

**PARAMETERS ON GOVERNOR'S ABILITY TO
ENTER AGREEMENTS BINDING THE STATE**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

General Description:

This bill requires legislative approval of certain interstate agreements.

Highlighted Provisions:

This bill:

- ▶ provides definitions; and
- ▶ requires legislative approval of certain interstate agreements.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 63, Recodification of Title 63 State Affairs in General, by providing technical renumbering.

Utah Code Sections Affected:

ENACTS:

63-8a-101, Utah Code Annotated 1953

63-8a-102, Utah Code Annotated 1953

63-8a-201, Utah Code Annotated 1953

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

Section 1. Section **63-8a-101** is enacted to read:



28 CHAPTER 8a. INTERSTATE COMPACTS AND AGREEMENTS

29 Part 1. General Provisions

30 **63-8a-101. Title.**

31 This chapter is known as "Interstate Compacts and Agreements."

32 Section 2. Section 63-8a-102 is enacted to read:

33 **63-8a-102. Definitions.**

34 As used in this chapter:

35 (1) "Agency head" means a cabinet officer, an elected official, an executive director, or
36 a board or commission vested with the authority to administer or make policy for a state
37 agency.

38 (2) "Executive officer" means:

39 (a) the governor;

40 (b) the lieutenant governor;

41 (c) the attorney general;

42 (d) the state treasurer;

43 (e) the state auditor;

44 (f) agency head; or

45 (g) any other person or entity vested with the authority to enter into an agreement on
46 behalf of the state.

47 (3) (a) "Significant interstate agreement" means any agreement entered into between
48 this state and one or more other states that:

49 (i) requires the state or one or more of its political subdivisions to enact, repeal, or
50 modify a law, rule, or ordinance; or

51 (ii) requires an increase in the expenditure of public funds by means of:

52 (A) a legislative appropriation, other than a de minimus appropriation;

53 (B) an increase in taxes, fees, or another charge assessed by a government entity; or

54 (C) a diversion or reassignment of funds that were originally designated or
55 appropriated for another purpose.

56 (b) "Significant interstate agreement" includes an interstate compact, whether or not
57 the compact requires federal congressional approval.

58 (4) (a) "State agency" means:

59 (i) each department, commission, board, council, agency, institution, officer,
60 corporation, fund, division, office, committee, authority, hospital, college, university,
61 laboratory, library, unit, bureau, panel, program, or other instrumentality of the state; and

62 (ii) each state public education entity.

63 (b) "State agency" does not mean:

64 (i) a legislative branch agency;

65 (ii) an independent agency;

66 (iii) a county, municipality, school district, local district, or special service district; or

67 (iv) any administrative subdivision of a county, municipality, school district, local
68 district, or special service district.

69 Section 3. Section **63-8a-201** is enacted to read:

70 **Part 2. Legislative Approval of Significant Interstate Agreements**

71 **63-8a-201. Approval of significant interstate agreements -- Validity.**

72 (1) (a) Before legally binding the state by executing a significant interstate agreement
73 on or after May 5, 2008, an executive officer shall:

74 (i) submit the proposed significant interstate agreement to the governor for the
75 governor's written approval or rejection; and

76 (ii) if the governor approves the significant interstate agreement, submit the significant
77 interstate agreement to the Legislature in an annual general session or a special session for its
78 approval by means of a joint resolution approving or rejecting the agreement.

79 (b) (i) If the governor and the Legislature approve the significant interstate agreement,
80 the executive officer may execute the agreement.

81 (ii) If the governor or the Legislature rejects the significant interstate agreement, the
82 executive officer may not execute the agreement.

83 (2) If an executive officer executes a significant interstate agreement without obtaining
84 the governor's approval or the Legislature's approval as required by Subsection (1), the
85 agreement is void ab initio.

86 Section 4. **Coordinating S.B. 144 with H.B. 63 -- Technical renumbering.**

87 If this S.B. 144 and H.B. 63, Recodification of Title 63 State Affairs in General, both
88 pass, it is the intent of the Legislature that the Office of Legislative Research and General
89 Counsel, in preparing the Utah Code database for publication renumber Sections 63-8a-101

90 through 63-8a-201 to 63G-11-101 through 63G-11-201 and change all internal references.

Legislative Review Note
as of 1-18-08 4:19 PM

Office of Legislative Research and General Counsel

Fiscal Note

S.B. 144 - Parameters on Governor's Ability to Enter Agreements Binding the State

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
