

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

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Allen

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

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

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

Special Session

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

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

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

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

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

63-38-15, as enacted by Chapter 10, Laws of Utah 1983

63-38c-102, as renumbered and amended by Chapter 275, Laws of Utah 1996

- 63-38c-103**, as last amended by Chapter 332, Laws of Utah 2000
- 63-38c-202**, as last amended by Chapter 318, Laws of Utah 2000
- 63-40-2**, as last amended by Chapter 156, Laws of Utah 1996
- 63-55-263**, as last amended by Chapter 49, Laws of Utah 2002
- 63A-5-101**, as last amended by Chapter 243, Laws of Utah 1996
- 63A-6-105**, as last amended by Chapter 202, Laws of Utah 2002
- 63A-10-103**, as last amended by Chapter 176, Laws of Utah 2002
- 63B-2-301**, as last amended by Chapter 12, Laws of Utah 1994
- 63B-3-301**, as last amended by Chapter 36, Laws of Utah 1996
- 63B-4-201**, as last amended by Chapters 159 and 335, Laws of Utah 1996
- 63B-4-301**, as enacted by Chapter 350, Laws of Utah 1995
- 63C-9-301**, as last amended by Chapter 76, Laws of Utah 2001
- 63D-1-301**, as last amended by Chapter 176, Laws of Utah 2002
- 67-19-12**, as last amended by Chapters 10, 202, and 213, Laws of Utah 1997
- 67-22-2**, as last amended by Chapter 250, Laws of Utah 2002

ENACTS:

- 63-38d-101**, Utah Code Annotated 1953
- 63-38d-102**, Utah Code Annotated 1953
- 63-38d-201**, Utah Code Annotated 1953
- 63-38d-202**, Utah Code Annotated 1953
- 63-38d-301**, Utah Code Annotated 1953
- 63-38d-401**, Utah Code Annotated 1953
- 63-38d-501**, Utah Code Annotated 1953
- 63-38d-502**, Utah Code Annotated 1953
- 63-38d-503**, Utah Code Annotated 1953
- 63-38d-504**, Utah Code Annotated 1953
- 63-38d-505**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

63-34-15, (Renumbered from 63-28-6, as last amended by Chapter 198, Laws of Utah 1969)

63-34-16, (Renumbered from 63-28-7, as last amended by Chapter 198, Laws of Utah 1969)

63-34-17, (Renumbered from 63-28-8, as last amended by Chapter 198, Laws of Utah 1969)

63-34-18, (Renumbered from 63-28-9, as last amended by Chapter 198, Laws of Utah 1969)

63-34-19, (Renumbered from 63-28-10, as last amended by Chapter 198, Laws of Utah 1969)

REPEALS:

63-28-1, as enacted by Chapter 157, Laws of Utah 1963

63-28-2, as last amended by Chapter 375, Laws of Utah 1997

63-28-3, as enacted by Chapter 157, Laws of Utah 1963

63-28-4, as last amended by Chapter 85, Laws of Utah 1985

63-28a-1, as last amended by Chapter 95, Laws of Utah 1985

63-28a-2, as last amended by Chapter 6, Laws of Utah 1994

63-28a-3, as last amended by Chapter 14, Laws of Utah 2002

63-28a-4, as last amended by Chapter 95, Laws of Utah 1985

63-28a-5, as repealed and reenacted by Chapter 6, Laws of Utah 1994

63-28a-6, as enacted by Chapter 187, Laws of Utah 1981

63-38-1.1, as enacted by Chapter 227, Laws of Utah 1979

63-38-1.2, as last amended by Chapter 114, Laws of Utah 1991

63-38-1.3, as enacted by Chapter 227, Laws of Utah 1979

63-38-1.4, as enacted by Chapter 227, Laws of Utah 1979

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

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

9-2-503. Creation.

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

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

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

- (1) The adviser shall be appointed by the governor.
- (2) The adviser shall be experienced or knowledgeable in the application of science and technology to business, industry, or public problems and shall have demonstrated his interest in or ability to contribute to the accomplishment of the purposes of this part.
- (3) The adviser shall be compensated pursuant to the wage and salary classification plan for appointed officers of the state of Utah currently in effect.
- (4) The adviser shall have those duties and powers the council assigns. The adviser, subject to the supervision of the council, may enter into contracts and agreements and may incur expenses necessary to fulfill the purposes of this part.
- (5) The council adviser shall be administratively responsible to the [~~the state planning coordinator~~] director of the Division of Business and Economic Development.

