

**REVIEW AND APPROVAL OF FEDERAL  
MONIES RECEIVED BY THE STATE**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Chad E. Bennion**

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**LONG TITLE**

**General Description:**

This bill establishes procedures for review and approval of applications to receive federal funds or participate in federal programs.

**Highlighted Provisions:**

This bill:

- ▶ requires that the governor approve all federal funds applications;
- ▶ requires that the Executive Appropriations Committee review and approve certain federal funds applications;
- ▶ requires that the Legislature review and approve certain federal funds applications;
- ▶ establishes remedies if state agencies fail to obtain appropriate approvals; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an effective date.

**Utah Code Sections Affected:**

AMENDS:

**9-1-205**, as renumbered and amended by Chapter 241, Laws of Utah 1992

**9-1-809**, as last amended by Chapter 27, Laws of Utah 1999

**9-4-202**, as last amended by Chapter 95, Laws of Utah 2003



- 28           **9-8-405**, as renumbered and amended by Chapter 241, Laws of Utah 1992
- 29           **30-3-38**, as last amended by Chapter 269, Laws of Utah 2003
- 30           **35A-5-102**, as renumbered and amended by Chapter 375, Laws of Utah 1997
- 31           **53A-24-114**, as last amended by Chapter 240, Laws of Utah 1996
- 32           **62A-1-112**, as enacted by Chapter 1, Laws of Utah 1988
- 33           **62A-3-104**, as last amended by Chapter 268, Laws of Utah 2002
- 34           **63-34-15**, as renumbered and amended by Chapter 16, Laws of Utah 2003
- 35           **63-34-17**, as renumbered and amended by Chapter 16, Laws of Utah 2003
- 36           **63-34-101**, as last amended by Chapter 144, Laws of Utah 2003
- 37           **63-38-2 (Superseded 07/01/04)**, as last amended by Chapters 98 and 209, Laws of
- 38 Utah 2003
- 39           **63-38-2 (Effective 07/01/04)**, as last amended by Chapter 171, Laws of Utah 2003
- 40           **63-38d-301**, as enacted by Chapter 16, Laws of Utah 2003
- 41           **63-47-7**, as enacted by Chapter 173, Laws of Utah 1973
- 42           **65A-8-1.2**, as enacted by Chapter 320, Laws of Utah 1998
- 43           **71-7-3**, as last amended by Chapter 134, Laws of Utah 2000
- 44           **72-7-206**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 45           **72-7-207**, as renumbered and amended by Chapter 270, Laws of Utah 1998

46 ENACTS:

- 47           **63-38-11.5**, Utah Code Annotated 1953
- 48           **63-38e-101**, Utah Code Annotated 1953
- 49           **63-38e-201**, Utah Code Annotated 1953
- 50           **63-38e-202**, Utah Code Annotated 1953

51 REPEALS:

- 52           **63-40-1**, as last amended by Chapter 156, Laws of Utah 1996
- 53           **63-40-2**, as last amended by Chapter 16, Laws of Utah 2003
- 54           **63-40-3**, as last amended by Chapter 156, Laws of Utah 1996
- 55           **63-40-4**, as last amended by Chapter 156, Laws of Utah 1996
- 56           **63-40-5**, as last amended by Chapter 156, Laws of Utah 1996
- 57           **63-40-6**, as last amended by Chapter 156, Laws of Utah 1996
- 58           **63-40-7**, as enacted by Chapter 156, Laws of Utah 1996

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

Section 1. Section **9-1-205** is amended to read:

**9-1-205. Powers and duties of executive director.**

(1) The executive director, with the approval of the governor, may:

~~[(a) accept for and on behalf of, and bind the state to, any federal program in which the state is invited, permitted, or authorized to participate in the distribution, disbursement, or administration of any fund or service, advanced, offered, or contributed, in whole or in part, by the federal government for purposes consistent with the powers and duties of the department;]~~

(a) by following the procedures and requirements of Title 63, Chapter 38e, Federal Funds Procedures, seek federal grants, loans, or participation in federal programs;

(b) enter into lawful contracts or agreements with other states, any chamber of commerce organization, and any service club; and

(c) annually prepare and submit to the governor a budget of the department's financial requirements.

(2) If any federal program requires the expenditure of state funds as a condition to participation by the state in any fund, property, or service, with the governor's approval, the executive director shall expend whatever funds are necessary out of the money provided by the Legislature for the use of the department.

Section 2. Section **9-1-809** is amended to read:

**9-1-809. Commission duties.**

(1) The commission shall, in the performance of its tasks and functions:

(a) ensure that its funding decisions meet all federal and state statutory requirements;

(b) recommend innovative, creative, statewide service programs to increase volunteer participation in all age groups and community-based problem-solving among diverse participants;

(c) develop and implement a centralized, organized system of obtaining information and technical support concerning volunteerism and community service recruitment, projects, training methods, materials, and activities throughout the state and share such information and support upon request;

(d) promote strong interagency collaboration as an avenue for maximizing resources

90 and providing that model on the state level;

91 (e) provide public recognition and support of individual volunteer efforts and  
92 successful or promising private sector initiatives and public/private partnerships that address  
93 community needs;

94 (f) stimulate increased community awareness of the impact of volunteer services in the  
95 state;

96 (g) utilize local, state, and, subject to Title 63, Chapter 38e, Federal Funds Procedures,  
97 federal resources to reinforce, expand, and initiate quality service programs;

98 (h) assist in the planning and implementation of volunteer programs;

99 (i) serve as the state's liaison and voice to appropriate national and state organizations  
100 that support its mission;

101 (j) develop a three-year comprehensive state and community service plan and establish  
102 state priorities;

103 (k) preselect programs and prepare applications to the corporation pursuant to the act;

104 (l) prepare service learning applications;

105 (m) administer the grants program and oversee and monitor the performance and  
106 progress of funded programs;

107 (n) implement comprehensive, nonduplicative evaluation and monitoring systems;

108 (o) provide technical assistance to local nonprofit organizations and other entities;

109 (p) assist in the development of programs established in the act;

110 (q) develop mechanisms for recruitment and placement of people interested in  
111 participating in national service programs;

112 (r) assist in the provision of health care and child care benefits to participants under the  
113 act;

114 (s) make priority program recommendations to the corporation;

115 (t) coordinate its activities with the activities of other state agencies that administer  
116 federal block grants; and

117 (u) coordinate its activities with the activities of other volunteer service programs.

118 (2) The commission may not directly operate or run any national service program  
119 receiving financial assistance, in any form, from the corporation.

120 (3) The commission may, subject to Title 63, Chapter 38e, Federal Funds Procedures,

121 receive and accept federal funds, and may receive and accept private gifts, donations, or funds  
122 from any source. All moneys shall be deposited with the state and shall be continuously  
123 available to the commission to carry out the purposes of this part.

124 (4) (a) The commission shall establish a community volunteer training program to  
125 assist the state's school districts in implementing the literacy programs required under Section  
126 53A-1-801.

127 (b) The program shall focus on:

128 (i) recruitment of volunteers to assist public schools in reading improvement programs;

129 (ii) providing for the training of volunteers recruited under Subsection (4)(b)(i), which  
130 may include training in teaching phonetic decoding skills and phonemic awareness, to assist  
131 public schools and community based, not-for-profit literacy programs in accomplishing the  
132 literacy goals established in Section 53A-1-801;

133 (iii) providing grants to entities whose primary purpose is to support literacy by  
134 working with either school districts or individual schools to accomplish their literacy goals;  
135 and

136 (iv) providing materials and supplies which may be used by the commission or the  
137 public schools or both to help public education accomplish its literacy goals under Section  
138 53A-1-801.

139 (c) The commission shall coordinate its activities under this Subsection (4) with other  
140 state and community entities engaged in child literacy programs.

141 (d) (i) The commission shall make an annual report to the State Board of Education on:

142 (A) how public monies were spent on the programs authorized under this Subsection  
143 (4); and

144 (B) the number of volunteers recruited for and participating in the program.

145 (ii) The commission shall make its report by July 1, with the first report required by  
146 July 1, 2000.

147 Section 3. Section **9-4-202** is amended to read:

148 **9-4-202. Powers and duties of division.**

149 (1) The division shall:

150 (a) assist local governments and citizens in the planning, development, and  
151 maintenance of necessary public infrastructure and services;

152 (b) cooperate with, and provide technical assistance to, counties, cities, towns, regional  
153 planning commissions, area-wide clearinghouses, zoning commissions, parks or recreation  
154 boards, community development groups, community action agencies, and other agencies  
155 created for the purpose of aiding and encouraging an orderly, productive, and coordinated  
156 development of the state and its political subdivisions;

157 (c) assist the governor in coordinating the activities of state agencies which have an  
158 impact on the solution of community development problems and the implementation of  
159 community plans;

160 (d) serve as a clearinghouse for information, data, and other materials which may be  
161 helpful to local governments in discharging their responsibilities and provide information on  
162 available federal and state financial and technical assistance;

163 (e) carry out continuing studies and analyses of the problems faced by communities  
164 within the state and develop such recommendations for administrative or legislative action as  
165 appear necessary;

166 (f) assist in funding affordable housing and addressing problems of homelessness;

167 (g) support economic development activities through grants, loans, and direct programs  
168 financial assistance;

169 (h) certify project funding at the local level in conformance with federal, state, and  
170 other requirements;

171 (i) utilize the capabilities and facilities of public and private universities and colleges  
172 within the state in carrying out its functions;

173 (j) assist and support local governments, community action agencies, and citizens in  
174 the planning, development, and maintenance of home weatherization, energy efficiency, and  
175 antipoverty activities; and

176 (k) assist and support volunteer efforts in the state.

177 (2) The division may:

178 ~~[(a) accept for and on behalf of, and bind the state to, any federal program in which the~~  
179 ~~state is invited, permitted, or authorized to participate in the distribution, disbursement, or~~  
180 ~~administration of any fund or service advanced, offered, or contributed in whole or in part, by~~  
181 ~~the federal government for purposes consistent with the powers and duties of the department;]~~

182 (a) by following the procedures and requirements of Title 63, Chapter 38e, Federal

183 Funds Procedures, seek federal grants, loans, or participation in federal programs;

184 (b) if any federal program requires the expenditure of state funds as a condition to  
185 participation by the state in any fund, property, or service, with the governor's approval, expend  
186 whatever funds are necessary out of the money provided by the Legislature for the use of the  
187 department;

188 (c) in accordance with Part 13, Domestic Violence Shelters, assist in developing,  
189 constructing, and improving shelters for victims of domestic violence, as described in Section  
190 77-36-1, through loans and grants to nonprofit and governmental entities; and

191 (d) assist, when requested by a county or municipality, in the development of  
192 accessible housing.

193 Section 4. Section **9-8-405** is amended to read:

194 **9-8-405. Federal funds -- Agreements on standards and procedures.**

195 ~~[The]~~ By following the procedures and requirements of Title 63, Chapter 38e, Federal  
196 Funds Procedures, the division may accept and administer federal funds provided under the  
197 provisions of the National Historic Preservation Act of 1966, the Land and Water Conservation  
198 Act as amended, and subsequent legislation directed toward the encouragement of historic  
199 preservation, and to enter into those agreements on professional standards and procedures  
200 required by participation in the National Historic Preservation Act of 1966 and the National  
201 Register Office.

202 Section 5. Section **30-3-38** is amended to read:

203 **30-3-38. Pilot Program for Expedited Parent-time Enforcement.**

204 (1) There is established an Expedited Parent-time Enforcement Pilot Program in the  
205 third judicial district to be administered by the Administrative Office of the Courts from July 1,  
206 2003, to July 1, 2007.

207 (2) As used in this section:

208 (a) "Mediator" means a person who:

209 (i) is qualified to mediate parent-time disputes under criteria established by the  
210 Administrative Office of the Courts; and

211 (ii) agrees to follow billing guidelines established by the Administrative Office of the  
212 Courts and this section.

213 (b) "Services to facilitate parent-time" or "services" means services designed to assist

214 families in resolving parent-time problems through:

- 215 (i) counseling;
- 216 (ii) supervised parent-time;
- 217 (iii) neutral drop-off and pick-up;
- 218 (iv) educational classes; and
- 219 (v) other related activities.

220 (3) (a) Under this pilot program, if a parent files a motion in the third district court  
221 alleging that court-ordered parent-time rights are being violated, the clerk of the court, after  
222 assigning the case to a judge, shall refer the case to the administrator of this pilot program for  
223 assignment to a mediator.

224 (b) Upon receipt of a case, the mediator shall:

- 225 (i) meet with the parents to address parent-time issues within 15 days of the motion  
226 being filed;
- 227 (ii) assess the situation;
- 228 (iii) facilitate an agreement on parent-time between the parents; and
- 229 (iv) determine whether a referral to a service provider under Subsection (3)(c) is  
230 warranted.

231 (c) While a case is in mediation, a mediator may refer the parents to a service provider  
232 designated by the Department of Human Services for services to facilitate parent-time if:

- 233 (i) the services may be of significant benefit to the parents; or
- 234 (ii) (A) a mediated agreement between the parents is unlikely; and
- 235 (B) the services may facilitate an agreement.

236 (d) At any time during mediation, a mediator shall terminate mediation and transfer the  
237 case to the administrator of the pilot program for referral to the judge or court commissioner to  
238 whom the case was assigned under Subsection (3)(a) if:

- 239 (i) a written agreement between the parents is reached; or
- 240 (ii) the parents are unable to reach an agreement through mediation and:
  - 241 (A) the parents have received services to facilitate parent-time;
  - 242 (B) both parents object to receiving services to facilitate parent-time; or
  - 243 (C) the parents are unlikely to benefit from receiving services to facilitate parent-time.
- 244 (e) Upon receiving a case from the administrator of the pilot program, a judge or court



245 commissioner may:

246 (i) review the agreement of the parents and, if acceptable, sign it as an order;

247 (ii) order the parents to receive services to facilitate parent-time;

248 (iii) proceed with the case; or

249 (iv) take other appropriate action.

250 (4) (a) If a parent makes a particularized allegation of physical or sexual abuse of a  
251 child who is the subject of a parent-time order against the other parent or a member of the other  
252 parent's household to a mediator or service provider, the mediator or service provider shall  
253 immediately report that information to:

254 (i) the judge assigned to the case who may immediately issue orders and take other  
255 appropriate action to resolve the allegation and protect the child; and

256 (ii) the Division of Child and Family Services within the Department of Human  
257 Services in the manner required by Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect  
258 Reporting Requirements.

259 (b) If an allegation under Subsection (4)(a) is made against a parent with parent-time  
260 rights or a member of that parent's household, parent-time by that parent shall, pursuant to an  
261 order of the court, be supervised until:

262 (i) the allegation has been resolved; or

263 (ii) a court orders otherwise.

264 (c) Notwithstanding an allegation under Subsection (4)(a), a mediator may continue to  
265 mediate parent-time problems and a service provider may continue to provide services to  
266 facilitate parent-time unless otherwise ordered by a court.

267 (5) (a) The Department of Human Services may contract with one or more entities in  
268 accordance with Title 63, Chapter 56, Utah Procurement Code, to provide:

269 (i) services to facilitate parent-time;

270 (ii) case management services; and

271 (iii) administrative services.

272 (b) An entity who contracts with the Department of Human Services under Subsection  
273 (5)(a) shall:

274 (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and

275 (ii) agree to follow billing guidelines established by the Department of Human Services

276 and this section.

277 (6) (a) Except as provided in Subsection (6)(b), the cost of mediation shall be:

278 (i) reduced to a sum certain;

279 (ii) divided equally between the parents; and

280 (iii) charged against each parent taking into account the ability of that parent to pay

281 under billing guidelines adopted in accordance with this section.

282 (b) A judge may order a parent to pay an amount in excess of that provided for in  
283 Subsection (6)(a) if the parent:

284 (i) failed to participate in good faith in mediation or services to facilitate parent-time;

285 or

286 (ii) made an unfounded assertion or claim of physical or sexual abuse of a child.

287 (c) (i) The cost of mediation and services to facilitate parent-time may be charged to  
288 parents at periodic intervals.

289 (ii) Mediation and services to facilitate parent-time may only be terminated on the  
290 ground of nonpayment if both parents are delinquent.

291 (7) If a parent fails to cooperate in good faith in mediation or services to facilitate  
292 parent-time, a court may order, in subsequent proceedings, a temporary change in custody or  
293 parent-time.

294 (8) (a) The Judicial Council may make rules to implement and administer the  
295 provisions of this pilot program related to mediation.

296 (b) The Department of Human Services may make rules to implement and administer  
297 the provisions of this pilot program related to services to facilitate parent-time.

298 (9) (a) The Administrative Office of the Courts shall adopt outcome measures to  
299 evaluate the effectiveness of the mediation component of this pilot program. Progress reports  
300 shall be provided to the Judiciary Interim Committee as requested by the committee. At least  
301 once during this pilot program, the Administrative Office of the Courts shall present to the  
302 committee the results of a survey that measures the effectiveness of the program in terms of  
303 increased compliance with parent-time orders and the responses of interested persons.

304 (b) The Department of Human Services shall adopt outcome measures to evaluate the  
305 effectiveness of the services component of this pilot program. Progress reports shall be  
306 provided to the Judiciary Interim Committee as requested by the committee.

307 (c) The Administrative Office of the Courts and the Department of Human Services  
308 may adopt joint outcome measures and file joint reports to satisfy the requirements of  
309 Subsections (8)(a) and (b).

310 (10) (a) The Department of Human Services shall, by following the procedures and  
311 requirements of Title 63, Chapter 38e, Federal Funds Procedures, apply for federal funds as  
312 available.

313 (b) This pilot program shall be funded through funds received under Subsection  
314 (10)(a).

315 Section 6. Section **35A-5-102** is amended to read:

316 **35A-5-102. Federal grants for retraining.**

317 (1) [~~The~~] By following the procedures and requirements of Title 63, Chapter 38e,  
318 Federal Funds Procedures, the state, through the Division of Employment Development may  
319 and is encouraged to apply for retraining, community assistance, or technology transfer funds  
320 available through:

- 321 (a) the United States Department of Defense;  
322 (b) United States Department of Labor; or  
323 (c) other appropriate federal offices or departments.

324 (2) In applying for federal funds, the state through its Division of Employment  
325 Development or other appropriate office may inform the federal government of state matching  
326 or enhancement funds if those funds are available under Section 67-1-12.

327 Section 7. Section **53A-24-114** is amended to read:

328 **53A-24-114. Governor's Committee on Employment of People with Disabilities.**

329 (1) There is created the Governor's Committee on Employment of People with  
330 Disabilities.

331 (2) (a) The State Board of Education shall appoint at least twelve members to the  
332 committee.

333 (b) The State Board of Education shall ensure that the committee includes members  
334 from the public and private sectors who represent:

- 335 (i) business and industry;  
336 (ii) individuals with disabilities and their advocates;  
337 (iii) job training and placement;

338 (iv) state agencies, such as the Department of Human Resource Management, the  
339 Department of Workforce Services, Public Education, Higher Education, and the Department  
340 of Human Services;

341 (v) labor;

342 (vi) veterans;

343 (vii) medical;

344 (viii) health;

345 (ix) insurance;

346 (x) media; and

347 (xi) the general public.

348 (c) (i) Except as provided in Subsection (2)(c)(ii), the State Board of Education shall  
349 appoint committee members to serve four-year terms.

350 (ii) In making the initial appointments to the committee, the State Board of Education  
351 shall appoint approximately [~~one-half~~] 1/2 of the members to two-year terms and [~~one-half~~] 1/2  
352 of the members to four-year terms.

353 (d) Committee members shall serve until their successors are appointed and qualified.

