

1                                   **GOVERNOR'S OFFICE OF PLANNING AND**  
2                                   **BUDGET RECODIFICATION AND REVISIONS**

3                                   2003 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Ron Allen**

6   **This act modifies Utah Code provisions governing the State Budget Office and Officer**  
7   **and the State Planning Coordinator. This act recodifies those sections to create the**  
8   **Governor's Office of Planning and Budget. This act makes technical corrections.**

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

10   AMENDS:

11           **9-2-503**, as renumbered and amended by Chapter 241, Laws of Utah 1992

12           **9-2-506**, as renumbered and amended by Chapter 241, Laws of Utah 1992

13           **9-2-1703.5**, as last amended by Chapter 207, Laws of Utah 2002

14           **11-33-7**, as enacted by Chapter 223, Laws of Utah 1987

15           **11-38-102**, as enacted by Chapter 24, Laws of Utah 1999

16           **17-27-303**, as last amended by Chapter 107, Laws of Utah 2001

17           **23-14-21**, as enacted by Chapter 154, Laws of Utah 1998

18           **23-21-2.3**, as enacted by Chapter 218, Laws of Utah 1998

19           **26-40-103**, as last amended by Chapter 53, Laws of Utah 2001

20           **36-2-4**, as last amended by Chapter 243, Laws of Utah 1996

21           **62A-15-612**, as renumbered and amended by Chapter 8, Laws of Utah 2002, Fifth

22   Special Session

23           **63-5-4**, as last amended by Chapters 14 and 176, Laws of Utah 2002

24           **63-38-3**, as last amended by Chapter 24, Laws of Utah 1999

25           **63-38-3.2**, as last amended by Chapter 13, Laws of Utah 1998

26           **63-38-9**, as last amended by Chapter 211, Laws of Utah 1994

27           **63-38-14**, as enacted by Chapter 10, Laws of Utah 1983



- 28           **63-38-15**, as enacted by Chapter 10, Laws of Utah 1983
- 29           **63-38c-102**, as renumbered and amended by Chapter 275, Laws of Utah 1996
- 30           **63-38c-103**, as last amended by Chapter 332, Laws of Utah 2000
- 31           **63-38c-202**, as last amended by Chapter 318, Laws of Utah 2000
- 32           **63-40-2**, as last amended by Chapter 156, Laws of Utah 1996
- 33           **63-55-263**, as last amended by Chapter 49, Laws of Utah 2002
- 34           **63A-5-101**, as last amended by Chapter 243, Laws of Utah 1996
- 35           **63A-6-105**, as last amended by Chapter 202, Laws of Utah 2002
- 36           **63A-10-103**, as last amended by Chapter 176, Laws of Utah 2002
- 37           **63B-2-301**, as last amended by Chapter 12, Laws of Utah 1994
- 38           **63B-3-301**, as last amended by Chapter 36, Laws of Utah 1996
- 39           **63B-4-201**, as last amended by Chapters 159 and 335, Laws of Utah 1996
- 40           **63B-4-301**, as enacted by Chapter 350, Laws of Utah 1995
- 41           **63C-9-301**, as last amended by Chapter 76, Laws of Utah 2001
- 42           **63D-1-301**, as last amended by Chapter 176, Laws of Utah 2002
- 43           **67-19-12**, as last amended by Chapters 10, 202, and 213, Laws of Utah 1997
- 44           **67-22-2**, as last amended by Chapter 250, Laws of Utah 2002

45 ENACTS:

- 46           **63-38d-101**, Utah Code Annotated 1953
- 47           **63-38d-102**, Utah Code Annotated 1953
- 48           **63-38d-201**, Utah Code Annotated 1953
- 49           **63-38d-202**, Utah Code Annotated 1953
- 50           **63-38d-301**, Utah Code Annotated 1953
- 51           **63-38d-401**, Utah Code Annotated 1953
- 52           **63-38d-501**, Utah Code Annotated 1953
- 53           **63-38d-502**, Utah Code Annotated 1953
- 54           **63-38d-503**, Utah Code Annotated 1953
- 55           **63-38d-504**, Utah Code Annotated 1953
- 56           **63-38d-505**, Utah Code Annotated 1953

57 RENUMBERS AND AMENDS:

- 58           **63-34-15**, (Renumbered from 63-28-6, as last amended by Chapter 198, Laws of Utah

59 1969)  
60 **63-34-16**, (Renumbered from 63-28-7, as last amended by Chapter 198, Laws of Utah  
61 1969)  
62 **63-34-17**, (Renumbered from 63-28-8, as last amended by Chapter 198, Laws of Utah  
63 1969)  
64 **63-34-18**, (Renumbered from 63-28-9, as last amended by Chapter 198, Laws of Utah  
65 1969)  
66 **63-34-19**, (Renumbered from 63-28-10, as last amended by Chapter 198, Laws of Utah  
67 1969)

68 REPEALS:

69 **63-28-1**, as enacted by Chapter 157, Laws of Utah 1963  
70 **63-28-2**, as last amended by Chapter 375, Laws of Utah 1997  
71 **63-28-3**, as enacted by Chapter 157, Laws of Utah 1963  
72 **63-28-4**, as last amended by Chapter 85, Laws of Utah 1985  
73 **63-28a-1**, as last amended by Chapter 95, Laws of Utah 1985  
74 **63-28a-2**, as last amended by Chapter 6, Laws of Utah 1994  
75 **63-28a-3**, as last amended by Chapter 14, Laws of Utah 2002  
76 **63-28a-4**, as last amended by Chapter 95, Laws of Utah 1985  
77 **63-28a-5**, as repealed and reenacted by Chapter 6, Laws of Utah 1994  
78 **63-28a-6**, as enacted by Chapter 187, Laws of Utah 1981  
79 **63-38-1.1**, as enacted by Chapter 227, Laws of Utah 1979  
80 **63-38-1.2**, as last amended by Chapter 114, Laws of Utah 1991  
81 **63-38-1.3**, as enacted by Chapter 227, Laws of Utah 1979  
82 **63-38-1.4**, as enacted by Chapter 227, Laws of Utah 1979

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

84 Section 1. Section **9-2-503** is amended to read:

85 **9-2-503. Creation.**

86 There is created [~~in the Office of Planning and Budget~~] the State Advisory Council on  
87 Science and Technology within the Division of Business and Economic Development, which  
88 shall perform the functions and duties provided in this part.

89 Section 2. Section **9-2-506** is amended to read:

90           **9-2-506. Adviser -- Duties and powers.**

91           (1) The adviser shall be appointed by the governor.

92           (2) The adviser shall be experienced or knowledgeable in the application of science  
93 and technology to business, industry, or public problems and shall have demonstrated his  
94 interest in or ability to contribute to the accomplishment of the purposes of this part.

95           (3) The adviser shall be compensated pursuant to the wage and salary classification  
96 plan for appointed officers of the state of Utah currently in effect.

97           (4) The adviser shall have those duties and powers the council assigns. The adviser,  
98 subject to the supervision of the council, may enter into contracts and agreements and may  
99 incur expenses necessary to fulfill the purposes of this part.

100           (5) The council adviser shall be administratively responsible to the [~~the state planning~~  
101 ~~coordinator~~] director of the Division of Business and Economic Development.

102           Section 3. Section **9-2-1703.5** is amended to read:

103           **9-2-1703.5. Appropriations to the fund.**

104           (1) The Legislature shall appropriate \$200,000 to the fund each fiscal year for which  
105 the State Tax Commission finds that the industry growth for the prior fiscal year equals or  
106 exceeds 4%, except that the growth factor requirement does not apply to the \$2,000,000  
107 appropriation to the fund under Item 120 of S.B. 1, Appropriations Act, made for the fiscal year  
108 beginning July 1, 2002 only.

109           (2) To determine the prior fiscal year industry growth the State Tax Commission shall:

110           (a) calculate the tourism-oriented sales and use taxes for the fiscal year two years  
111 preceding the fiscal year of appropriation;

112           (b) calculate the tourism-oriented sales and use taxes for the fiscal year three years  
113 preceding the fiscal year of the appropriation; and

114           (c) determine whether the tourism-oriented sales and use taxes calculated in Subsection  
115 (2)(a) increased from the tourism-oriented sales and use taxes calculated under Subsection  
116 (2)(b).

117           (3) The State Tax Commission shall report its determination under Subsection (2) to  
118 the [~~State Budget~~] Governor's Office of Planning and Budget by no later than September 30 of  
119 each year.

120           Section 4. Section **11-33-7** is amended to read:

121 **11-33-7. Executive director.**

122 An executive director shall be provided from within the [~~governor's office~~] Governor's  
123 Office of Planning and Budget.

124 Section 5. Section **11-38-102** is amended to read:

125 **11-38-102. Definitions.**

126 As used in this chapter:

127 (1) "Affordable housing" means housing occupied or reserved for occupancy by  
128 households with a gross household income equal to or less than 80% of the median gross  
129 income of the applicable municipal or county statistical area for households of the same size.

130 (2) "Agricultural land" has the same meaning as "land in agricultural use" under  
131 Section 59-2-502.

132 (3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial  
133 land where expansion or redevelopment is complicated by real or perceived environmental  
134 contamination.

135 (4) "Commission" means the Quality Growth Commission established in Section  
136 11-38-201.

137 (5) "Fund" means the LeRay McAllister Critical Land Conservation Fund established  
138 in Section 11-38-301.

139 (6) "Infill development" means residential, commercial, or industrial development on  
140 unused or underused land, excluding open land and agricultural land, within existing, otherwise  
141 developed urban areas.

142 (7) "Local entity" means a county, city, or town.

143 (8) "OPB" means the [~~governor's~~] Governor's Office of Planning and Budget  
144 established under Section [~~63-38-1.4~~] 63-38d-201.

145 (9) (a) "Open land" means land that is:

146 (i) preserved in or restored to a predominantly natural, open, and undeveloped  
147 condition; and

148 (ii) used for:

149 (A) wildlife habitat;

150 (B) cultural or recreational use;

151 (C) watershed protection; or

152 (D) another use consistent with the preservation of the land in or restoration of the land  
153 to a predominantly natural, open, and undeveloped condition.

154 (b) (i) "Open land" does not include land whose predominant use is as a developed  
155 facility for active recreational activities, including baseball, tennis, soccer, golf, or other  
156 sporting or similar activity.

157 (ii) The condition of land does not change from a natural, open, and undeveloped  
158 condition because of the development or presence on the land of facilities, including trails,  
159 waterways, and grassy areas, that:

160 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

161 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,  
162 scenic, or aesthetic qualities and for compatible recreational activities.

163 (10) "State agency" includes each executive, legislative, and judicial branch  
164 department, agency, board, commission, or division, however denominated, and each state  
165 educational institution.

166 (11) "State Building Energy Efficiency Program" has the meaning as defined in Section  
167 63-9-67.

168 (12) "Surplus land" means real property owned by the Department of Administrative  
169 Services, the Department of Agriculture and Food, the Department of Natural Resources, or the  
170 Department of Transportation that the individual department determines not to be necessary for  
171 carrying out the mission of the department.

172 Section 6. Section **17-27-303** is amended to read:

173 **17-27-303. Plan adoption.**

174 (1) (a) After completing a proposed general plan for all or part of the area within the  
175 county, the planning commission shall schedule and hold a public hearing on the proposed  
176 plan.

177 (b) The planning commission shall provide reasonable notice of the public hearing at  
178 least 14 days before the date of the hearing.

179 (c) After the public hearing, the planning commission may make changes to the  
180 proposed general plan.

181 (2) The planning commission shall then forward the proposed general plan to the  
182 legislative body.

183 (3) (a) The legislative body shall hold a public hearing on the proposed general plan  
184 recommended to it by the planning commission.

185 (b) The legislative body shall provide reasonable notice of the public hearing at least  
186 14 days before the date of the hearing.

187 (4) (a) (i) In addition to the requirements of Subsections (1), (2), and (3), the legislative  
188 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
189 regarding Subsection 17-27-301(3). The hearing procedure shall comply with this Subsection  
190 (4).

191 (ii) The hearing format shall allow adequate time for public comment at the actual  
192 public hearing, and shall also allow for public comment in writing to be submitted to the  
193 legislative body for not fewer than 90 days after the date of the public hearing.

194 (b) (i) The legislative body shall give notice of the hearing in accordance with this  
195 Subsection (4) when the proposed plan provisions required by Subsection 17-27-301(3) are  
196 complete.

197 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
198 the state Legislature, executive director of the Department of Environmental Quality, the state  
199 planning coordinator [~~under Section 63-28-1~~], the Resource Development Coordinating  
200 Committee [~~pursuant to Section 63-28a-2~~], and any other citizens or entities who specifically  
201 request notice in writing.

202 (iii) Public notice shall be given by publication in at least one major Utah newspaper  
203 having broad general circulation in the state, and also in at least one Utah newspaper having a  
204 general circulation focused mainly on the county where the proposed high-level nuclear waste  
205 or greater than class C radioactive waste site is to be located.

206 (iv) The notice in these newspapers shall be published not fewer than 180 days prior to  
207 the date of the hearing to be held under this Subsection (4), to allow reasonable time for  
208 interested parties and the state to evaluate the information regarding the provisions of  
209 Subsection 17-27-301(3).

210 (5) (a) After a public hearing under this section, the legislative body may make any  
211 modifications to the proposed general plan that it considers appropriate.

212 (b) The legislative body shall respond in writing and in a substantive manner to all  
213 those providing comments as a result of the hearing required by Subsection (4).

214 (6) The legislative body may:  
215 (a) adopt the proposed general plan without amendment;  
216 (b) amend the proposed general plan and adopt or reject it as amended; or  
217 (c) reject the proposed general plan.  
218 (7) (a) The general plan is an advisory guide for land use decisions, except for the  
219 provision required by Subsection 17-27-301(3), which the legislative body shall adopt.

220 (b) The legislative body may adopt an ordinance mandating compliance with the  
221 general plan, and shall adopt an ordinance requiring compliance with all provisions of  
222 Subsection 17-27-301(3).

223 Section 7. Section **23-14-21** is amended to read:

224 **23-14-21. Transplants of big game, turkeys, or sensitive species.**

225 (1) The division may transplant big game, turkeys, or sensitive species only in  
226 accordance with:

227 (a) a list of sites for the transplant of a particular species that is prepared and adopted in  
228 accordance with Subsections (2) through (5);

229 (b) a species management plan, such as a deer or elk management plan adopted under  
230 Section 23-16-7 or a recovery plan for a threatened or endangered species, provided that:

231 (i) the plan identifies sites for the transplant of the species or the lands or waters the  
232 species are expected to occupy; and

233 (ii) the public has had an opportunity to comment and make recommendations on the  
234 plan; or

235 (c) a legal agreement between the state and a tribal government that identifies potential  
236 transplants.

