

Representative Chad E. Bennion proposes the following substitute bill:

REVIEW AND APPROVAL OF FEDERAL

MONIES RECEIVED BY THE STATE

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

LONG TITLE

General Description:

This bill establishes procedures for review and approval of state agency efforts to obtain federal funds or participate in federal programs.

Highlighted Provisions:

This bill:

- ▶ requires that the governor approve all requests for federal funds originating in executive branch agencies;
- ▶ requires the Judicial Council to approve all requests for federal funds originating in judicial branch agencies;
- ▶ requires that the Executive Appropriations Committee review and approve certain federal funds requests;
- ▶ requires that the Legislature review and approve certain federal funds requests;
- ▶ 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.



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **9-1-205**, as renumbered and amended by Chapter 241, Laws of Utah 1992
- 29 **9-1-809**, as last amended by Chapter 27, Laws of Utah 1999
- 30 **9-4-202**, as last amended by Chapter 95, Laws of Utah 2003
- 31 **9-8-405**, as renumbered and amended by Chapter 241, Laws of Utah 1992
- 32 **30-3-38**, as last amended by Chapter 269, Laws of Utah 2003
- 33 **35A-5-102**, as renumbered and amended by Chapter 375, Laws of Utah 1997
- 34 **53A-24-114**, as last amended by Chapter 240, Laws of Utah 1996
- 35 **62A-1-112**, as enacted by Chapter 1, Laws of Utah 1988
- 36 **62A-3-104**, as last amended by Chapter 268, Laws of Utah 2002
- 37 **63-34-15**, as renumbered and amended by Chapter 16, Laws of Utah 2003
- 38 **63-34-17**, as renumbered and amended by Chapter 16, Laws of Utah 2003
- 39 **63-34-101**, as last amended by Chapter 144, Laws of Utah 2003
- 40 **63-38-2 (Superseded 07/01/04)**, as last amended by Chapters 98 and 209, Laws of
- 41 Utah 2003
- 42 **63-38-2 (Effective 07/01/04)**, as last amended by Chapter 171, Laws of Utah 2003
- 43 **63-38d-301**, as enacted by Chapter 16, Laws of Utah 2003
- 44 **63-47-7**, as enacted by Chapter 173, Laws of Utah 1973
- 45 **65A-8-1.2**, as enacted by Chapter 320, Laws of Utah 1998
- 46 **71-7-3**, as last amended by Chapter 134, Laws of Utah 2000
- 47 **72-7-206**, as renumbered and amended by Chapter 270, Laws of Utah 1998
- 48 **72-7-207**, as renumbered and amended by Chapter 270, Laws of Utah 1998

49 ENACTS:

- 50 **63-38-11.5**, Utah Code Annotated 1953
- 51 **63-38e-101**, Utah Code Annotated 1953
- 52 **63-38e-102**, Utah Code Annotated 1953
- 53 **63-38e-201**, Utah Code Annotated 1953
- 54 **63-38e-202**, Utah Code Annotated 1953
- 55 **63-38e-203**, Utah Code Annotated 1953

56 REPEALS:

- 57 **63-40-1**, as last amended by Chapter 156, Laws of Utah 1996
- 58 **63-40-2**, as last amended by Chapter 16, Laws of Utah 2003
- 59 **63-40-3**, as last amended by Chapter 156, Laws of Utah 1996
- 60 **63-40-4**, as last amended by Chapter 156, Laws of Utah 1996
- 61 **63-40-5**, as last amended by Chapter 156, Laws of Utah 1996
- 62 **63-40-6**, as last amended by Chapter 156, Laws of Utah 1996
- 63 **63-40-7**, as enacted by Chapter 156, Laws of Utah 1996



64
65 *Be it enacted by the Legislature of the state of Utah:*

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

67 **9-1-205. Powers and duties of executive director.**

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

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

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

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

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

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

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

84 **9-1-809. Commission duties.**

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

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

87 (b) recommend innovative, creative, statewide service programs to increase volunteer

88 participation in all age groups and community-based problem-solving among diverse
89 participants;

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

94 (d) promote strong interagency collaboration as an avenue for maximizing resources
95 and providing that model on the state level;

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

99 (f) stimulate increased community awareness of the impact of volunteer services in the
100 state;

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

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

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

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

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

109 (l) prepare service learning applications;

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

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

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

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

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

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

- 119 (s) make priority program recommendations to the corporation;
- 120 (t) coordinate its activities with the activities of other state agencies that administer
121 federal block grants; and
- 122 (u) coordinate its activities with the activities of other volunteer service programs.
- 123 (2) The commission may not directly operate or run any national service program
124 receiving financial assistance, in any form, from the corporation.
- 125 (3) The commission may, subject to Title 63, Chapter 38e, Federal Funds Procedures,
126 receive and accept federal funds, and may receive and accept private gifts, donations, or funds
127 from any source. All moneys shall be deposited with the state and shall be continuously
128 available to the commission to carry out the purposes of this part.
- 129 (4) (a) The commission shall establish a community volunteer training program to
130 assist the state's school districts in implementing the literacy programs required under Section
131 53A-1-801.
- 132 (b) The program shall focus on:
- 133 (i) recruitment of volunteers to assist public schools in reading improvement programs;
- 134 (ii) providing for the training of volunteers recruited under Subsection (4)(b)(i), which
135 may include training in teaching phonetic decoding skills and phonemic awareness, to assist
136 public schools and community based, not-for-profit literacy programs in accomplishing the
137 literacy goals established in Section 53A-1-801;
- 138 (iii) providing grants to entities whose primary purpose is to support literacy by
139 working with either school districts or individual schools to accomplish their literacy goals;
140 and
- 141 (iv) providing materials and supplies which may be used by the commission or the
142 public schools or both to help public education accomplish its literacy goals under Section
143 53A-1-801.
- 144 (c) The commission shall coordinate its activities under this Subsection (4) with other
145 state and community entities engaged in child literacy programs.
- 146 (d) (i) The commission shall make an annual report to the State Board of Education on:
- 147 (A) how public monies were spent on the programs authorized under this Subsection
148 (4); and
- 149 (B) the number of volunteers recruited for and participating in the program.

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

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

153 **9-4-202. Powers and duties of division.**

154 (1) The division shall:

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

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

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

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

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

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

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

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

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

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

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

182 (2) The division may:

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

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

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

193 (c) in accordance with Part 13, Domestic Violence Shelters, assist in developing,
194 constructing, and improving shelters for victims of domestic violence, as described in Section
195 77-36-1, through loans and grants to nonprofit and governmental entities; and

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

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

199 **9-8-405. Federal funds -- Agreements on standards and procedures.**

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

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

208 **30-3-38. Pilot Program for Expedited Parent-time Enforcement.**

209 (1) There is established an Expedited Parent-time Enforcement Pilot Program in the
210 third judicial district to be administered by the Administrative Office of the Courts from July 1,
211 2003, to July 1, 2007.

212 (2) As used in this section:

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

214 (i) is qualified to mediate parent-time disputes under criteria established by the

215 Administrative Office of the Courts; and

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

218 (b) "Services to facilitate parent-time" or "services" means services designed to assist
219 families in resolving parent-time problems through:

220 (i) counseling;

221 (ii) supervised parent-time;

222 (iii) neutral drop-off and pick-up;

223 (iv) educational classes; and

224 (v) other related activities.

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

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

230 (i) meet with the parents to address parent-time issues within 15 days of the motion
231 being filed;

232 (ii) assess the situation;

233 (iii) facilitate an agreement on parent-time between the parents; and

234 (iv) determine whether a referral to a service provider under Subsection (3)(c) is
235 warranted.

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

238 (i) the services may be of significant benefit to the parents; or

239 (ii) (A) a mediated agreement between the parents is unlikely; and

240 (B) the services may facilitate an agreement.

241 (d) At any time during mediation, a mediator shall terminate mediation and transfer the
242 case to the administrator of the pilot program for referral to the judge or court commissioner to

243 whom the case was assigned under Subsection (3)(a) if:

244 (i) a written agreement between the parents is reached; or

245 (ii) the parents are unable to reach an agreement through mediation and:

246 (A) the parents have received services to facilitate parent-time;

247 (B) both parents object to receiving services to facilitate parent-time; or

248 (C) the parents are unlikely to benefit from receiving services to facilitate parent-time.

249 (e) Upon receiving a case from the administrator of the pilot program, a judge or court
250 commissioner may:

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

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

253 (iii) proceed with the case; or

254 (iv) take other appropriate action.

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

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

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

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

267 (i) the allegation has been resolved; or

268 (ii) a court orders otherwise.

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

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

- 274 (i) services to facilitate parent-time;
- 275 (ii) case management services; and
- 276 (iii) administrative services.

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

- 279 (i) be qualified to provide one or more of the services listed in Subsection (5)(a); and
- 280 (ii) agree to follow billing guidelines established by the Department of Human Services
281 and this section.

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

- 283 (i) reduced to a sum certain;
- 284 (ii) divided equally between the parents; and
- 285 (iii) charged against each parent taking into account the ability of that parent to pay
286 under billing guidelines adopted in accordance with this section.

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

- 289 (i) failed to participate in good faith in mediation or services to facilitate parent-time;
- 290 or
- 291 (ii) made an unfounded assertion or claim of physical or sexual abuse of a child.

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

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

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

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

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

303 (9) (a) The Administrative Office of the Courts shall adopt outcome measures to
304 evaluate the effectiveness of the mediation component of this pilot program. Progress reports

305 shall be provided to the Judiciary Interim Committee as requested by the committee. At least
306 once during this pilot program, the Administrative Office of the Courts shall present to the
307 committee the results of a survey that measures the effectiveness of the program in terms of
308 increased compliance with parent-time orders and the responses of interested persons.

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

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

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

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

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

321 **35A-5-102. Federal grants for retraining.**

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

326 (a) the United States Department of Defense;

327 (b) United States Department of Labor; or

328 (c) other appropriate federal offices or departments.

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

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

333 **53A-24-114. Governor's Committee on Employment of People with Disabilities.**

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

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

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

340 (i) business and industry;

341 (ii) individuals with disabilities and their advocates;

342 (iii) job training and placement;

343 (iv) state agencies, such as the Department of Human Resource Management, the
344 Department of Workforce Services, Public Education, Higher Education, and the Department
345 of Human Services;

346 (v) labor;

347 (vi) veterans;

348 (vii) medical;

349 (viii) health;

350 (ix) insurance;

351 (x) media; and

352 (xi) the general public.

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

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

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

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

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

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

364 (3) (a) The committee shall:

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

366 (ii) serve as the designated state liaison to the President's Committee on Employment

367 of People with Disabilities;

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

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

373 (v) establish contacts with various community representatives to identify and resolve
374 barriers to full participation in employment and community life;

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

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

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

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

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

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

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

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

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

396 **62A-1-112. Participation in federal programs -- Federal grants -- Authority of**
397 **executive director.**

398 (1) The executive director may, [~~with the approval of the governor, may accept on~~
399 ~~behalf of this state, and bind the state by such acceptance, any executive or legislative~~
400 ~~provision promulgated or enacted by the federal government or by any agency thereof, whereby~~
401 ~~the state of Utah is invited, permitted, or authorized to participate in the distribution,~~
402 ~~disbursement, or administration of any fund or service, which is advanced, offered or~~
403 ~~contributed in whole or in part by the federal government for purposes consistent with the~~
404 ~~powers and duties of the department]~~ by following the procedures and requirements of Title 63,
405 Chapter 38e, Federal Funds Procedures, seek federal grants, loans, or participation in federal
406 programs.

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

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

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

418 **62A-3-104. Authority of division.**

419 (1) The division is the sole state agency, as defined by the Older Americans Act of
420 1965, 42 U.S.C. 3001 et seq., to serve as an effective and visible advocate for the aging and
421 adult population of this state, to develop and administer a state plan under the policy direction
422 of the board, and to take primary responsibility for state activities relating to provisions of the
423 Older Americans Act of 1965, as amended.

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

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

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

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

433 (3) (a) The division has the authority to designate planning and service areas for the
434 state and to designate an area agency on high risk adults within each planning and service area
435 in accordance with Subsection (3)(b) to design and implement a comprehensive and
436 coordinated system of case management and programs for high risk adults within
437 appropriations from the Legislature.

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

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

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

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

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

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

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

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

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

457 (4) The division [~~has authority to~~] may, by following the procedures and requirements
458 of Title 63, Chapter 38e, Federal Funds Procedures, seek federal grants, loans, or participation
459 in federal programs and receive and distribute state and federal funds for the division's

460 programs and services to the aging and adult populations of the state.

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

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

466 (a) contract with the governing body of an area agency to provide a comprehensive
467 program of services; and

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

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

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

474 (9) The division shall:

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

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

480 (c) examine expenditures of public funds;

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

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

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

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

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

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

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

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

497 **63-34-15. Outdoor recreation facilities -- Participation in federal programs.**

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

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

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

510 **63-34-17. Outdoor recreation facilities -- Powers of executive director to obtain**
511 **federal aid.**

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

522 executive director of natural resources shall coordinate the department's activities with and
523 represent the interests of all agencies and subdivisions of the state having interests in the
524 planning, development, and maintenance of outdoor recreation resources and facilities.

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

526 **63-34-101. Utah Energy Office created -- Utah Energy Office duties.**

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

528 (2) The Utah Energy Office shall:

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

533 (i) renewable energy;

534 (ii) energy efficiency; and

535 (iii) energy conservation;

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

537 (i) for state buildings; and

538 (ii) relating to:

539 (A) procurement of energy;

540 (B) consumption of energy;

541 (C) conservation of energy; and

542 (D) efficient use of energy;

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

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

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

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

550 (i) energy production;

551 (ii) processing of energy;

552 (iii) use of energy; and

- 553 (iv) energy related technology;
- 554 (g) monitor federal laws and regulations related to:
- 555 (i) energy development;
- 556 (ii) processing of energy; or
- 557 (iii) use of energy;
- 558 (h) recommend state policy positions regarding energy to:
- 559 (i) the governor; or
- 560 (ii) the Legislature;
- 561 (i) represent the state on regional and national energy matters:
- 562 (i) at the initiative of the office; or
- 563 (ii) as requested by the governor;
- 564 (j) coordinate and consolidate energy resource data collection throughout state
- 565 government;
- 566 (k) provide the Legislature and the governor with:
- 567 (i) an annual report addressing the current status of energy markets in the state; and
- 568 (ii) an independent assessment of energy issues; and
- 569 (l) perform forecasts of state-level:
- 570 (i) energy production;
- 571 (ii) energy consumption; and
- 572 (iii) energy prices.

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

574 **63-38-2 (Superseded 07/01/04). Governor to submit budget to Legislature --**
575 **Contents -- Preparation -- Appropriations based on current tax laws and not to exceed**
576 **estimated revenues.**

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

581 (b) The budget message shall include:

- 582 (i) a projection of estimated revenues and expenditures for the next fiscal year[-]; and
- 583 (ii) the source of all direct, indirect, or in-kind matching funds for all federal grants or

584 assistance programs included in the budget.

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

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

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

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

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

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

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

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

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

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

607 (g) the information detailing certain regulatory fee increases required by Section
608 63-38-3.2.

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

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

612 (b) the Executive Department;

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

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

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

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

618 (g) all other appropriations.

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

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

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

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

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

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

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

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

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

645 (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity

646 does not affect the budget itself or any other item in it.

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

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

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

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

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

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

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

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

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

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

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

675 (12) (a) The Families, Agencies, and Communities Together Council may propose to
676 the governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative

677 service delivery systems operated under Section 63-75-6.5.

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

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

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

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

688 **63-38-2 (Effective 07/01/04). Governor to submit budget to Legislature --**
689 **Contents -- Preparation -- Appropriations based on current tax laws and not to exceed**
690 **estimated revenues.**

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

695 (b) The budget message shall include:

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

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

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

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

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

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

- 708 (a) the revenues and expenditures for the last fiscal year;
- 709 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and
710 funds of the state;
- 711 (c) an estimate of the state's financial condition as of the beginning and the end of the
712 period covered by the budget;
- 713 (d) a complete analysis of lease with an option to purchase arrangements entered into
714 by state agencies;
- 715 (e) the recommendations for each state agency for new full-time employees for the next
716 fiscal year; which recommendation should be provided also to the State Building Board under
717 Subsection 63A-5-103(2);
- 718 (f) any explanation the governor may desire to make as to the important features of the
719 budget and any suggestion as to methods for the reduction of expenditures or increase of the
720 state's revenue; and
- 721 (g) the information detailing certain regulatory fee increases required by Section
722 63-38-3.2.
- 723 (5) The budget shall include an itemized estimate of the appropriations for:
 - 724 (a) the Legislative Department as certified to the governor by the president of the
725 Senate and the speaker of the House;
 - 726 (b) the Executive Department;
 - 727 (c) the Judicial Department as certified to the governor by the state court administrator;
 - 728 (d) payment and discharge of the principal and interest of the indebtedness of the state;
 - 729 (e) the salaries payable by the state under the Utah Constitution or under law for the
730 lease agreements planned for the next fiscal year;
 - 731 (f) other purposes that are set forth in the Utah Constitution or under law; and
 - 732 (g) all other appropriations.
- 733 (6) Deficits or anticipated deficits shall be included in the budget.
- 734 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall
735 require from the proper state officials, including public and higher education officials, all heads
736 of executive and administrative departments and state institutions, bureaus, boards,
737 commissions, and agencies expending or supervising the expenditure of the state moneys, and
738 all institutions applying for state moneys and appropriations, itemized estimates of revenues

739 and expenditures.

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

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

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

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

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

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

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

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

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

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

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

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

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

769 (v) local health departments under Title 26A, Chapter 1, Local Health [Department

770 Act] Departments; and

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

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

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

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

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

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

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

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

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

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

802 **63-38-11.5. Reduction in federal funds -- Agencies to reduce budgets.**

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

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

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

811 **63-38d-301. Budget duties of the director and office.**

812 (1) The director and the office shall:

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

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

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

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

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

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

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

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

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

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

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

834 **63-38e-101. Definitions.**

835 As used in this chapter:

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

838 (b) "Agency" includes executive branch entities and judicial branch entities.

839 (c) "Agency" does not mean higher education institutions or political subdivisions.

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

843 (b) "Federal funds" includes federal assistance and federal assistance programs,
844 however described.

845 (3) "Federal funds request" means the formal submission from an agency to the federal
846 government:

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

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

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

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

853 (4) "Federal funds request summary" means a document detailing:

854 (a) the amount of money that is being requested or is available to be received by the
855 state from the federal government if the federal funds application is approved;

856 (b) the amount of new state funds, if any, that will be required to receive the federal
857 funds or participate in the federal program; and

858 (c) the number of additional permanent full-time employees, additional permanent
859 part-time employees, or combination of additional permanent full-time employees and
860 additional permanent part-time employees, if any, that the state estimates are needed in order to
861 receive the federal funds or participate in the federal program.

862 (5) (a) "New state monies" means monies, whether specifically appropriated by the

863 legislature or not, that the federal government requires Utah to expend as a condition for:

864 (i) receiving the federal funds; or

865 (ii) participating in the federal program.

866 (b) "New state monies" includes monies expended to meet federal maintenance of
867 effort requirements.

868 (6) "State" means the state of Utah and all of its state agencies, and administrative
869 subunits of those agencies.

870 Section 18. Section **63-38e-102** is enacted to read:

871 **63-38e-102. Scope and applicability of chapter.**

872 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
873 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
874 this chapter apply to each agency and govern each federal funds request.

875 (2) This chapter does not govern federal funds requests for:

876 (a) the Medical Assistance Program, commonly known as Medicaid;

877 (b) the Children's Health Insurance Program;

878 (c) the Women, Infant, and Children program;

879 (d) the Temporary Assistance to Needy Families program;

880 (e) Social Security Act monies;

881 (f) Substance Abuse Prevention and Treatment program;

882 (g) Child Care Block grant;

883 (h) Food Stamp Administration and Training monies;

884 (i) Unemployment Insurance Operations monies; or

885 (j) Federal Highway Administration monies.

886 (3) The governor need not seek legislative review or approval of federal funds received
887 by the state when the governor has declared a state of emergency and the federal funds are
888 received to assist disaster victims under Subsection 63-5a-3(2).

889 Section 19. Section **63-38e-201** is enacted to read:

890 **63-38e-201. Governor to approve certain federal funds applications.**

891 (1) (a) Before obligating the state to accept or receive federal funds or to participate in
892 a federal program, and no later than three months after submitting a federal funds request, and,
893 where possible, before formally submitting the federal funds request, an executive branch

894 agency shall submit a federal funds request summary to the governor or the governor's designee
895 for approval or rejection when:

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

898 (ii) receipt of the grant will require no additional permanent full-time employees,
899 permanent part-time employees, or combination of additional permanent full-time employees
900 and permanent part-time employees; and

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

903 (b) The Governor's Office of Planning and Budget shall report each federal funds
904 request that is approved by the governor or the governor's designee and each federal funds
905 request granted by the federal government to:

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

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

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

909 (2) The governor or the governor's designee shall approve or reject each federal funds
910 request submitted under the authority of this section.

911 (3) (a) If the governor or the governor's designee approves the federal funds request,
912 the executive branch agency may accept the federal money or participate in the federal
913 program.

914 (b) If the governor or the governor's designee rejects the federal funds request, the
915 executive branch agency may not accept the federal money or participate in the federal
916 program.

917 (4) If an executive branch agency fails to obtain the governor's or the governor's
918 designee's approval under this section, the governor may require the agency to:

919 (a) withdraw the federal funds request;

920 (b) return the federal funds;

921 (c) withdraw from the federal program; or

922 (d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

923 Section 20. Section **63-38e-202** is enacted to read:

924 **63-38e-202. Judicial council to approve certain federal funds applications.**

925 (1) (a) Before obligating the state to accept or receive federal funds or to participate in
926 a federal program, and no later than three months after submitting a federal funds request, and,
927 where possible, before formally submitting the federal funds request, a judicial branch agency
928 shall submit a federal funds request summary to the Judicial Council for its approval or
929 rejection when:

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

932 (ii) receipt of the grant will require no additional permanent full-time employees,
933 additional permanent part-time employees, or combination of additional permanent full-time
934 employees and permanent part-time employees; and

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

937 (b) The Judicial Council shall report each federal funds request that is approved by it
938 and each federal funds request granted by the federal government to:

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

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

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

942 (2) The Judicial Council shall approve or reject each federal funds request submitted to
943 it under the authority of this section.

944 (3) (a) If the Judicial Council approves the federal funds request, the judicial branch
945 agency may accept the federal money or participate in the federal program.

946 (b) If the Judicial Council rejects the federal funds request, the judicial branch agency
947 may not accept the federal money or participate in the federal program.

948 (4) If a judicial branch agency fails to obtain the Judicial Council's approval under this
949 section, the Judicial Council may require the agency to:

950 (a) withdraw the federal funds request;

951 (b) return the federal funds;

952 (c) withdraw from the federal program; or

953 (d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

954 Section 21. Section **63-38e-203** is enacted to read:

955 **63-38e-203. Legislative review and approval of certain federal funds applications.**

956 (1) As used in this section:

957 (a) "High impact federal funds request" means a federal funds request that will or
958 could:

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

961 (ii) require the state to add 11 or more permanent full-time employees, 11 or more
962 permanent part-time employees, or combination of permanent full-time and permanent
963 part-time employees equal to 11 or more in order to receive or implement the grant or
964 participate in the federal program; or

965 (iii) require the state to expend more than \$1,000,000 of new state monies in a fiscal
966 year in order to receive or implement the grant or participate in the federal program.

967 (b) "Medium impact federal funds request" means a federal funds request that will or
968 could:

969 (i) result in the state receiving total payments of more than \$1,000,000 but less than
970 \$10,000,000 per year from the federal government under the grant;

971 (ii) require the state to add more than zero but less than 11 permanent full-time
972 employees, more than zero but less than 11 permanent part-time employees, or a combination
973 of permanent full-time employees and permanent part-time employees equal to more than zero
974 but less than 11 in order to receive or implement the grant or participate in the federal program;
975 or

976 (iii) require the state to expend \$1 to \$1,000,000 of new state monies in a fiscal year in
977 order to receive or implement the grant or participate in the federal program.

978 (2) (a) Before obligating the state to accept or receive federal funds or to participate in
979 a federal program under a medium impact federal funds request, and no later than three months
980 after submitting a medium impact federal funds request, and, where possible, before formally
981 submitting the medium impact federal funds request, an agency shall:

982 (i) submit the federal funds request summary to the governor or the Judicial Council
983 for approval or rejection; and

984 (ii) if the governor or Judicial Council approves the federal funds request, submit the
985 federal funds request summary to the Legislative Executive Appropriations Committee for its
986 review and recommendations.

987 (b) The Legislative Executive Appropriations Committee shall review the federal funds
988 request summary and may:

989 (i) recommend that the agency accept the federal funds;

990 (ii) recommend that the agency not accept the federal funds; or

991 (iii) recommend to the governor that the governor call a special session of the
992 Legislature to review and approve or reject the acceptance of the federal funds.

993 (3) (a) Before obligating the state to accept or receive federal funds or to participate in
994 a federal program under a high impact federal funds request, and no later than three months
995 after submitting a high impact federal funds request, and, where possible, before formally
996 submitting the high impact federal funds request, an agency shall:

997 (i) submit the federal funds request summary to the governor or Judicial Council for
998 approval or rejection; and

999 (ii) if the governor or Judicial Council approves the federal funds request, submit the
1000 federal funds request summary to the Legislature for its approval or rejection in an annual
1001 general session or a special session.

1002 (b) (i) If the Legislature approves the federal funds request, the agency may accept the
1003 federal money or participate in the federal program.

1004 (ii) If the Legislature fails to approve the federal funds request, the agency may not
1005 accept the federal money or participate in the federal program.

1006 (c) If an agency fails to obtain the Legislature's approval under this Subsection (3):

1007 (i) the governor or Judicial Council may require the agency to withdraw the request or
1008 refuse or return the federal funds;

1009 (ii) the Legislature may, if federal law allows, opt out or decline to participate in the
1010 federal program or decline to receive the federal funding; or

1011 (iii) the Legislature may reduce the agency's General Fund appropriation in an amount
1012 less than, equal to, or greater than the amount of federal funds received by the agency.

1013 Section 22. Section **63-47-7** is amended to read:

1014 **63-47-7. Authority to accept funds, gifts, and donations.**

1015 The commission may, subject to Title 63, Chapter 38e, Federal Funds Procedures,
1016 receive and accept federal funds, and receive and accept private gifts, donations, or funds from
1017 any source. All moneys shall be deposited with the state and shall be continuously available to

1018 the commission to carry out the purposes of this act.

1019 Section 23. Section **65A-8-1.2** is amended to read:

1020 **65A-8-1.2. Urban and community forestry program.**

1021 (1) An urban and community forestry program is created within the division.

1022 (2) The purpose of the program is to encourage the planting and maintenance of trees
1023 within municipalities and unincorporated communities.

1024 (3) The division may:

1025 (a) advise and assist municipalities, counties, and other public and private entities in
1026 developing and coordinating policies, programs, and activities promoting urban and
1027 community forestry;

1028 (b) receive, by following the procedures and requirements of Title 63, Chapter 38e,
1029 Federal Funds Procedures, federal funds for the urban and community forestry program; and

1030 (c) provide grants to municipalities and counties for urban and community forestry
1031 programs and cooperative projects.

1032 (4) The division shall:

1033 (a) develop a public education program to inform tree care professionals and citizens of
1034 the hazards involved with the planting of new trees and the maintenance of existing trees near
1035 overhead power lines and highways; and

1036 (b) develop and implement a program of public awareness to inform citizens about the
1037 benefits of planting trees in urban areas and how to maintain trees.

1038 Section 24. Section **71-7-3** is amended to read:

1039 **71-7-3. Development, operation, and maintenance of Utah Veterans' Cemetery**
1040 **and Memorial Park -- Responsibilities of Division of Veterans' Affairs -- Costs --**
1041 **Definition.**

1042 (1) The Division of Veterans' Affairs, in consultation with the Veterans' Memorial Park
1043 Board, shall develop, operate, and maintain a veterans' cemetery and memorial park.

1044 (2) To help pay the costs of developing, constructing, operating, and maintaining a
1045 veterans' cemetery and memorial park, the Division of Veterans' Affairs may:

1046 (a) by following the procedures and requirements of Title 63, Chapter 38e, Federal
1047 Funds Procedures, receive federal funds, and may receive state funds, contributions from
1048 veterans' organizations, and other private donations; and

1049 (b) charge fees for at least the cost of the burial of veterans' spouses and other persons,
1050 whom the division and the Veterans' Memorial Park Board determines are eligible to be buried
1051 in a veterans' cemetery established by the state.

1052 (3) As used in this chapter, "veteran" has the same meaning as in Section 71-8-1.

1053 Section 25. Section **72-7-206** is amended to read:

1054 **72-7-206. Screening of existing junkyards.**

1055 (1) The department shall screen any junkyard lawfully in existence on May 9, 1967,
1056 which is located within 1,000 feet of the nearest edge of the right-of-way and visible from the
1057 main-traveled-way of any highway on the interstate or primary system.

1058 (2) The screening shall be at locations on the right-of-way or in areas outside the
1059 right-of-way acquired for that purpose and may not be visible from the main-traveled-way of
1060 the interstate or federal-aid primary systems.

1061 (3) The department may not install junkyard screening under this section unless:

1062 (a) the necessary federal funds for participation have been appropriated by the federal
1063 government and are immediately available to the state[-]; and

1064 (b) the department has received approval to seek federal grants, loans, or participation
1065 in federal programs under Title 63, Chapter 38e, Federal Funds Procedures.

1066 Section 26. Section **72-7-207** is amended to read:

1067 **72-7-207. Junkyards not adaptable to screening -- Authority of department to**
1068 **acquire land -- Compensation.**

1069 (1) If the department determines that the topography of the land adjoining the interstate
1070 and primary systems will not permit adequate screening of junkyards or that screening would
1071 not be economically feasible, the department may acquire by gift, purchase, exchange, or
1072 eminent domain the interests in lands necessary to secure the relocation, removal, or disposal
1073 of the junkyards.

1074 (2) If the department determines that it is in the best interests of the state, it may
1075 acquire lands, or interests in lands, necessary to provide adequate screening of junkyards.

1076 (3) The acquisitions provided for in this section may not be undertaken unless:

1077 (a) the necessary federal funds for participation have been appropriated by the federal
1078 government and are immediately available to the state[-]; and

1079 (b) the department has received approval to seek federal grants, loans, or participation

1080 in federal programs under Title 63, Chapter 38e, Federal Funds Procedures.

1081 (4) Damages resulting from any taking of property in eminent domain shall be
1082 ascertained in the manner provided by law.

1083 (5) Just compensation shall be paid the owner for the relocation, removal, or disposal
1084 of a junkyard lawfully established under the laws of this state and which must be relocated,
1085 removed, or disposed of under this part.

1086 Section 27. **Repealer.**

1087 This bill repeals:

1088 Section **63-40-1, Purposes of chapter.**

1089 Section **63-40-2, Federal assistance management officer -- Duties.**

1090 Section **63-40-3, Governor authorized to accept funds -- Designation of state**
1091 **agency -- Identification of federal grants or assistance programs.**

1092 Section **63-40-4, Applications for funds by state agencies -- Approval.**

1093 Section **63-40-5, Reports by participating state agencies.**

1094 Section **63-40-6, Reduction in programs supported by federal grants required.**

1095 Section **63-40-7, Executive Appropriations Committee -- Oversight of federal**
1096 **assistance -- Meeting with congressional leaders.**

1097 Section 28. **Effective date.**

1098 This bill takes effect on May 3, 2004, except that the amendments to Section 63-38-2
1099 (Effective 07/01/04) take effect on July 1, 2004.