354 (e) The State Board of Education shall fill any vacancy that occurs on the committee  
355 for any reason by appointing a person according to the procedures of this section for the  
356 unexpired term of the vacated member.

357 (f) The State Board of Education shall select a chair from the membership.

358 (g) Seven members of the committee are a quorum for the transaction of business.

359 (3) (a) The committee shall:

360 (i) promote employment opportunities for individuals with disabilities;

361 (ii) serve as the designated state liaison to the President's Committee on Employment  
362 of People with Disabilities;

363 (iii) provide training and technical assistance to employers in implementing the  
364 Americans with Disabilities Act;

365 (iv) develop and disseminate appropriate information through workshops, meetings,  
366 and other requests in response to needs to employers and others regarding employment of  
367 individuals with disabilities;

368 (v) establish contacts with various community representatives to identify and resolve

369 barriers to full participation in employment and community life;

370 (vi) formally recognize exemplary contributions in the areas of employment, job  
371 placement, training, rehabilitation, support services, medicine, media or public relations, and  
372 personal achievements made by individuals with disabilities;

373 (vii) advise, encourage, and motivate individuals with disabilities who are preparing  
374 for or seeking employment to reach their full potential as qualified employees;

375 (viii) advocate for policies and practices that promote full and equal rights for  
376 individuals with disabilities;

377 (ix) advise the State Board of Education and the governor on issues that affect  
378 employment and other requests for information on disability issues;

379 (x) prepare an annual report on the progress, accomplishments, and future goals of the  
380 committee and present the report to the State Board of Education and the governor; and

381 (xi) establish and maintain a cooperative liaison between the governor's office, the  
382 executive director of the committee, and the executive director of the Utah State Office of  
383 Rehabilitation to fulfill the committee's purpose.

384 (b) The committee may, by following the procedures and requirements of Title 63,  
385 Chapter 38e, Federal Funds Procedures, receive and accept federal funds, and may receive and  
386 accept state funds, ~~and~~ private gifts, donations, and funds from any source to carry out its  
387 purposes.

388 (4) The director of the State Office of Rehabilitation shall appoint a person to staff the  
389 committee.

390 Section 8. Section **62A-1-112** is amended to read:

391 **62A-1-112. Participation in federal programs -- Federal grants -- Authority of**  
392 **executive director.**

393 (1) The executive director may, ~~[with the approval of the governor, may accept on~~  
394 ~~behalf of this state, and bind the state by such acceptance, any executive or legislative~~  
395 ~~provision promulgated or enacted by the federal government or by any agency thereof, whereby~~  
396 ~~the state of Utah is invited, permitted, or authorized to participate in the distribution,~~  
397 ~~disbursement, or administration of any fund or service, which is advanced, offered or~~  
398 ~~contributed in whole or in part by the federal government for purposes consistent with the~~  
399 ~~powers and duties of the department]~~ by following the procedures and requirements of Title 63,

400 Chapter 38e, Federal Funds Procedures, seek federal grants, loans, or participation in federal  
401 programs.

402 (2) Wherever state law authorizes a board, director, division, or office of the  
403 department to accept any grant, fund, or service which is to be advanced or contributed in  
404 whole or in part by the federal government, that acceptance shall be subject to the approval or  
405 disapproval of the executive director. All applications for federal grants or other federal  
406 financial assistance for the support of any department program is subject to the approval of the  
407 executive director.

408 (3) If any executive or legislative provision of the federal government so requires, as a  
409 condition to participation by this state in any fund, property, or service, the executive director,  
410 with the governor's approval, shall expend whatever funds are necessary out of the moneys  
411 provided by the Legislature for use and disbursement by that department.

412 Section 9. Section **62A-3-104** is amended to read:

413 **62A-3-104. Authority of division.**

414 (1) The division is the sole state agency, as defined by the Older Americans Act of  
415 1965, 42 U.S.C. 3001 et seq., to serve as an effective and visible advocate for the aging and  
416 adult population of this state, to develop and administer a state plan under the policy direction  
417 of the board, and to take primary responsibility for state activities relating to provisions of the  
418 Older Americans Act of 1965, as amended.

419 (2) (a) The division has authority to designate planning and service areas for the state,  
420 and to designate an area agency on aging within each planning and service area to design and  
421 implement a comprehensive and coordinated system of services and programs for the aged  
422 within appropriations from the Legislature.

423 (b) Designation as an area agency on aging may be withdrawn:

424 (i) upon request of the area agency on aging; or

425 (ii) upon noncompliance with the provisions of the Older Americans Act of 1965, 42  
426 U.S.C. 3001 et seq., the federal regulations enacted under that act, the provisions of this  
427 chapter, or the rules, policies, or procedures established by the division.

428 (3) (a) The division has the authority to designate planning and service areas for the  
429 state and to designate an area agency on high risk adults within each planning and service area  
430 in accordance with Subsection (3)(b) to design and implement a comprehensive and

431 coordinated system of case management and programs for high risk adults within  
432 appropriations from the Legislature.

433 (b) Before October 1, 1998, the division shall designate as the area agency on high risk  
434 adults in a planning and service area:

435 (i) the area agency on aging that operates within the same geographic area if that  
436 agency has requested, before July 1, 1998, to expand its current contract with the division to  
437 include the responsibility of:

438 (A) being the area agency on high risk adults; or

439 (B) operating the area agency on high risk adults through joint cooperation with one or  
440 more existing area agencies on aging without reducing geographical coverage in any service  
441 area; or

442 (ii) a public or private nonprofit agency or office if the area agency on aging that  
443 operates within the same geographic area has not made a request in accordance with Subsection  
444 (3)(b)(i).

445 (c) Area agencies on high risk adults shall be in operation before July 1, 1999. The  
446 division's efforts to establish area agencies on high risk adults shall start with counties with a  
447 population of more than 150,000 people.

448 (d) Designation as an area agency on high risk adults may be withdrawn:

449 (i) upon request by the area agency; or

450 (ii) upon noncompliance with state or federal laws, or rules, policies, or procedures  
451 established by the division.

452 (4) The division ~~[has authority to]~~ may, by following the procedures and requirements  
453 of Title 63, Chapter 38e, Federal Funds Procedures, seek federal grants, loans, or participation  
454 in federal programs and receive and distribute state and federal funds for the division's  
455 programs and services to the aging and adult populations of the state.

456 (5) The division has authority to establish, either directly or by contract, programs of  
457 advocacy, monitoring, evaluation, technical assistance, and public education to enhance the  
458 quality of life for aging and adult citizens of the state.

459 (6) In accordance with the rules of the division and Title 63, Chapter 56, Utah  
460 Procurement Code, the division may:

461 (a) contract with the governing body of an area agency to provide a comprehensive

462 program of services; and

463 (b) contract with public and private entities for special services.