237 (2) The division shall:

238 (a) consult with the landowner in determining the suitability of a site for the transplant  
239 of a species;

240 (b) prepare a list of proposed sites for the transplant of species;

241 (c) provide notification of proposed sites for the transplant of species to:

242 (i) local government officials having jurisdiction over areas that may be affected by a  
243 transplant; and

244 (ii) the Resource Development Coordinating Committee created in Section [~~63-28a-2~~]



245 63-38d-501.

246 (3) After receiving comments from local government officials and the Resource  
247 Development Coordinating Committee, the division shall submit the list of proposed transplant  
248 sites, or a revised list, to regional advisory councils for regions that may be affected by the  
249 transplants of species.

250 (4) Each regional advisory council reviewing a list of proposed sites for the transplant  
251 of species may submit recommendations to the Wildlife Board.

252 (5) The Wildlife Board shall approve, modify, or reject each proposal for the transplant  
253 of a species.

254 (6) Each list of proposed transplant sites approved by the Wildlife Board shall have a  
255 termination date after which a transplant may not occur.

256 Section 8. Section **23-21-2.3** is amended to read:

257 **23-21-2.3. Review and adoption of management plans.**

258 (1) The division shall submit the draft management plan to the Resource Development  
259 Coordinating Committee created in Section [~~63-28a-2~~] 63-38d-501 and the Habitat Council  
260 created by the division for their review and recommendations.

261 (2) The division shall submit the draft management plan and any recommendations  
262 received from the Resource Development Coordinating Committee and the Habitat Council to:

263 (a) the regional advisory council for the wildlife region in which the lands covered by  
264 the management plan are located; and

265 (b) the regional advisory council for any wildlife region that may be affected by the  
266 management plan.

267 (3) Each regional advisory council reviewing the draft management plan may make  
268 recommendations to the division director.

269 (4) The division director has authority to adopt the management plan, adopt the plan  
270 with amendments, or reject the plan.

271 (5) At the request of the division director or any member of the Wildlife Board, the  
272 Wildlife Board may review a management plan to determine whether the plan is consistent  
273 with board policies.

274 (6) The division director may amend a management plan in accordance with  
275 recommendations made by the Wildlife Board.

276 Section 9. Section **26-40-103** is amended to read:

277 **26-40-103. Creation and administration of the Utah Children's Health Insurance**  
278 **Program.**

279 (1) There is created the Utah Children's Health Insurance Program to be administered  
280 by the department in accordance with the provisions of:

281 (a) this chapter; and

282 (b) the State Children's Health Insurance Program, 42 U.S.C. Sec. 1397aa et seq.

283 (2) The department shall:

284 (a) prepare and submit the state's children's health insurance plan before May 1, 1998,  
285 and any amendments to the federal Department of Health and Human Services in accordance  
286 with 42 U.S.C. Sec. 1397ff; and

287 (b) make rules in accordance with Title 63, Chapter 46a, Utah Administrative  
288 Rulemaking Act regarding:

289 (i) eligibility requirements consistent with Subsection 26-18-3(6);

290 (ii) program benefits;

291 (iii) the level of coverage for each program benefit;

292 (iv) cost-sharing requirements for enrollees, which may not:

293 (A) exceed the guidelines set forth in 42 U.S.C. Sec. 1397ee; or

294 (B) impose deductible, copayment, or coinsurance requirements on an enrollee for  
295 well-child, well-baby, and immunizations; and

296 (v) the administration of the program.

297 [~~3) Before July 1, 2001, the Governor's Office of Planning and Budget shall study the~~  
298 ~~effectiveness of the department's administration of the program and report any findings to:]~~

299 [~~(a) the Health and Human Services Interim Committee of the Legislature; and]~~

300 [~~(b) the department.]~~

301 Section 10. Section **36-2-4** is amended to read:

302 **36-2-4. Legislative Compensation Commission created -- Governor's**  
303 **considerations in appointments -- Organization and expenses.**

304 (1) There is created a state Legislative Compensation Commission composed of seven  
305 members appointed by the governor, not more than four of whom shall be from the same  
306 political party.

307 (2) (a) Except as required by Subsection (2)(b), the members shall be appointed for  
308 four-year terms.

309 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
310 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
311 board members are staggered so that approximately half of the board is appointed every two  
312 years.

313 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
314 appointed for the unexpired term in the same manner as the vacated member was chosen.

315 (3) In appointing members of the commission, the governor shall give consideration to  
316 achieving representation from the major geographic areas of the state, and representation from  
317 a broad cross section of occupational, professional, employee, and management interests.

318 (4) The commission shall select a chair. Four members of the commission shall  
319 constitute a quorum. The commission shall not make any final determination without the  
320 concurrence of a majority of its members appointed and serving on the commission being  
321 present.

322 (5) (a) Members shall receive no compensation or benefits for their services, but may  
323 receive per diem and expenses incurred in the performance of the member's official duties at  
324 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

325 (b) Members may decline to receive per diem and expenses for their service.

326 (6) (a) The commission shall be a citizen commission and no member or employee of  
327 the legislative, judicial, or executive branch is eligible for appointment to the commission.

328 (b) The ~~[state budget]~~ director of the Governor's Office of Planning and Budget:

329 (i) shall ~~[serve as]~~ provide staff to the commission~~[-];~~ and ~~[shall be]~~

330 (ii) is responsible for administration, budgeting, procurement, and related management  
331 functions for the commission.

332 Section 11. Section **62A-15-612** is amended to read:

333 **62A-15-612. Allocation of pediatric state hospital beds -- Formula.**

334 (1) As used in this section:

335 (a) "Pediatric beds" means the total number of patient beds located in the children's  
336 unit and the youth units at the state hospital, as determined by the superintendent of the state  
337 hospital.

338 (b) "Mental health catchment area" means a county or group of counties governed by a  
339 local mental health authority.

340 (2) The board shall establish by rule a formula to separately allocate to local mental  
341 health authorities pediatric beds for persons who meet the requirements of Subsection  
342 62A-15-610(2)(b). On July 1, 1996, 72 pediatric beds shall be allocated to local mental health  
343 authorities under this section. That number shall be reviewed and adjusted as necessary every  
344 three years according to the state's population of persons under 18 years of age. All population  
345 figures utilized shall reflect the most recent available population estimates from the  
346 [governor's] Governor's Office of Planning and Budget.

347 (3) The formula established under Subsection (2) becomes effective on July 1, 1996,  
348 and shall provide for allocation of beds based on the percentage of the state's population of  
349 persons under the age of 18 located within a mental health catchment area. Each community  
350 mental health center shall be allocated at least one bed.

351 (4) A local mental health authority may sell or loan its allocation of beds to another  
352 local mental health authority.

353 (5) The division shall allocate 72 pediatric beds at the state hospital to local mental  
354 health authorities for their use in accordance with the formula established under this section. If  
355 a local mental health authority is unable to access a bed allocated to it under that formula, the  
356 division shall provide that local mental health authority with funding equal to the reasonable,  
357 average daily cost of an acute care bed purchased by the local mental health authority.

358 (6) The board shall periodically review and make changes in the formula established  
359 under Subsection (2) as necessary to accurately reflect changes in the state's population.

360 Section 12. Section **63-5-4** is amended to read:

361 **63-5-4. Disaster Emergency Advisory Council created -- Function -- Composition**  
362 **-- Expenses.**

363 (1) A Disaster Emergency Advisory Council is created to provide advice to the  
364 governor on matters relating to state government emergency disaster response and recovery  
365 actions and activities.

366 (2) The council shall meet at the call of the governor.

367 (3) The Disaster Emergency Advisory Council comprises the:

368 (a) lieutenant governor;

- 369 (b) attorney general;
- 370 (c) president of the Senate;
- 371 (d) speaker of the House of Representatives;
- 372 (e) heads of the following state agencies:
- 373 (i) Public Safety;
- 374 (ii) Division of Emergency Services and Homeland Security;
- 375 (iii) Building Board; and
- 376 (iv) Governor's Office of Planning and Budget;
- 377 (f) executive directors of the following departments:
- 378 (i) Transportation;
- 379 (ii) Human Services;
- 380 (iii) Health;
- 381 (iv) Environmental Quality;
- 382 (v) Community and Economic Development; and
- 383 (vi) Natural Resources;
- 384 (g) representative of the National Guard appointed by the governor with the consent of
- 385 the Senate;
- 386 (h) commissioner of agriculture and food;
- 387 (i) state planning coordinator; and
- 388 (j) representatives from two statewide, nongovernmental service organizations
- 389 appointed by the governor with the consent of the Senate.
- 390 (4) The commissioner of Public Safety shall serve as the chair of the council.
- 391 (5) (a) (i) State government officer and employee members who do not receive salary,
- 392 per diem, or expenses from their agency for their service may receive per diem and expenses
- 393 incurred in the performance of their official duties from the council at the rates established by
- 394 the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 395 (ii) State government officer and employee members may decline to receive per diem
- 396 and expenses for their service.
- 397 (b) Legislators on the committee shall receive compensation and expenses as provided
- 398 by law and legislative rule.
- 399 Section 13. Section **63-34-15**, which is renumbered from Section 63-28-6 is

400 renumbered and amended to read:

401 ~~[63-28-6].~~ **63-34-15. Outdoor recreation facilities -- Participation in federal**  
402 **programs.**

403 The Legislature finds that the state of Utah and its political subdivisions should enjoy  
404 the benefits of federal assistance programs for the planning and development of the outdoor  
405 recreation resources of the state, including the acquisition of lands and waters and interests  
406 therein. It is the purpose of this act to provide authority to enable the state of Utah and its  
407 political subdivisions to participate in the benefits of such programs, by and through the  
408 executive director of natural resources, under the direction of the governor, or such other agent  
409 or agencies as the governor may from time to time designate.

410 Section 14. Section **63-34-16,** which is renumbered from Section 63-28-7 is  
411 renumbered and amended to read:

412 ~~[63-28-7].~~ **63-34-16. Outdoor recreation facilities -- Executive director to plan.**

413 The executive director of natural resources, in cooperation with [~~the State Advisory~~  
414 ~~Planning Committee and~~] the state planning coordinator and the state and local agencies  
415 responsible for planning, acquisition, and development of outdoor recreation facilities, is  
416 authorized to prepare, maintain, and keep up to date a comprehensive plan for the development  
417 of the outdoor recreation resources of the state. The completed plan and all amendments thereto  
418 shall be submitted to the governor for his review and approval.

419 Section 15. Section **63-34-17,** which is renumbered from Section 63-28-8 is  
420 renumbered and amended to read:

421 ~~[63-28-8].~~ **63-34-17. Outdoor recreation facilities -- Powers of executive**  
422 **director to obtain federal aid.**

423 The executive director of natural resources may apply to any appropriate agency or  
424 officer of the United States for participation in or the receipt of aid from any federal program  
425 respecting outdoor recreation. He may, in cooperation with other state agencies, enter into  
426 contracts and agreements with the United States or any appropriate agency thereof with the  
427 approval of the governor, keep financial and other records relating thereto, and furnish to  
428 appropriate officials and agencies of the United States such reports and information as may be  
429 reasonably necessary to enable such officials and agencies to perform their duties under such  
430 programs. In connection with obtaining the benefits of any such program, the executive director

431 of natural resources shall coordinate the department's activities with and represent the interests  
432 of all agencies and subdivisions of the state having interests in the planning, development, and  
433 maintenance of outdoor recreation resources and facilities.

434 Section 16. Section **63-34-18**, which is renumbered from Section 63-28-9 is  
435 renumbered and amended to read:

436 ~~[63-28-9]~~. **63-34-18. Outdoor recreation facilities -- Department of Natural**  
437 **Resources as agent of state.**

438 The Department of Natural Resources is authorized to act as the agent of state and local  
439 agencies to receive and to disburse federal moneys in accordance with the comprehensive plan  
440 for the development of the outdoor recreation resources of the state as approved by the  
441 governor.

442 Section 17. Section **63-34-19**, which is renumbered from Section 63-28-10 is  
443 renumbered and amended to read:

444 ~~[63-28-10]~~. **63-34-19. Outdoor recreation facilities -- Availability of funds for**  
445 **shares of state or political subdivision project costs required.**

446 The executive director of natural resources shall make no commitment or enter into any  
447 agreement pursuant to an exercise of authority under this act and neither shall the governor  
448 approve the same until it has determined that sufficient funds are available to it for meeting the  
449 state's share, if any, of project costs. It is the legislative intent that, to such extent as may be  
450 necessary to assure the proper operation and maintenance of areas and facilities acquired or  
451 developed pursuant to any program participated in by this state under authority of this act, such  
452 areas and facilities shall be publicly maintained for outdoor recreation purposes. The executive  
453 director of natural resources may enter into and administer agreements with the United States  
454 or any appropriate agency thereof with the approval of the governor for planning, acquisition,  
455 and development projects involving participating federal-aid funds on behalf of any political  
456 subdivision or subdivisions of this state, if such political subdivision or subdivisions give  
457 necessary assurance to the executive director of natural resources that they have available  
458 sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or  
459 developed areas will be operated and maintained at the expense of such political subdivision or  
460 subdivisions for public outdoor recreation use.

461 Section 18. Section **63-38-3** is amended to read:

462           **63-38-3. Appropriations governed by chapter -- Restrictions on expenditures --**  
463 **Transfer of funds.**

464           (1) All moneys appropriated by the Legislature are appropriated upon the terms and  
465 conditions set forth in this chapter, and any department, agency, or institution, except the  
466 Legislature and its committees, or where specifically exempted by the appropriating act, which  
467 accepts moneys appropriated by the Legislature, does so subject to this chapter.

468           (2) (a) In providing that certain appropriations are to be expended in accordance with a  
469 schedule or other restrictions, if any, set forth after each appropriations item, it is the intent of  
470 the Legislature to limit the amount of money to be expended from each appropriations item for  
471 certain specified purposes.

472           (b) Each schedule:

473           (i) is a restriction or limitation upon the expenditure of the respective appropriation  
474 made;

475           (ii) does not itself appropriate any money; and

476           (iii) is not itself an item of appropriation.

477           (c) Except as provided in Subsections 63-9-67(2) and 63-38-18(2), an appropriation or  
478 any surplus of any appropriation may not be diverted from any department, agency, institution,  
479 or division to any other department, agency, institution, or division.

