

CONSOLIDATED MOTIONS FOR SENATE BILL 3

March 11, 2015

Executive Appropriations Committee

INTENT LANGUAGE

I move to approve intent language as shown below.

Business, Economic Development, and Labor

1. Notwithstanding language in Item 188, Senate Bill 2, 2015 General Session, the Legislature intends that up to \$3,000,000 of the Industrial Assistance Fund allocation to economic opportunities may be allowed as an incentive for a television series in the event the Motion Picture Incentive Fund is fully utilized. Provided, however, that nothing herein shall restrict GOED from utilizing the entire Industrial Assistance Fund allocation to economic opportunities to take timely advantage of economic opportunities that provide a catalyst or stimulus for corporate growth or retention in the state

Executive Offices and Criminal Justice

1. The Legislature intends that funding provided for Sage Grouse Habitat in this item and in Item 4, Senate Bill 2, 2015 General Session be used on private lands listed in the Utah Sage Grouse Plan.

Infrastructure and General Government

1. The Legislature intends that institutions of higher education may use donated or institutional funds for planning and design of proposed capital developments. This intent does not signify the Building Board or the Legislature will provide a higher prioritization to such projects in the future.
2. The Legislature intends that the Department of Transportation and the Utah Transportation Commission use any available or unprogrammed revenues or funds in the Transportation Investment Fund of 2005 to accelerate the design and construction of the project "Bangerter Highway and 600 West" which is currently programmed in 2018.

Natural Resources, Agriculture, and Environmental Quality

1. Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for the Division of Air Quality in Item 110, House Bill 3, 2015 General Session, shall not lapse at the close of FY 2015. Expenditures of these funds are limited to vehicle purchase and other costs associated with new compliance officers: \$43,600.
2. The Legislature intends that the \$2,000,000 appropriated in Item 147, Senate Bill 2, 2015 General Session be used for the renewal of the FY 2015 contract #146311.

Retirement and Independent Entities

1. Notwithstanding intent language in Item 131, House Bill 3, 2015 General Session, the Legislature intends that appropriations provided for the Department of Human Resource Management in Laws of Utah 2014, Chapter 6, Item 3 shall not lapse at the close of fiscal year 2015. The use of any nonlapsing funds is limited to \$250,000 for Human Resource Enterprise system rebuild and \$50,000 for Statewide Management Training.

Social Services

1. The Legislature intends that the Medicaid Accountable Care Organizations receive a scheduled two percent increase effective January 1, 2016 consistent with the intent of S.B. 180, 2011 General Session.
2. Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$800,000 of the appropriations provided for the General Assistance line item in Item 31 of Chapter 13 Laws of Utah 2014 not lapse at the close of Fiscal Year 2015. The use of any nonlapsing funds is limited to computer equipment and software, one-time projects associated with client services, and client benefit payments.
3. Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$75,000 funds not otherwise designated as nonlapsing to the Department of Health – Disease Control and Prevention line item shall not lapse at the close of Fiscal Year 2015. The use of any nonlapsing funds is for services to people with traumatic brain injury.
4. The Legislature intends that the \$75,000 in Beginning Nonlapsing provided to the Traumatic Brain Injury Fund is dependent upon up to \$75,000 funds not otherwise designated as nonlapsing to the Department of Health – Disease Control and Prevention line item being retained as nonlapsing in FY 2015.
5. Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$550,000 funds not otherwise designated as nonlapsing to the Department of Health – Medicaid and Health Financing line item shall not lapse at the close of Fiscal Year 2015. The use of any nonlapsing funds is for services to people with traumatic brain injury.
6. The Legislature intends that the \$550,000 in Beginning Nonlapsing provided to the Traumatic Brain Injury Fund is dependent upon up to \$550,000 funds not otherwise designated as nonlapsing to the Department of Health – Medicaid and Health Financing line item being retained as nonlapsing in FY 2015.
7. Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$2,000,000 of savings above \$7,392,800 from savings from Savings from Higher Federal Match Rate not lapse at the close of FY 2015. The use of any nonlapsing funds is limited to upgrading technology and phone systems to voice over Internet Protocol (VOIP) in FY 2016.
8. Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$350,000 of savings above \$753,500 from savings from Affordable Care Act Mandatory Changes not lapse at the close of FY 2015. The use of any nonlapsing funds is limited to upgrading technology and phone systems to voice over Internet Protocol (VOIP) in FY 2016.
9. Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$100,000 funds not otherwise designated as nonlapsing to the Department of Workforce Services – Housing and Community Development line item shall not lapse at the close of Fiscal Year 2015. The use of any nonlapsing funds is for upgrading technology and phone systems to voice over Internet Protocol (VOIP).
10. The Legislature intends that the \$100,000 in Beginning Nonlapsing provided to the Department of Workforce Services – Operations and Policy line item is dependent upon up to \$100,000 funds not otherwise designated as nonlapsing to the Workforce Services – Housing and Community Development line item being retained as nonlapsing in FY 2015.

11. Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$75,000 funds not otherwise designated as nonlapsing to the Department of Human Services – Executive Director Operations line item shall not lapse at the close of Fiscal Year 2015. The use of any nonlapsing funds is for respite care for individuals with disabilities in the Division of Services for People with Disabilities.
12. The Legislature intends that the \$75,000 in Beginning Nonlapsing provided to respite care for individuals with disabilities in the Division of Services for People with Disabilities is dependent upon up to \$75,000 funds not otherwise designated as nonlapsing to the Department of Human Services – Executive Director Operations line item being retained as nonlapsing in FY 2015.
13. Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$400,000 funds not otherwise designated as nonlapsing to the Department of Human Services – Division of Substance Abuse and Mental Health line item shall not lapse at the close of Fiscal Year 2015. The use of any nonlapsing funds is for respite care for individuals with disabilities in the Division of Services for People with Disabilities.
14. The Legislature intends that the \$400,000 in Beginning Nonlapsing provided to respite care for individuals with disabilities in the Division of Services for People with Disabilities is dependent upon up to \$400,000 funds not otherwise designated as nonlapsing to the Department of Human Services – Division of Substance Abuse and Mental Health line item being retained as nonlapsing in FY 2015.

BUDGETS

I move to approve appropriation changes as shown below.

Business, Economic Development, and Labor

1. Shift the FY 2015 \$3,000,000 General Fund One-time appropriation for Mountain Accord from the Transportation – Engineering Services line item to the GOED – Administration line item. Also add the following intent language:
"The Legislature intends that \$3,000,000 provided by this item be used to support the Mountain Accord and that, under section 63J-1-603 of the Utah Code, up to \$3,000,000 not lapse at the close of fiscal year 2015."
2. To adjust for a new restricted account created by S.B. 51, reduce the funds appropriated to the Tax Commission – Motor Vehicle Enforcement Division from dedicated credits and increase the funds appropriated from the new restricted account by the same amount for compensation sections 1 and 2 (HB 8, Items 51 and 227) and ISF impacts (SB 8, Item 49):

To Utah State Tax Commission - Tax Administration

From General Fund Restricted - Motor Vehicle Enforcement Division

Temporary Permit Restricted Account \$150,700

From Dedicated Credits Revenue (\$150,700)

To Utah State Tax Commission - Tax Administration

From General Fund Restricted - Motor Vehicle Enforcement Division

Temporary Permit Restricted Account \$1,300

From Dedicated Credits Revenue (\$1,300)

To Utah State Tax Commission - Tax Administration

From General Fund Restricted - Motor Vehicle Enforcement Division

Temporary Permit Restricted Account \$23,800

From Dedicated Credits Revenue (\$23,800)

Executive Offices and Criminal Justice

1. Increase the appropriation from the Criminal Forfeiture Restricted Account by \$300,000 one-time to the Commission on Criminal and Juvenile Justice for Police Use-of-Force training.
2. Increase the FY 2015 appropriation from the Public Safety Restricted Account by \$500,000 one-time to the Utah Highway Patrol to reflect the original action by the subcommittee listed on page 3-37 of the subcommittee's report to Executive Appropriations Committee.
3. Transfer \$500,000 from Corrections Nonlapsing Balance to the Department of Public Safety to reflect the original action by the subcommittee listed on page 3-37 of the subcommittee's report to Executive Appropriations Committee.
4. Increase the appropriation from the General Fund to the LeRay McAllister Critical Land Conservation Program by \$100,000 one-time, subject to the same intent language provided in SB 2, Item 4.
5. Add the following appropriation to clarify intent language passed in H.B. 3, Item 150:

To Department of Corrections – Programs and Operations

From Capital Projects Fund \$1,954,300

Schedule of Programs:

Institutional Operations Administration \$960,700

Department Administrative Services \$993,600

And add the following intent language to the Department of Corrections:

“Notwithstanding intent language in Item 150, House Bill 3, 2015 General Session, the Legislature intends that the Division of Facilities Construction and Management (DFCM) transfer \$960,700 from the Capital Projects Fund to the Department of Corrections (UDC) to be used in the following manner: (1) \$190,700 for equipment and furnishings for the new 192 bed Gunnison pod, and (2) \$770,000 for the purchase of vehicles. This funding comes from surplus money that was transferred from UDC to DFCM in previous years for the retrofit of the Fortitude Parole Violator Center.”

“The Legislature intends that the Division of Facilities and Construction Management transfer \$993,600 from the Capital Projects Fund to the Department of Corrections - Programs and Operations to be held by the Department of Corrections until such time as needed to help purchase a new prison site. This funding comes from surplus money that was transferred from Corrections to DFCM in previous years for the retrofit of the Fortitude Parole Violator Center.”

6. Transfer \$2,100,000 nonlapsing funds in FY 2015 from the Utah Department of Corrections – Programs and Operations line-item to the Utah Department of Corrections – Department Medical Services line item.
7. Justice Reinvestment Initiative: I move to distribute the funding for the Justice Reinvestment Initiative from the document entitled “Approved Funding Items – Exec Approps Ctte” dated 3/6/15, 11:09 am line 83 and line 305 and additional \$2M one-time approved today as follows:

	Ongoing	One-time
Executive Offices and Criminal Justice		
Board of Pardons and Parole		
Research/Data Collection	120,800	
Corrections		
Access to Recovery	500,000	
Clinical Therapists	1,805,900	
Mental Health Services	1,045,100	
Office Specialists	604,000	
Training for APP Agents/Board of Pardons/County Jails	200,000	
Transition specialists	893,000	
APP treatment agents	988,000	
CCJJ		
Researcher	120,000	
Program Manager	129,500	
County Incentive Grant Program/Screening/Assessment	2,218,700	
IT upgrades to county jail information systems	-	380,000
EOCJ Total	8,625,000	380,000
Social Services		
(DSAMH) Training for provider treatment staff	150,000	
(DSAMH) 2 FTE and development of web based system/maintenance	225,000	100,000
(DSAMH) Substance abuse/mental health treatment	2,980,000	1,520,000
SS Total	\$3,355,000	\$1,620,000
Grand Total	\$11,980,000	\$2,000,000

Higher Education

1. Reallocate FY 2016 \$450,000 General Fund Ongoing appropriated in Item 187, S.B. 2, 2015 General Session for Demographic Decision Support from the Legislature – Legislative Services line item to the University of Utah – Education and General line item. Also add the following intent language:
“The Legislature intends that the University of Utah use \$450,000 appropriated by this item to provide demographic data and decision support to the Legislature as well as to the Governor’s Office of Management and Budget and other state and local entities as funds allow.”

Infrastructure and General Government

1. Utah Department of Transportation:
 - a. Approve \$8,608,000 Transportation Fund revenue growth to UDOT - Construction Management, for use in road construction.
 - b. Approve \$3,689,000 Transportation Fund revenue growth to the B&C Roads program.

- c. Approve \$3,136,700 in sales tax revenue growth to the Transportation Fund to UDOT - Construction Management, for use in road construction.
- d. Approve \$62,707,000 in sales tax revenue growth to the Transportation Investment Fund of 2005, for use in road construction.
- e. Approve \$114,100 in payment-in-lieu revenue growth to the Mineral Lease line item within UDOT.
- f. Approve -\$9,647,900 in mineral lease revenue growth to the Mineral Lease line item within UDOT.
- g. Replace \$601,400 Transportation Fund revenue in the Operations/Maintenance line item with Transportation Investment Fund of 2005 - Dedicated Sales Tax.

Natural Resources, Agriculture, and Environmental Quality

- 1. Increase the FY 2016 Federal Funds appropriation to the Office of Energy Development from \$382,500 to \$500,000.
- 2. Appropriate \$1.5 million one-time in FY 2016 for dredging the Great Salt Lake Marina as follows:
 - a. \$1 million from the Sovereign Lands Management Restricted Account to the Division of Forestry, Fire, and State Lands and
 - b. \$500,000 from the Parks Fees Restricted Account to the Division of Parks and Recreation.
- 3. Move the appropriation of \$1,500,000 General Fund One-time provided to the Department of Environmental Quality – Division of Water Quality in Item 159, Senate Bill 2, 2015 General Session, to the Department of Natural Resources – Division of Water Resources.
- 3. Approve creation of a new line item for Facilities for Alternative Fuel Vehicles in the Department of Environmental Quality – Division of Air Quality, and move the appropriation of \$2,000,000 General Fund One-time provided to the Public Service Commission – Alternative Fuel Vehicles in Item 67, Senate Bill 2, 2015 General Session, to the Department of Environmental Quality – Division of Air Quality – Facilities for Alternative Fuel Vehicles line item. Also add the following intent language:

“The Legislature intends that the Department of Environmental Quality use the \$2,000,000 appropriation to Facilities for Alternative Fuel Vehicles toward funding for the construction, operation, and maintenance of facilities for alternative fuel vehicles that are used by or benefit the interlocal entity as described in UCA 11-13-224 of the Utah Code.”

Social Services

- 1. Approve the following building blocks funded only with federal funds recommended by the Social Services Appropriations Subcommittee:
 - a. Marriage Commission \$300,000
 - b. Nurse Family Partnership \$1,000,000
 - c. Weber County Youth Impact - TANF Funding \$35,000 (\$5,000 for FY 2015 and \$30,000 for FY 2016)
- 2. Create for FY 2016 a new appropriation unit in the Utah State Office of Rehabilitation (USOR) to account separately for the federal Aspire Grant and to move the \$9,837,000 federal Aspire Grant funding currently in the USOR FY 2016 base budget from the appropriation unit for the Executive Director’s Office to the newly created appropriation unit solely for the Aspire Grant.

3. Increase the ongoing appropriation to the Department of Health from the General Fund Restricted Nursing Care Facilities Account by \$1,346,700 and \$4,537,500 from federal funds in FY 2016. This has the effect of increasing assessments on nursing homes by 0.3% (from 5.7% to 6.0% of revenues). Of the increase \$74,400 from the General Fund Restricted Nursing Care Facilities Account and \$176,300 federal funds is authorized for the Medicaid Optional Services line item to offset the State increased cost for hospice care reimbursement as stipulated in HB 397 Medicaid Program Amendments from the 2010 General Session. The remainder is appropriated to the Medicaid Mandatory Services line item. This would have the effect of raising Medicaid reimbursement rates statewide to nursing homes by 2% over fiscal year 2015 levels.

Executive Appropriations Committee

1. Reallocate FY 2016 \$75,000 General Fund from the Legislative Services line item to the House and Senate line items (\$37,500 each) for legislative staff compensation.
2. Reallocate FY 2016 \$20,000 General Fund One-time from the Legislative Fiscal Analyst line item to the Legislative Services line item for interim committee staffing.

Statewide

1. I move to approve the appropriations limit formula as noted below and to include the formula in S.B. 3, 2015 General Session, Appropriations Adjustments.

Appropriations limit -- Formula.

- (1) The state appropriations limit, for a given fiscal year, FY, shall be calculated by:

$$(a) \text{ AppropLimit}_{FY} = \text{PerCapitaBase}_{1985} \times \text{Pop}_{FY-2} \times \text{Inflate}_{FY-2} + \text{SumAdjust}_{FY}$$

where:

$$(i) \text{ Inflate}_{Base} = \frac{GNP \text{ Index}_{vintage, 1983}}{GNP \text{ Index}_{vintage, 1989}} = \frac{(100.8+101.7+102.5+103.2)/4}{(121.9+123.3+124.5+125.9)/4} = \frac{102.075}{123.900},$$

$$(ii) \text{ Inflate}_{FY-2} = \frac{GNP \text{ Index}_{FY-2}}{GNP \text{ Index}_{1983}} \times \text{Inflate}_{Base};$$

$$(iii) \text{ PerCapitaBase}_{1985} = \frac{\text{Appropriations}_{1985} - \text{Debt}_{1985}}{\text{Pop}_{1983} \times \text{Inflate}_{Base}} = \frac{734,333,000 - 52,273,100}{1,594,943 \times \left(\frac{102.075}{123.900}\right)}, \text{ and}$$

$$(iv) \text{ SumAdjust}_{FY} = \sum_{i=1985}^{FY} \left[\text{Adjust}_i \times \left(\frac{\text{Inflate}_{FY-2}}{\text{Inflate}_{i-2}} \right) \times \left(\frac{\text{Pop}_{FY-2}}{\text{Pop}_{i-2}} \right) \right]; \text{ and}$$

- (b) where, as used in the state appropriations limit formula:

- (i) i is a variable representing a given fiscal year;
- (ii) Adjust_i is the net adjustments to the state appropriations limit for a given fiscal year due to program or service adjustments required under Section 63J-3-203;
- (iii) $\text{Appropriations}_{1985}$ is the state capital and operations appropriations from the General Fund and non-Uniform School fund in fiscal year 1985;
- (iv) Debt_{1985} is the amount the state paid in debt payments in fiscal year 1985;
- (v) GNP Index_{FY-2} is the average of the quarterly values of the Gross National Product Implicit Price Deflator for the fiscal year two years before FY as published by the United States Department of Commerce by January 31 of each year;
- (vi) $\text{GNP Index}_{vintage, i}$ is the average of the quarterly values of the Gross National Product Implicit Price Deflator for a given fiscal year, as measured by the Gross National Product Implicit Price Deflator from the vintage series published by the United States Department of Commerce on January 26, 1990;
- (vii) Inflate_{i-2} is the change in the general price level of goods and services nationally from 1983 to two fiscal years before a given fiscal year, as measured by the most current Gross National Product Implicit Price Deflator series published by the United States Department of Commerce, adjusted to a 1989 basis.
- (viii) $\text{PerCapitaBase}_{1985}$ is the amount of real per capita state appropriations for fiscal year 1985; and
- (ix) Pop_{i-2} is:
 - (A) the population as of July 1 for the fiscal year two fiscal years before a given fiscal year, as estimated by the United States Census Bureau by January 31 of each Year; or
 - (B) if the estimate described in Subsection (3)(b)(xii) is not available, an amount determined by the Governor's Office of Management and Budget, estimated by adjusting an available April 1 decennial census count or by adjusting a fiscal year population estimate available from the United States Census Bureau.