464 (7) The division has authority to provide for collection, compilation, and dissemination  
465 of information, statistics, and reports relating to issues facing aging and adult citizens.

466 (8) The division has authority to prepare and submit reports regarding the operation  
467 and administration of the division to the department, the Legislature, and the governor, as  
468 requested.

469 (9) The division shall:

470 (a) implement and enforce policies established by the board governing all aspects of  
471 the division's programs for aging and adult persons in the state;

472 (b) monitor and evaluate programs provided by or under contract with the division,  
473 area agencies, and any entity that receives funds from an area agency to ensure compliance with  
474 all applicable state and federal statutes, policies, and procedures;

475 (c) examine expenditures of public funds;

476 (d) withhold funds from programs based on contract noncompliance;

477 (e) review and approve plans of area agencies in order to ensure compliance with  
478 division policies and to ensure a statewide comprehensive program;

479 (f) promote and establish cooperative relationships with state and federal agencies,  
480 social and health agencies, education and research organizations, and other related groups in  
481 order to further programs for aging and adult persons, and prevent duplication of services;

482 (g) advocate for the aging and adult populations;

483 (h) promote and conduct research on the problems and needs of aging and adult  
484 persons, and submit recommendations for changes in policies, programs, and funding to the  
485 governor and the Legislature; and

486 (i) (i) accept contributions to and administer the funds contained in the "Out and  
487 About" Homebound Transportation Assistance Fund created in Section 62A-3-110; and

488 (ii) make rules in accordance with Title 63, Chapter 46a, Utah Administrative  
489 Rulemaking Act, to facilitate the administration of the "Out and About" Homebound  
490 Transportation Assistance Fund in accordance with Section 62A-3-110.

491 Section 10. Section **63-34-15** is amended to read:

492 **63-34-15. Outdoor recreation facilities -- Participation in federal programs.**



493           (1) The Legislature finds that the state of Utah and its political subdivisions should  
494 enjoy the benefits of federal assistance programs for the planning and development of the  
495 outdoor recreation resources of the state, including the acquisition of lands and waters and  
496 interests ~~[therein]~~ in land and water. ~~[It is the purpose of this act to provide authority to enable~~  
497 ~~the state of Utah and its political subdivisions to participate in the benefits of such programs,~~  
498 ~~by and through the~~  
499 ~~executive director of natural resources, under the direction of the governor, or such other agent~~  
500 ~~or agencies as the governor may from time to time designate.]~~

501           (2) To accomplish those purposes, the executive director of the Department of Natural  
502 Resources may, by following the procedures and requirements of Title 63, Chapter 38e, Federal  
503 Funds Procedures, seek federal grants, loans, or participation in federal programs.

504           Section 11. Section **63-34-17** is amended to read:

505           **63-34-17. Outdoor recreation facilities -- Powers of executive director to obtain**  
506 **federal aid.**

507           The executive director of natural resources may, by following the procedures and  
508 requirements of Title 63, Chapter 38e, Federal Funds Procedures, apply to any appropriate  
509 agency or officer of the United States for participation in or the receipt of aid from any federal  
510 program respecting outdoor recreation. He may, in cooperation with other state agencies and  
511 after obtaining the approvals required by Title 63, Chapter 38e, Federal Funds Procedures,  
512 enter into contracts and agreements with the United States or any appropriate agency thereof  
513 ~~[with the approval of the governor]~~, keep financial and other records relating thereto, and  
514 furnish to appropriate officials and agencies of the United States such reports and information  
515 as may be reasonably necessary to enable such officials and agencies to perform their duties  
516 under such programs. In connection with obtaining the benefits of any such program, the  
517 executive director of natural resources shall coordinate the department's activities with and  
518 represent the interests of all agencies and subdivisions of the state having interests in the  
519 planning, development, and maintenance of outdoor recreation resources and facilities.

520           Section 12. Section **63-34-101** is amended to read:

521           **63-34-101. Utah Energy Office created -- Utah Energy Office duties.**

522           (1) There is created within the department the Utah Energy Office.

523           (2) The Utah Energy Office shall:

524 (a) by following the procedures and requirements of Title 63, Chapter 38e, Federal  
525 Funds Procedures, seek federal grants, loans, or participation in federal programs, and, in  
526 accordance with applicable federal program guidelines, administer federally funded state  
527 programs regarding:

- 528 (i) renewable energy;
- 529 (ii) energy efficiency; and
- 530 (iii) energy conservation;

531 (b) coordinate and facilitate the development and implementation of programs:

- 532 (i) for state buildings; and
- 533 (ii) relating to:
  - 534 (A) procurement of energy;
  - 535 (B) consumption of energy;
  - 536 (C) conservation of energy; and
  - 537 (D) efficient use of energy;

538 (c) if requested by the governor, prepare a state energy emergency plan in accordance  
539 with Title 63, Chapter 53a, Energy Emergency Powers of Governor;

540 (d) participate in regulatory proceedings as appropriate to promote the development,  
541 conservation, and efficient use of energy;

542 (e) coordinate state governmental functions regarding energy development and use;

543 (f) facilitate the development and implementation of policies and programs in the state  
544 related to:

- 545 (i) energy production;
- 546 (ii) processing of energy;
- 547 (iii) use of energy; and
- 548 (iv) energy related technology;
- 549 (g) monitor federal laws and regulations related to:

550 (i) energy development;

551 (ii) processing of energy; or

552 (iii) use of energy;

553 (h) recommend state policy positions regarding energy to:

554 (i) the governor; or

- 555 (ii) the Legislature;
- 556 (i) represent the state on regional and national energy matters:
- 557 (i) at the initiative of the office; or
- 558 (ii) as requested by the governor;
- 559 (j) coordinate and consolidate energy resource data collection throughout state
- 560 government;
- 561 (k) provide the Legislature and the governor with:
- 562 (i) an annual report addressing the current status of energy markets in the state; and
- 563 (ii) an independent assessment of energy issues; and
- 564 (l) perform forecasts of state-level:
- 565 (i) energy production;
- 566 (ii) energy consumption; and
- 567 (iii) energy prices.

568 Section 13. Section **63-38-2 (Superseded 07/01/04)** is amended to read:

569 **63-38-2 (Superseded 07/01/04). Governor to submit budget to Legislature --**

570 **Contents -- Preparation -- Appropriations based on current tax laws and not to exceed**

571 **estimated revenues.**

572 (1) (a) The governor shall, within three days after the convening of the Legislature in

573 the annual general session, submit a budget for the ensuing fiscal year by delivering it to the

574 presiding officer of each house of the Legislature together with a schedule for all of the

575 proposed appropriations of the budget, clearly itemized and classified.