480           (d) The money appropriated subject to a schedule or restriction may be used only for  
481 the purposes authorized.

482           (e) (i) If any department, agency, or institution for which money is appropriated  
483 requests the transfer of moneys appropriated to it from one purpose or function to another  
484 purpose or function within an item of appropriation, the ~~[state budget officer]~~ director of the  
485 Governor's Office of Planning and Budget shall require a new work program to be submitted  
486 for the fiscal year involved setting forth the purpose and necessity for such transfer.

487           (ii) The ~~[budget officer]~~ director and fiscal officer shall review the proposed change  
488 and submit their findings and recommendations to the governor, who may permit the transfer.

489           (iii) The state fiscal officer shall notify the Legislature through the Office of the  
490 Legislative Fiscal Analyst of action taken by the governor.

491           (f) Except as provided in Subsections 63-9-67(2) and 63-38-18(2), monies may not be  
492 transferred from one item of appropriation to any other item of appropriation.



493 (3) This section does not apply to the Investigation Account of the Water Resources  
494 Construction Fund. The investigation account shall continue to be governed by Section  
495 73-10-8.

496 Section 19. Section **63-38-3.2** is amended to read:

497 **63-38-3.2. Fees -- Adoption, procedure, and approval -- Establishing and**  
498 **assessing fees without legislative approval.**

499 (1) As used in this section:

500 (a) (i) "Agency" means each department, commission, board, council, agency,  
501 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
502 unit, bureau, panel, or other administrative unit of the state.

503 (ii) "Agency" does not mean the Legislature or its committees.

504 (b) "Fee agency" means any agency that is authorized to establish regulatory fees.

505 (c) "Fee schedule" means the complete list of regulatory fees charged by a fee agency  
506 and the amount of those fees.

507 (d) "Regulatory fees" means fees established for licensure, registration, or certification.

508 (2) Each fee agency shall:

509 (a) adopt a schedule of fees assessed for services provided by the fee agency that are:

510 (i) reasonable, fair, and reflect the cost of services provided; and

511 (ii) established according to a cost formula determined by the director of the  
512 Governor's Office of Planning and Budget and the director of the Division of Finance in  
513 conjunction with the agency seeking to establish the regulatory fee;

514 (b) conduct a public hearing on any proposed regulatory fee and increase or decrease  
515 the proposed regulatory fee based upon the results of the public hearing;

516 (c) except as provided in Subsection (6), submit the fee schedule to the Legislature as  
517 part of the agency's annual appropriations request;

518 (d) where necessary, modify the fee schedule to implement the Legislature's actions;

519 and

520 (e) deposit all regulatory fees collected under the fee schedule into the General Fund.

521 (3) A fee agency may not:

522 (a) set regulatory fees by rule; or

523 (b) charge or collect any regulatory fee without approval by the Legislature unless the

524 fee agency has complied with the procedures and requirements of Subsection (5).

525 (4) The Legislature may approve, increase or decrease and approve, or reject any  
526 regulatory fee submitted to it by a fee agency.

527 (5) (a) After the public hearing required by this section, a fee agency may establish and  
528 assess regulatory fees without legislative approval if:

529 (i) the Legislature creates a new program that is to be funded by regulatory fees to be  
530 set by the Legislature; and

531 (ii) the new program's effective date is before the Legislature's next annual general  
532 session; or

533 (iii) the Division of Occupational and Professional licensing makes a special  
534 assessment against qualified beneficiaries under the Residence Lien Restriction and Lien  
535 Recovery Fund Act as provided in Subsection 38-11-206(1).

536 (b) Each fee agency shall submit its fee schedule or special assessment amount to the  
537 Legislature for its approval at a special session, if allowed in the governor's call, or at the next  
538 annual general session of the Legislature, whichever is sooner.

539 (c) Unless the fee schedule is approved by the Legislature, the fee agency may not  
540 collect a regulatory fee set according to this subsection after the adjournment of the annual  
541 general session following the session that established the new program.

542 (6) (a) Each fee agency that wishes to increase any regulatory fee by 5% or more shall  
543 obtain legislative approval for the fee increase as provided in this subsection before assessing  
544 the new regulatory fee.

545 (b) Each fee agency that wishes to increase any regulatory fee by 5% or more shall  
546 submit to the governor as part of the agency's annual appropriation request a list that identifies:

547 (i) the title or purpose of the regulatory fee;

548 (ii) the present amount of the regulatory fee;

549 (iii) the proposed new amount of the regulatory fee;

550 (iv) the percent that the regulatory fee will have increased if the Legislature approves  
551 the higher fee; and

552 (v) the reason for the increase in the regulatory fee.

553 (c) (i) The governor may review and approve, modify and approve, or reject the  
554 regulatory fee increases.

555 (ii) The governor shall transmit the list required by Subsection (6)(b), with any  
556 modifications, to the Legislative Fiscal Analyst with the governor's budget recommendations.

557 (d) Bills approving any regulatory fee increases of 5% or more shall be filed before the  
558 beginning of the Legislature's annual general session, if possible.

559 Section 20. Section **63-38-9** is amended to read:

560 **63-38-9. Revenue types -- Disposition of funds collected or credited by a state**  
561 **agency.**

562 (1) (a) The revenues enumerated in this section are established as major revenue types.

563 (b) The Division of Finance shall:

564 (i) account for revenues in accordance with generally accepted accounting principles;

565 and

566 (ii) use the major revenue types in internal accounting.

567 (c) Each agency shall:

568 (i) use the major revenue types enumerated in this section to account for revenues;

569 (ii) deposit revenues and other public funds received by them by following the  
570 procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

571 (iii) expend revenues and public funds as required by this chapter.

572 (2) The major revenue types are:

573 (a) free revenue;

574 (b) restricted revenue;

575 (c) dedicated credits; and

576 (d) fixed collections.

577 (3) (a) Free revenue includes:

578 (i) collections that are required by law to be deposited in the General Fund, the  
579 Uniform School Fund, or the Transportation Fund;

580 (ii) collections that are not otherwise designated by law;

581 (iii) collections that are not externally restricted; and

582 (iv) collections that are not included in an approved work program.

583 (b) Each agency shall deposit its free revenues into the appropriate fund.

584 (c) An agency may expend free revenues up to the amount specifically appropriated by  
585 the Legislature.

586 (d) Any free revenue funds appropriated by the Legislature to an agency that remain  
587 unexpended at the end of the fiscal year lapse to the source fund unless the Legislature provides  
588 by law that those funds are nonlapsing.

589 (4) (a) Restricted revenues are collections deposited by law into a separate fund or  
590 subfund that are designated for a specific program or purpose.

591 (b) Each agency shall deposit its restricted revenues into a restricted fund.

592 (c) The Legislature may appropriate restricted revenues from a restricted fund for the  
593 specific purpose or program designated by law.

594 (d) If the fund equity of a restricted fund is insufficient to provide the funds  
595 appropriated from it by the Legislature, the Division of Finance may reduce the appropriation  
596 to a level that ensures that the fund equity is not less than zero.

597 (e) Any restricted revenue funds appropriated by the Legislature to an agency that  
598 remain unexpended at the end of the fiscal year lapse to the restricted fund unless the  
599 Legislature provides by law that those funds, or the program or line item financed by those  
600 funds, are nonlapsing.

601 (5) (a) Dedicated credits and federal revenues are collections by an agency that are  
602 deposited directly into an account for expenditure on a separate line item and program.

603 (b) An agency may expend dedicated credits for any purpose within the program or line  
604 item.

605 (c) (i) An agency may expend dedicated credits in excess of the amount appropriated as  
606 dedicated credits by the Legislature by following the procedures contained in this Subsection  
607 (5)(c).

608 (ii) The agency shall develop a new work program and the justification for the work  
609 program and submit it to the Division of Finance and the ~~[state budget officer]~~ director of the  
610 Governor's Office of Planning and Budget. Except for monies deposited as dedicated credits in  
611 the ~~[Hegal]~~ Drug Stamp Tax Fund under Section 59-19-105 or line items covering tuition and  
612 federal vocational funds at institutions of higher learning, any expenditure of dedicated credits  
613 in excess of amounts appropriated as dedicated credits by the Legislature may not be used to  
614 permanently increase personnel within the agency unless approved by the Legislature.

615 (iii) The Division of Finance and the ~~[state budget officer]~~ director of the Governor's  
616 Office of Planning and Budget shall review the program and submit their findings and

617 recommendations to the governor.

618 (iv) The governor may authorize the agency to expend its excess dedicated credits by  
619 approving the submitted work program.

620 (v) The state's fiscal officer shall notify the Legislature by providing notice of the  
621 governor's action to the Office of Legislative Fiscal Analyst.

622 (d) (i) All excess dedicated credits lapse to the appropriate fund at the end of the fiscal  
623 year unless the Legislature has designated the entire program or line item that is partially or  
624 fully funded from dedicated credits as nonlapsing.

625 (ii) The Division of Finance shall determine the appropriate fund into which the  
626 dedicated credits lapse.

627 (6) (a) Fixed collections are collections:

628 (i) fixed by law or by the appropriation act at a specific amount; and

629 (ii) required by law to be deposited into a separate line item and program.

630 (b) The Legislature may establish by law the maximum amount of fixed collections  
631 that an agency may expend.

632 (c) If an agency receives less than the maximum amount of expendable fixed  
633 collections established by law, the agency's authority to expend is limited to the amount of  
634 fixed collections that it receives.

635 (d) If an agency receives fixed collections greater than the maximum amount of  
636 expendable fixed collections established by law, those excess amounts lapse to the General  
637 Fund, the Uniform School Fund, or the Transportation Fund as designated by the director of the  
638 Division of Finance at the end of the fiscal year.

639 (7) (a) Unless otherwise specifically provided by law, when an agency has a program  
640 or line item that is funded by more than one major revenue type, the agency shall expend its  
641 dedicated credits and fixed collections first.

642 (b) Unless otherwise specifically provided by law, when programs or line items are  
643 funded by more than one major revenue type and include both free revenue and restricted  
644 revenue, an agency shall expend those sources based upon a proration of the amounts  
645 appropriated from each of those major revenue types.

646 Section 21. Section **63-38-14** is amended to read:

647 **63-38-14. Request for in-depth budget review of agency or program -- Form of**

648 **budget submitted.**

649 The Legislative Management Committee, upon recommendation of an appropriations  
650 subcommittee of the Legislature, may request of the governor for any designated fiscal year, an  
651 in-depth budget review of any state department, agency, institution or program. When  
652 responding to a request for an in-depth budget review, the governor shall submit for the  
653 department, agency, institution or program for the fiscal year indicated a budget prepared in  
654 accordance with Section 63-38-15 and using the format and procedures developed by the [~~state~~  
655 ~~budget officer~~] director of the Governor's Office of Planning and Budget in cooperation with  
656 the legislative fiscal analyst. This format shall be constructed to assist the analyst and the  
657 Legislature in reviewing the justification for selected departments, agencies, and institutions or  
658 any of their programs and activities.

659 Section 22. Section **63-38-15** is amended to read:

660 **63-38-15. Purpose of review -- Information submitted.**

661 The purpose of an in-depth budget review is to determine whether each department,  
662 agency, institution or program warrants continuation of its current level of expenditure or at a  
663 different level, or if it should be terminated. The budget for a state department, agency,  
664 institution or program subject to an in-depth budget review shall be a detailed plan in which  
665 programs and activities within programs are organized and budgeted after analysis and  
666 evaluation are made of all proposed expenditures. In the presentation of the budget of a  
667 department, agency, institution or program subject to in-depth budget review, the governor  
668 shall include the following:

669 (1) a statement of agency and program objectives, effectiveness measures, and program  
670 size indicators;

671 (2) alternative funding levels for each program with effectiveness measures and  
672 program size indicators detailed for each alternative funding level. Alternative funding levels  
673 shall be determined as percentages of the appropriations level authorized by the Legislature for  
674 the current fiscal year. The percentages shall be determined for each in-depth budget review by  
675 the [~~state budget officer~~] director of the Governor's Office of Planning and Budget in  
676 consultation with the legislative fiscal analyst;

677 (3) a priority ranking of all programs and activities in successively increasing levels of  
678 performance and funding;

679 (4) other budgetary information requested by the legislative fiscal analyst; and  
680 (5) a statement containing further recommendations of the governor as appropriate.

681 Section 23. Section **63-38c-102** is amended to read:

682 **63-38c-102. Purpose of chapter -- Limitations on state mandated property tax,**  
683 **state appropriations, and state debt.**

684 (1) (a) It is the purpose of this chapter to:

685 (i) place a limitation on the state mandated property tax rate under [~~the Minimum~~  
686 ~~School Program Act,~~] Title 53A, Chapter 17a, Minimum School Program Act;

687 (ii) place limitations on state government appropriations based upon the average of  
688 changes in personal income and the combined changes in population and inflation; and

689 (iii) place a limitation on the state's outstanding general obligation debt.

690 (b) The limitations imposed by this chapter are in addition to limitations on tax levies,  
691 rates, and revenues otherwise provided for by law.

692 (2) (a) This chapter may not be construed as requiring the state to collect the full  
693 amount of tax revenues permitted to be appropriated by this chapter.

694 (b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the  
695 appropriations of state government.

696 (3) The recommendations and budget analysis prepared by the [~~Utah~~] Governor's  
697 Office of Planning and Budget and the [~~Utah~~] Office of the Legislative Fiscal Analyst, as  
698 required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with  
699 the limitations imposed under this chapter.

700 Section 24. Section **63-38c-103** is amended to read:

701 **63-38c-103. Definitions.**

702 As used in this chapter:

703 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations  
704 from unrestricted General Fund, Uniform School Fund, and Transportation Fund sources as  
705 presented in the governor's executive budgets.

706 (b) "Appropriation" includes appropriations that are contingent upon available  
707 surpluses in the General Fund, Uniform School Fund, or Transportation Fund.

708 (c) "Appropriation" includes appropriations made to the Centennial Highway Fund  
709 from unrestricted General Fund and Transportation Fund revenues.

