

# MINUTES OF THE EXECUTIVE APPROPRIATIONS COMMITTEE

February 24, 1998, 4 P..M.  
Room 303, State Capitol Building

Members Present: Sen. LeRay McAllister, Committee Co-Chair  
Rep. Martin R. Stephens, Committee Co-Chair  
Pres. R. Lane Beattie  
Sen. Leonard M. Blackham  
Sen. Lyle W. Hillyard  
Sen. Scott N. Howell  
Sen. Joseph L. Hull  
Sen. George Mantes  
Sen. Craig A. Peterson  
Sen. Robert C. Steiner  
Rep. Steve Barth  
Speaker Melvin R. Brown  
Rep. Judy Ann Buffmire  
Rep. Gene Davis  
Rep. Kevin Garn  
Rep. Christine R. Fox-Finlinson  
Rep. David M. Jones  
Rep. John L. Valentine  
  
Rep. Jeff Alexander, Vice-Chair  
Sen. David L. Buhler, Vice-Chair

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Staff Present: Leo L. Memmott, Legislative Fiscal Analyst  
Michael Kjar, Legislative Fiscal Analyst  
Linda G. Hansen, Secretary

List of Others Present on File.

Committee Co-Chair Sen. McAllister called the meeting to order at 4:40 p.m.

## 1. Approval of Minutes

**Motion:** Rep. Stephens made a motion to approve the minutes of February 20, 1998.

The motion passed unanimously with Sen. Mantes, Representatives Barth, Davis, Fox-Finlinson, and Valentine absent at the time of voting.

## 2. Executive Office, Criminal Justice & Legislature

Sen. Michael Waddoups, Rep. Blake Chard, Co-Chair of Executive Office, Criminal Justice & Legislature Appropriations Subcommittee, and Bill Dinehart and Andrea Wilko, Fiscal Analysts, appeared before the Committee.

Sen. Waddoups and Rep. Chard presented the budget recommendations of the Subcommittee. Rep. Chard said a claim of \$9,985.40 was not received in time to be included in the Analysts' budget recommendations and was not included in the subcommittee discussion until after all fund allocation actions had been completed.

**Motion:** Sen. Hillyard made a motion to allow the claim of Mr. Irvin T. Nelson in the amount of \$9,985.40 from one time money.

**Substitute Motion:** Rep. Brown made a motion to defer action until the meeting tomorrow, February 25, 1998. The motion passed unanimously with Sen. Mantes, Representatives Barth, Davis, Fox-Finlinson and Valentine absent at the time of voting.

Sen. Waddoups, Rep. Chard, and Bill Dinehart responded to question of the Committee.

Jan Graham, Attorney General, appeared before the Committee and handed out a memorandum and a chart on salary comparisons. She reviewed the salary comparisons and "in house" counsel with state agencies and assistant attorneys general.

#### **Executive Offices**

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Executive Offices budgets for FY 1999 in the amount of \$49,828,700 with \$24,659,100 from the General Fund and from other sources as listed on Page 7 and supported by summaries on Pages 9 through 14.

The motion passed unanimously with Sen. Hillyard, Representatives Barth, Davis, Jones, and Valentine absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Executive Offices as listed on the following pages

Governor	Pages 9-10
Auditor	Page 11
Treasurer	Page 12
Attorney General	Pages 13-14

The motion passed unanimously with Sen. Hillyard and Representatives Barth, Davis, Jones and Valentine.

The intent language on Page 10 was discussed and the Co-Chairs of the Subcommittee requested that this matter be eliminated and placed on the Executive Appropriations Committee list for items to be studied during interim .

**Motion:** Rep. Stephens moved to reconsider action on the intent language on Page 10.

The motion passed unanimously with Representatives Davis, Jones, and Valentine absent at the time of voting.

**Motion:** Rep. Stephens moved to delete the fourth item of intent language on Page 10 and add the issue to the study list for Executive Appropriation Committee for the interim.

The motion passed unanimously with Representatives Barth, Davis, Jones, and Valentine absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Executive Offices for FY 1998 Supplemental Appropriations in the amount of \$306,200 with \$306,200 from the General Fund. The total recommendation is supported by summaries on Page 8.

The motion passed unanimously with Representatives Barth, Davis, Jones, and Valentine absent at the time of voting.