576 (b) The budget message shall include:

577 (i) a projection of estimated revenues and expenditures for the next fiscal year[-]; and

578 (ii) the source of all direct, indirect, or in-kind matching funds for all federal grants or

579 assistance programs included in the budget.

580 (2) At least 34 days before the submission of any budget, the governor shall deliver a

581 confidential draft copy of his proposed budget recommendations to the Office of the

582 Legislative Fiscal Analyst.

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

584 estimated revenues for the next fiscal year based upon the current fiscal year state tax laws and

585 rates.

- 586 (b) The budget may be accompanied by a separate document showing proposed  
587 expenditures and estimated revenues based on changes in state tax laws or rates.
- 588 (4) The budget shall be accompanied by a statement showing:
- 589 (a) the revenues and expenditures for the last fiscal year;
- 590 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and  
591 funds of the state;
- 592 (c) an estimate of the state's financial condition as of the beginning and the end of the  
593 period covered by the budget;
- 594 (d) a complete analysis of lease with an option to purchase arrangements entered into  
595 by state agencies;
- 596 (e) the recommendations for each state agency for new full-time employees for the next  
597 fiscal year; which recommendation should be provided also to the State Building Board under  
598 Subsection 63A-5-103(2);
- 599 (f) any explanation the governor may desire to make as to the important features of the  
600 budget and any suggestion as to methods for the reduction of expenditures or increase of the  
601 state's revenue; and
- 602 (g) the information detailing certain regulatory fee increases required by Section  
603 63-38-3.2.
- 604 (5) The budget shall include an itemized estimate of the appropriations for:
- 605 (a) the Legislative Department as certified to the governor by the president of the  
606 Senate and the speaker of the House;
- 607 (b) the Executive Department;
- 608 (c) the Judicial Department as certified to the governor by the state court administrator;
- 609 (d) payment and discharge of the principal and interest of the indebtedness of the state;
- 610 (e) the salaries payable by the state under the Utah Constitution or under law for the  
611 lease agreements planned for the next fiscal year;
- 612 (f) other purposes that are set forth in the Utah Constitution or under law; and
- 613 (g) all other appropriations.
- 614 (6) Deficits or anticipated deficits shall be included in the budget.
- 615 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall  
616 require from the proper state officials, including public and higher education officials, all heads

617 of executive and administrative departments and state institutions, bureaus, boards,  
618 commissions, and agencies expending or supervising the expenditure of the state moneys, and  
619 all institutions applying for state moneys and appropriations, itemized estimates of revenues  
620 and expenditures.

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

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

625 (b) The estimate for the Legislative Department as certified by the presiding officers of  
626 both houses shall be included in the budget without revision by the governor.

627 (c) The estimate for the Judicial Department, as certified by the state court  
628 administrator, shall also be included in the budget without revision, but the governor may make  
629 separate recommendations on it.

630 (d) The governor may require the attendance at budget meetings of representatives of  
631 public and higher education, state departments and institutions, and other institutions or  
632 individuals applying for state appropriations.

633 (e) The governor may revise all estimates, except those relating to the Legislative  
634 Department, the Judicial Department, and those providing for the payment of principal and  
635 interest to the state debt and for the salaries and expenditures specified by the Utah  
636 Constitution or under the laws of the state.

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

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

642 (10) (a) In submitting the budgets for the Departments of Health and Human Services  
643 and the Office of the Attorney General, the governor shall consider a separate recommendation  
644 in his budget for funds to be contracted to:

645 (i) local mental health authorities under Section 62A-15-110;

646 (ii) local substance abuse authorities under Section 62A-15-110;

647 (iii) area agencies under Section 62A-3-104.2;

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

650 (v) local health departments under Title 26A, Chapter 1, Local Health [~~Department~~  
651 Act] Departments; and

652 (vi) counties for the operation of Children's Justice Centers under Section 67-5b-102.

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

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

661 (11) (a) In submitting the budget for the Division of Services for People with  
662 Disabilities, the Division of Child and Family Services, and the Division of Youth Corrections  
663 within the Department of Human Services, the governor shall consider an amount sufficient to  
664 grant employees of corporations that provide direct services under contract with those  
665 divisions, the same percentage increase for cost-of-living that he includes in his budget for  
666 persons employed by the state.

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

670 (12) (a) The Families, Agencies, and Communities Together Council may propose to  
671 the governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative  
672 service delivery systems operated under Section 63-75-6.5.

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

675 (13) The governor shall include in his budget the state's portion of the budget for the  
676 Utah Communications Agency Network established in Title 63C, Chapter 7, Utah  
677 Communications Agency Network Act.

678 (14) In adopting a budget for each fiscal year, the Legislature shall consider an amount

679 sufficient to grant local health departments, local mental health authorities, local substance  
680 abuse authorities, and area agencies on aging the same percentage increase for wages and  
681 benefits that is included in the budget for persons employed by the state.

682 Section 14. Section **63-38-2 (Effective 07/01/04)** is amended to read:

683 **63-38-2 (Effective 07/01/04). Governor to submit budget to Legislature --**  
684 **Contents -- Preparation -- Appropriations based on current tax laws and not to exceed**  
685 **estimated revenues.**

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

690 (b) The budget message shall include:

691 (i) a projection of estimated revenues and expenditures for the next fiscal year[-]; and

692 (ii) the source of all direct, indirect, or in-kind matching funds for all federal grants or  
693 assistance programs included in the budget.

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

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

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

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

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

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

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

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

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

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

716 (g) the information detailing certain regulatory fee increases required by Section  
717 63-38-3.2.

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

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

721 (b) the Executive Department;

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

723 (d) payment and discharge of the principal and interest of the indebtedness of the state;

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

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

727 (g) all other appropriations.

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

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

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

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

739 (b) The estimate for the Legislative Department as certified by the presiding officers of  
740 both houses shall be included in the budget without revision by the governor.



741 (c) The estimate for the Judicial Department, as certified by the state court  
742 administrator, shall also be included in the budget without revision, but the governor may make  
743 separate recommendations on it.

744 (d) The governor may require the attendance at budget meetings of representatives of  
745 public and higher education, state departments and institutions, and other institutions or  
746 individuals applying for state appropriations.

747 (e) The governor may revise all estimates, except those relating to the Legislative  
748 Department, the Judicial Department, and those providing for the payment of principal and  
749 interest to the state debt and for the salaries and expenditures specified by the Utah  
750 Constitution or under the laws of the state.

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

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

756 (10) (a) In submitting the budgets for the Departments of Health and Human Services  
757 and the Office of the Attorney General, the governor shall consider a separate recommendation  
758 in his budget for funds to be contracted to:

759 (i) local mental health authorities under Section 62A-15-110;

760 (ii) local substance abuse authorities under Section 62A-15-110;

761 (iii) area agencies under Section 62A-3-104.2;

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

764 (v) local health departments under Title 26A, Chapter 1, Local Health [~~Department~~  
765 ~~Act~~] Departments; and

766 (vi) counties for the operation of Children's Justice Centers under Section 67-5b-102.

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

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

775 (11) (a) In submitting the budget for the Division of Services for People with  
776 Disabilities, the Division of Child and Family Services, and the Division of Juvenile Justice  
777 Services within the Department of Human Services, the governor shall consider an amount  
778 sufficient to grant employees of corporations that provide direct services under contract with  
779 those divisions, the same percentage increase for cost-of-living that he includes in his budget  
780 for persons employed by the state.

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

784 (12) (a) The Families, Agencies, and Communities Together Council may propose to  
785 the governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative  
786 service delivery systems operated under Section 63-75-6.5.

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

789 (13) The governor shall include in his budget the state's portion of the budget for the  
790 Utah Communications Agency Network established in Title 63C, Chapter 7, Utah  
791 Communications Agency Network Act.

792 (14) In adopting a budget for each fiscal year, the Legislature shall consider an amount  
793 sufficient to grant local health departments, local mental health authorities, local substance  
794 abuse authorities, and area agencies on aging the same percentage increase for wages and  
795 benefits that is included in the budget for persons employed by the state.

796 Section 15. Section **63-38-11.5** is enacted to read:

797 **63-38-11.5. Reduction in federal funds -- Agencies to reduce budgets.**

798 (1) In any fiscal year in which federal grants to be received by state agencies,  
799 departments, divisions, or institutions are reduced below the level estimated in the  
800 appropriations acts for that year, the programs supported by those grants must be reduced  
801 commensurate with the amount of the federal reduction unless the Legislature appropriates  
802 state funds to offset the loss in federal funding.

803           (2) This program modification shall be reported to the Legislature through the  
804 Executive Appropriations Committee and the Office of the Legislative Fiscal Analyst.

805           Section 16. Section **63-38d-301** is amended to read:

806           **63-38d-301. Budget duties of the director and office.**

807           (1) The director and the office shall:

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

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

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

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

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

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

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

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

825           (iii) analyze and advise on applications for new federal assistance programs submitted  
826 to the governor for approval as required by Chapter 38e, Federal Funds Procedures.

827           Section 17. Section **63-38e-101** is enacted to read:

828                           **CHAPTER 38e. FEDERAL FUNDS PROCEDURES**

829           **63-38e-101. Definitions.**

830           As used in this chapter:

831           (1) (a) "Agency" means a department, division, committee, commission, council, or  
832 other administrative subunit of the state.

833           (b) "Agency" does not mean higher education institutions or political subdivisions.

834 (2) (a) "Federal funds" means cash received from the United States government or  
835 from other individuals or entities for or on behalf of the United States and deposited with the  
836 state treasurer or any agency of the state.

837 (b) "Federal funds" includes federal assistance and federal assistance programs,  
838 however described.

839 (3) "Federal funds application" means the formal submission from an agency to the  
840 federal government:

841 (a) applying for or otherwise seeking to obtain new federal funds;

842 (b) applying for or seeking to participate in a new federal program that will result in  
843 federal funds being transferred to an agency;

844 (c) applying for or seeking reauthorization of federal funds; or

845 (d) applying for or seeking reauthorization to participate in a federal program that will  
846 result in federal funds being transferred to an agency.

847 (4) "State" means the state of Utah and all of its state agencies, political subdivisions,  
848 and administrative subunits of them.

849 Section 18. Section **63-38e-201** is enacted to read:

850 **63-38e-201. Governor to approve federal funds applications.**

851 (1) (a) Before submitting a federal funds application to the federal government, an  
852 agency shall submit a federal funds application to the governor for approval or rejection when:

853 (i) the state will receive total payments of \$1,000,00 or less per year if the application  
854 is approved;

855 (ii) receipt of the grant will require no additional permanent full-time employees; and

856 (iii) no new state funds will be required to match the federal funds or to implement the  
857 program for which the grant is issued.

858 (b) The Governor's Office of Planning and Budget shall report each federal funds  
859 application approved by the governor and each federal funds application approved by the  
860 federal government to:

861 (i) the Legislature's Executive Appropriations Committee;

862 (ii) the Office of the Legislative Fiscal Analyst; and

863 (iii) the Office of Legislative Research and General Counsel.

864 (2) The governor shall approve or reject each federal funds application submitted to

865 him under the authority of this section.

866 (3) (a) If the governor approves the federal funds application, the agency may submit  
867 the application.

868 (b) If the governor rejects the federal funds application, the agency may not submit the  
869 application.

870 (4) If an agency submits a federal funds application without obtaining the governor's  
871 approval under this section, the governor may require the agency to withdraw the federal funds  
872 application or return the federal funds.

873 Section 19. Section **63-38e-202** is enacted to read:

874 **63-38e-202. Legislative review and approval of certain federal funds applications.**

875 (1) As used in this section:

876 (a) " High impact federal funds application" means a federal funds application that will  
877 or could:

878 (i) result in the state receiving total payments of \$10,000,000 or more per year from the  
879 federal government under the grant;

880 (ii) require the state to add more than ten permanent full-time employees in order to  
881 receive or implement the grant; or

882 (iii) require the state to expend more than \$1,000,000 of additional state funds in a  
883 fiscal year in order to receive or implement the grant.

884 (b) "Medium impact federal funds application" means a federal funds application that  
885 will or could:

886 (i) result in the state receiving total payments of more than \$1,000,000 but less than  
887 \$10,000,000 per year from the federal government under the grant;

888 (ii) require the state to add one to ten permanent full-time employees in order to  
889 receive or implement the grant; or

890 (iii) require the state to expend \$1 to \$1,000,000 of additional state funds in a fiscal  
891 year in order to receive or implement the grant.

892 (2) (a) Before submitting a medium impact federal funds application to the federal  
893 government, an agency shall:

894 (i) submit the federal funds application to the governor for approval or rejection; and

895 (ii) if the governor approves the federal funds application, submit the federal funds

896 application to the Legislative Executive Appropriations Committee for its review and  
897 recommendations.

898 (b) The Legislative Executive Appropriations Committee shall review the federal funds  
899 application and may:

900 (i) recommend that the agency submit the federal funds application;

901 (ii) recommend that the agency not submit the federal funds application; or

902 (iii) recommend to the governor that the governor call a special session of the  
903 Legislature to review and approve or reject the federal funds application.

904 (3) (a) Before submitting a high impact federal funds application seeking federal funds,  
905 an agency shall:

906 (i) submit the federal funds application to the governor for approval or rejection; and

907 (ii) if the governor approves the federal funds application, submit the application to the  
908 Legislature for its approval in an annual general session or a special session.