- 710 (d) "Appropriations" does not mean:
- 711 (i) debt service expenditures;
- 712 (ii) emergency expenditures;
- 713 (iii) expenditures from all other fund or subfund sources presented in the executive
- 714 budgets;
- 715 (iv) transfers into, or appropriations made to, the Budgetary Reserve Account
- 716 established in Section 63-38-2.5;
- 717 (v) monies appropriated to fund the total one-time project costs for the construction of
- 718 capital developments as defined in Section 63A-5-104; or
- 719 (vi) appropriations made to the Centennial Highway Fund from sources other than the
- 720 unrestricted General Fund and Transportation Fund revenues created by Section 72-2-118.
- 721 (2) "Base year real per capita appropriations" means the result obtained for the state by
- 722 dividing the fiscal year 1985 actual appropriations of the state less debt monies, less \$55
- 723 million appropriated for flooding and less \$14.2 million appropriated for capital projects in
- 724 Section 3 of Chapter 265, Laws of Utah 1985 General Session, by:
- 725 (a) the state's July 1, 1983 population; and
- 726 (b) the fiscal year 1983 inflation index divided by 100.
- 727 (3) "Calendar year" means the time period beginning on January 1 of any given year
- 728 and ending on December 31 of the same year.
- 729 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
- 730 expenditures and includes the settlement under Chapter 4, Laws of Utah 1988, Fourth Special
- 731 Session.
- 732 (5) "Fiscal year" means the time period beginning on July 1 of any given year and
- 733 ending on June 30 of the subsequent year.
- 734 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
- 735 capital and operations appropriations from general, uniform school, and transportation fund
- 736 sources, less debt monies, less \$55 million appropriated for flooding, and less \$14.2 million
- 737 appropriated for capital projects in Section 3, Chapter 265, Laws of Utah 1985.
- 738 (7) "Inflation index" means the change in the general price level of goods and services
- 739 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
- 740 Analysis, U.S. Department of Commerce calculated as provided in Section 63-38c-202.



741 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could  
742 be, or could have been, spent in any given year under the limitations of this chapter.

743 (b) "Maximum allowable appropriations limit" does not mean actual appropriations  
744 spent or actual expenditures.

745 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two  
746 fiscal years previous to the fiscal year for which the maximum allowable inflation and  
747 population appropriations limit is being computed under this chapter.

748 (10) "Most recent fiscal year's personal income" means the fiscal year personal income  
749 two fiscal years previous to the fiscal year for which the maximum allowable personal income  
750 appropriations limit is being computed under this chapter.

751 (11) "Most recent fiscal year's population" means the fiscal year population two fiscal  
752 years previous to the fiscal year for which the maximum allowable inflation and population  
753 appropriations limit is being computed under this chapter.

754 (12) "Personal income" means the total personal income of the state as calculated by  
755 the Governor's Office of Planning and Budget according to the procedures and requirements of  
756 Section 63-38c-202.

757 (13) "Population" means the number of residents of the state as of July 1 of each year  
758 as calculated by the Governor's Office of Planning and Budget according to the procedures and  
759 requirements of Section 63-38c-202.

760 (14) "Revenues" means the revenues of the state from every tax, penalty, receipt, and  
761 other monetary exaction and interest connected with it that are recorded as unrestricted revenue  
762 of the General Fund, Uniform School Fund, and Transportation Fund, except as specifically  
763 exempted by this chapter.

764 (15) "Security" means any bond, note, warrant, or other evidence of indebtedness,  
765 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an  
766 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

767 Section 25. Section **63-38c-202** is amended to read:

768 **63-38c-202. Computing formula elements.**

769 (1) For purposes of computing the most recent fiscal year's personal income, the  
770 Governor's Office of Planning and Budget shall use the quarterly data produced by the Bureau  
771 of Economic Analysis, U.S. Department of Commerce.

772 (2) For purposes of calculating fiscal year inflation indexes and fiscal year personal  
773 income for the previous fiscal year, the Governor's Office of Planning and Budget shall use:

774 (a) the actual quarterly data released by the U.S. Department of Commerce as of  
775 January 31 of each year; and

776 (b) the most recent U.S. Bureau of Census population estimates as of January 31 of  
777 each year.

778 (3) (a) For purposes of computing the inflation index, the Governor's Office of  
779 Planning and Budget shall:

780 (i) assign the bureau's 1982 calendar year inflation index value of 100 to fiscal year  
781 1989 for purposes of computing fiscal year index values;

782 (ii) compute all subsequent fiscal year inflation indexes after having assigned the fiscal  
783 year 1989 inflation index a value of 100; and

784 (iii) use the quarterly index values published by the Bureau of Economic Analysis,  
785 U.S. Department of Commerce, to compute fiscal year index values.

786 (b) If the bureau changes its calendar base year, appropriate adjustments are to be made  
787 in this chapter to accommodate those changes.

788 (4) (a) For purposes of computing the most recent fiscal year's population, the  
789 Governor's Office of Planning and Budget shall convert the April 1 decennial census estimate  
790 to a July 1 estimate, unless otherwise estimated by the Bureau of Census.

791 (b) If the bureau changes the state's July 1, 1983 base year population after it conducts  
792 the 1990 Census, appropriate adjustments shall be made in this chapter to accommodate those  
793 changes.

794 Section 26. Section **63-38d-101** is enacted to read:

795 **CHAPTER 38d. GOVERNOR'S OFFICE OF PLANNING AND BUDGET**

796 **Part 1. General Provisions**

797 **63-38d-101. Title.**

798 This chapter is known as the "Governor's Office of Planning and Budget."

799 Section 27. Section **63-38d-102** is enacted to read:

800 **63-38d-102. Definitions.**

801 As used in this chapter:

802 (1) "Committee" means the Resource Development Coordinating Committee created

803 by this chapter.

804 (2) "Director" means the chief administrative officer of the Governor's Office of  
805 Planning and Budget appointed as provided in this chapter.

806 (3) "Office" means the Governor's Office of Planning and Budget created by this  
807 chapter.

808 (4) " Political subdivision" means a county, municipality, special district, school  
809 district, interlocal cooperation agreement entity, or any administrative subunit of them.

810 (5) "State planning coordinator" means the person appointed as planning coordinator as  
811 provided in this chapter.

812 Section 28. Section **63-38d-201** is enacted to read:

813 **Part 2. Governor's Office of Planning and Budget**

814 **63-38d-201. Creation.**

815 There is created within the governor's office the Governor's Office of Planning and  
816 Budget to be administered by a director.

817 Section 29. Section **63-38d-202** is enacted to read:

818 **63-38d-202. Appointment of director, state planning coordinator.**

819 (1) (a) The governor shall appoint, to serve at the governor's pleasure:

820 (i) a director of the Governor's Office of Planning and Budget; and

821 (ii) a state planning coordinator.

822 (b) The state planning coordinator is considered part of the office for purposes of  
823 administration.

824 (2) The governor shall establish the director's salary within the salary range fixed by  
825 the Legislature in Title 67, Chapter 22, State Officer Compensation.

826 Section 30. Section **63-38d-301** is enacted to read:

827 **Part 3. Budget Duties**

828 **63-38d-301. Budget duties of the director and office.**

829 (1) The director and the office shall:

830 (a) comply with the procedures and requirements of Title 63, Chapter 38, Budgetary  
831 Procedures Act;

832 (b) under the direct supervision of the governor, assist the governor in the preparation  
833 of the governor's budget recommendations;

834 (c) advise the governor with regard to approval or revision of agency work programs as  
835 specified in Section 63-38-11; and

836 (d) perform other duties and responsibilities as assigned by the governor.

837 (2) (a) The director of the Governor's Office of Planning and Budget or the director's  
838 designee is the federal assistance management officer.

839 (b) In acting as the Federal Assistance Management Officer, the director or designee  
840 shall:

841 (i) study the administration and effect of federal assistance programs in the state and  
842 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and  
843 the Executive Appropriations Committee, of alternative recommended methods and procedures  
844 for the administration of these programs;

845 (ii) assist in the coordination of federal assistance programs that involve or are  
846 administered by more than one state agency; and

847 (iii) analyze and advise on applications for new federal assistance programs submitted  
848 to the governor for approval.

849 Section 31. Section **63-38d-401** is enacted to read:

850 **Part 4. Planning**

851 **63-38d-401. Planning duties of the planning coordinator and office.**

852 (1) The state planning coordinator shall:

853 (a) act as the governor's adviser on state, regional, metropolitan, and local  
854 governmental planning matters relating to public improvements and land use;

855 (b) counsel with the authorized representatives of the Department of Transportation,  
856 the State Building Board, the Department of Health, the Department of Workforce Services,  
857 the Labor Commission, the Department of Natural Resources, the School and Institutional  
858 Trust Lands Administration, and other proper persons concerning all state planning matters;

859 (c) when designated to do so by the governor, receive funds made available to Utah by  
860 the federal government;

861 (d) receive and review plans of the various state agencies and political subdivisions  
862 relating to public improvements and programs;

863 (e) when conflicts occur between the plans and proposals of state agencies, prepare  
864 specific recommendations for the resolution of the conflicts and submit the recommendations

865 to the governor for a decision resolving the conflict;

866 (f) when conflicts occur between the plans and proposals of a state agency and a  
 867 political subdivision or between two or more political subdivisions, advise these entities of the  
 868 conflict and make specific recommendations for the resolution of the conflict;

869 (g) act as the governor's planning agent in planning public improvements and land use  
 870 and, in this capacity, undertake special studies and investigations;

871 (h) provide information and cooperate with the Legislature or any of its committees in  
 872 conducting planning studies;

873 (i) cooperate and exchange information with federal agencies and local, metropolitan,  
 874 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local  
 875 programs; and

876 (j) make recommendations to the governor that the planning coordinator considers  
 877 advisable for the proper development and coordination of plans for state government and  
 878 political subdivisions.

879 (2) The state planning coordinator may:

880 (a) perform regional and state planning and assist city, county, metropolitan, regional,  
 881 and state government planning agencies in performing local, metropolitan, regional, and state  
 882 planning; and

883 (b) provide planning assistance to Indian tribes regarding planning for Indian  
 884 reservations.

885 (3) (a) The state planning coordinator may prepare plans, programs, or processes, and  
 886 coordinate the development of policies concerning the use of public lands in Utah to promote  
 887 maximum recognition of state and local interest in the federal land use management process.

888 (b) The state planning coordinator shall:

889 (i) develop all state policies, plans, programs, or processes in cooperation with  
 890 appropriate state agencies and political subdivisions by coordinating the development of  
 891 positions through the Resource Development Coordinating Committee; and

892 (ii) solicit public comment through the Resource Development Coordinating  
 893 Committee.

894 (4) Nothing contained in this section may be construed to restrict the planning powers  
 895 conferred upon ~~the~~ STATE departments, agencies, or instrumentalities of ~~the~~ THE state or ~~the~~ [local  
 895a governments] POLITICAL SUBDIVISIONS ~~by~~ by any

896 other existing law.

897 Section 32. Section **63-38d-501** is enacted to read:

898 **Part 5. Resource Development Coordinating Committee**

899 **63-38d-501. Creation.**

900 There is created the Resource Development Coordinating Committee within the  
901 Governor's Office of Planning and Budget to:

902 (1) assist the state planning coordinator in fulfilling the responsibilities of reviewing  
903 and coordinating technical and policy actions that may affect the physical resources of the state;

904 and

905 (2) facilitate the exchange of information on those actions among state agencies and  
906 other levels of government.

907 Section 33. Section **63-38d-502** is enacted to read:

908 **63-38d-502. Membership -- Terms -- Chair -- Expenses.**

909 (1) The Resource Development Coordinating Committee shall consist of the following  
910 25 members:

911 (a) the state science advisor;

912 (b) a representative from the Department of Agriculture and Food appointed by the  
913 executive director;

914 (c) a representative from the Department of Community and Economic Development  
915 appointed by the executive director;

916 (d) a representative from the Department of Environmental Quality appointed by the  
917 executive director;

918 (e) a representative from the Department of Natural Resources appointed by the  
919 executive director;

920 (f) a representative from the Department of Transportation appointed by the executive  
921 director;

922 (g) a representative from the Division of Business and Economic Development  
923 appointed by the director;

924 (h) a representative from the Division of Community Development appointed by the  
925 director;

926 (i) a representative from the Division of State History appointed by the director;

- 927 (j) a representative from the Division of Air Quality appointed by the director;  
928 (k) a representative from the Division of Drinking Water appointed by the director;  
929 (l) a representative from the Division of Environmental Response and Remediation  
930 appointed by the director;  
931 (m) a representative from the Division of Radiation appointed by the director;  
932 (n) a representative from the Division of Solid and Hazardous Waste appointed by the  
933 director;  
934 (o) a representative from the Division of Water Quality appointed by the director;  
935 (p) a representative from the Division of Oil, Gas, and Mining appointed by the  
936 director;  
937 (q) a representative from the Division of Parks and Recreation appointed by the  
938 director;  
939 (r) a representative from the Division of Forestry, Fire and State Lands appointed by  
940 the director;  
941 (s) a representative from the Utah Geological Survey appointed by the director;  
942 (t) a representative from the Division of Water Resources appointed by the director;  
943 (u) a representative from the Division of Water Rights appointed by the director;  
944 (v) a representative from the Division of Wildlife Resources appointed by the director;  
945 (w) a representative from the School and Institutional Trust Lands Administration  
946 appointed by the director;  
947 (x) a representative from the Division of Facilities Construction and Management  
948 appointed by the director; and  
949 (y) a representative from the Division of Emergency Services and Homeland Security  
950 appointed by the director.  
951 (2) (a) As particular issues require, the committee may, by majority vote of the  
952 members present, and with the concurrence of the state planning coordinator, appoint  
953 additional temporary members to serve as ex officio voting members.  
954 (b) Those ex officio members may discuss and vote on the issue or issues for which  
955 they were appointed.  
956 (3) A chair shall be selected by a majority vote of committee members with the  
957 concurrence of the state planning coordinator.

958 (4) (a) (i) Members who are not government employees shall receive no compensation  
959 or benefits for their services, but may receive per diem and expenses incurred in the  
960 performance of the member's official duties at the rates established by the Division of Finance  
961 under Sections 63A-3-106 and 63A-3-107.

962 (ii) Members may decline to receive per diem and expenses for their service.

963 (b) (i) State government officer and employee members who do not receive salary, per  
964 diem, or expenses from their agency for their service may receive per diem and expenses  
965 incurred in the performance of their official duties from the council at the rates established by  
966 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

967 (ii) State government officer and employee members may decline to receive per diem  
968 and expenses for their service.

969 Section 34. Section **63-38d-503** is enacted to read:

970 **63-38d-503. Planning coordinator responsibilities.**

971 The state planning coordinator shall:

972 (1) administer this part;

973 (2) subject to the direction and approval of the governor, take necessary action for its  
974 implementation; and

975 (3) inform political subdivision representatives, in advance, of all committee meetings.

976 Section 35. Section **63-38d-504** is enacted to read:

977 **63-38d-504. Duties.**

978 (1) The committee shall assist the state planning coordinator:

979 (a) in the review of:

980 (i) proposed state actions affecting physical resources;

981 (ii) federal and federally assisted actions for which state review is provided by federal  
982 law, regulation, or policy; and

983 (iii) proposed federal regulations and policies pertaining to natural resource issues; and

984 (b) in the development and implementation of a procedure that will expedite the review  
985 of proposed energy and industrial facilities that require permits to be issued by more than one  
986 state agency.

987 (2) The state planning coordinator shall review and forward the comments and  
988 recommendations of the committee to:



989 (a) the governor;

990 (b) the initiating state agency, in the case of a proposed state action; and

991 (c) the Office of Legislative Research and General Counsel.

992 Section 36. Section **63-38d-505** is enacted to read:

993 **63-38d-505. Powers of state agencies and local governments not limited.**

994 This part does not limit powers conferred upon h STATE h departments, agencies, or  
 995 instrumentalities of h THE h state or h [local governments] POLITICAL SUBDIVISIONS h by existing  
 995a law.

996 Section 37. Section **63-40-2** is amended to read:

997 **63-40-2. Federal assistance management officer -- Duties.**

998 (1) The [state planning coordinator shall be] director of the Governor's Office of  
 999 Planning and Budget or the director's designee is the federal assistance management officer.  
 1000 [The]

1001 (2) As federal assistance management officer [has the following duties,  
 1002 responsibilities, and authority:], the director shall perform the duties outlined in Section  
 1003 63-38d-301.

1004 [(1) to establish, in coordination with the Office of Legislative Fiscal Analyst, a central  
 1005 reporting and information service to keep the governor, the agencies of the state and its  
 1006 subdivisions, and the Legislature informed about the available federal assistance programs,  
 1007 pending federal aid legislation, and current federal assistance programs in effect within the  
 1008 state;]

1009 [(2) to make studies of the administration and effect of federal assistance programs in  
 1010 the state and advise the governor and the Legislature through the Office of Legislative Fiscal  
 1011 Analyst and the Executive Appropriations Committee of alternative recommended methods  
 1012 and procedures for the administration of these programs;]

1013 [(3) to assist in the coordination of federal assistance programs that involve or are  
 1014 administered by more than one state agency;]

1015 [(4) to analyze and advise on applications for new federal assistance programs  
 1016 submitted to the governor for approval; and]

1017 [(5) to report to the Office of Legislative Fiscal Analyst and the Executive  
 1018 Appropriations Committee regarding the status and condition of federal assistance programs in  
 1019 the state. This report shall be made through the Office of Legislative Fiscal Analyst at least

1020 ~~annually, 60 days prior to the annual general session.]~~

1021 Section 38. Section **63-55-263** is amended to read:

1022 **63-55-263. Repeal dates, Titles 63 and 63A.**

1023 (1) (a) Title 63, Chapter 25a, Part 1, Commission on Criminal and Juvenile Justice, is  
1024 repealed July 1, 2012.

1025 (b) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2012.

1026 (2) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed  
1027 July 1, 2007.

1028 (3) The Resource Development Coordinating Committee, created in Section [~~63-28a-2~~]  
1029 63-38d-501, is repealed July 1, 2004.

1030 (4) Title 63, Chapter 38c, State Appropriations and Tax Limitation Act, is repealed  
1031 July 1, 2005.

1032 (5) Title 63, Chapter 75, Families, Agencies, and Communities Together for Children  
1033 and Youth At Risk Act, is repealed July 1, 2006.

1034 (6) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, 2005.

1035 (7) Sections 63A-4-204 and 63A-4-205, authorizing the Risk Management Fund to  
1036 provide coverage to nonstate entities, are repealed July 1, 2006.

1037 (8) Title 63A, Chapter 7, Utah Sports Authority Act, is repealed July 1, 2003.

1038 (9) Title 63A, Chapter 10, State Olympic Coordination Act, is repealed July 1, 2003.

1039 Section 39. Section **63A-5-101** is amended to read:

1040 **63A-5-101. Creation -- Composition -- Appointment -- Per diem and expenses --**  
1041 **Administrative services.**

1042 (1) (a) There is created a State Building Board composed of eight members, seven of  
1043 whom shall be appointed by the governor for terms of four years.

1044 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
1045 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1046 board members are staggered so that approximately half of the board is appointed every two  
1047 years.

1048 (2) When a vacancy occurs in the membership for any reason, the replacement shall be  
1049 appointed for the unexpired term.

1050 (3) The [~~state budget~~] director of the Governor's Office of Planning and Budget or the

1051 director's designee [~~shall be~~] is a nonvoting member of the board.

1052 (4) Each member shall hold office until a successor is appointed and qualified, but no  
1053 member shall serve more than two consecutive terms.

1054 (5) One member shall be designated by the governor as chair.

1055 (6) (a) (i) Members who are not government employees shall receive no compensation  
1056 or benefits for their services, but may receive per diem and expenses incurred in the  
1057 performance of the member's official duties at the rates established by the Division of Finance  
1058 under Sections 63A-3-106 and 63A-3-107.

1059 (ii) Members may decline to receive per diem and expenses for their service.

1060 (b) (i) State government officer and employee members who do not receive salary, per  
1061 diem, or expenses from their agency for their service may receive per diem and expenses  
1062 incurred in the performance of their official duties from the board at the rates established by the  
1063 Division of Finance under Sections 63A-3-106 and 63A-3-107.

1064 (ii) State government officer and employee members may decline to receive per diem  
1065 and expenses for their service.

1066 (7) The members of the board are not required to give bond for the performance of  
1067 their official duties.

1068 (8) The department shall provide administrative and staff services to enable the board  
1069 to exercise its powers and discharge its duties, and shall provide necessary space and  
1070 equipment for the board.

1071 Section 40. Section **63A-6-105** is amended to read:

1072 **63A-6-105. Duties of director -- Rate Committee membership and duties.**

1073 (1) The director of the Division of Information Technology Services shall:

1074 (a) manage the delivery of efficient and cost-effective data processing and  
1075 telecommunication services for all state agencies at the lowest practical cost;

1076 (b) provide priority service to public safety agencies; and

1077 (c) provide a semiannual report to the chief information officer as provided in  
1078 Subsection 63D-1-301.5(5).

1079 (2) The director may negotiate the purchase, lease, or rental of private or public data  
1080 processing or telecommunication services or facilities.

1081 (3) Where practical, efficient, and economically beneficial, the director shall use

1082 existing private and public data processing or telecommunication resources.

1083 (4) The director shall prescribe a schedule of fees to be charged for all services  
1084 rendered to any state agency by the division that are equitable and sufficient to recover all the  
1085 costs of operation, including the cost of capital equipment and facilities.

1086 (5) (a) The director shall provide the chief information officer and the state information  
1087 technology review committee a written analysis of each state agency's annual information  
1088 technology plan.

1089 (b) That analysis shall:

1090 (i) include an assessment of how the implementation of each plan will affect the costs,  
1091 operations, and the services of the Division of Information Technology Services and state  
1092 government; and

1093 (ii) where appropriate, make alternative recommendations.

1094 (6) (a) Before charging the fees, the director shall obtain approval of the fee schedules  
1095 from the Rate Committee which shall consist of:

1096 (i) the executive director;

1097 (ii) the director of the Division of Finance;

1098 (iii) the director of the Governor's Office of Planning and Budget;

1099 (iv) the chief information officer;

1100 (v) a representative of the agencies nominated by the Information Technology Policy  
1101 and Strategy Committee established in Section 63D-1-302; and

1102 (vi) a representative of the agencies' administrative services managers nominated by  
1103 the agencies' administrative services managers coordination group.

1104 (b) In appointing the agency representatives listed in Subsection (6)(a)(v) and (vi), the  
1105 Rate Committee shall appoint:

1106 (i) one representative from a large agency and one representative from a small agency;  
1107 and

1108 (ii) the representatives to four-year terms of office, except that initially one of the  
1109 appointments shall be for a two-year term in order to stagger the appointments.

1110 (c) In the event of a vacancy for any reason, the entity responsible for nominating the  
1111 person who is vacating the position shall provide new nominations to the Rate Committee to  
1112 fill the unexpired term.

1113 (d) When modifying fees, the director shall attempt to provide sufficient notice to  
1114 agencies and institutions so that they may reflect those fee changes in their budgets.

1115 (7) (a) The director shall create advisory committees composed of representatives of  
1116 user agencies.

1117 (b) Those advisory committees may recommend policies and practices for the efficient  
1118 and effective operation of the division.

1119 Section 41. Section **63A-10-103** is amended to read:

1120 **63A-10-103. State Olympic Officer -- Creation.**

1121 (1) There is created the position of State Olympic Officer.

1122 (2) Beginning July 1, 1997:

1123 (a) The State Olympic Officer shall be appointed by the governor with the consent of  
1124 the Senate.

1125 (b) The officer serves at the pleasure of the governor.

1126 (c) The officer shall be experienced in administration, financial, and legal transactions,  
1127 and coordination of complex organizations.

1128 (d) The officer shall receive compensation as provided by Title 67, Chapter 22, State  
1129 Officer Compensation.

1130 (e) The officer may appoint additional staff members with the approval of the  
1131 governor.

1132 (f) The Governor's Office of Planning and Budget shall provide staff support and  
1133 physical facilities to the coordinator.

1134 (g) Except as provided in Subsection (3), beginning July 1, 1997, the salary, benefits,  
1135 and administrative costs associated with the officer and individuals appointed by the officer  
1136 under Subsection (2)(e) shall be paid from the Olympics special revenue fund or funds  
1137 established under Section 59-12-103.

1138 (3) (a) If there is inadequate monies in the Olympics special revenue fund or funds to  
1139 pay the salary, benefits, and administrative costs described in Subsection (2)(g), the salary,  
1140 benefits, and administrative cost may be paid from the General Fund.

1141 (b) If monies are paid from the General Fund under Subsection (3)(a), the monies shall  
1142 be reimbursed to the General Fund from the Olympics special revenue fund or funds at such  
1143 time the Olympics special revenue fund or funds has adequate monies to reimburse the General

1144 Fund.

1145 (c) Notwithstanding Subsections (2)(e), (3)(a), and (3)(b), the salary, benefits, or  
1146 administrative costs associated with the officer may not be paid from the sales and tax revenues  
1147 generated by municipalities or counties and deposited under Subsection 59-12-103(4)(a)(ii).

1148 Section 42. Section **63B-2-301** is amended to read:

1149 **63B-2-301. Legislative intent -- Additional projects.**

1150 It is the intent of the Legislature that:

1151 (1) The Department of Employment Security use monies in the special administrative  
1152 fund to plan, design, and construct a Davis County facility under the supervision of the director  
1153 of the Division of Facilities Construction and Management unless supervisory authority is  
1154 delegated by him as authorized by Section 63A-5-206.

1155 (2) The University of Utah may use donated funds to plan, design, and construct the  
1156 Nora Eccles Harrison addition under the supervision of the director of the Division of Facilities  
1157 Construction and Management unless supervisory authority is delegated by him as authorized  
1158 by Section 63A-5-206.

1159 (3) The University of Utah may use hospital funds to plan, design, and construct the  
1160 West Patient Services Building under the supervision of the director of the Division of  
1161 Facilities Construction and Management unless supervisory authority is delegated by him as  
1162 authorized by Section 63A-5-206.

1163 (4) The University of Utah may use federal funds to plan, design, and construct the  
1164 Computational Science Building under the supervision of the director of the Division of  
1165 Facilities Construction and Management unless supervisory authority is delegated by him as  
1166 authorized by Section 63A-5-206.

1167 (5) The Board of Regents may issue revenue bonds to provide:

1168 (a) \$6,700,000 to plan, design, and construct single student housing at Utah State  
1169 University under the supervision of the director of the Division of Facilities Construction and  
1170 Management unless supervisory authority is delegated by him as authorized by Section  
1171 63A-5-206; and

1172 (b) additional monies necessary to:

1173 (i) pay costs incident to the issuance and sale of the bonds;

1174 (ii) pay interest on the bonds that accrues during construction and acquisition of the

1175 project and for up to one year after construction is completed; and

1176 (iii) fund any reserve requirements for the bonds.

1177 (6) Utah State University may use federal funds to plan, design, and construct the  
1178 Natural Resources Lab addition under the supervision of the director of the Division of  
1179 Facilities Construction and Management unless supervisory authority is delegated by him as  
1180 authorized by Section 63A-5-206.

1181 (7) Utah State University may use funds derived from property sales to plan, design,  
1182 and construct emergency relocation facilities for the Farmington Botanical Gardens under the  
1183 supervision of the director of the Division of Facilities Construction and Management unless  
1184 supervisory authority is delegated by him as authorized by Section 63A-5-206.

1185 (8) Utah State University may use institutional funds to plan, design, and construct an  
1186 institutional residence for the president under the supervision of the director of the Division of  
1187 Facilities Construction and Management unless supervisory authority is delegated by him as  
1188 authorized by Section 63A-5-206.

1189 (9) Weber State University may use discretionary funds to construct a remodel and  
1190 expansion of the stores building and mail service facilities under the supervision of the director  
1191 of the Division of Facilities Construction and Management unless supervisory authority is  
1192 delegated by him as authorized by Section 63A-5-206.

1193 (10) Weber State University may use fees and auxiliary revenue to plan, design, and  
1194 construct a remodel and expansion of the Shepherd Student Union Building under the  
1195 supervision of the director of the Division of Facilities Construction and Management unless  
1196 supervisory authority is delegated by him as authorized by Section 63A-5-206.

1197 (11) Southern Utah University may use donated funds to plan, design, and construct an  
1198 alumni house under the supervision of the director of the Division of Facilities Construction  
1199 and Management unless supervisory authority is delegated by him as authorized by Section  
1200 63A-5-206.

1201 (12) The College of Eastern Utah may use auxiliary revenues and other fees to:

1202 (a) make lease or other payments;

1203 (b) redeem revenue bonds or repay loans issued on behalf of the college; and

1204 (c) plan, design, and construct a 200 person residence hall under the supervision of the  
1205 director of the Division of Facilities Construction and Management unless supervisory

1206 authority is delegated by him as authorized by Section 63A-5-206.