#### Governor's Budget - Page 8, Summary of Supplemental Financing

**Motion:** Rep. Stephens moved that the following item be added to the Governor's Budget for fiscal year 1997-1998. To the Office of the Governor from dedicated credits, \$70,000 for the Task Force Program. Donations given through Scott O'Grady to be used for the Governor's Initiatives on Families Today.

The motion passed unanimously with Representatives Barth, Davis, Jones, and Valentine absent at the time of voting.

**Motion:** Rep. Stephens made a motion to add the following to the Governor's Budget for fiscal year 1997-1998. To the Governor's Office of Planning and Budget from dedicated credits - \$60,000. \$10,000 for the Science and Technology program and \$50,000 for the State and Local Planning program.

\$10,000 grant from the State of Colorado for aerospace education outreach to teachers, students, and physical sources. \$50,000 collections of match money from Box Elder County and Millard County for Local Government Planning Grants.

The motion passed unanimously with Representatives Barth, Davis and Jones absent at the time of voting.

#### State Treasurer - Page 8, Summary of Supplemental Financing

**Motion:** Rep. Stephens moved to appropriated \$45,000 in fiscal year 1998 from the Unclaimed Property Trust Fund to the State Treasurer for software changes in the Unclaimed Property Division's electronic information services management system.

Note: The appropriation subcommittee approved this funding for fiscal year 1999 but the supplemental request was overlooked

The motion passed unanimously with Representatives Barth, and Davis absent at the time of voting.

Public Safety - Page 60, Summary of Supplemental Financing

**Motion:** Rep. Stephens made a motion that it is the intent of the Legislature that funds to the Driver License Division for replacement of the minicomputer licensing system with a HP-UNIX system are nonlapsing.

The motion passed unanimously with Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens made a motion that is the intent of the Legislature that funds to the State Fire Marshall for training at the Utah Fire and Rescue Academy are nonlapsing.

The motion passed unanimously with Representatives Barth, Davis, and Jones.

**Courts**

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Courts for FY 1999 in the amount of \$86,531,500 with \$79,364,900 from the General Fund and from other sources as listed on Page 17. The total recommendation is supported by summaries on Pages 17 through 26.

The motion passed unanimously with Representatives Barth, Davis, and Jones absent at the time of voting.

The motion passed unanimously with Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Courts as listed on the following pages:

Accounts receivable	Page 25
Nonlapsing donated funds	Page 25
Nonlapsing state supervision funds	Page 25
Nonlapsing Guardian ad Litem Funds	Page 25
Integrity of O & M funds	Page 25

The motion passed unanimously with Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Courts for 1998 Supplemental Appropriations in the amount of \$609,000 with \$250,000 from the General Fund and from other sources as listed on Page 18. The total recommendation is supported by summaries on the following Pages 18 and 19.

The motion passed unanimously with Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved that it is the intent of the Legislature that the following language be added to Page 25:

It is the intent of the Legislature that funds allocated for improvements to the Murray Courthouse for FY 1998 and not expended due to construction delays, shall be considered nonlapsing and carried forward to FY 1999 to complete the project.

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Court as listed on Page 19.

Nonlapsing for donated funds	Page 19
Nonlapsing State Supervision Funds	Page 19
Nonlapsing with priority list	Page 19

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

## Department of Corrections

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Department of Corrections for FY 1999 in the amount of \$161,892,600 with \$143,223,200 from the General Fund and from other sources as listed on Page 29. The total recommendation is supported by summaries on Pages 29 through 40.

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Department of Corrections as listed on the following pages:

Draper property transfers	Page 39
Integrity of O & M funds	Page 39
Data Processing ISF	Page 39

**Substitute Motion:** Pres. Beattie made a substitute motion to include all of the intent language in Rep. Stephen's motion with the addition of the following on Page 39 at the end of item Number 1: "If there is excess funds in SB37, they may be used to provide the barrier."

The motion passed unanimously with Sen. Peterson, Representative Barth, Davis, and Jones.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Department of Corrections as listed:

Nonlapsing list for Administration	Page 30
Nonlapsing list for Field Operations	Page 30
Nonlapsing list for Institutional Operations	Page 30
Nonlapsing list for Clinical Services	Page 30

The motion passed unanimously with Sen. Peterson, Representative Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Department of Corrections - Data Processing Internal Service Fund for FY 1999 as follows:

Budget	\$1,309,600
FTE	10
Capital Outlay	\$ 550,000
Billing rate	\$250/device/day

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Department of Corrections - Utah Correctional Industries as found on Page 37.

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

### Board of Pardons

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Board of Pardons for FY 1999 in the amount of \$2,265,900 with \$2,208,900 from the General Fund and from other sources as listed on Page 43.

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Board of Pardons as listed on the following pages

Non-lapsing	Page 44
Integrity of O & M funds	Page 44

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

### Division of Youth Corrections

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Division of Youth Corrections for FY 1999 in the amount of \$63,535,700 with \$54,639,400 from the General Fund and from other sources as listed on Page 49 through 55.

Gary Dalton, Youth Corrections, made statements concerning a small line item that is overrun each year as the population grows in secure care which increases the of hearings. He said other money has to be used in Youth Corrections to assist them. Mr. Dalton said their recommendation would be that if it is broken out as a separate line item to refer it to Juvenile Justice Task or an other body to look at it during the summer.

**Substitute Motion:** Sen. Hillyard made a substitute motion to return Youth Parole Authority Funding on Page 53 and report it as a part of the Division of Youth Corrections on Page 49 with intent language that the subcommittee review this matter next year.

The motion passed unanimously with Sen. Peterson, Representatives Barth and Davis absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Division of Youth Corrections for FY 1999 in the amount of \$63,535,700 with \$54,639,400 from the General Fund and from other sources as listed on Page 49 through 55 as amended.

The motion passed unanimously with Sen. Peterson, Representatives Barth and Davis absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Division of Youth Corrections for FY 1998 Supplemental Appropriations in the amount of \$1,500,000 with no General Fund as listed on Page 50.

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Sen. Hillyard made a motion to accept the intent language on Page 51 as follows:  
It is the intent of the Legislature that funds allocated to the Division of Youth Corrections for State Supervision in Item 27, Chapter 273, Laws of Utah 1997, shall be nonlapsing and used for State Supervision and Communicative Alternative Programs in FY 1999.

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Sen. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Division of Youth Corrections as listed:

Nonlapsing with priority list	Page 51
Nonlapsing language	Page 54
O & M language	Page 54

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Department of Public Safety**

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Department of Public Safety for FY 1999 in the amount of \$73,407,000 with \$36,330,100 from the General Fund and from other sources as listed on Page 59. The total recommendation is supported by summaries on the Pages 59 through 68.

The motion passed unanimously with Sen. Peterson, Representatives Barth, Davis, and Jones absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Department of Corrections as listed on the following pages:

Highway safety funds transfers	Page 65
Non-lapsing for MIS	Page 65
POST control of the Fred House Academy	Page 65
Vehicle sales exception	Page 65
Non-lapsing for the Department	Page 65
Integrity of O & M funds	Page 65

The motion passed unanimously with Representatives Barth and Davis absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for fees for the Department of Public Safety as listed:

Driver's License fees	Page 67
UHP fees	Page 68
Fire Marshall fees	Page 68

The motion passed unanimously with Representatives Barth and Davis absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the Department of Public Safety for FY 1998 Supplemental Appropriations in the amount of \$1,150,000 with no General Fund as listed on Page 60.

The motion passed unanimously with Representatives Barth and Davis absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for the Department of Public Safety as listed:

Non-lapsing with priority lists	Pages 61-62
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The motion passed unanimously with Representatives Barth and Davis absent at the time of voting.

### Legislature

**Motion:** Rep. Stevens moved to accept the Subcommittee's recommendations for the Legislature for FY 1999 in the amount of \$12,109,300 with \$11,638,300 from the General Fund and from other sources as listed on Page 71.

The motion passed unanimously with Representatives Barth and Davis absent at the time voting.

### 3. Public Education

Sen. Robert Montgomery, Rep Bill Wright, Co-Chairs for the Public Education Appropriations Subcommittee, and Mike Kjar, Fiscal Analyst, appeared before the Committee.

Sen. Montgomery and Rep. Bill Wright presented the recommendation of the Subcommittee and responded to questions of the Committee.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Public Education and the Minimum School Program for FY 1999 in the amount of \$1,979,716,733 with \$1,451,436,792 from the Uniform School Fund and \$80,000 from the General Fund and from other sources as listed on Page 1. The total recommendation is supported by the line item summaries on the following pages.