909 (b) (i) If the Legislature approves the federal funds application, the agency may submit  
910 the application seeking federal funds.

911 (ii) If the Legislature rejects the federal funds application, the agency may not submit  
912 the application.

913 (c) If an agency submits a federal funds application without obtaining the Legislature's  
914 approval under this Subsection (3):

915 (i) the governor may require the agency to withdraw the application or return the  
916 federal funds;

917 (ii) the Legislature may, if federal law allows, opt out or decline to participate in the  
918 federal program or decline to receive the federal funding; or

919 (iii) the Legislature may reduce the agency's General Fund appropriation in an amount  
920 less than, equal to, or greater than the amount of federal funds received by the agency.

921 Section 20. Section **63-47-7** is amended to read:

922 **63-47-7. Authority to accept funds, gifts, and donations.**

923 The commission may, subject to Title 63, Chapter 38e, Federal Funds Procedures,  
924 receive and accept federal funds, and receive and accept private gifts, donations, or funds from  
925 any source. All moneys shall be deposited with the state and shall be continuously available to  
926 the commission to carry out the purposes of this act.

927 Section 21. Section **65A-8-1.2** is amended to read:

928 **65A-8-1.2. Urban and community forestry program.**

929 (1) An urban and community forestry program is created within the division.

930 (2) The purpose of the program is to encourage the planting and maintenance of trees  
931 within municipalities and unincorporated communities.

932 (3) The division may:

933 (a) advise and assist municipalities, counties, and other public and private entities in  
934 developing and coordinating policies, programs, and activities promoting urban and  
935 community forestry;

936 (b) receive, by following the procedures and requirements of Title 63, Chapter 38e,  
937 Federal Funds Procedures, federal funds for the urban and community forestry program; and

938 (c) provide grants to municipalities and counties for urban and community forestry  
939 programs and cooperative projects.

940 (4) The division shall:

941 (a) develop a public education program to inform tree care professionals and citizens of  
942 the hazards involved with the planting of new trees and the maintenance of existing trees near  
943 overhead power lines and highways; and

944 (b) develop and implement a program of public awareness to inform citizens about the  
945 benefits of planting trees in urban areas and how to maintain trees.

946 Section 22. Section **71-7-3** is amended to read:

947 **71-7-3. Development, operation, and maintenance of Utah Veterans' Cemetery**  
948 **and Memorial Park -- Responsibilities of Division of Veterans' Affairs -- Costs --**  
949 **Definition.**

950 (1) The Division of Veterans' Affairs, in consultation with the Veterans' Memorial Park  
951 Board, shall develop, operate, and maintain a veterans' cemetery and memorial park.

952 (2) To help pay the costs of developing, constructing, operating, and maintaining a  
953 veterans' cemetery and memorial park, the Division of Veterans' Affairs may:

954 (a) by following the procedures and requirements of Title 63, Chapter 38e, Federal  
955 Funds Procedures, receive federal funds, and may receive state funds, contributions from  
956 veterans' organizations, and other private donations; and

957 (b) charge fees for at least the cost of the burial of veterans' spouses and other persons,

958 whom the division and the Veterans' Memorial Park Board determines are eligible to be buried  
959 in a veterans' cemetery established by the state.

960 (3) As used in this chapter, "veteran" has the same meaning as in Section 71-8-1.

961 Section 23. Section **72-7-206** is amended to read:

962 **72-7-206. Screening of existing junkyards.**

963 (1) The department shall screen any junkyard lawfully in existence on May 9, 1967,  
964 which is located within 1,000 feet of the nearest edge of the right-of-way and visible from the  
965 main-traveled-way of any highway on the interstate or primary system.

966 (2) The screening shall be at locations on the right-of-way or in areas outside the  
967 right-of-way acquired for that purpose and may not be visible from the main-traveled-way of  
968 the interstate or federal-aid primary systems.

969 (3) The department may not install junkyard screening under this section unless:

970 (a) the necessary federal funds for participation have been appropriated by the federal  
971 government and are immediately available to the state[-]; and

972 (b) the department has received approval to seek federal grants, loans, or participation  
973 in federal programs under Title 63, Chapter 38e, Federal Funds Procedures.

974 Section 24. Section **72-7-207** is amended to read:

975 **72-7-207. Junkyards not adaptable to screening -- Authority of department to**  
976 **acquire land -- Compensation.**

977 (1) If the department determines that the topography of the land adjoining the interstate  
978 and primary systems will not permit adequate screening of junkyards or that screening would  
979 not be economically feasible, the department may acquire by gift, purchase, exchange, or  
980 eminent domain the interests in lands necessary to secure the relocation, removal, or disposal  
981 of the junkyards.

982 (2) If the department determines that it is in the best interests of the state, it may  
983 acquire lands, or interests in lands, necessary to provide adequate screening of junkyards.

984 (3) The acquisitions provided for in this section may not be undertaken unless:

985 (a) the necessary federal funds for participation have been appropriated by the federal  
986 government and are immediately available to the state[-]; and

987 (b) the department has received approval to seek federal grants, loans, or participation  
988 in federal programs under Title 63, Chapter 38e, Federal Funds Procedures.



989 (4) Damages resulting from any taking of property in eminent domain shall be  
990 ascertained in the manner provided by law.

991 (5) Just compensation shall be paid the owner for the relocation, removal, or disposal  
992 of a junkyard lawfully established under the laws of this state and which must be relocated,  
993 removed, or disposed of under this part.

994 Section 25. **Repealer.**

995 This bill repeals:

996 Section **63-40-1, Purposes of chapter.**

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

998 Section **63-40-3, Governor authorized to accept funds -- Designation of state**  
999 **agency -- Identification of federal grants or assistance programs.**

1000 Section **63-40-4, Applications for funds by state agencies -- Approval.**

1001 Section **63-40-5, Reports by participating state agencies.**

1002 Section **63-40-6, Reduction in programs supported by federal grants required.**

1003 Section **63-40-7, Executive Appropriations Committee -- Oversight of federal**  
1004 **assistance -- Meeting with congressional leaders.**

1005 Section 26. **Effective date.**

1006 This bill takes effect on May 3, 2004, except that the amendments to Section 63-38-2  
1007 (Effective 07/01/04) take effect on July 1, 2004.

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**Legislative Review Note**  
**as of 1-7-04 1:03 PM**

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

**Office of Legislative Research and General Counsel**

**State Impact**

It is estimated that the provisions of this bill can be implemented within existing budgets. Any additional fiscal impact will be dependent on how the provisions of this bill may impact the current flexibility for federal fund applications and the efficiencies that may be created by the additional oversight of the federal fund process.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**