1207 (13) The Sevier Valley Applied Technology Center may use private and Community  
1208 Impact Board funds, if approved, to plan, design, and construct a performing arts/multi-use  
1209 facility under the supervision of the director of the Division of Facilities Construction and  
1210 Management unless supervisory authority is delegated by him as authorized by Section  
1211 63A-5-206.

1212 (14) Ogden City and Weber County may have offices and related space for their  
1213 attorneys included in the Ogden Courts building if the city and county are able to provide  
1214 upfront funding to cover all costs associated with the design and construction of that space. In  
1215 addition, the city and county shall cover their proportionate share of all operations and  
1216 maintenance costs of their facility, including future major repairs to the building.

1217 (15) If the Legislature authorizes the Division of Facilities Construction and  
1218 Management to enter into a lease purchase agreement for the Department of Human Services  
1219 facility at 1385 South State Street in Salt Lake City or for the State Board of Education facility  
1220 and adjacent space in Salt Lake City, or for both of those facilities, the State Building  
1221 Ownership Authority, at the reasonable rates and amounts it may determine, and with technical  
1222 assistance from the state treasurer, the director of the Division of Finance, and the director of  
1223 the Governor's Office of Planning and Budget, may seek out the most cost effective lease  
1224 purchase plans available to the state and may, pursuant to Title 63, Chapter 9a, State Building  
1225 Ownership Act, certificate out interests in, or obligations of the authority pertaining to:

1226 (a) the lease purchase obligation; or

1227 (b) lease rental payments under the lease purchase obligation.

1228 (16) Salt Lake Community College may use donated funds to plan, design, and  
1229 construct an amphitheater under the supervision of the director of the Division of Facilities  
1230 Construction and Management unless supervisory authority is delegated by him as authorized  
1231 by Section 63A-5-206.

1232 (17) For the Tax Commission building, that:

1233 (a) All costs associated with the construction and furnishing of the Tax Commission  
1234 building that are incurred before the issuance of the 1993 general obligation bonds be  
1235 reimbursed by bond proceeds.

1236 (b) The maximum amount of cost that may be reimbursed from the 1993 general



1237 obligation bond proceeds for the Tax Commission building and furnishings may not exceed  
1238 \$14,230,000.

1239 (c) This intent statement for Subsection (17) constitutes a declaration of official intent  
1240 under Section 1.103-18 of the U.S. Treasury Regulations.

1241 Section 43. Section **63B-3-301** is amended to read:

1242 **63B-3-301. Legislative intent -- Additional projects.**

1243 (1) It is the intent of the Legislature that, for any lease purchase agreement that the  
1244 Legislature may authorize the Division of Facilities Construction and Management to enter into  
1245 during its 1994 Annual General Session, the State Building Ownership Authority, at the  
1246 reasonable rates and amounts it may determine, and with technical assistance from the state  
1247 treasurer, the director of the Division of Finance, and the director of the Governor's Office of  
1248 Planning and Budget, may seek out the most cost effective and prudent lease purchase plans  
1249 available to the state and may, pursuant to Title 63, Chapter 9a, State Building Ownership Act,  
1250 certificate out interests in, or obligations of the authority pertaining to:

1251 (a) the lease purchase obligation; or

1252 (b) lease rental payments under the lease purchase obligation.

1253 (2) It is the intent of the Legislature that the Department of Transportation dispose of  
1254 surplus real properties and use the proceeds from those properties to acquire or construct  
1255 through the Division of Facilities Construction and Management a new District Two Complex.

1256 (3) It is the intent of the Legislature that the State Building Board allocate funds from  
1257 the Capital Improvement appropriation and donations to cover costs associated with the  
1258 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered  
1259 by insurance proceeds.

1260 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1261 Authority under authority of Title 63, Chapter 9a, State Building Ownership Act, to issue or  
1262 execute obligations or enter into or arrange for a lease purchase agreement in which  
1263 participation interests may be created, to provide up to \$10,600,000 for the construction of a  
1264 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

1265 (i) pay costs of issuance;

1266 (ii) pay capitalized interest; and

1267 (iii) fund any debt service reserve requirements.

1268 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1269 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1270 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1271 Budget.

1272 (c) It is the intent of the Legislature that the operating budget for the Department of  
1273 Natural Resources not be increased to fund these lease payments.

1274 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1275 Authority under authority of Title 63, Chapter 9a, State Building Ownership Act, to issue or  
1276 execute obligations or enter into or arrange for a lease purchase agreement in which  
1277 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the  
1278 office buildings currently occupied by the Department of Environmental Quality and  
1279 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake  
1280 City, together with additional amounts necessary to:

- 1281 (i) pay costs of issuance;
- 1282 (ii) pay capitalized interest; and
- 1283 (iii) fund any debt service reserve requirements.

1284 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1285 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1286 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1287 Budget.

1288 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1289 Authority under authority of Title 63, Chapter 9a, State Building Ownership Act, to issue or  
1290 execute obligations or enter into or arrange for a lease purchase agreement in which  
1291 participation interests may be created, to provide up to \$9,000,000 for the acquisition or  
1292 construction of up to two field offices for the Department of Human Services in the  
1293 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 1294 (i) pay costs of issuance;
- 1295 (ii) pay capitalized interest; and
- 1296 (iii) fund any debt service reserve requirements.

1297 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1298 and prudent lease purchase plan available with technical assistance from the state treasurer, the

1299 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1300 Budget.

1301 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1302 Authority under authority of Title 63, Chapter 9a, State Building Ownership Act, to issue or  
1303 execute obligations or enter into or arrange for lease purchase agreements in which  
1304 participation interests may be created, to provide up to \$5,000,000 for the acquisition or  
1305 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together  
1306 with additional amounts necessary to:

- 1307 (i) pay costs of issuance;
- 1308 (ii) pay capitalized interest; and
- 1309 (iii) fund any debt service reserve requirements.

1310 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1311 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1312 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1313 Budget.

1314 (c) It is the intent of the Legislature that the operating budget for the Department of  
1315 Alcoholic Beverage Control not be increased to fund these lease payments.

1316 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership  
1317 Authority under authority of Title 63, Chapter 9a, State Building Ownership Act, to issue or  
1318 execute obligations or enter into or arrange for a lease purchase agreement in which  
1319 participation interests may be created, to provide up to \$6,800,000 for the construction of a  
1320 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300  
1321 beds, together with additional amounts necessary to:

- 1322 (i) pay costs of issuance;
- 1323 (ii) pay capitalized interest; and
- 1324 (iii) fund any debt service reserve requirements.

1325 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1326 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1327 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1328 Budget.

1329 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex

1330 in Salt Lake City, becomes law, it is the intent of the Legislature that:

1331 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees  
1332 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,  
1333 the Office of the Legislative Fiscal Analyst, the Governor's Office of Planning and Budget, and  
1334 the State Building Board participate in a review of the proposed facility design for the Courts  
1335 Complex no later than December 1994; and

1336 (b) although this review will not affect the funding authorization issued by the 1994  
1337 Legislature, it is expected that Division of Facilities Construction and Management will give  
1338 proper attention to concerns raised in these reviews and make appropriate design changes  
1339 pursuant to the review.

1340 (10) It is the intent of the Legislature that:

1341 (a) the Division of Facilities Construction and Management, in cooperation with the  
1342 Division of Youth Corrections, develop a flexible use prototype facility for the Division of  
1343 Youth Corrections;

1344 (b) the development process use existing prototype proposals unless it can be  
1345 quantifiably demonstrated that the proposals cannot be used;

1346 (c) the facility is designed so that with minor modifications, it can accommodate  
1347 detention, observation and assessment, transition, and secure programs as needed at specific  
1348 geographical locations;

1349 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division  
1350 of Youth Corrections is used to design and construct one facility and design the other;

1351 (ii) the Division of Youth Corrections shall:

1352 (A) determine the location for the facility for which design and construction are fully  
1353 funded; and

1354 (B) in conjunction with the Division of Facilities Construction and Management,  
1355 determine the best methodology for design and construction of the fully funded facility;

1356 (e) the Division of Facilities Construction and Management submit the prototype as  
1357 soon as possible to the Capital Facilities and Administrative Services Appropriation  
1358 Subcommittee and Executive Offices, Criminal Justice, and Legislature Appropriation  
1359 Subcommittee for review;

1360 (f) the Division of Facilities Construction and Management issue a Request for

1361 Proposal for one of the facilities, with that facility designed and constructed entirely by the  
1362 winning firm;

1363 (g) the other facility be designed and constructed under the existing Division of  
1364 Facilities Construction and Management process;

1365 (h) that both facilities follow the program needs and specifications as identified by  
1366 Division of Facilities Construction and Management and the Division of Youth Corrections in  
1367 the prototype; and

1368 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

1369 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair  
1370 Park Master Study be used by the Division of Facilities Construction and Management to  
1371 develop a master plan for the State Fair Park that:

1372 (a) identifies capital facilities needs, capital improvement needs, building  
1373 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

1374 (b) establishes priorities for development, estimated costs, and projected timetables.

1375 (12) It is the intent of the Legislature that:

1376 (a) the Division of Facilities Construction and Management, in cooperation with the  
1377 Division of Parks and Recreation and surrounding counties, develop a master plan and general  
1378 program for the phased development of Antelope Island;

1379 (b) the master plan:

1380 (i) establish priorities for development;

1381 (ii) include estimated costs and projected time tables; and

1382 (iii) include recommendations for funding methods and the allocation of  
1383 responsibilities between the parties; and

1384 (c) the results of the effort be reported to the Natural Resources Appropriations  
1385 Subcommittee and Capital Facilities and Administrative Services Appropriation  
1386 Subcommittee.

1387 (13) It is the intent of the Legislature to authorize the University of Utah to use:

1388 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under  
1389 the supervision of the director of the Division of Facilities Construction and Management  
1390 unless supervisory authority is delegated by the director; and

1391 (b) donated and other nonappropriated funds to plan, design, and construct the Biology

1392 Research Building under the supervision of the director of the Division of Facilities  
1393 Construction and Management unless supervisory authority is delegated by the director.  
1394 (14) It is the intent of the Legislature to authorize Utah State University to use:  
1395 (a) federal and other funds to plan, design, and construct the Bee Lab under the  
1396 supervision of the director of the Division of Facilities Construction and Management unless  
1397 supervisory authority is delegated by the director;  
1398 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic  
1399 Facility addition and renovation under the supervision of the director of the Division of  
1400 Facilities Construction and Management unless supervisory authority is delegated by the  
1401 director;  
1402 (c) donated and other nonappropriated funds to plan, design, and construct a renovation  
1403 to the Nutrition and Food Science Building under the supervision of the director of the  
1404 Division of Facilities Construction and Management unless supervisory authority is delegated  
1405 by the director; and  
1406 (d) federal and private funds to plan, design, and construct the Millville Research  
1407 Facility under the supervision of the director of the Division of Facilities Construction and  
1408 Management unless supervisory authority is delegated by the director.  
1409 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:  
1410 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades  
1411 Office and Learning Center under the supervision of the director of the Division of Facilities  
1412 Construction and Management unless supervisory authority is delegated by the director;  
1413 (b) institutional funds to plan, design, and construct the relocation and expansion of a  
1414 temporary maintenance compound under the supervision of the director of the Division of  
1415 Facilities Construction and Management unless supervisory authority is delegated by the  
1416 director; and  
1417 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the  
1418 supervision of the director of the Division of Facilities Construction and Management unless  
1419 supervisory authority is delegated by the director.  
1420 (16) It is the intent of the Legislature to authorize Southern Utah University to use:  
1421 (a) federal funds to plan, design, and construct a Community Services Building under  
1422 the supervision of the director of the Division of Facilities Construction and Management

1423 unless supervisory authority is delegated by the director; and

1424 (b) donated and other nonappropriated funds to plan, design, and construct a stadium  
1425 expansion under the supervision of the director of the Division of Facilities Construction and  
1426 Management unless supervisory authority is delegated by the director.

1427 (17) It is the intent of the Legislature to authorize the Department of Corrections to use  
1428 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional  
1429 Facility in Gunnison under the supervision of the director of the Division of Facilities  
1430 Construction and Management unless supervisory authority is delegated by the director.

1431 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the  
1432 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City  
1433 to plan and design an Armory in Provo, Utah, under the supervision of the director of the  
1434 Division of Facilities Construction and Management unless supervisory authority is delegated  
1435 by the director.

1436 (19) It is the intent of the Legislature that the Utah Department of Transportation use  
1437 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in  
1438 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

1439 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology  
1440 Center use the monies appropriated for fiscal year 1995 to design the Metal Trades Building  
1441 and purchase equipment for use in that building that could be used in metal trades or other  
1442 programs in other Applied Technology Centers.

1443 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center  
1444 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be  
1445 considered as the highest priority projects for construction funding in fiscal year 1996.

1446 (22) It is the intent of the Legislature that:

1447 (a) the Division of Facilities Construction and Management complete physical space  
1448 utilization standards by June 30, 1995, for the use of technology education activities;

1449 (b) these standards are to be developed with and approved by the State Office of  
1450 Education, the Board of Regents, and the Utah State Building Board;

1451 (c) these physical standards be used as the basis for:

1452 (i) determining utilization of any technology space based on number of stations capable  
1453 and occupied for any given hour of operation; and

1454 (ii) requests for any new space or remodeling;

1455 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the  
1456 Ogden-Weber Applied Technology Center are exempt from this process; and

1457 (e) the design of the Davis Applied Technology Center take into account the utilization  
1458 formulas established by the Division of Facilities Construction and Management.

1459 (23) It is the intent of the Legislature that Utah Valley State College may use the  
1460 monies from the bond allocated to the remodel of the Signetics building to relocate its technical  
1461 education programs at other designated sites or facilities under the supervision of the director  
1462 of the Division of Facilities Construction and Management unless supervisory authority is  
1463 delegated by the director.

1464 (24) It is the intent of the Legislature that the monies provided for the fiscal year 1995  
1465 project for the Bridgerland Applied Technology Center be used to design and construct the  
1466 space associated with Utah State University and design the technology center portion of the  
1467 project.

1468 (25) It is the intent of the Legislature that the governor provide periodic reports on the  
1469 expenditure of the funds provided for electronic technology, equipment, and hardware to the  
1470 Information Technology Commission, the Capital Facilities and Administrative Services  
1471 Appropriation Subcommittee, and the Legislative Management Committee.

1472 Section 44. Section **63B-4-201** is amended to read:

1473 **63B-4-201. Legislative intent statements -- Capital facilities.**

1474 (1) (a) It is the intent of the Legislature that the University of Utah use institutional and  
1475 other funds to plan, design, and construct two campus child care centers under the supervision  
1476 of the director of the Division of Facilities Construction and Management unless supervisory  
1477 authority is delegated by the director.

