

1                                   **GOVERNOR'S BUDGET - WAGE AND**  
2                                   **BENEFIT INCREASES TO BE CONSIDERED**  
3                                   **FOR SOIL CONSERVATION DISTRICT**

4                                   2006 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: Kerry W. Gibson**

7                                   Senate Sponsor: Darin G. Peterson

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8  
9   **LONG TITLE**

10 **General Description:**

11           This bill directs the governor to include in his budget, and the Legislature to consider,  
12 an amount sufficient to grant wage and benefit increases to soil conservation districts  
13 and to Utah Association of Soil Conservation district employees.

14 **Highlighted Provisions:**

15           This bill:

16           ▶ directs the governor to include in his budget an amount sufficient to grant soil  
17 conservation districts, and employees of the Utah Association of Soil Conservation  
18 Districts, the same percentage increase for wages and benefits that he includes in his  
19 budget for persons employed by the state;

20           ▶ requires the Legislature to consider an appropriation to grant soil conservation  
21 districts, and employees of the Utah Association of Soil Conservation Districts, the  
22 same percentage increase for wages and benefits that is included in the budget for  
23 persons employed by the state; and

24           ▶ makes technical corrections.

25 **Monies Appropriated in this Bill:**

26           None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63-38-2**, as last amended by Chapters 326 and 352, Laws of Utah 2004



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

34 Section 1. Section **63-38-2** is amended to read:

35 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**  
36 **Appropriations based on current tax laws and not to exceed estimated revenues.**

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

41 (b) The budget message shall include:

- 42 (i) a projection of estimated revenues and expenditures for the next fiscal year; and
- 43 (ii) the source of all direct, indirect, or in-kind matching funds for all federal grants or  
44 assistance programs included in the budget.

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

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

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

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

- 54 (a) the revenues and expenditures for the last fiscal year;
- 55 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and  
56 funds of the state;

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

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

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

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

67 (g) the information detailing certain regulatory fee increases required by Section  
68 63-38-3.2.

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

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

72 (b) the Executive Department;

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

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

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

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

78 (g) all other appropriations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115 (v) local health departments under Title 26A, Chapter 1, Local Health Departments;

116 and

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

118 (b) In his budget recommendations under Subsections (10)(a)(i), (ii), and (iii), the  
119 governor shall consider an amount sufficient to grant local health departments, local mental  
120 health authorities, local substance abuse authorities, and area agencies the same percentage

121 increase for wages and benefits that he includes in his budget for persons employed by the  
122 state.

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

126 (11) (a) In submitting the budget for the Department of Agriculture, the governor shall  
127 consider an amount sufficient to grant local soil conservation districts and Utah Association of  
128 Soil Conservation District employees the same percentage increase for wages and benefits that  
129 he includes in his budget for persons employed by the state.

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

133 [~~(11)~~] (12) (a) In submitting the budget for the Division of Services for People with  
134 Disabilities, the Division of Child and Family Services, and the Division of Juvenile Justice  
135 Services within the Department of Human Services, the governor shall consider an amount  
136 sufficient to grant employees of corporations that provide direct services under contract with  
137 those divisions, the same percentage increase for cost-of-living that he includes in his budget  
138 for persons employed by the state.

139 (b) If the governor does not include in his budget an amount sufficient to grant the  
140 increase described in Subsection [~~(11)~~] (12)(a), he shall include a message to the Legislature  
141 regarding his reason for not including that amount.

142 [~~(12)~~] (13) (a) The Families, Agencies, and Communities Together Council may  
143 propose to the governor under Subsection 63-75-4(4)(e) a budget recommendation for  
144 collaborative service delivery systems operated under Section 63-75-6.5.

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

147 [~~(13)~~] (14) The governor shall include in his budget the state's portion of the budget for  
148 the Utah Communications Agency Network established in Title 63C, Chapter 7, Utah  
149 Communications Agency Network Act.

150 [~~(14)~~] (15) (a) The governor shall include a separate recommendation in the governor's  
151 budget for funds to maintain the operation and administration of the Utah Comprehensive

152 Health Insurance Pool.

153 (b) In making the recommendation the governor may consider:

154 (i) actuarial analysis of growth or decline in enrollment projected over a period of at  
155 least three years;

156 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period  
157 of at least three years;

158 (iii) the annual Medical Care Consumer Price Index;

159 (iv) the annual base budget for the pool established by the Commerce and Revenue  
160 Appropriations Subcommittee for each fiscal year;

161 (v) the growth or decline in insurance premium taxes and fees collected by the tax  
162 commission and the insurance department; and

163 (vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and  
164 Subsection 59-14-204(5)(b).

165 [~~15~~] (16) In adopting a budget for each fiscal year, the Legislature shall consider an  
166 amount sufficient to grant local health departments, local mental health authorities, local  
167 substance abuse authorities, [~~and~~] area agencies on aging, soil conservation districts, and Utah  
168 Association of Soil Conservation District employees the same percentage increase for wages  
169 and benefits that is included in the budget for persons employed by the state.

170 [~~16~~] (17) (a) In adopting a budget each year for the Utah Comprehensive Health  
171 Insurance Pool, the Legislature shall determine an amount that is sufficient to fund the pool for  
172 each fiscal year.

173 (b) When making a determination under Subsection [~~16~~] (17)(a), the Legislature shall  
174 consider factors it determines are appropriate, which may include:

175 (i) actuarial analysis of growth or decline in enrollment projected over a period of at  
176 least three years;

177 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period  
178 of at least three years;

179 (iii) the annual Medical Care Consumer Price Index;

180 (iv) the annual base budget for the pool established by the Commerce and Revenue  
181 Appropriations Subcommittee for each fiscal year;

182 (v) the growth or decline in insurance premium taxes and fees collected by the tax

183 commission and the insurance department from the previous fiscal year; and  
184 (vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and  
185 Subsection 59-14-204(5)(b).

186 (c) The funds appropriated by the Legislature to fund the Utah Comprehensive Health  
187 Insurance Pool as determined under Subsection [~~(16)~~] (17)(a):

188 (i) shall be deposited into the enterprise fund established by Section 31A-29-120; and

189 (ii) are restricted and are to be used to maintain the operation, administration, and  
190 management of the Utah Comprehensive Health Insurance Pool created by Section  
191 31A-29-104.

192 [~~(17)~~] (18) In considering the factors in Subsections [~~(14)~~] (15)(b)(i), (ii), and (iii) and  
193 Subsections [~~(16)~~] (17)(b)(i), (ii), and (iii), the governor and the Legislature may consider the  
194 actuarial data and projections prepared for the board of the Utah Comprehensive Health  
195 Insurance Pool as it develops its financial statements and projections for each fiscal year.

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**Legislative Review Note**  
**as of 1-18-06 4:51 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**