

## SB0062S02 compared with SB0062

~~{deleted text}~~ shows text that was in SB0062 but was deleted in SB0062S02.

inserted text shows text that was not in SB0062 but was inserted into SB0062S02.

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Senator Don L. Ipson proposes the following substitute bill:

### GUBERNATORIAL TRANSFER OF POWER

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Don L. Ipson**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill provides for the transition between gubernatorial administrations.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{requires the Office of Executive Protection to provide security and protection to the lieutenant governor, the lieutenant governor's family, a governor-elect, a governor-elect's family, a lieutenant governor-elect, and a lieutenant governor-elect's family;~~
- ▶ ~~permits the Office of Executive Protection, in certain circumstances and at certain times, to provide security and protection to candidates for the offices of governor and lieutenant governor, and to an outgoing governor or outgoing lieutenant~~

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governor;

- allows the Senate to waive the requirement that the governor provide nominee information at least 30 days before the day of an extraordinary session for clarifies the deadline for the Senate to consent to certain gubernatorial ~~{nominees after a new governor's term begins}~~ appointees;
- ▶ requires the executive branch and an incoming gubernatorial administration to work together to facilitate an efficient transition between gubernatorial administrations;
- ~~{~~ — provides an incoming gubernatorial administration with office space and equipment to be used during the transition period;
- authorizes the executive branch to share information and documents with an incoming gubernatorial administration;
- permits a governor-elect and lieutenant governor-elect to hire staff to assist with the transition into the offices of governor and lieutenant governor;
- ~~}~~ ▶ allows appropriations to be made ~~{to the executive branch}~~ for ~~{use after a general election for the office of governor, and to}~~ an incoming gubernatorial administration to use in making the transition into the offices of governor and lieutenant governor;
- ▶ specifies how the governor's proposed budget is to be prepared in a year in which there is a transition between gubernatorial administrations; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

~~{53-1-114}~~ 67-1-1.5, as last amended by Laws of Utah ~~{2000, Chapter 146~~

~~67-1-2, as last amended by Laws of Utah 2020, Chapters 352, 373 and last amended by~~

~~Coordination Clause, Laws of Utah 2020, Chapters 352, 365, and 373~~

~~}~~ 2020, Chapter 352

ENACTS:

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67-1b-101, Utah Code Annotated 1953

67-1b-102, Utah Code Annotated 1953

67-1b-103, Utah Code Annotated 1953

67-1b-104, Utah Code Annotated 1953

67-1b-105, Utah Code Annotated 1953

67-1b-106, Utah Code Annotated 1953

~~{ 67-1b-107, Utah Code Annotated 1953~~

~~— 67-1b-108, Utah Code Annotated 1953~~

~~— 67-1b-109, Utah Code Annotated 1953~~

~~— 67-1b-110, Utah Code Annotated 1953~~

~~}~~

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

Section 1. Section ~~{53-1-114}~~67-1-1.5 is amended to read:

~~{ 53-1-114. Office of Executive Protection -- Security and protection for governor, lieutenant governor, and their families -- Protection for other officials.~~

~~— (1) The Office of Executive Protection shall provide all necessary security and protection for the governor [and], the governor's immediate family, the lieutenant governor, and the lieutenant governor's immediate family.~~

~~— (2) (a) Subject to the direction of the commissioner, the Office of Executive Protection may provide protection to other public officials.~~

~~— (b) That protection may not extend for more than 15 days without review and approval by majority vote of the president of the Senate, the speaker of the House, and the commissioner.~~

~~— (c) Review and approval by the same majority vote shall be required at the end of each 15-day period.~~

~~— (3) The Office of Executive Protection shall provide security and protection in accordance with Section 67-1b-108.~~

~~}~~ **67-1-1.5. Gubernatorial appointment powers.**

(1) As used in this section:

(a) "Board member" means each gubernatorial appointee to any state board, committee, commission, council, or authority.

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(b) "Executive branch management position" includes department executive directors, division directors, and any other administrative position in state government where the person filling the position:

- (i) works full-time performing managerial and administrative functions;
- (ii) is appointed by the governor with the advice and consent of the Senate.

(c) (i) "Executive branch policy position" means any person other than a person filling an executive branch management position, who is appointed by the governor with the advice and consent of the Senate.

(ii) "Executive branch policy position" includes each member of any state board and commission appointed by the governor with the advice and consent of the Senate.

(2) (a) Whenever a vacancy occurs in any executive branch policy position or in any executive branch management position, the governor shall submit the name of a nominee to the Senate for advice and consent no later than three months after the day on which the vacancy occurs.

(b) If the Senate fails to consent to that person within 90 days after the day on which the governor submits the nominee's name to the Senate for consent:

- (i) the nomination is considered rejected; and
- (ii) the governor shall resubmit the name of the nominee described in Subsection (2)(a) or submit the name of a different nominee to the Senate for consent no later than 60 days after the date on which the nomination was rejected by the Senate.

(3) ~~[(a)]~~ Whenever a vacancy occurs in any executive branch management position, the governor may either:

~~[(i)]~~ (a) appoint an interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months, pending consent of a person to permanently fill that position by the Senate; or

~~[(ii)]~~ (b) appoint an interim manager who does not meet the qualifications of the vacant position and submit that person's name to the Senate for consent as interim manager within one month of the appointment.

~~[(b)]~~ ~~[(c)]~~ If (4) Except for an interim manager appointed to a position described in Subsection 67-1-2(3)(b)(i) through (vii), if the Senate fails to consent to the interim manager appointed under Subsection ~~[(3)(a)(ii)]~~ (3)(b) within 30 days after the day on which the

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governor submits the nominee's name to the Senate for consent:

~~[(i)]~~ (a) the nomination is considered rejected; and

~~[(ii)]~~ (b) the governor may:

(i) (A) ~~[(f)]~~ reappoint the interim manager to whom the Senate failed to consent within 30 days; and

~~[(H)]~~ (B) resubmit the name of the person described in Subsection ~~[(3)(b)(ii)(A)(f)]~~ (4)(b)(i)(A) to the Senate for consent as interim manager; or

~~[(B)]~~ (ii) appoint a different interim manager under Subsection (3)~~[(a)]~~.

~~{c}5~~ ~~{If, after}~~ For an interim manager ~~{has served three months, no one has been appointed and received Senate consent to permanently fill the position, the governor shall:~~

~~—— (i) appoint a new interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months; or~~

~~—— (ii) submit the name of the first interim manager to the Senate for consent as an interim manager for a three-month term.~~

~~—— (d) If~~ appointed to a position described in Subsection 67-1-2(3)(b)(i) through (vii), if the Senate fails to consent to ~~{a nominee whose name is submitted}~~ the interim manager appointed under Subsection (3)~~[(c)(ii)b]~~ within ~~{30}~~ 60 days after the day on which the governor submits the nominee's name to the Senate for consent:

~~[(f)]~~ a the nomination is considered rejected; and~~f~~

~~—— (ii)~~

~~(b)~~ the governor may:

~~(i) (A)~~ reappoint the interim manager to whom the Senate failed to consent; and

~~(B)~~ resubmit the name of the person described in Subsection (5)(b)(i)(A) to the Senate for consent as interim manager; or

~~(ii)~~ appoint a different interim manager under Subsection (3).

~~[(c)]~~ (6) If, after an interim manager has served three months, no one has been appointed and received Senate consent to permanently fill the position, the governor shall:

~~[(f)]~~ (a) appoint a new interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months; or

~~[(f)]~~ (b) submit the name of the first interim manager to the Senate for consent as an interim manager for a three-month term.

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~~[(d)]~~ (7) If the Senate fails to consent to a nominee whose name is submitted under Subsection ~~[(3)(c)(ii)]~~ (6)(b) within 30 days after the day on which the governor submits the name to the Senate:

~~[(f)]~~ (a) the nomination is considered rejected; and

~~[(ii)]~~ (b) the governor shall:

~~(i)~~ (A) ~~[(f)]~~ reappoint the person described in Subsection ~~[(3)(d)]~~ (6)(b); and

~~[(H)]~~ (B) resubmit the name of the person described in Subsection ~~[(3)(d)]~~ (6)(b) to the Senate for consent as interim manager; or

(B) appoint a different interim manager in the manner required by Subsection (3)~~[(a)]~~.

~~[(4)]~~ (8) The governor may not make a temporary appointment to fill a vacant executive branch policy position.

~~[(5)]~~ (9) (a) Before appointing any person to serve as a board member, the governor shall ask the person whether ~~[or not]~~ the person wishes to receive per diem, expenses, or both for serving as a board member.

(b) If the person declines to receive per diem, expenses, or both, the governor shall notify the agency administering the board, commission, committee, council, or authority and direct the agency to implement the board member's request.

~~[(6)]~~ (10) A gubernatorial nomination upon which the Senate has not acted to give consent or refuse to give consent is void when a vacancy in the office of governor occurs.

Section 2. Section ~~{67-1-2}~~ 67-1b-101 is ~~{amended to read:~~

~~————— 67-1-2. Senate confirmation of gubernatorial nominees — Verification of nomination requirements — Consultation on appointments — Notification of anticipated vacancies.~~

~~————— [(1) Until October 1, 2020, unless waived by a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate session to confirm any gubernatorial nominee, except a judicial appointment, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel:]~~

~~————— [(a) a list of each nominee for an office or position made by the governor in accordance with the Utah Constitution and state law; and]~~

~~————— [(b) any information that may support or provide biographical information about the nominee, including resumes and curriculum vitae.]~~

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~~— (2) (1) Except as provided in [Subsection (3), beginning October 1, 2020] Subsections (2) and (3), at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel the following information for each nominee:~~

~~— (a) the nominee's name and biographical information, including a resume and curriculum vitae with personal contact information, including home address, email address, and telephone number, redacted, except that the governor shall send to the Office of Legislative Research and General Counsel the contact information for the nominee;~~

~~— (b) a detailed list, with citations, of the legal requirements for the appointed position;~~

~~— (c) a detailed list with supporting documents explaining how, and verifying that, the nominee meets each statutory and constitutional requirement for the appointed position;~~

~~— (d) a written certification by the governor that the nominee satisfies all requirements for the appointment; and~~

~~— (e) public comment information collected in accordance with Section 63G-24-204.~~

~~— (3) (2) (a) Subsection [(2)] (1) does not apply to a judicial nominee.~~

~~— (b) [Beginning October 1, 2020, a] A majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection [(2)] (1) for a gubernatorial nominee other than a nominee for the following:~~

~~— (i) the executive director of a department;~~

~~— (ii) the executive director of the Governor's Office of Economic Development;~~

~~— (iii) the executive director of the Labor Commission;~~

~~— (iv) a member of the State Tax Commission;~~

~~— (v) a member of the State Board of Education;~~

~~— (vi) a member of the Utah Board of Higher Education; or~~

~~— (vii) an individual:~~

~~— (A) whose appointment requires the advice and consent of the Senate; and~~

~~— (B) whom the governor designates as a member of the governor's cabinet.~~

~~— (3) Notwithstanding Subsection (2)(b), within 45 days after the end of a transition period, as defined in Section 67-1b-102, a majority of the president of the Senate, the Senate~~

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~~majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection (1) for gubernatorial nominees to the positions described in Subsections (2)(b)(i) through (iii) and (2)(b)(vii).~~

~~—— (4) [Beginning October 1, 2020, the] The Senate shall hold a confirmation hearing for a nominee for an individual described in Subsection [(3)] (2)(b)(i) through (vii).~~

~~—— (5) [Beginning on October 1, 2020, the] The governor shall:~~

~~—— (a) if the governor is aware of an upcoming vacancy in a position that requires Senate confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel at least 30 days before the day on which the vacancy occurs; and~~

~~—— (b) establish a process for government entities and other relevant organizations to provide input on gubernatorial appointments.~~

~~—— (6) When the governor makes a judicial appointment, the governor shall immediately provide to the president of the Senate and the Office of Legislative Research and General Counsel:~~

~~—— (a) the name of the judicial appointee; and~~

~~—— (b) the judicial appointee's:~~

~~—— (i) resume;~~

~~—— (ii) complete file of all the application materials the governor received from the Judicial Nominating Commission; and~~

~~—— (iii) any other related documents, including any letters received by the governor about the appointee, unless the letter specifically directs that it may not be shared.~~

~~—— (7) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel of the number of letters withheld pursuant to Subsection (6)(b)(iii).~~

~~—— (8) (a) Letters of inquiry submitted by any judge at the request of any judicial nominating commission shall be classified as private in accordance with Section 63G-2-302.~~

~~—— (b) All other records received from the governor pursuant to this Subsection (8) may be classified as private in accordance with Section 63G-2-302.~~

~~—— (9) The Senate shall consent or refuse to give its consent to the nomination or judicial appointment.~~



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~~———— (10) A judicial nominating commission shall, at the time the judicial nominating commission certifies a list of the most qualified judicial applicants to the governor under Section 78A-10-104, submit the same list to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel.~~

~~———— Section 3. Section 67-1b-101 is } enacted to read:~~

### CHAPTER 1b. TRANSITION TO NEW GUBERNATORIAL ADMINISTRATION

#### 67-1b-101. Title.

This chapter is known as "Transition to New Gubernatorial Administration."

Section ~~{4}~~3. Section 67-1b-102 is enacted to read:

#### 67-1b-102. Definitions.

As used in this chapter:

(1) "Board of canvassers" means the state board of canvassers created in Section 20A-4-306.

~~{ ——— (2) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.~~

~~———— (3) "Department of Administrative Services" means the department created in Section 63A-1-104.~~

~~———— (4) "Department of Technology Services" means the department created in Section 63F-1-103.~~

~~———— (5) "Division of Facilities Construction and Management" means the division created in Section 63A-5b-301.~~

~~‡ (6)2~~ (a) "Executive branch" means:

(i) the governor, the governor's staff, and the governor's appointed advisors;

(ii) the lieutenant governor and lieutenant governor's staff;

(iii) cabinet level officials;

(iv) except as provided in Subsection ~~(6)2~~(b), an agency, board, department, division, committee, commission, council, office, or other administrative subunit of the executive branch of state government;

(v) except as provided in Subsection ~~(6)2~~(b), a cabinet officer, elected official, executive director, or board or commission vested with:

(A) policy making and oversight responsibility for a state executive branch agency; or

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(B) authority to appoint and remove the director of a state executive branch agency;

(vi) executive ministerial officers;

(vii) each gubernatorial appointee to a state board, committee, commission, council, or authority;

(viii) each executive branch management position, as defined in Section 67-1-1.5;

(ix) each executive branch policy position, as defined in Section 67-1-1.5; and

(x) the military forces of the state.

(b) "Executive branch" does not include:

(i) the legislative branch;

(ii) the judicial branch;

(iii) the State Board of Education;

(iv) the Utah Board of Higher Education;

(v) institutions of higher education;

(vi) independent entities as defined in Section 63E-1-102;

(vii) elective constitutional offices of the executive department, including the state auditor, the state treasurer, and the attorney general;

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

(ix) an administrative subdivision of a county, municipality, school district, local district, or special service district.

~~{ (7) "Executive director of the Capitol Preservation Board" means the executive director appointed under Section 63C-9-401.~~

~~— (8) "Executive residence" means the same as that term is defined in Section 67-1-8.1.~~

~~‡ (9) (3) "Governor-elect" means, during a transition period, an individual whom the board of canvassers determines to be the successful candidate for governor after a general election for the office of governor, if that successful candidate is an individual other than the incumbent governor.~~

~~(10) (4) "Governor-elect's staff" means:~~

~~(a) an individual that a governor-elect intends to nominate as a department head;~~

~~(b) an individual that a governor-elect intends to appoint to a key position in the executive branch;~~

~~(c) an individual hired by a governor-elect under ~~Section 67-1b-107~~ Subsection~~

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67-1b-106(c); and

(d) any other individual expressly engaged by the governor-elect to assist with the governor-elect's transition into the office of governor.

~~(11)5~~ "Governor's Office of Management and Budget" means the office created in Section 63J-4-201.

~~(12)6~~ "Incoming gubernatorial administration" means a governor-elect, a governor-elect's staff, a lieutenant governor-elect, and a lieutenant governor-elect's staff.

~~(13)7~~ "Lieutenant governor-elect" means, during a transition period, an individual whom the board of canvassers determines to be the successful candidate for lieutenant governor after a general election for the office of lieutenant governor, if that successful candidate is an individual other than the incumbent lieutenant governor.

~~(14)8~~ "Lieutenant governor-elect's staff" means:

(a) an individual hired by a lieutenant governor-elect under ~~Section~~

~~67-1b-107~~ Subsection 67-1b-106(c); and

(b) any other individual expressly engaged by the lieutenant governor-elect to assist with the lieutenant governor-elect's transition into the office of lieutenant governor.

~~(15) "Office of Executive Protection" means the office created in Section 53-1-112.~~

~~(16)9~~ "Office of the Legislative Fiscal Analyst" means the office created in Section 36-12-13.

~~(17)10~~ "Record" means the same as that term is defined in Section 63G-2-103.

~~(18) "State Building Board" means the board created in Section 63A-5b-201.~~

~~(19) "State Capitol Preservation Board" means the board created in Section 63C-9-201.~~

~~(20)11~~ "Transition period" means the period of time beginning the day after the meeting of the board of canvassers under Section 20A-4-306 in a year in which the board of canvassers determines that the successful candidate for governor is an individual other than the incumbent governor, and ending on the first Monday of the next January.

Section ~~5)4~~. Section **67-1b-103** is enacted to read:

### **67-1b-103. Applicability.**

(1) Except as otherwise provided, this chapter applies when there is a transition from the administration of one governor to the administration of the next governor following a regular general election at which a new governor is elected.

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(2) Except as otherwise provided, this chapter does not apply:

(a) to a transition from the administration of one governor to the administration of another governor due to a vacancy in the office of governor under Utah Constitution, Article VII, Section 11; or

(b) if the successful candidate for governor is the incumbent governor.

Section ~~{6}~~5. Section **67-1b-104** is enacted to read:

### **67-1b-104. Duties during transition period.**

(1) During a transition period, the executive branch shall:

(a) provide any lawful assistance that the incoming gubernatorial administration may reasonably request related to the transition between gubernatorial administrations; and

(b) take reasonable steps to:

(i) avoid or minimize disruptions that might be occasioned by a transition between gubernatorial administrations; and

(ii) facilitate an efficient transition between gubernatorial administrations.

(2) During a transition period, the incoming gubernatorial administration shall take reasonable steps to:

(a) avoid or minimize disruptions that might be occasioned by a transition between gubernatorial administrations; and

(b) facilitate an efficient transition between gubernatorial administrations.

Section ~~{7}~~6. Section **67-1b-105** is enacted to read:

### **67-1b-105. ~~Office space -- Supplies and equipment -- Technology services --~~**

#### **Executive residence:**

~~—— (1) During a transition period, the Division of Facilities Construction and Management shall make suitable office space reasonably proximate to the governor's office available to the incoming gubernatorial administration.~~

~~—— (2) The Division of Facilities Construction and Management shall coordinate with the executive director of the Capitol Preservation Board to determine whether space at the capitol hill complex may be made available under Subsection (1).~~

~~—— (3) If space at the capitol hill complex is available to be used under Subsection (1), the Division of Facilities Construction and Management and the executive director of the Capitol Preservation Board shall coordinate to make that space available to the incoming~~

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### gubernatorial administration.

~~—— (4) The Department of Administrative Services shall furnish the office space provided to the incoming gubernatorial administration under Subsection (1) with appropriate and reasonable fixtures, furniture, office supplies, and office machines and equipment.~~

~~—— (5) The Department of Technology Services shall:~~

~~—— (a) provide suitable information and communication systems, products, and resources for the office space made available to the incoming gubernatorial administration under Subsection (1); and~~

~~—— (b) provide the members of the incoming gubernatorial administration, upon the incoming gubernatorial administration's request, with reasonable mobile computing devices, including mobile phones, tablet computers, or laptop computers.~~

~~—— (6) (a) In a year in which the board of canvassers determines that the successful candidate for governor is the incumbent governor, the Division of Facilities Construction and Management and the Capitol Preservation Board shall coordinate to make reasonable space available, at the incumbent governor's request, for the incumbent governor's office to use to prepare for the incumbent governor's next term.~~

~~—— (b) If the incumbent governor requests space under Subsection (6)(a), the Division of Facilities Construction and Management and the Capitol Preservation Board shall make available space that is reasonably proximate to the governor's office during the period of time beginning the day after the meeting of the board of canvassers under Section 20A-4-306 and ending on the first Monday of the next January.~~

~~—— (7) During a transition period, the Division of Facilities Construction and Management shall coordinate with the incumbent governor, the governor-elect, and the State Building Board to facilitate the transition of occupancy of the executive residence between the incumbent governor and the governor-elect, including the completion of any maintenance, repair, rehabilitation, alteration, or restoration projects that are scheduled to take place or which may reasonably be accomplished during a transition period.~~

~~—— Section 8. Section 67-1b-106 is enacted to read:~~

~~—— 67-1b-106. Access to records and information.~~

~~—— (1) During a transition period, the incoming gubernatorial administration shall be~~

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~~timely provided, upon the incoming gubernatorial administration's request, with all records and information from the executive branch upon any subject relating to the executive branch's condition, expenditures, expenses, management, operations, personnel, and receipts.~~

~~—— (2) For a record requested by the incoming gubernatorial administration under Subsection (1) that is classified as private or protected under Title 63G, Chapter 2, Government Records Access and Management Act, there is a rebuttable presumption that disclosure of the record to the incoming gubernatorial administration meets the conditions for disclosure under Subsection 63G-2-201(5).~~

~~—— (3) Members of an incoming gubernatorial administration who receive records under this section are subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, governing the use and disclosure of records.~~

~~—— (4) The disclosure of a record that is classified as private or protected to an incoming gubernatorial administration does not affect the classification of that record under Title 63G, Chapter 2, Government Records Access and Management Act.~~

~~—— Section 9. Section 67-1b-107 is enacted to read:~~

~~—— 67-1b-107. Employees of governor-elect and lieutenant governor-elect.~~

~~—— (1) During a transition period, a governor-elect may hire employees of the governor-elect's choosing to assist the governor-elect with the governor-elect's preparations to assume the office of governor.~~

~~—— (2) During a transition period, a lieutenant governor-elect may hire employees of the lieutenant governor-elect's choosing to assist the lieutenant governor-elect with the lieutenant governor-elect's preparations to assume the office of lieutenant governor.~~

~~—— (3) A governor-elect or lieutenant governor-elect may use funds appropriated under Subsection 67-1b-109(1)(b) to provide reasonable compensation for employees hired under this section.~~

~~—— (4) During a transition period, employees hired by a governor-elect or lieutenant governor-elect under this section are not state employees and are not subject to the provisions of Title 67, State Officers and Employees.~~

~~—— Section 10. Section 67-1b-108 is enacted to read:~~

~~—— 67-1b-108. Security and protection.~~

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~~—— (1) As used in this section, "commissioner" means the commissioner of public safety appointed under Section 53-1-107.~~

~~—— (2) The Office of Executive Protection shall provide all necessary security and protection for the governor-elect, the governor-elect's immediate family, the lieutenant governor-elect, and the lieutenant governor-elect's immediate family during a transition period.~~

~~—— (3) The Office of Executive Protection may provide protection to a candidate for governor, a candidate for governor's immediate family, a candidate for lieutenant governor, or a candidate for lieutenant governor's immediate family during the time beginning on the date of the general election and ending on the date of the meeting of the board of canvassers under Section 20A-4-306, if:~~

~~—— (a) the candidate requests protection under this section; and~~

~~—— (b) the candidate's request for protection is approved by a majority vote of the president of the Senate, the speaker of the House of Representatives, and the commissioner.~~

~~—— (4) (a) If requested by an outgoing governor and approved by a majority vote of the president of the Senate, the speaker of the House of Representative, and the commissioner, the Office of Executive Protection may provide protection to an outgoing governor, an outgoing governor's immediate family, an outgoing lieutenant governor, or an outgoing lieutenant governor's immediate family beginning on the day that the outgoing governor's term expires.~~

~~—— (b) Protection provided under Subsection (4)(a) shall be subject to the provisions of Subsections 53-1-114(2)(b) and (c).~~

~~—— Section 11. Section 67-1b-109 is enacted to read:~~

~~—— 67-1b-109. Appropriations.~~

~~(1) { At the annual general session in each year in which there is a general election to elect a new governor, }~~ (a) There is created a restricted account in the General Fund known as the "Gubernatorial Transition Account."

(b) The account created in Subsection (1)(a) shall be funded by appropriations made to the account by the Legislature { may: }.

~~{ a } appropriate funds to be used by the executive branch to:~~

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~~\_\_\_\_\_ (i) fulfill the executive branch's responsibilities in relation to a transition between }c)~~

The Department of Administrative Services shall administer the Gubernatorial Transition Account and shall make money in the Gubernatorial Transition Account available to an incoming gubernatorial }administrations, including the duties described in Sections 67-1b-104 through 67-1b-106, 67-1b-108, and 67-1b-110; or

~~\_\_\_\_\_ (ii) prepare for the incumbent governor's next term, in a year in which the board of canvassers determines that the successful candidate for governor is the incumbent governor; and~~

~~\_\_\_\_\_ (b) appropriate funds to be used by a governor-elect and lieutenant governor-elect in }administration to use for expenses reasonably related to fulfilling the incoming gubernatorial administration's duties under Subsection 67-1b-104(2)};~~

~~\_\_\_\_\_ (2) A governor-elect may request supplemental appropriations from the Legislature.~~

~~\_\_\_\_\_ (3), including:~~

(i) office space;

(ii) fixtures, furniture, office supplies, office machines, equipment, or information and communication systems used in the office space described in Subsection (2)(c)(i);

(ii) mobile computing devices, including mobile phones, tablet computers, or laptop computers used by the incoming gubernatorial administration; or

(iii) hiring employees to assist with transition efforts.

(d) Interest or other earnings derived from the Gubernatorial Transition Account shall be deposited in the General Fund.

(2) Any unexpended balance of an appropriation made under this section }shall lapse to the General Fund at the end of the fiscal year}is nonlapsing.

Section ~~{12}~~7. Section ~~{67-1b-110}~~67-1b-106 is enacted to read:

~~{67-1b-110}~~67-1b-106. Governor's budget.

(1) During a transition period:

(a) the governor-elect is entitled to participate in all executive branch budget meetings;

(b) subject to Title 63G, Chapter 2, Government Records Access and Management Act,

the executive branch shall make }all} records and information related to the preparation of the governor's confidential draft proposed budget available to the governor-elect }in accordance with Section 67-1b-106}; and



## **SB0062S02 compared with SB0062**

(c) the incumbent governor shall consider any proposed additions or changes from the governor-elect in preparing the governor's confidential draft proposed budget recommendations to be submitted to the Office of Legislative Fiscal Analyst in accordance with Section 63J-1-201.

(2) (a) If the governor-elect proposes additions or changes to the governor that are not adopted by the governor in preparing the governor's confidential draft proposed budget recommendations, the governor-elect may prepare confidential proposed additions or changes and submit them to the Office of the Legislative Fiscal Analyst concurrent with the governor's confidential draft proposed budget recommendations.

(b) The Governor's Office of Management and Budget shall, at the request of the governor-elect, assist the governor-elect in preparing confidential proposed additions or changes to the incumbent governor's draft proposed budget recommendations for submission to the Office of the Legislative Fiscal Analyst.

(3) (a) After the incumbent governor's confidential draft proposed budget recommendations are submitted to the Office of the Legislative Fiscal Analyst, the governor-elect is responsible for preparing the proposed budget to be submitted to the presiding officers of each house of the Legislature in accordance with Section 63J-1-201, and shall submit the proposed budget to the presiding officers of each house of the Legislature after assuming the office of governor.

(b) The executive branch shall provide the governor-elect with any assistance reasonably requested by the governor-elect to prepare the proposed budget to be submitted to the presiding officers of each house of the Legislature.

(c) A governor whose term ends following a transition period may not submit a proposed budget to the presiding officers of each house of the Legislature.