1478 (b) The university shall work with Salt Lake City and the surrounding neighborhood to  
1479 ensure site compatibility for future recreational development by the city.

1480 (2) It is the intent of the Legislature that the University of Utah use institutional funds  
1481 to plan, design, and construct:

1482 (a) the Union Parking structure under the supervision of the director of the Division of  
1483 Facilities Construction and Management unless supervisory authority is delegated by the  
1484 director;



1485 (b) the stadium renovation under the supervision of the director of the Division of  
1486 Facilities Construction and Management unless supervisory authority is delegated by the  
1487 director;

1488 (c) the Huntsman Cancer Institute under the supervision of the director of the Division  
1489 of Facilities Construction and Management unless supervisory authority is delegated by the  
1490 director;

1491 (d) the Business Case Method Building under the supervision of the director of the  
1492 Division of Facilities Construction and Management unless supervisory authority is delegated  
1493 by the director; and

1494 (e) the Fine Arts Museum expansion under the supervision of the director of the  
1495 Division of Facilities Construction and Management unless supervisory authority is delegated  
1496 by the director.

1497 (3) It is the intent of the Legislature that Utah State University use institutional funds to  
1498 plan, design, and construct:

1499 (a) a student health services facility under the supervision of the director of the  
1500 Division of Facilities Construction and Management unless supervisory authority is delegated  
1501 by the director;

1502 (b) a women's softball field under the supervision of the director of the Division of  
1503 Facilities Construction and Management unless supervisory authority is delegated by the  
1504 director;

1505 (c) an addition to the Nutrition and Food Services Building under the supervision of  
1506 the director of the Division of Facilities Construction and Management unless supervisory  
1507 authority is delegated by the director; and

1508 (d) a Human Resource Research Center under the supervision of the director of the  
1509 Division of Facilities Construction and Management unless supervisory authority is delegated  
1510 by the director.

1511 (4) It is the intent of the Legislature that Weber State University use institutional funds  
1512 to plan, design, and construct:

1513 (a) a track renovation under the supervision of the director of the Division of Facilities  
1514 Construction and Management unless supervisory authority is delegated by the director; and

1515 (b) the Dee Events Center offices under the supervision of the director of the Division

1516 of Facilities Construction and Management unless supervisory authority is delegated by the  
1517 director.

1518 (5) It is the intent of the Legislature that Southern Utah University use:

1519 (a) institutional funds to plan, design, and construct an institutional residence under the  
1520 supervision of the director of the Division of Facilities Construction and Management unless  
1521 supervisory authority is delegated by the director; and

1522 (b) project revenues and other funds to plan, design, and construct the Shakespearean  
1523 Festival support facilities under the supervision of the director of the Division of Facilities  
1524 Construction and Management unless supervisory authority is delegated by the director.

1525 (6) It is the intent of the Legislature that Dixie College use institutional funds to plan,  
1526 design, and construct an institutional residence under the supervision of the director of the  
1527 Division of Facilities Construction and Management unless supervisory authority is delegated  
1528 by the director.

1529 (7) It is the intent of the Legislature that the Division of Forestry, Fire and State Lands  
1530 use federal and other funds to plan, design, and construct a wetlands enhancement facility  
1531 under the supervision of the director of the Division of Facilities Construction and  
1532 Management unless supervisory authority is delegated by the director.

1533 (8) (a) As provided in Subsection 63A-5-209(2), the funds appropriated to the Project  
1534 Reserve Fund may only be used for the award of contracts in excess of the construction budget  
1535 if these funds are required to meet the intent of the project.

1536 (b) It is the intent of the Legislature that:

1537 (i) up to \$2,000,000 of the amount may be used to award the construction contract for  
1538 the Ogden Court Building; and

1539 (ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996  
1540 Legislature.

1541 (9) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
1542 under authority of Title 63, Chapter 9a, State Building Ownership Act, issue or execute  
1543 obligations or enter into or arrange for a lease purchase agreement in which participation  
1544 interests may be created to provide up to \$539,700 for the purchase and demolition of the  
1545 Keyston property and construction of parking facilities adjacent to the State Office of  
1546 Education Building in Salt Lake City, with additional amounts necessary to:

- 1547 (i) pay costs of issuance;  
1548 (ii) pay capitalized interest; and  
1549 (iii) fund any debt service reserve requirements.

1550 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1551 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1552 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1553 Budget.

1554 (10) (a) It is the intent of the Legislature that the monies appropriated for Phase One of  
1555 the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State  
1556 University is to include design of full code compliance, life safety, space necessary to maintain  
1557 required programs, and seismic upgrades.

1558 (b) The design shall identify the full scope and cost of Phase Two of the remodeling for  
1559 funding consideration in the fiscal year 1997 budget cycle.

1560 (11) It is the intent of the Legislature that:

1561 (a) the fiscal year 1996 appropriation for the Davis County Higher Education land  
1562 purchase includes up to \$250,000 for planning purposes;

1563 (b) the Division of Facilities Construction and Management, the Board of Regents, and  
1564 the assigned institution of higher education work jointly to ensure the following elements are  
1565 part of the planning process:

- 1566 (i) projections of student enrollment and programmatic needs for the next ten years;  
1567 (ii) review and make recommendations for better use of existing space, current  
1568 technologies, public/private partnerships, and other alternatives as a means to reduce the need  
1569 for new facilities and still accommodate the projected student needs; and

1570 (iii) use of a master plan that includes issues of utilities, access, traffic circulation,  
1571 drainage, rights of way, future developments, and other infrastructure items considered  
1572 appropriate; and

1573 (c) every effort is used to minimize expenditures for this part until a definitive decision  
1574 has been made by BRACC relative to Hill Air Force Base.

1575 (12) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
1576 under authority of Title 63, Chapter 9a, State Building Ownership Act, issue or execute  
1577 obligations or enter into or arrange for a lease purchase agreement in which participation

1578 interests may be created, to provide up to \$7,400,000 for the acquisition and improvement of  
1579 the Human Services Building located at 120 North 200 West, Salt Lake City, Utah, with  
1580 associated parking for the Department of Human Services together with additional amounts  
1581 necessary to:

- 1582 (i) pay costs of issuance;
- 1583 (ii) pay capitalized interest; and
- 1584 (iii) fund any debt service reserve requirements.

1585 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1586 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1587 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1588 Budget.

1589 (13) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
1590 under authority of Title 63, Chapter 9a, State Building Ownership Act, issue or execute  
1591 obligations or enter into or arrange for a lease purchase agreement in which participation  
1592 interests may be created to provide up to \$63,218,600 for the construction of a Salt Lake  
1593 Courts Complex together with additional amounts necessary to:

- 1594 (i) pay costs of issuance;
- 1595 (ii) pay capitalized interest; and
- 1596 (iii) fund any debt service reserve requirements.

1597 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
1598 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
1599 director of the Division of Finance, and the director of the Governor's Office of Planning and  
1600 Budget.

1601 (c) It is the intent of the Legislature that the Division of Facilities Construction and  
1602 Management lease land to the State Building Ownership Authority for the construction of a  
1603 Salt Lake Courts Complex.

1604 (14) It is the intent of the Legislature that:

1605 (a) the Board of Regents use the higher education design project monies to design no  
1606 more than two higher education projects from among the following projects:

- 1607 (i) College of Eastern Utah - Student Center;
- 1608 (ii) Snow College - Noyes Building;

1609 (iii) University of Utah - Gardner Hall;  
1610 (iv) Utah State University - Widtsoe Hall; or  
1611 (v) Southern Utah University - Physical Education Building; and  
1612 (b) the higher education institutions that receive approval from the Board of Regents to  
1613 design projects under this chapter design those projects under the supervision of the director of  
1614 the Division of Facilities Construction and Management unless supervisory authority is  
1615 delegated by the director.

1616 (15) It is the intent of the Legislature that:

1617 (a) the Board of Regents may authorize the University of Utah to use institutional  
1618 funds and donated funds to design Gardner Hall; and

1619 (b) if authorized by the Board of Regents, the University of Utah may use institutional  
1620 funds and donated funds to design Gardner Hall under the supervision of the director of the  
1621 Division of Facilities Construction and Management unless supervisory authority is delegated  
1622 by the director.

1623 (16) It is the intent of the Legislature that the Division of Facilities Construction and  
1624 Management use up to \$250,000 of the capital improvement monies to fund the site  
1625 improvements required at the San Juan campus of the College of Eastern Utah.

1626 Section 45. Section **63B-4-301** is amended to read:

1627 **63B-4-301. Bonds for golf course at Wasatch Mountain State Park.**

1628 (1) The State Building Ownership Authority under authority of Title 63, Chapter 9a,  
1629 State Building Ownership Authority Act, may issue or execute obligations, or enter into or  
1630 arrange for a lease purchase agreement in which participation interests may be created, to  
1631 provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for  
1632 the Division of Parks and Recreation, together with additional amounts necessary to:

1633 (a) pay costs of issuance;

1634 (b) pay capitalized interest; and

1635 (c) fund any debt service reserve requirements.

1636 (2) (a) The State Building Ownership Authority shall work cooperatively with the  
1637 Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase  
1638 plan available.

1639 (b) The state treasurer, the director of the Division of Finance, and the director of the

1640 Governor's Office of Planning and Budget shall provide technical assistance to accomplish the  
1641 purpose specified in Subsection (2)(a).

1642 Section 46. Section **63C-9-301** is amended to read:

1643 **63C-9-301. Board powers.**

1644 (1) The board shall:

1645 (a) except as provided in Subsection (2), exercise complete jurisdiction over capitol  
1646 hill facilities and capitol hill grounds;

1647 (b) preserve, maintain, and restore capitol hill facilities, capitol hill grounds, and their  
1648 contents;

1649 (c) consult with the Division of Facilities Construction and Management, the State  
1650 Library Division, the Division of Archives and Records Service, the Division of State History,  
1651 the Office of Museum Services, and the Arts Council when necessary;

1652 (d) before October 1 of each year, review and approve the executive director's annual  
1653 budget request for submittal to the governor and Legislature;

1654 (e) by October 1 of each year, prepare and submit a recommended budget request for  
1655 the upcoming fiscal year for capitol hill to:

1656 (i) the governor, through the Governor's Office of Planning and Budget; and

1657 (ii) the Legislature's appropriations subcommittee responsible for capital facilities,  
1658 through the Office of Legislative Fiscal Analyst;

1659 (f) review and approve the executive director's:

1660 (i) annual work plan;

1661 (ii) long-range master plan for the capitol hill facilities and capitol hill grounds; and

1662 (iii) furnishings plan for placement and care of objects under the care of the board;

1663 (g) approve all changes to the buildings and their grounds, including:

1664 (i) restoration, remodeling, and rehabilitation projects;

1665 (ii) usual maintenance; and

1666 (iii) any transfers or loans of objects under the board's care;

1667 (h) define and identify all significant aspects of capitol hill facilities and capitol hill  
1668 grounds, after consultation with the Division of Facilities Construction and Management, State  
1669 Library Division, the Division of Archives and Records Service, the Division of State History,  
1670 the Office of Museum Services, and the Arts Council;

1671 (i) inventory, define, and identify all significant contents of the buildings and all  
1672 state-owned items of historical significance that were at one time in the buildings, after  
1673 consultation with the Division of Facilities Construction and Management, State Library  
1674 Division, the Division of Archives and Records Service, the Division of State History, the  
1675 Office of Museum Services, and the Arts Council;

1676 (j) maintain archives relating to the construction and development of the buildings, the  
1677 contents of the buildings and their grounds, including documents such as plans, specifications,  
1678 photographs, purchase orders, and other related documents, the original copies of which shall  
1679 be maintained by the Division of Archives and Records Service;

1680 (k) comply with federal and state laws related to program and facility accessibility; and

1681 (l) establish procedures for receiving, hearing, and deciding complaints or other issues  
1682 raised about the capitol hill facilities, capitol hill grounds, or their use.

1683 (2) Notwithstanding Subsection (1)(a), the supervision and control of the legislative  
1684 area is reserved to the Legislature.

1685 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill  
1686 facilities and capitol hill grounds by following the procedures and requirements of Title 63,  
1687 Chapter 46a, Utah Administrative Rulemaking Act.

1688 (b) A person who violates a rule adopted by the board under the authority of this  
1689 Subsection (3) is guilty of a class C misdemeanor.

1690 (c) The board may not apply this section or rules adopted under the authority of this  
1691 section in a manner that violates a person's rights under the Utah Constitution or the First  
1692 Amendment to the United States Constitution, including the right of persons to peaceably  
1693 assemble.

1694 (d) The board shall send proposed rules under this section to the legislative general  
1695 counsel and the governor's general counsel for review and comment before the board adopts the  
1696 rules.

1697 (4) The board is exempt from the requirements of Title 63, Chapter 56, Utah  
1698 Procurement Code, but shall adopt procurement rules substantially similar to the requirements  
1699 of that chapter.

1700 (5) (a) The board may:

1701 (i) establish subcommittees made up of board members to assist and support the

1702 executive director in accomplishing his duties;

1703 (ii) establish fees for the use of capitol hill facilities and grounds;

1704 (iii) assign and allocate specific duties and responsibilities to any other state agency, if  
1705 the other agency agrees to perform the duty or accept the responsibility;

1706 (iv) contract with another state agency to provide services;

1707 (v) delegate by specific motion of the board, any authority granted to it by this section  
1708 to the executive director; and

1709 (vi) in conjunction with Salt Lake City, expend monies to improve or maintain public  
1710 property contiguous to East Capitol Boulevard and capitol hill.

1711 (b) If a budget subcommittee is established by the board, the Legislative Fiscal Analyst,  
1712 or the analyst's designee, and the director of the Governor's Office of Planning and Budget, or  
1713 the director's designee, shall serve as ex officio, nonvoting members of the budget  
1714 subcommittee.

1715 (c) If the board establishes any subcommittees, the board may, by majority vote,  
1716 appoint up to two people who are not members of the board to serve, at the will of the board, as  
1717 nonvoting members of a subcommittee.

1718 (6) (a) The board, and the employees of the board, may not move the office of the  
1719 governor, lieutenant governor, president of the Senate, speaker of the House of  
1720 Representatives, or a member of the Legislature from the State Capitol Building unless the  
1721 removal is approved by:

1722 (i) the governor, in the case of the governor's office;

1723 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

1724 (iii) the president of the Senate, in the case of the president's office or the office of a  
1725 member of the Senate; or

1726 (iv) the speaker of the House of Representatives, in the case of the speaker's office or  
1727 the office of a member of the House.