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

9-2-1703.5. Appropriations to the fund.

- (1) The Legislature shall appropriate \$200,000 to the fund each fiscal year for which the State Tax Commission finds that the industry growth for the prior fiscal year equals or exceeds 4%, except that the growth factor requirement does not apply to the \$2,000,000 appropriation to the fund under Item 120 of S.B. 1, Appropriations Act, made for the fiscal year beginning July 1, 2002 only.
- (2) To determine the prior fiscal year industry growth the State Tax Commission shall:
 - (a) calculate the tourism-oriented sales and use taxes for the fiscal year two years preceding the fiscal year of appropriation;
 - (b) calculate the tourism-oriented sales and use taxes for the fiscal year three years preceding the fiscal year of the appropriation; and

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

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

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

11-33-7. Executive director.

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

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

11-38-102. Definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

(ii) used for:

(A) wildlife habitat;

(B) cultural or recreational use;

(C) watershed protection; or

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

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

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

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

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

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

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

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

carrying out the mission of the department.

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

17-27-303. Plan adoption.

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

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

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

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

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

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

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

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

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

(ii) Direct notice of the hearing shall be given, in writing, to the governor, members of the state Legislature, executive director of the Department of Environmental Quality, the state planning coordinator [~~under Section 63-28-1~~], the Resource Development Coordinating

Committee [~~pursuant to Section 63-28a-2~~], and any other citizens or entities who specifically request notice in writing.

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

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

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

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

(6) The legislative body may:

- (a) adopt the proposed general plan without amendment;
- (b) amend the proposed general plan and adopt or reject it as amended; or
- (c) reject the proposed general plan.

(7) (a) The general plan is an advisory guide for land use decisions, except for the provision required by Subsection 17-27-301(3), which the legislative body shall adopt.

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

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

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

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

- (a) a list of sites for the transplant of a particular species that is prepared and adopted in

accordance with Subsections (2) through (5);

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

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

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

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

(2) The division shall:

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

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

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

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

(ii) the Resource Development Coordinating Committee created in Section ~~[63-28a-2]~~ 63-38d-501.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) this chapter; and

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

(2) The department shall:

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

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

- (i) eligibility requirements consistent with Subsection 26-18-3(6);
- (ii) program benefits;
- (iii) the level of coverage for each program benefit;
- (iv) cost-sharing requirements for enrollees, which may not:
 - (A) exceed the guidelines set forth in 42 U.S.C. Sec. 1397ee; or
 - (B) impose deductible, copayment, or coinsurance requirements on an enrollee for well-child, well-baby, and immunizations; and
- (v) the administration of the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

(2) The board shall establish by rule a formula to separately allocate to local mental health authorities pediatric beds for persons who meet the requirements of Subsection

62A-15-610(2)(b). On July 1, 1996, 72 pediatric beds shall be allocated to local mental health authorities under this section. That number shall be reviewed and adjusted as necessary every three years according to the state's population of persons under 18 years of age. All population figures utilized shall reflect the most recent available population estimates from the ~~[governor's]~~ Governor's Office of Planning and Budget.

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

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

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

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

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

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

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

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

(3) The Disaster Emergency Advisory Council comprises the:

(a) lieutenant governor;

(b) attorney general;

- (c) president of the Senate;
 - (d) speaker of the House of Representatives;
 - (e) heads of the following state agencies:
 - (i) Public Safety;
 - (ii) Division of Emergency Services and Homeland Security;
 - (iii) Building Board; and
 - (iv) Governor's Office of Planning and Budget;
 - (f) executive directors of the following departments:
 - (i) Transportation;
 - (ii) Human Services;
 - (iii) Health;
 - (iv) Environmental Quality;
 - (v) Community and Economic Development; and
 - (vi) Natural Resources;
 - (g) representative of the National Guard appointed by the governor with the consent of the Senate;
 - (h) commissioner of agriculture and food;
 - (i) state planning coordinator; and
 - (j) representatives from two statewide, nongovernmental service organizations appointed by the governor with the consent of the Senate.
- (4) The commissioner of Public Safety shall serve as the chair of the council.
- (5) (a) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (ii) State government officer and employee members may decline to receive per diem and expenses for their service.
 - (b) Legislators on the committee shall receive compensation and expenses as provided by

law and legislative rule.

Section 13. Section **63-34-15**, which is renumbered from Section 63-28-6 is renumbered and amended to read:

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

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

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

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

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

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

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

The executive director of natural resources may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. He may, in cooperation with other state agencies, enter into contracts and

agreements with the United States or any appropriate agency thereof with the approval of the governor, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. In connection with obtaining the benefits of any such program, the executive director of natural resources shall coordinate the department's activities with and represent the interests of all agencies and subdivisions of the state having interests in the planning, development, and maintenance of outdoor recreation resources and facilities.

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

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

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

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

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

The executive director of natural resources shall make no commitment or enter into any agreement pursuant to an exercise of authority under this act and neither shall the governor approve the same until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this act, such areas and facilities shall be publicly maintained for outdoor recreation purposes. The executive director of natural resources may enter into and administer agreements with the United States or any appropriate agency thereof with the approval of the governor for planning, acquisition, and

development projects involving participating federal-aid funds on behalf of any political subdivision or subdivisions of this state, if such political subdivision or subdivisions give necessary assurance to the executive director of natural resources that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such political subdivision or subdivisions for public outdoor recreation use.

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

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

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

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

(b) Each schedule:

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

(ii) does not itself appropriate any money; and

(iii) is not itself an item of appropriation.

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

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

(e) (i) If any department, agency, or institution for which money is appropriated requests

the transfer of moneys appropriated to it from one purpose or function to another purpose or function within an item of appropriation, the [~~state budget officer~~] director of the Governor's Office of Planning and Budget shall require a new work program to be submitted for the fiscal year involved setting forth the purpose and necessity for such transfer.

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

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

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

(3) This section does not apply to the Investigation Account of the Water Resources Construction Fund. The investigation account shall continue to be governed by Section 73-10-8. Section 19. Section **63-38-3.2** is amended to read:

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

(1) As used in this section:

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

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

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

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

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

(2) Each fee agency shall:

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

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

(ii) established according to a cost formula determined by the director of the Governor's

Office of Planning and Budget and the director of the Division of Finance in conjunction with the agency seeking to establish the regulatory fee;

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

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

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

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

(3) A fee agency may not:

(a) set regulatory fees by rule; or

(b) charge or collect any regulatory fee without approval by the Legislature unless the fee agency has complied with the procedures and requirements of Subsection (5).

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

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

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

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

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

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

(c) Unless the fee schedule is approved by the Legislature, the fee agency may not collect a regulatory fee set according to this subsection after the adjournment of the annual general

session following the session that established the new program.

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

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

- (i) the title or purpose of the regulatory fee;
- (ii) the present amount of the regulatory fee;
- (iii) the proposed new amount of the regulatory fee;
- (iv) the percent that the regulatory fee will have increased if the Legislature approves the higher fee; and
- (v) the reason for the increase in the regulatory fee.

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

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

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

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

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

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

(b) The Division of Finance shall:

- (i) account for revenues in accordance with generally accepted accounting principles; and
- (ii) use the major revenue types in internal accounting.

(c) Each agency shall:

- (i) use the major revenue types enumerated in this section to account for revenues;
- (ii) deposit revenues and other public funds received by them by following the

procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

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

(2) The major revenue types are:

(a) free revenue;

(b) restricted revenue;

(c) dedicated credits; and

(d) fixed collections.

(3) (a) Free revenue includes:

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

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

(iii) collections that are not externally restricted; and

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

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

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

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

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

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

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

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

(e) Any restricted revenue funds appropriated by the Legislature to an agency that remain

unexpended at the end of the fiscal year lapse to the restricted fund unless the Legislature provides by law that those funds, or the program or line item financed by those funds, are nonlapsing.

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

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

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

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

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

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

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

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

(ii) The Division of Finance shall determine the appropriate fund into which the

dedicated credits lapse.

(6) (a) Fixed collections are collections:

- (i) fixed by law or by the appropriation act at a specific amount; and
- (ii) required by law to be deposited into a separate line item and program.

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

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

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

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

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

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

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

The Legislative Management Committee, upon recommendation of an appropriations subcommittee of the Legislature, may request of the governor for any designated fiscal year, an in-depth budget review of any state department, agency, institution or program. When responding to a request for an in-depth budget review, the governor shall submit for the department, agency, institution or program for the fiscal year indicated a budget prepared in accordance with Section

63-38-15 and using the format and procedures developed by the [~~state budget officer~~] director of the Governor's Office of Planning and Budget in cooperation with the legislative fiscal analyst. This format shall be constructed to assist the analyst and the Legislature in reviewing the justification for selected departments, agencies, and institutions or any of their programs and activities.

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

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

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

- (1) a statement of agency and program objectives, effectiveness measures, and program size indicators;
- (2) alternative funding levels for each program with effectiveness measures and program size indicators detailed for each alternative funding level. Alternative funding levels shall be determined as percentages of the appropriations level authorized by the Legislature for the current fiscal year. The percentages shall be determined for each in-depth budget review by the [~~state budget officer~~] director of the Governor's Office of Planning and Budget in consultation with the legislative fiscal analyst;
- (3) a priority ranking of all programs and activities in successively increasing levels of performance and funding;
- (4) other budgetary information requested by the legislative fiscal analyst; and
- (5) a statement containing further recommendations of the governor as appropriate.

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

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

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

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

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

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

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

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

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

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

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

63-38c-103. Definitions.

As used in this chapter:

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

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

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

(d) "Appropriations" does not mean:

(i) debt service expenditures;

(ii) emergency expenditures;

(iii) expenditures from all other fund or subfund sources presented in the executive budgets;

(iv) transfers into, or appropriations made to, the Budgetary Reserve Account established in Section 63-38-2.5;

(v) monies appropriated to fund the total one-time project costs for the construction of capital developments as defined in Section 63A-5-104; or

(vi) appropriations made to the Centennial Highway Fund from sources other than the unrestricted General Fund and Transportation Fund revenues created by Section 72-2-118.

(2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt monies, less \$55 million appropriated for flooding and less \$14.2 million appropriated for capital projects in Section 3 of Chapter 265, Laws of Utah 1985 General Session, by:

(a) the state's July 1, 1983 population; and

(b) the fiscal year 1983 inflation index divided by 100.

(3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.

(4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Chapter 4, Laws of Utah 1988, Fourth Special Session.

(5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.

(6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from general, uniform school, and transportation fund sources, less debt monies, less \$55 million appropriated for flooding, and less \$14.2 million appropriated for capital projects in Section 3, Chapter 265, Laws of Utah 1985.

(7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63-38c-202.

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

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

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

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

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

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

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

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

(15) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an

"indebtedness" within the meaning of any provision of the constitution or laws of this state.

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

63-38c-202. Computing formula elements.

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

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

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

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

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

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

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

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

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

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

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

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

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

Part 1. General Provisions

63-38d-101. Title.

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

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

63-38d-102. Definitions.

As used in this chapter:

(1) "Committee" means the Resource Development Coordinating Committee created by this chapter.

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

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

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

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

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

Part 2. Governor's Office of Planning and Budget

63-38d-201. Creation.

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

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

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

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

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

(ii) a state planning coordinator.

(b) The state planning coordinator is considered part of the office for purposes of

administration.

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

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

Part 3. Budget Duties

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

(1) The director and the office shall:

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

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

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

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

(2) (a) The director of the Governor's Office of Planning and Budget or the director's designee is the Federal Assistance Management Officer.

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

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

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

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

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

Part 4. Planning

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

(1) The state planning coordinator shall:

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

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

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

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

(e) when conflicts occur between the plans and proposals of state agencies, prepare specific recommendations for the resolution of the conflicts and submit the recommendations to the governor for a decision resolving the conflict;

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

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

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

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

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

(2) The state planning coordinator may:

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

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

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

(b) The state planning coordinator shall:

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

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

(4) Nothing contained in this section may be construed to restrict the planning powers conferred upon state departments, agencies, or instrumentalities of the state or political subdivisions by any other existing law.

