

1                   **EXECUTIVE DIRECTOR OF DEPARTMENT OF**  
2                                   **HEALTH ISSUES**

3                                   2005 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Sheldon L. Killpack**

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends the State Officer Compensation.

10 **Highlighted Provisions:**

11       This bill:

12           ▶ permits the governor to establish a salary for the executive director of the  
13 Department of Health that distinguishes between a physician or nonphysician  
14 executive director.

15 **Monies Appropriated in this Bill:**

16       None

17 **Other Special Clauses:**

18       ~~§~~→ [None] This bill provides an immediate effective date. ←~~§~~

19 **Utah Code Sections Affected:**

20 AMENDS:

21       **67-22-2**, as last amended by Chapters 156 and 306, Laws of Utah 2004

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

24       Section 1. Section **67-22-2** is amended to read:

25       **67-22-2. Compensation -- Other state officers.**

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



28	State Officer	Salary Range
29	Commissioner of Agriculture and Food	\$65,200 - \$88,400
30	Commissioner of Insurance	\$65,200 - \$88,400
31	Commissioner of the Labor Commission	\$65,200 - \$88,400
32	Director, Alcoholic Beverage Control	
33	Commission	\$65,200 - \$88,400
34	Commissioner, Department of	
35	Financial Institutions	\$65,200 - \$88,400
36	Members, Board of Pardons and Parole	\$65,200 - \$88,400
37	Executive Director, Department	
38	of Commerce	\$65,200 - \$88,400
39	Executive Director, Commission on	
40	Criminal and Juvenile Justice	\$65,200 - \$88,400
41	Adjutant General	\$65,200 - \$88,400
42	Chair, Tax Commission	\$70,600 - \$95,200
43	Commissioners, Tax Commission	\$70,600 - \$95,200
44	Executive Director, Department of	
45	Community and Economic	
46	Development	\$70,600 - \$95,200
47	Executive Director, Tax Commission	\$70,600 - \$95,200
48	Chair, Public Service Commission	\$70,600 - \$95,200
49	Commissioners, Public Service	
50	Commission	\$70,600 - \$95,200
51	Executive Director, Department	
52	of Corrections	\$76,800 - \$103,600
53	Commissioner, Department of Public Safety	\$76,800 - \$103,600
54	Executive Director, Department of	
55	Natural Resources	\$76,800 - \$103,600
56	Director, Governor's Office of Planning	
57	and Budget	\$76,800 - \$103,600
58	Executive Director, Department of	

59	Administrative Services	\$76,800 - \$103,600
60	Executive Director, Department of	
61	Human Resource Management	\$76,800 - \$103,600
62	Executive Director, Department of	
63	Environmental Quality	\$76,800 - \$103,600
64	Executive Director, Department of	
65	Workforce Services	\$83,600 - \$112,900
66	Executive Director, Department of	
67	Health, <u>Nonphysician</u>	\$83,600 - \$112,900
68	Executive Director, Department	
69	of Human Services	\$83,600 - \$112,900
70	Executive Director, Department	
71	of Transportation	\$83,600 - \$112,900
72	Chief Information Officer	\$83,600 - \$112,900

73 (b) If the executive director of the Department of Health is a physician, the governor  
74 shall establish a salary ~~to~~ [pursuant to the] within the highest ~~of~~ physician salary range  
74a established by the Department of  
75 Human Resource Management.

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

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

82 (ii) health insurance;

83 (iii) dental insurance;

84 (iv) basic life insurance;

85 (v) unemployment compensation;

86 (vi) workers' compensation;

87 (vii) required employer contribution to Social Security;

88 (viii) long-term disability income insurance;

89 (ix) the same additional state-paid life insurance available to other noncareer service

90 employees;

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

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

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

98 (xiii) the option to purchase additional life insurance at group insurance rates according  
99 to the same criteria and procedures applied to Schedule B state employees; and

100 (xiv) professional memberships if being a member of the professional organization is a  
101 requirement of the position.

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

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

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

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

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

111 (d) for the Commissioner of Public Safety:

112 (i) an accidental death insurance policy if POST certified; and

113 (ii) a public safety vehicle for official and personal use;

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

115 (i) an accidental death insurance policy if POST certified; and

116 (ii) a public safety vehicle for official and personal use;

117 (f) for the Adjutant General a vehicle for official and personal use; and

118 (g) for each member of the Board of Pardons and Parole a vehicle for commute and  
119 official use.

120 (4) (a) The governor has the discretion to establish a specific salary for each office

121 listed in Subsection (1), and, within that discretion, may provide salary increases within the  
 122 range fixed by the Legislature.

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

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

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

129a **§→ Section 2. Effective date.**

129b **If approved by two-thirds of all the members elected to each house, this bill takes effect**  
 129c **upon approval by the governor, or the day following the constitutional time limit of Utah**  
 129d **Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,**  
 129e **the date of veto override.** ←§

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**Legislative Review Note**

as of 2-4-05 3:39 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0232**

**Executive Director of Department of Health Issues**

*10-Feb-05*

*1:25 PM*

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**State Impact**

This bill provides the governor with the ability to approve a higher salary for the Executive Director of the Department of Health if that person is a physician. If such an increase is approved, the increased cost will be absorbed within current existing budgetary levels of the Department .

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**Individual and Business Impact**

This bill would allow the Executive Director of the Department of Health to receive a higher salary if he/she is a physician.

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**Office of the Legislative Fiscal Analyst**