FOR PURCHASE AND MAINTENANCE OF TROOPERS BASIC UNIFORMS; REQUIRING THE GOVERNOR TO CONSIDER FUNDING AN AMOUNT SUFFICIENT FOR THE ALLOWANCE IN HIS BUDGET EACH YEAR; AND PROVIDING AN APPROPRIATION TO THE DIVISION OF \$250,000 FOR FISCAL YEAR 1998-99.

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

AMENDS:

53-8-104, as renumbered and amended by Chapter 234, Laws of Utah 1993

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

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

Section 1. Section **53-8-104** is amended to read:

53-8-104. Superintendent's duties.

The superintendent shall:

(1) divide the state highways into sections for the purpose of patrolling and policing;

(2) employ peace officers known as highway patrol troopers to patrol or police the highways within this state and to enforce the state statutes as required;

(3) establish ranks, grades, and positions in the Highway Patrol and designate the authority and responsibility in each rank, grade, and position;

(4) establish for the Highway Patrol standards and qualifications and fix prerequisites of training, education, and experience for each rank, grade, and position;

(5) appoint personnel to each rank, grade, and position necessary for the efficient operation

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1 and administration of the Highway Patrol;

2 (6) devise and administer examinations designed to test applicants for positions with the
3 Highway Patrol;

4 (7) make rules governing the Highway Patrol as appear to the superintendent advisable;

5 (8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for
6 cause;

7 (9) prescribe the uniforms to be worn and the equipment to be used by employees of the
8 Highway Patrol;

9 (10) charge against each employee of the Highway Patrol the value of any property of the
10 state lost or destroyed through the carelessness of the employee;

11 (11) establish, with the approval of the Division of Finance, the terms and conditions under
12 which expense allowance should be paid to any employee of the Highway Patrol while away from
13 his station;

14 (12) station the Highway Patrol in localities as he finds advisable for the enforcement of
15 the laws of this state; [and]

16 (13) conduct in conjunction with the State Board of Education in and through all state
17 schools an educational campaign in highway safety and work in conjunction with civic
18 organizations, churches, local units of government, and other organizations that may function in
19 accomplishing the purposes of reducing highway accidents; ~~h~~ [and]

19a **(14) PROVIDE THE INITIAL MANDATORY UNIFORM ITEMS FOR EACH NEW TROOPER HIRED**

19b **AFTER JULY 1, 1998; AND h**

20 **h [(14)] (15) h determine by rule a basic uniform allowance system which includes the manner**
20a **in**

21 **which troopers may receive maintenance services and vouchers for basic uniforms and administer**
22 **any funds appropriated by the Legislature to the division for that purpose.**

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

24 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**
25 **Appropriations based on current tax laws and not to exceed estimated revenues.**

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

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

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

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

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

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

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

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

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

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

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

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

22 (g) the information detailing certain regulatory fee increases required by Section
23 63-38-3.2.

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

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

27 (b) the Executive Department;

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

29 (d) payment and discharge of the principal and interest of the indebtedness of the state of
30 Utah;

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

1 agreements planned for the next fiscal year;

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

3 (g) all other appropriations.

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

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

10 The entities required by this subsection to submit itemized estimates of revenues and expenditures
11 to the governor, shall also report to the Utah Information Technology Commission created in Title
12 [63C] 63D, [Chapter] Part 2, before October 30 of each year. The report to the Information
13 Technology Commission shall include the proposed information technology expenditures and
14 objectives, the proposed appropriation requests and other sources of revenue necessary to fund the
15 proposed expenditures and an analysis of:

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

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

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

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

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

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

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

1 expenditures, including an analysis of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (e) Before preparing the estimates for the state system of Higher Education, the

1 commissioner shall report to the Information Technology Commission the proposed information
2 technology expenditures and objectives, the proposed appropriation requests and other sources of
3 revenue necessary to fund the proposed expenditures, including an analysis of:

4 (i) Higher Education's information technology goals;
5 (ii) coordination of information technology statewide within the state system of higher
6 education;

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

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

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

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

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

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

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

25 (i) local mental health authorities under Section 17A-3-606;
26 (ii) local substance abuse authorities under Section 62A-8-110.5;
27 (iii) area agencies on aging under Section 62A-3-104.2;

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

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

31 (b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the governor

1 shall consider an amount sufficient to grant local health departments, local mental health
2 authorities, local substance abuse authorities, and area agencies on aging the same percentage
3 increase for wages and benefits that he includes in his budget for persons employed by the state.

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

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

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

15 (12) (a) In submitting the budget for the Utah Highway Patrol Division within the
16 Department of Public Safety, the governor shall consider an amount sufficient to h :

16a **(i) PROVIDE MANDATORY UNIFORMS FOR PROJECTED NEW HIGHWAY PATROL TROOPERS**
16b **AS PRESCRIBED BY SECTION 53-8-104; AND**

16c **(ii) h fund the basic**
17 **uniform allowances to Highway Patrol troopers as determined by rule under Section 53-8-104.**

18 **(b) If the governor does not include in his budget an amount sufficient to fund the**
18a **h UNIFORMS FOR NEW TROOPERS OR THE h**
19 **allowance described in Subsection (12)(a), he shall include a message to the Legislature regarding**
20 **his reason for not including h [that amount] THOSE AMOUNTS h .**

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

23 [(13)] (14) (a) The Families, Agencies, and Communities Together Council may propose
24 to the governor under Subsection 63-75-4(3)(e) a budget recommendation for collaborative service
25 delivery systems operated under Section 63-75-6.5.

26 (b) The Legislature may, through a specific program schedule, designate funds

27 appropriated for collaborative service delivery systems operated under Section 63-75-6.5.

28 [~~14~~] (15) The governor shall include in his budget the state's portion of the budget for
29 the Utah Communications Agency Network established in Title 63C, Chapter 7, Utah
30 Communications Agency Network Act.

31 Section 3. **Appropriation.**

1 There is appropriated from the General Fund for fiscal year 1998-99, \$250,000 to the Utah
2 Highway Patrol Division of the Department of Public Safety to fund allowances, as determined
3 by rule under Section 53-8-104, for troopers to purchase basic uniforms consisting of winter shirts,
4 summer shirts, and trousers, and to provide dry-cleaning services for troopers' uniforms in order
5 to increase the troopers' professional appearance.

Legislative Review Note
as of 12-11-97 2:37 PM

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

Office of Legislative Research and General Counsel