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

Part 5. Resource Development Coordinating Committee

63-38d-501. Creation.

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

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

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

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

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

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

(a) the state science advisor;

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

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

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

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

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

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

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

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

(j) a representative from the Division of Air Quality appointed by the director;

(k) a representative from the Division of Drinking Water appointed by the director;

(l) a representative from the Division of Environmental Response and Remediation appointed by the director;

(m) a representative from the Division of Radiation appointed by the director;

(n) a representative from the Division of Solid and Hazardous Waste appointed by the director;

(o) a representative from the Division of Water Quality appointed by the director;

(p) a representative from the Division of Oil, Gas, and Mining appointed by the director;

(q) a representative from the Division of Parks and Recreation appointed by the director;

(r) a representative from the Division of Forestry, Fire and State Lands appointed by the director;

(s) a representative from the Utah Geological Survey appointed by the director;

(t) a representative from the Division of Water Resources appointed by the director;

(u) a representative from the Division of Water Rights appointed by the director;

(v) a representative from the Division of Wildlife Resources appointed by the director;

(w) a representative from the School and Institutional Trust Lands Administration appointed by the director;

(x) a representative from the Division of Facilities Construction and Management appointed by the director; and

(y) a representative from the Division of Emergency Services and Homeland Security appointed by the director.

(2) (a) As particular issues require, the committee may, by majority vote of the members present, and with the concurrence of the state planning coordinator, appoint additional temporary members to serve as ex officio voting members.

(b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.

(3) A chair shall be selected by a majority vote of committee members with the concurrence of the state planning coordinator.

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

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

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

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

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

63-38d-503. Planning coordinator responsibilities.

The state planning coordinator shall:

(1) administer this part;

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

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

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

63-38d-504. Duties.

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

(a) in the review of:

(i) proposed state actions affecting physical resources;

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

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

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

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

(a) the governor;

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

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

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

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

This part does not limit powers conferred upon state departments, agencies, or

instrumentalities of the state or political subdivisions by existing law.

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

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

(1) ~~The [state planning coordinator shall be]~~ director of the Governor's Office of Planning and Budget or the director's designee is the Federal Assistance Management Officer.
[The]

(2) ~~As Federal Assistance Management Officer [has the following duties, responsibilities, and authority:],~~ the director shall perform the duties outlined in Section 63-38d-301.

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

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

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

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

~~[(5) to report to the Office of Legislative Fiscal Analyst and the Executive Appropriations Committee regarding the status and condition of federal assistance programs in the state. This report shall be made through the Office of Legislative Fiscal Analyst at least annually, 60 days prior to the annual general session.]]~~

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

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

(1) (a) Title 63, Chapter 25a, Part 1, Commission on Criminal and Juvenile Justice, is

repealed July 1, 2012.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The [~~state budget~~] director of the Governor's Office of Planning and Budget or the director's designee [~~shall be~~] is a nonvoting member of the board.

(4) Each member shall hold office until a successor is appointed and qualified, but no

member shall serve more than two consecutive terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Where practical, efficient, and economically beneficial, the director shall use existing private and public data processing or telecommunication resources.

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

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

(b) That analysis shall:

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

(ii) where appropriate, make alternative recommendations.

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

(i) the executive director;

(ii) the director of the Division of Finance;

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

(iv) the chief information officer;

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

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

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

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

(ii) the representatives to four-year terms of office, except that initially one of the

appointments shall be for a two-year term in order to stagger the appointments.

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

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

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

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

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

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

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

(2) Beginning July 1, 1997:

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

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

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

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

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

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

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

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

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

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

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

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

It is the intent of the Legislature that:

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

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

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

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

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

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

(b) additional monies necessary to:

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

(ii) pay interest on the bonds that accrues during construction and acquisition of the project and for up to one year after construction is completed; and

(iii) fund any reserve requirements for the bonds.

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

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

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

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

(10) Weber State University may use fees and auxiliary revenue to plan, design, and construct a remodel and expansion of the Shepherd Student Union Building under the

supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5-206.

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

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

(a) make lease or other payments;

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

(c) plan, design, and construct a 200 person residence hall under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by him as authorized by Section 63A-5-206.

