

HB0138S01 compared with HB0138

~~deleted text~~ shows text that was in HB0138 but was deleted in HB0138S01.

inserted text shows text that was not in HB0138 but was inserted into HB0138S01.

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Representative Ken Ivory proposes the following substitute bill:

FEDERAL RECEIPTS REPORTING REQUIREMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: ~~_____~~ Wayne L. Niederhauser

LONG TITLE

General Description:

This bill requires the reporting of federal receipts received by certain state agencies, requires the report to contain a plan to operate the state agency in the event federal receipts are reduced by 25% or more, and requires the Government Operations and Political Subdivisions Interim Committee to study whether to apply federal receipts reporting requirements to certain other governmental entities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires certain state agencies to prepare and submit a report to the Division of Finance on federal receipts received by the state agencies;
- ▶ requires the report to contain a plan to operate the state agency in the event federal

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receipts are reduced by 25% or more;

- ▶ requires the Division of Finance to report to the Executive Appropriations Committee on the reports the state agencies are required to make to the Division of Finance;
- ▶ provides procedures for requiring the Executive Appropriations Committee to review the Division of Finance report;
- ▶ provides that the Executive Appropriations Committee may make certain recommendations including a reduction or elimination of appropriations to certain state agencies; and
- ▶ requires the Government Operations and Political Subdivisions Interim Committee to study whether to apply federal receipts reporting requirements to certain other governmental entities.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63J-1-219, Utah Code Annotated 1953

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

Section 1. Section **63J-1-219** is enacted to read:

63J-1-219. Definitions -- Federal receipts reporting requirements.

(1) As used in this section:

(a) (i) "Designated state agency" means the Department of Administrative Services, the Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the Department of Commerce, the Department of Community and Culture, the Department of Corrections, the Department of Environmental Quality, the Department of Financial Institutions, the Department of Health, the Department of Human Resource Management, the

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Department of Human Services, the Department of Insurance, the Department of Natural Resources, the Department of Public Safety, the Department of Technology Services, the Department of Transportation, the Department of Veterans' Affairs, the Department of Workforce Services, the Labor Commission, the Office of Economic Development, the Public Service Commission, the State Board of Regents, the State Office of Education, the State Tax Commission, or the Utah National Guard.

(ii) "Designated state agency" does not include the judicial branch, the legislative branch, or an office or other entity within the judicial branch or the legislative branch.

(b) ~~{(i)}~~ "Federal receipts" means **the federal** financial assistance ~~{ in any form that the United States provides directly or indirectly to a designated state agency.~~

~~—— (ii) "Federal receipts" includes:~~

~~—— (A) a contract, a direct appropriation, a donation, a grant, insurance, a loan, a loan guarantee, a payment, a reimbursement, shared federal revenues, or a subsidy;~~

~~—— (B) noncash federal assistance including a building, a commodity, equipment, land, or other similar good, service, or property;~~

~~—— (C) assistance that originates within the United States government but that is received in any form by a designated state agency from another state or local entity;~~

~~—— (D) assistance the United States provides to a nongovernmental entity that is received in any form by a designated state agency; or~~

~~—— (E) a payment to a regional commission or organization that is redistributed to a designated state agency}, **as defined in 31 U.S.C. Sec. 7501, that is reported as part of a single audit.**~~

(c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

(2) Subject to Subsections (3) ~~{through}~~ **and** ~~{5}~~ **4**, a designated state agency shall each year, on or before ~~{July}~~ **October** 31, prepare a report that:

(a) ~~{calculates}~~ **reports** the value of federal receipts the designated state agency received for the preceding fiscal year;

(b) reports the amount of federal funds appropriated by the Legislature to the designated state agency for the preceding fiscal year.

~~{b}~~ **c** calculates the percentage of the designated state agency's total budget for the preceding fiscal year that constitutes federal receipts that the designated state agency received

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for that fiscal year; and

(~~f~~~~c~~~~d~~) develops a plan for operating the designated state agency if there is a reduction of 25% or more in the federal receipts that the designated state agency receives.

~~{ (3) For purposes of calculating the value of a federal receipt under this section:~~

~~—— (a) if the United States has assigned a value to a federal receipt, the value of that federal receipt is the value the United States assigns; or~~

~~—— (b) if the United States has not assigned a value to a federal receipt, the value of that federal receipt is a reasonable estimate of the value of that federal receipt as determined by the designated state agency.~~

~~‡ (~~f~~~~4~~~~3~~) (a) The report required by Subsection (2) that the Board of Regents prepares shall include the ~~{calculations}~~information required by Subsections (2)(a) ~~{and}~~through (~~f~~~~b~~~~c~~) for each state institution of higher education listed in Section 53B-2-101.~~

~~(b) The report required by Subsection (2) that the State Office of Education prepares shall include the ~~{calculations}~~information required by Subsections (2)(a) ~~{and}~~through (~~f~~~~b~~~~c~~) for each school within the public education system.~~

~~(~~f~~~~5~~~~4~~) A designated state agency that prepares a report in accordance with Subsection (2) shall submit the report to the Division of Finance on or before ~~{August}~~November 1 of each year.~~

~~(~~f~~~~6~~~~5~~) (a) The Division of Finance shall, on or before ~~{August 31}~~November 30 of each year, prepare a report that:~~

~~(i) compiles and summarizes the reports the Division of Finance receives in accordance with Subsection (~~f~~~~5~~~~4~~); and~~

~~(ii) compares the ~~{value of}~~ federal receipts each designated state agency received for the previous fiscal year ~~{as calculated for purposes of the report required by Subsection (2)}~~ to the amount of federal funds appropriated by the Legislature to that designated state agency for that fiscal year.~~

~~(b) The Division of Finance shall, as part of the report required by Subsection (~~f~~~~6~~~~5~~)(a), compile a list of designated state agencies that do not submit a report as required by this section.~~

~~(~~f~~~~7~~~~6~~) The Division of Finance shall submit the report required by Subsection (~~f~~~~6~~~~5~~) to the Executive Appropriations Committee on or before ~~{September}~~December 1 of each~~

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year.

~~(18)7~~ Upon receipt of the report required by Subsection ~~(16)5~~, the chairs of the Executive Appropriations Committee shall place the report on the agenda for review and consideration at the next Executive Appropriations Committee meeting.

~~(19)8~~ When considering the report required by Subsection ~~(16)5~~, the Executive Appropriations Committee may elect to:

(a) recommend that the Legislature reduce or eliminate appropriations for a designated state agency;

(b) take no action; or

(c) take another action that a majority of the committee approves.

Section 2. Government Operations and Political Subdivisions Interim Committee study.

During the 2011 interim, the Government Operations and Political Subdivisions Interim Committee shall study whether to draft legislation requiring:

(1) a political subdivision to:

(a) calculate the value of federal receipts the political subdivision receives;

(b) calculate the percentage of the political subdivision's total budget that constitutes federal receipts; and

(c) develop a plan for operating the political subdivision if there is a reduction of 25% or more in the federal receipts the political subdivision receives; or

(2) a state institution of higher education listed in Section 53B-2-101 or a school within the public education system to develop a plan for operating the state institution of higher education or the school if there is a reduction of 25% or more in the federal receipts the state institution of higher education or school receives.

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Legislative Review Note

as of 2-10-11 3:08 PM

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~~Office of Legislative Research and General Counsel~~