1728 (b) The board and the employees of the board have no control over the furniture,  
1729 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the  
1730 members of the Legislature except as necessary to inventory or conserve items of historical  
1731 significance owned by the state.

1732 (c) The board and the employees of the board have no control over records and



1733 documents produced by or in the custody of a state agency, official, or employee having an  
1734 office in a building on capitol hill.

1735 (d) Except for items identified by the board as having historical significance, and  
1736 except as provided in Subsection (6)(b), the board and the employees of the board have no  
1737 control over moveable furnishings and equipment in the custody of a state agency, official, or  
1738 employee having an office in a building on capitol hill.

1739 Section 47. Section **63D-1-301** is amended to read:

1740 **63D-1-301. Chief information officer -- Appointment -- Salary.**

1741 (1) The governor shall:

1742 (a) appoint a chief information officer with the consent of the Senate; and

1743 (b) establish the chief information officer's salary within the salary range fixed by the  
1744 Legislature in Title 67, Chapter 22, State Officer Compensation.

1745 (2) The chief information officer shall serve at the pleasure of the governor and be  
1746 housed in the Governor's Office of Planning and Budget.

1747 (3) The chief information officer's authority as defined in Section 63D-1-301.5 applies  
1748 to all state agencies.

1749 Section 48. Section **67-19-12** is amended to read:

1750 **67-19-12. State pay plans -- Applicability of section -- Exemptions -- Duties of**  
1751 **director.**

1752 (1) (a) This section, and the rules adopted by the department to implement this section,  
1753 apply to each career and noncareer state employee not specifically exempted under Subsection  
1754 (2).

1755 (b) If not exempted under Subsection (2), a state employee is considered to be in  
1756 classified service.

1757 (2) The following state employees are exempt from this section:

1758 (a) members of the Legislature and legislative employees;

1759 (b) members of the judiciary and judicial employees;

1760 (c) elected members of the executive branch and their direct staff who meet career  
1761 service exempt criteria as defined in Subsection 67-19-15(1)(k);

1762 (d) certificated employees of the State Board of Education;

1763 (e) officers, faculty, and other employees of state institutions of higher education;

1764 (f) employees in any position that is determined by statute to be exempt from this  
1765 Subsection (2);

1766 (g) attorneys in the Office of the Attorney General;

1767 (h) department heads and other persons appointed by the governor pursuant to statute;

1768 (i) employees of the Department of Community and Economic Development whose  
1769 positions are designated as executive/professional positions by the executive director of the  
1770 Department of Community and Economic Development with the concurrence of the director;  
1771 and

1772 (j) employees of the Medical Education Council.

1773 (3) (a) The director shall prepare, maintain, and revise a position classification plan for  
1774 each employee position not exempted under Subsection (2) to provide equal pay for equal  
1775 work.

1776 (b) Classification of positions shall be based upon similarity of duties performed and  
1777 responsibilities assumed, so that the same job requirements and the same salary range may be  
1778 applied equitably to each position in the same class.

1779 (c) The director shall allocate or reallocate the position of each employee in classified  
1780 service to one of the classes in the classification plan.

1781 (d) (i) The department shall conduct periodic studies and desk audits to provide that the  
1782 classification plan remains reasonably current and reflects the duties and responsibilities  
1783 assigned to and performed by employees.

1784 (ii) The director shall determine the schedule for studies and desk audits after  
1785 considering factors such as changes in duties and responsibilities of positions or agency  
1786 reorganizations.

1787 (4) (a) With the approval of the governor, the director shall develop and adopt pay  
1788 plans for each position in classified service.

1789 (b) The director shall design each pay plan to achieve, to the degree that funds permit,  
1790 comparability of state salary ranges to salary ranges used by private enterprise and other public  
1791 employment for similar work.

1792 (c) The director shall adhere to the following in developing each pay plan:

1793 (i) Each pay plan shall consist of sufficient salary ranges to permit adequate salary  
1794 differential among the various classes of positions in the classification plan.

1795 (ii) The director shall assign each class of positions in the classification plan to a salary  
1796 range and shall set the width of the salary range to reflect the normal growth and productivity  
1797 potential of employees in that class. The width of the ranges need not be uniform for all  
1798 classes of positions in the plan, but each range shall contain merit steps in increments of 2.75%  
1799 salary increases.

1800 (iii) The director shall issue rules for the administration of pay plans. The rules may  
1801 provide for exceptional performance increases and for a program of incentive awards for  
1802 cost-saving suggestions and other commendable acts of employees. The director shall issue  
1803 rules providing for salary adjustments.

1804 (iv) Merit step increases shall be granted, if funds are available, to employees who  
1805 receive a rating of "successful" or higher in an annual evaluation of their productivity and  
1806 performance.

1807 (v) By October 15 of each year, the director shall submit market comparability  
1808 adjustments to the ~~[state budget officer]~~ director of the Governor's Office of Planning and  
1809 Budget for consideration to be included as part of the affected agency's base budgets.

1810 (vi) By October 31 of each year, the director shall recommend a compensation package  
1811 to the governor.

1812 (vii) Adjustments shall incorporate the results of a total compensation market survey of  
1813 salary ranges and benefits of a reasonable cross section of comparable benchmark positions in  
1814 private and public employment in the state. The survey may also study comparable unusual  
1815 positions requiring recruitment outside Utah in the surrounding western states. The director  
1816 may cooperate with other public and private employers in conducting the survey.

1817 (viii) The director shall establish criteria to assure the adequacy and accuracy of the  
1818 survey and shall use methods and techniques similar to and consistent with those used in  
1819 private sector surveys. Except as provided under Section 67-19-12.3, the survey shall include a  
1820 reasonable cross section of employers. The director may cooperate with or participate in any  
1821 survey conducted by other public and private employers.

1822 (ix) The establishing of a salary range is a nondelegable activity subject to Subsection  
1823 67-19-8(1) and is not appealable under the grievance procedures of Sections 67-19-30 through  
1824 67-19-32, Title 67, Chapter 19a, Grievance and Appeal Procedures, or otherwise.

1825 (x) The governor shall:

1826 (A) consider salary adjustments recommended under Subsection (4)(c)(vi) in preparing  
1827 the executive budget and shall recommend the method of distributing the adjustments;

1828 (B) submit compensation recommendations to the Legislature; and

1829 (C) support the recommendation with schedules indicating the cost to individual  
1830 departments and the source of funds.

1831 (xi) If funding is approved by the Legislature in a general appropriations act, the  
1832 adjustments take effect on the July 1 following the enactment.

1833 (5) (a) The director shall regularly evaluate the total compensation program of state  
1834 employees in the classified service.

1835 (b) The department shall determine if employee benefits are comparable to those  
1836 offered by other private and public employers using information from:

1837 (i) the most recent edition of the Employee Benefits Survey Data conducted by the U.S.  
1838 Chamber of Commerce Research Center; or

1839 (ii) the most recent edition of a nationally recognized benefits survey.

1840 (6) (a) The director shall submit proposals for a state employee compensation plan to  
1841 the governor by October 31 of each year, setting forth findings and recommendations affecting  
1842 state employee compensation.

1843 (b) The governor shall consider the director's proposals in preparing budget  
1844 recommendations for the Legislature.

1845 (c) The governor's budget proposals to the Legislature shall include a specific  
1846 recommendation on state employee compensation.

1847 Section 49. Section **67-22-2** is amended to read:

1848 **67-22-2. Compensation -- Other state officers.**

1849 (1) The governor shall establish salaries for the following state officers within the  
1850 following salary ranges fixed by the Legislature:

1851	State Officer	Salary Range
1852	Commissioner of Agriculture and Food	\$64,600 - \$87,500
1853	Commissioner of Insurance	\$64,600 - \$87,500
1854	Commissioner of the Labor Commission	\$64,600 - \$87,500
1855	Director, Alcoholic Beverage Control	
1856	Commission	\$64,600 - \$87,500

1857	Commissioner, Department of	
1858	Financial Institutions	\$64,600 - \$87,500
1859	Members, Board of Pardons and Parole	\$64,600 - \$87,500
1860	Executive Director, Department	
1861	of Commerce	\$64,600 - \$87,500
1862	Executive Director, Commission on	
1863	Criminal and Juvenile Justice	\$64,600 - \$87,500
1864	Adjutant General	\$64,600 - \$87,500
1865	Chair, Tax Commission	\$69,900 - \$94,300
1866	Commissioners, Tax Commission	\$69,900 - \$94,300
1867	Executive Director, Department of	
1868	Community and Economic	
1869	Development	\$69,900 - \$94,300
1870	Executive Director, Tax Commission	\$69,900 - \$94,300
1871	Chair, Public Service Commission	\$69,900 - \$94,300
1872	Commissioner, Public Service Commission	\$69,900 - \$94,300
1873	Executive Director, Department	
1874	of Corrections	\$76,000 - \$102,600
1875	Commissioner, Department of Public Safety	\$76,000 - \$102,600
1876	Executive Director, Department of	
1877	Natural Resources	\$76,000 - \$102,600
1878	Director, <u>Governor's</u> Office of Planning	
1879	and Budget	\$76,000 - \$102,600
1880	Executive Director, Department of	
1881	Administrative Services	\$76,000 - \$102,600
1882	Executive Director, Department of	
1883	Human Resource Management	\$76,000 - \$102,600
1884	Executive Director, Department of	
1885	Environmental Quality	\$76,000 - \$102,600
1886	State Olympic Officer	\$82,800 - \$111,800
1887	Executive Director, Department of	

1888	Workforce Services	\$82,800 - \$111,800
1889	Executive Director, Department of	
1890	Health	\$82,800 - \$111,800
1891	Executive Director, Department	
1892	of Human Services	\$82,800 - \$111,800
1893	Executive Director, Department	
1894	of Transportation	\$82,800 - \$111,800
1895	Chief Information Officer	\$82,800 - \$111,800
1896	(2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as	
1897	follows:	
1898	(i) the option of participating in a state retirement system established by Title 49, Utah	
1899	State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered	
1900	by the State Retirement Office in accordance with the Internal Revenue Code and its	
1901	accompanying rules and regulations;	
1902	(ii) health insurance;	
1903	(iii) dental insurance;	
1904	(iv) basic life insurance;	
1905	(v) unemployment compensation;	
1906	(vi) workers' compensation;	
1907	(vii) required employer contribution to Social Security;	
1908	(viii) long-term disability income insurance;	
1909	(ix) the same additional state-paid life insurance available to other noncareer service	
1910	employees;	
1911	(x) the same severance pay available to other noncareer service employees;	
1912	(xi) the same sick leave, converted sick leave, educational allowances, and holidays	
1913	granted to Schedule B state employees, and the same annual leave granted to Schedule B state	
1914	employees with more than ten years of state service;	
1915	(xii) the option to convert accumulated sick leave to cash or insurance benefits as	
1916	provided by law or rule upon resignation or retirement according to the same criteria and	
1917	procedures applied to Schedule B state employees;	
1918	(xiii) the option to purchase additional life insurance at group insurance rates according	

1919 to the same criteria and procedures applied to Schedule B state employees; and  
1920 (xiv) professional memberships if being a member of the professional organization is a  
1921 requirement of the position.

1922 (b) Each department shall pay the cost of additional state-paid life insurance for its  
1923 executive director from its existing budget.

1924 (3) The Legislature fixes the following additional benefits:

1925 (a) for the executive director of the State Tax Commission a vehicle for official and  
1926 personal use;

1927 (b) for the executive director of the Department of Transportation a vehicle for official  
1928 and personal use;

1929 (c) for the executive director of the Department of Natural Resources a vehicle for  
1930 commute and official use;

1931 (d) for the Commissioner of Public Safety:

1932 (i) an accidental death insurance policy if POST certified; and  
1933 (ii) a public safety vehicle for official and personal use;

1934 (e) for the executive director of the Department of Corrections:

1935 (i) an accidental death insurance policy if POST certified; and  
1936 (ii) a public safety vehicle for official and personal use;

1937 (f) for the Adjutant General a vehicle for official and personal use; and  
1938 (g) for each member of the Board of Pardons and Parole a vehicle for commute and  
1939 official use.

1940 (4) (a) The governor has the discretion to establish a specific salary for each office  
1941 listed in Subsection (1), and, within that discretion, may provide salary increases within the  
1942 range fixed by the Legislature.

1943 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
1944 exempt positions.

1945 (c) The governor may develop standards and criteria for reviewing the performance of  
1946 the state officers listed in Subsection (1).

1947 (5) Salaries for other Schedule A employees, as defined in Section 67-19-15, which are  
1948 not provided for in this chapter, or in Title 67, Chapter 8, Utah Executive and Judicial Salary  
1949 Act, shall be established as provided in Section 67-19-15.

- 1950           Section 50. **Repealer.**
- 1951           This act repeals:
- 1952           Section **63-28-1, Establishment of office -- Functions.**
- 1953           Section **63-28-2, Duty to counsel with representatives of other agencies.**
- 1954           Section **63-28-3, Appointment by governor.**
- 1955           Section **63-28-4, Powers and duties of coordinator.**
- 1956           Section **63-28a-1, Purpose.**
- 1957           Section **63-28a-2, Creation.**
- 1958           Section **63-28a-3, Membership -- Terms -- Chair -- Expenses.**
- 1959           Section **63-28a-4, Administration -- Implementation -- Notification of local**
- 1960 **government representatives.**
- 1961           Section **63-28a-5, Functions and duties.**
- 1962           Section **63-28a-6, Powers of state agencies and local governments not limited.**
- 1963           Section **63-38-1.1, State Budget Office -- Creation -- Duties and responsibilities.**
- 1964           Section **63-38-1.2, State budget officer -- Appointment -- Responsibilities --**
- 1965 **Compensation.**
- 1966           Section **63-38-1.3, State budget officer's duty to provide staff support and advise**
- 1967 **governor with regard to work programs.**
- 1968           Section **63-38-1.4, Governor's authority to combine functions of State Budget**
- 1969 **Office and Office of State Planning Coordinator.**

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**Legislative Review Note**  
**as of 11-20-02 5:10 PM**

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

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-12-02 2:04 PM**

The Government Operations Interim Committee recommended this bill.



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**Fiscal Note**  
**Bill Number SB0014**

**Governor's Office of Planning and Budget Recodification and  
Revisions**

*15-Jan-03*  
*2:15 PM*

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**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**