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

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

(15) If the Legislature authorizes the Division of Facilities Construction and Management to enter into a lease purchase agreement for the Department of Human Services facility at 1385 South State Street in Salt Lake City or for the State Board of Education facility and adjacent space in Salt Lake City, or for both of those facilities, the State Building Ownership Authority, at the reasonable rates and amounts it may determine, and with technical assistance from the state treasurer, the director of the Division of Finance, and the director of the Governor's

Office of Planning and Budget, may seek out the most cost effective lease purchase plans available to the state and may, pursuant to Title 63, Chapter 9a, State Building Ownership Act, certificate out interests in, or obligations of the authority pertaining to:

- (a) the lease purchase obligation; or
- (b) lease rental payments under the lease purchase obligation.

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

(17) For the Tax Commission building, that:

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

(b) The maximum amount of cost that may be reimbursed from the 1993 general obligation bond proceeds for the Tax Commission building and furnishings may not exceed \$14,230,000.

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

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

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

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

- (a) the lease purchase obligation; or
- (b) lease rental payments under the lease purchase obligation.

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

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

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

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

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

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

(5) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Title 63, Chapter 9a, State Building Ownership Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$8,300,000 for the acquisition of the office buildings currently occupied by the Department of Environmental Quality and approximately 19 acres of

additional vacant land at the Airport East Business Park in Salt Lake City, together with additional amounts necessary to:

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

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

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

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

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

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

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

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

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

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

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

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

(9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex in Salt Lake City, becomes law, it is the intent of the Legislature that:

(a) the Legislative Management Committee, the Interim Appropriation Subcommittees for General Government and Capital Facilities and Executive Offices, Courts, and Corrections, the Office of the Legislative Fiscal Analyst, the Governor's Office of Planning and Budget, and the State Building Board participate in a review of the proposed facility design for the Courts

Complex no later than December 1994; and

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

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

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

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

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

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

(ii) the Division of Youth Corrections shall:

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

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

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

(f) the Division of Facilities Construction and Management issue a Request for Proposal for one of the facilities, with that facility designed and constructed entirely by the winning firm;

(g) the other facility be designed and constructed under the existing Division of Facilities

Construction and Management process;

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

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

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

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

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

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

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

(b) the master plan:

(i) establish priorities for development;

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

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

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

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

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

(b) donated and other nonappropriated funds to plan, design, and construct the Biology Research Building under the supervision of the director of the Division of Facilities Construction

and Management unless supervisory authority is delegated by the director.

(14) It is the intent of the Legislature to authorize Utah State University to use:

(a) federal and other funds to plan, design, and construct the Bee Lab under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) donated and other nonappropriated funds to plan, design, and construct an Athletic Facility addition and renovation under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(c) donated and other nonappropriated funds to plan, design, and construct a renovation to the Nutrition and Food Science Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(d) federal and private funds to plan, design, and construct the Millville Research Facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

(a) institutional funds to plan, design, and construct a remodel to the Auto Trades Office and Learning Center under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) institutional funds to plan, design, and construct the relocation and expansion of a temporary maintenance compound under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(c) institutional funds to plan, design, and construct the Alder Amphitheater under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(16) It is the intent of the Legislature to authorize Southern Utah University to use:

(a) federal funds to plan, design, and construct a Community Services Building under the

supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

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

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

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

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

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

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

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

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

(b) these standards are to be developed with and approved by the State Office of

Education, the Board of Regents, and the Utah State Building Board;

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

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

(ii) requests for any new space or remodeling;

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

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

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

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

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

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

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

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

(b) The university shall work with Salt Lake City and the surrounding neighborhood to

ensure site compatibility for future recreational development by the city.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the Dee Events Center offices under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

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

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

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

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

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

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

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

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

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

Legislature.

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

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

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

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

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

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

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

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

- (i) projections of student enrollment and programmatic needs for the next ten years;
- (ii) review and make recommendations for better use of existing space, current

technologies, public/private partnerships, and other alternatives as a means to reduce the need for new facilities and still accommodate the projected student needs; and

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

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

(12) (a) It is the intent of the Legislature that the State Building Ownership Authority, under authority of Title 63, Chapter 9a, State Building Ownership Act, issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$7,400,000 for the acquisition and improvement of the Human Services Building located at 120 North 200 West, Salt Lake City, Utah, with associated parking for the Department of Human Services together with additional amounts necessary to:

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

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

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

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

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

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

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

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

(i) College of Eastern Utah - Student Center;

(ii) Snow College - Noyes Building;

(iii) University of Utah - Gardner Hall;

(iv) Utah State University - Widtsoe Hall; or

(v) Southern Utah University - Physical Education Building; and

(b) the higher education institutions that receive approval from the Board of Regents to design projects under this chapter design those projects under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

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

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

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

(16) It is the intent of the Legislature that the Division of Facilities Construction and Management use up to \$250,000 of the capital improvement monies to fund the site

improvements required at the San Juan campus of the College of Eastern Utah.

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

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

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

- (a) pay costs of issuance;
- (b) pay capitalized interest; and
- (c) fund any debt service reserve requirements.

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

(b) The state treasurer, the director of the Division of Finance, and the director of the Governor's Office of Planning and Budget shall provide technical assistance to accomplish the purpose specified in Subsection (2)(a).

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

63C-9-301. Board powers.

(1) The board shall:

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

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

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

(d) before October 1 of each year, review and approve the executive director's annual

budget request for submittal to the governor and Legislature;

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

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

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

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

(i) annual work plan;

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

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

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

(i) restoration, remodeling, and rehabilitation projects;

(ii) usual maintenance; and

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

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

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

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

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

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

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

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

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

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

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

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

(5) (a) The board may:

(i) establish subcommittees made up of board members to assist and support the executive director in accomplishing his duties;

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

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

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

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

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

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

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

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

- (i) the governor, in the case of the governor's office;
- (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- (iii) the president of the Senate, in the case of the president's office or the office of a member of the Senate; or
- (iv) the speaker of the House of Representatives, in the case of the speaker's office or the office of a member of the House.

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

(c) The board and the employees of the board have no control over records and documents produced by or in the custody of a state agency, official, or employee having an office in a building on capitol hill.

(d) Except for items identified by the board as having historical significance, and except as provided in Subsection (6)(b), the board and the employees of the board have no control over moveable furnishings and equipment in the custody of a state agency, official, or employee

having an office in a building on capitol hill.

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

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

(1) The governor shall:

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

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

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

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

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

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

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

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

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

(a) members of the Legislature and legislative employees;

(b) members of the judiciary and judicial employees;

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

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

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

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

- (g) attorneys in the Office of the Attorney General;
- (h) department heads and other persons appointed by the governor pursuant to statute;
- (i) employees of the Department of Community and Economic Development whose positions are designated as executive/professional positions by the executive director of the Department of Community and Economic Development with the concurrence of the director; and
- (j) employees of the Medical Education Council.

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

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

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

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

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

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

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

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

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

(ii) The director shall assign each class of positions in the classification plan to a salary

range and shall set the width of the salary range to reflect the normal growth and productivity potential of employees in that class. The width of the ranges need not be uniform for all classes of positions in the plan, but each range shall contain merit steps in increments of 2.75% salary increases.

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

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

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

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

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

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

(ix) The establishing of a salary range is a nondelegable activity subject to Subsection 67-19-8(1) and is not appealable under the grievance procedures of Sections 67-19-30 through

67-19-32, Title 67, Chapter 19a, Grievance and Appeal Procedures, or otherwise.

(x) The governor shall:

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

(B) submit compensation recommendations to the Legislature; and

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

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

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

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

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

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

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

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

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

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

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

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

State Officer

Salary Range

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Commissioner of Agriculture and Food	\$64,600 - \$87,500
Commissioner of Insurance	\$64,600 - \$87,500
Commissioner of the Labor Commission	\$64,600 - \$87,500
Director, Alcoholic Beverage Control Commission	\$64,600 - \$87,500
Commissioner, Department of Financial Institutions	\$64,600 - \$87,500
Members, Board of Pardons and Parole	\$64,600 - \$87,500
Executive Director, Department of Commerce	\$64,600 - \$87,500
Executive Director, Commission on Criminal and Juvenile Justice	\$64,600 - \$87,500
Adjutant General	\$64,600 - \$87,500
Chair, Tax Commission	\$69,900 - \$94,300
Commissioners, Tax Commission	\$69,900 - \$94,300
Executive Director, Department of Community and Economic Development	\$69,900 - \$94,300
Executive Director, Tax Commission	\$69,900 - \$94,300
Chair, Public Service Commission	\$69,900 - \$94,300
Commissioner, Public Service Commission	\$69,900 - \$94,300
Executive Director, Department of Corrections	\$76,000 - \$102,600
Commissioner, Department of Public Safety	\$76,000 - \$102,600
Executive Director, Department of Natural Resources	\$76,000 - \$102,600
Director, <u>Governor's</u> Office of Planning and Budget	\$76,000 - \$102,600

Executive Director, Department of Administrative Services	\$76,000 - \$102,600
Executive Director, Department of Human Resource Management	\$76,000 - \$102,600
Executive Director, Department of Environmental Quality	\$76,000 - \$102,600
State Olympic Officer	\$82,800 - \$111,800
Executive Director, Department of Workforce Services	\$82,800 - \$111,800
Executive Director, Department of Health	\$82,800 - \$111,800
Executive Director, Department of Human Services	\$82,800 - \$111,800
Executive Director, Department of Transportation	\$82,800 - \$111,800
Chief Information Officer	\$82,800 - \$111,800

(2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as follows:

(i) the option of participating in a state retirement system established by Title 49, Utah State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered by the State Retirement Office in accordance with the Internal Revenue Code and its accompanying rules and regulations;

(ii) health insurance;

(iii) dental insurance;

(iv) basic life insurance;

(v) unemployment compensation;

(vi) workers' compensation;

(vii) required employer contribution to Social Security;

- (viii) long-term disability income insurance;
 - (ix) the same additional state-paid life insurance available to other noncareer service employees;
 - (x) the same severance pay available to other noncareer service employees;
 - (xi) the same sick leave, converted sick leave, educational allowances, and holidays granted to Schedule B state employees, and the same annual leave granted to Schedule B state employees with more than ten years of state service;
 - (xii) the option to convert accumulated sick leave to cash or insurance benefits as provided by law or rule upon resignation or retirement according to the same criteria and procedures applied to Schedule B state employees;
 - (xiii) the option to purchase additional life insurance at group insurance rates according to the same criteria and procedures applied to Schedule B state employees; and
 - (xiv) professional memberships if being a member of the professional organization is a requirement of the position.
- (b) Each department shall pay the cost of additional state-paid life insurance for its executive director from its existing budget.
- (3) The Legislature fixes the following additional benefits:
- (a) for the executive director of the State Tax Commission a vehicle for official and personal use;
 - (b) for the executive director of the Department of Transportation a vehicle for official and personal use;
 - (c) for the executive director of the Department of Natural Resources a vehicle for commute and official use;
 - (d) for the Commissioner of Public Safety:
 - (i) an accidental death insurance policy if POST certified; and
 - (ii) a public safety vehicle for official and personal use;
 - (e) for the executive director of the Department of Corrections:
 - (i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;
(f) for the Adjutant General a vehicle for official and personal use; and
(g) for each member of the Board of Pardons and Parole a vehicle for commute and official use.

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

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

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

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

Section 50. Repealer.

This act repeals:

Section 63-28-1, Establishment of office -- Functions.

Section 63-28-2, Duty to counsel with representatives of other agencies.

Section 63-28-3, Appointment by governor.

Section 63-28-4, Powers and duties of coordinator.

Section 63-28a-1, Purpose.

Section 63-28a-2, Creation.

Section 63-28a-3, Membership -- Terms -- Chair -- Expenses.

Section 63-28a-4, Administration -- Implementation -- Notification of local government representatives.

Section 63-28a-5, Functions and duties.

Section 63-28a-6, Powers of state agencies and local governments not limited.

Section 63-38-1.1, State Budget Office -- Creation -- Duties and responsibilities.

Section 63-38-1.2, State budget officer -- Appointment -- Responsibilities -- Compensation.

Section 63-38-1.3, State budget officer's duty to provide staff support and advise governor with regard to work programs.

Section 63-38-1.4, Governor's authority to combine functions of State Budget Office and Office of State Planning Coordinator.