Minimum School Program	Pages 2,3, and 5
Capital Outlay/Emergency School Building Programs	Page 6
Utah State Office of Education	Page 9
Utah State Office of Rehabilitation	Page 10
Utah Schools for the Deaf and the Blind	Page 11
Educational Contracts	Page 12
Bridgerland ATC	Page 15
Davis ATC	Page 16
Ogden/Weber ATC	Page 17
Sevier Valley ATC	Page 18
Unitah Basin ATC	Page 19
Applied Technology Center Service Regions	Page 20
Custom Fit Training	Page 21
Applied Technology Education Development	Page 22
Child Nutrition	Page 23
Fines Arts and Sciences	Page 24
USOE - Internal Service Funds/Indirect Cost Pool	Page 25

The motion passed with Sen. Hull voting in opposition and declaring a conflict of interest with Representatives Barth, Davis, and Fox Finlinson absent at the time voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Legislative intent language for Public Education for FY 1999 as listed on the following pages:

Minimum School Program		
MSP - Transportation	Pg. 3	(1 - new)
MSP - Transportation	Pg. 3	(2 - modified)
MSP - Preschool Funding Formula	Pg. 3	(3 - new)
MSP - Character Education	Pg. 4	(4 - new)
MSP - Applied Technology Education	Pg. 4	(5 - new)
MSP - Nonlapsing Balances	Pg. 5	(6 - new)
MSP - School Building Programs-Athletic Facilities	Pg. 6	(7 - new)
MSP - School Building Program - Intent	Pg. 6	(8 - new)
MSP - School Building Program - Intent	Pg. 6	(9 - new)
Utah State Office of Education	Pg. 9	(10 - new)
Utah Schools for the Deaf and the Blind	Pg. 11	(11 - new)
Utah Schools for the Deaf and the Blind	Pg. 11	(12 - current)
Applied Technology Education	Pg. 13	(13 - current)
Applied Technology Education	Pg. 13	(14 - new)
Applied Technology Education	Pg. 13	(15 - current)
Applied Technology Education-Custom Fit Training	Pg. 21	(16 - new)
Fine Arts and Sciences	Pg. 24	(17 - new)
Fine Arts and Sciences	Pg. 24	(18 - new)
USOE - Internal Service Fund	Pg. 25	(19 - modified)
USOE - Indirect Cost Pool	Pg. 25	(20 - modified)

The motion passed unanimously with Representatives Barth, Davis, and Fox-Finlinson absent for the vote.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the State Board of Education Internal Service Funds for FY 1999 as follows:

Budget	\$1,084,100
Capital Outlay Authorization	\$ 10,000
FTE level	9.75
Rates	Pg. 25

The motion passed unanimously with Representatives Barth, Davis and Fox-Finlinson absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for the State Board of Education Indirect Cost Pool for FY 1999 as follows:

Budget	\$3,379,900
Capital Outlay Authorization	\$72,500
FTE level	45

The motion passed unanimously with Representatives Barth, Davis, and Fox-Finlinson absent at the time of voting.

**Motion:** Rep. Stephens moved to accept the Subcommittee's recommendations for Public Education FY 1998 supplemental appropriations in the amount of \$3,125,800 and funding sources as listed on page 1 of the Supplemental Appropriations Section.

The motion passed unanimously with Representatives Barth, Davis, and Fox-Finlinson absent at the time of voting.

**Motion:** Rep. Garn moved to accept the following intent language:

*It is the Intent of the Legislature that the funding appropriated to the State Board of Education for the purpose of providing Custom Fit Training within the educational service regions, Wasatch Front South and Mountainlands shall be distributed to Salt Lake Community College and Utah Valley State College as sole providers of Custom Fit Training for those areas.*

Superintendent Scott Bean, Public Education, spoke in opposition to the motion. He suggested that this should go through the oversight group.

Robert Brems, Public Education, made comments on the Custom Fit Training program.

Rep. Brent Goodfellow and Rand Johnson, Salt Lake Community College, spoke in favor of the intent language.

Rep. Buffmire spoke in opposition to the intent language.

The roll was called and the motion passed with Senators Hillyard, Hull and Representatives Buffmire and Jones voting in opposition to the motion.

**Motion:** Rep. Stephens moved to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 6:15 p.m.

The minutes were reported by Linda Hansen.