

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

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Ron Allen**

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

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

10 AMENDS:

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

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

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

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

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

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

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

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

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

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

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

22 Special Session

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

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

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

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

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



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

45 ENACTS:

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

57 RENUMBERS AND AMENDS:

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

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

68 REPEALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

126 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

148 (ii) used for:

149 (A) wildlife habitat;

150 (B) cultural or recreational use;

151 (C) watershed protection; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

220 (b) The legislative body may adopt an ordinance mandating compliance with the

221 general plan, and shall adopt an ordinance requiring compliance with all provisions of

222 Subsection 17-27-301(3).

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

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

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

226 accordance with:

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

228 accordance with Subsections (2) through (5);

229 (b) a species management plan, such as a deer or elk management plan adopted under

230 Section 23-16-7 or a recovery plan for a threatened or endangered species, provided that:

231 (i) the plan identifies sites for the transplant of the species or the lands or waters the

232 species are expected to occupy; and

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

234 plan; or

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

236 transplants.

237 (2) The division shall:

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

239 of a species;

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

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

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

243 transplant; and

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

245 63-38d-501.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

281 (a) this chapter; and

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

283 (2) The department shall:

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

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

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

290 (ii) program benefits;

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

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

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

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

296 (v) the administration of the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

334 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

368 (a) lieutenant governor;

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

400 renumbered and amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

472 (b) Each schedule:

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

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

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

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

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

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

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

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

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

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

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

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

499 (1) As used in this section:

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

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

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

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

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

508 (2) Each fee agency shall:

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

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

511 (ii) established according to a cost formula determined by the director of the
512 Governor's Office of Planning and Budget and the director of the Division of Finance in

513 conjunction with the agency seeking to establish the regulatory fee;

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

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

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

519 and

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

521 (3) A fee agency may not:

522 (a) set regulatory fees by rule; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

563 (b) The Division of Finance shall:

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

565 and

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

567 (c) Each agency shall:

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

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

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

572 (2) The major revenue types are:

573 (a) free revenue;

574 (b) restricted revenue;

575 (c) dedicated credits; and

576 (d) fixed collections.

577 (3) (a) Free revenue includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

617 recommendations to the governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

648 **budget submitted.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

702 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

796 **Part 1. General Provisions**

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

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

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

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

801 As used in this chapter:

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

803 by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

821 (ii) a state planning coordinator.

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

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

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

827 **Part 3. Budget Duties**

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

829 (1) The director and the office shall:

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

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

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

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

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

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

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

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

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

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

850 **Part 4. Planning**

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

852 (1) The state planning coordinator shall:

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

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

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

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

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

865 to the governor for a decision resolving the conflict;

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

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

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

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

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

879 (2) The state planning coordinator may:

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

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

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

888 (b) The state planning coordinator shall:

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

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

894 (4) Nothing contained in this section may be construed to restrict the planning powers
895 conferred upon departments, agencies, or instrumentalities of state or local governments by any

896 other existing law.

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

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

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

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

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

904 and

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

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

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

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

911 (a) the state science advisor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

971 The state planning coordinator shall:

972 (1) administer this part;

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

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

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

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

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

979 (a) in the review of:

980 (i) proposed state actions affecting physical resources;

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

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

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

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

989 (a) the governor;

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

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

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

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

994 This part does not limit powers conferred upon departments, agencies, or
995 instrumentalities of state or local governments by existing law.

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

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

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

1000 [The]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1082 existing private and public data processing or telecommunication resources.

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

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

1089 (b) That analysis shall:

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

1093 (ii) where appropriate, make alternative recommendations.

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

1096 (i) the executive director;

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

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

1099 (iv) the chief information officer;

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

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

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

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

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

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

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

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

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

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

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

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

1122 (2) Beginning July 1, 1997:

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

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

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

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

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

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

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

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

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

1144 Fund.

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

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

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

1150 It is the intent of the Legislature that:

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

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

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

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

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

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

1172 (b) additional monies necessary to:

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

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

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

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

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

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

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

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

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

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

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

1202 (a) make lease or other payments;

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

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

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

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

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

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

1226 (a) the lease purchase obligation; or

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

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

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

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

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

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

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

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

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

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

1251 (a) the lease purchase obligation; or

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

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

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

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

1265 (i) pay costs of issuance;

1266 (ii) pay capitalized interest; and

1267 (iii) fund any debt service reserve requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1351 (ii) the Division of Youth Corrections shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

1379 (b) the master plan:

1380 (i) establish priorities for development;

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

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

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

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

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

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

1392 Research Building under the supervision of the director of the Division of Facilities
1393 Construction and Management unless supervisory authority is delegated by the director.

1394 (14) It is the intent of the Legislature to authorize Utah State University to use:

1395 (a) federal and other funds to plan, design, and construct the Bee Lab under the
1396 supervision of the director of the Division of Facilities Construction and Management unless
1397 supervisory authority is delegated by the director;

1398 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
1399 Facility addition and renovation under the supervision of the director of the Division of
1400 Facilities Construction and Management unless supervisory authority is delegated by the
1401 director;

1402 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
1403 to the Nutrition and Food Science Building under the supervision of the director of the
1404 Division of Facilities Construction and Management unless supervisory authority is delegated
1405 by the director; and

1406 (d) federal and private funds to plan, design, and construct the Millville Research
1407 Facility under the supervision of the director of the Division of Facilities Construction and
1408 Management unless supervisory authority is delegated by the director.

1409 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

1410 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
1411 Office and Learning Center under the supervision of the director of the Division of Facilities
1412 Construction and Management unless supervisory authority is delegated by the director;

1413 (b) institutional funds to plan, design, and construct the relocation and expansion of a
1414 temporary maintenance compound under the supervision of the director of the Division of
1415 Facilities Construction and Management unless supervisory authority is delegated by the
1416 director; and

1417 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
1418 supervision of the director of the Division of Facilities Construction and Management unless
1419 supervisory authority is delegated by the director.

1420 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

1421 (a) federal funds to plan, design, and construct a Community Services Building under
1422 the supervision of the director of the Division of Facilities Construction and Management

1423 unless supervisory authority is delegated by the director; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1633 (a) pay costs of issuance;

1634 (b) pay capitalized interest; and

1635 (c) fund any debt service reserve requirements.

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

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

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

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

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

1644 (1) The board shall:

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

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

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

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

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

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

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

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

1660 (i) annual work plan;

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

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

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

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

1665 (ii) usual maintenance; and

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

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

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

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

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

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

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

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

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

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

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

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

1700 (5) (a) The board may:

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

1702 executive director in accomplishing his duties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1741 (1) The governor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1772 (j) employees of the Medical Education Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1825 (x) The governor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1888	Workforce Services	\$82,800 - \$111,800
1889	Executive Director, Department of	
1890	Health	\$82,800 - \$111,800
1891	Executive Director, Department	
1892	of Human Services	\$82,800 - \$111,800
1893	Executive Director, Department	
1894	of Transportation	\$82,800 - \$111,800
1895	Chief Information Officer	\$82,800 - \$111,800

1896 (2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as
1897 follows:

1898 (i) the option of participating in a state retirement system established by Title 49, Utah
1899 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
1900 by the State Retirement Office in accordance with the Internal Revenue Code and its
1901 accompanying rules and regulations;

1902 (ii) health insurance;

1903 (iii) dental insurance;

1904 (iv) basic life insurance;

1905 (v) unemployment compensation;

1906 (vi) workers' compensation;

1907 (vii) required employer contribution to Social Security;

1908 (viii) long-term disability income insurance;

1909 (ix) the same additional state-paid life insurance available to other noncareer service
1910 employees;

1911 (x) the same severance pay available to other noncareer service employees;

1912 (xi) the same sick leave, converted sick leave, educational allowances, and holidays
1913 granted to Schedule B state employees, and the same annual leave granted to Schedule B state
1914 employees with more than ten years of state service;

1915 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
1916 provided by law or rule upon resignation or retirement according to the same criteria and
1917 procedures applied to Schedule B state employees;

1918 (xiii) the option to purchase additional life insurance at group insurance rates according

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

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

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

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

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

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

1931 (d) for the Commissioner of Public Safety:

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

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

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

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

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

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

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

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

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

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

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

Office of Legislative Research and General Counsel

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

The Government Operations Interim Committee recommended this bill.

Fiscal Note
Bill Number SB0014

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

15-Jan-03
2:15 PM

State Impact

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

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst