

**MINUTES OF THE  
JOINT CAPITAL FACILITIES & ADMINISTRATIVE SERVICES  
APPROPRIATIONS SUBCOMMITTEE  
MONDAY, JANUARY 24, 2005, 2:00 P.M.  
RoomW025, West Office Building, State Capitol Complex**

Members Present: Sen. Bill Hickman, Committee Co-Chair  
Rep. D. Gregg Buxton, Committee Co-Chair  
Sen. Peter Knudson  
Pres. John Valentine  
Rep. Roger Barrus  
Rep. DeMar "Bud" Bowman  
Rep. Stephen Clark  
Rep. Wayne A. Harper  
Rep. Fred R. Hunsaker  
Rep. Brent H. Goodfellow  
Rep. Michael T. Morley

Members Excused: Sen. Mike Dmitrich  
Rep. Ralph Becker

Staff Present: Steve Allred, Fiscal Analyst  
Jonathan Ball, Technology Analyst  
Bonnie Brinton, Committee Secretary

Public Speakers Present: Executive Director D'Arcy Dixon Pignanelli, Administrative Services  
Acting Director David Fletcher, Information Technology  
Manager Dennis Goreham, Automated Geographic Reference Center  
Director Ken Hansen, Administrative Rules  
Director Keith Stepan, Division of Facilities Construction and Management  
Director Patricia Smith-Mansfield, Archives  
Director Kim Oliver, Finance  
John Bennett, Project Manager, Utah Quality Growth Commission and LeRay McAllister Fund  
Pam Blackham, Administrative Assistant, Office of Child Welfare and Parental Defense

A list of visitors and a copy of handouts are filed with the committee minutes.

Co-Chair Buxton called the meeting to order at 2:00 p.m.

**1. Department of Administrative Services (DAS) Appropriated Agencies**

Fiscal Analyst Steve Allred gave a brief overview of the Department, its purpose, its appropriated budget line items and a recommended funding amount for each line item/program. He noted that one new item was added last year: Child Welfare Parental Defense. Mr. Allred reviewed a list of additional items recommended for prioritization if the Subcommittee is allocated more funding.

Mr. Allred stated that the total amount of General Fund money recommended for Administrative Services FY 2006 is \$11,815,200. The total amount from all funding sources for Administrative Services for FY 2006 is \$22,570,300. This amount does not include amounts in excess of the Subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

**a. Executive Director's Office - Director D'Arcy Dixon Pignanelli**

The Executive Director introduced the division directors in attendance. She stated that she had reviewed the Analyst's recommendations and commended him for his excellent work. She said she is currently working on getting a new director for Child Welfare Parental Defense.

Ms. Pignanelli asked the Subcommittee to consider revisiting full funding for the Department of Facilities Construction and Management (DFCM). She noted that DAS is requesting \$2,167,000 ongoing funds to replace temporary funding from DFCM's Contingency Reserve Fund that the Analyst is recommending \$1,075,000 ongoing funds and continuing to use the Contingency Reserve Fund for the balance.

Further, Ms. Pignanelli requested funding the following items not recommended by the Fiscal Analyst: the Draper Prison Study of \$150,000 one-time funding to study the feasibility and cost-benefit of moving the Draper Prison, \$75,000 one-time funding to study e-Rulemaking, and \$55,000 ongoing funding for 1 FTE, an Administrative Rules Editor.

Acting Director David Fletcher, Information Technology (IT) was asked to explain the request for \$755,000 ongoing funding for maintenance costs for the Utah Integrated Wireless Network (UWIN). The Fiscal Analyst has not recommended funding for this item. Mr. Fletcher stated that currently the maintenance of the central controller is provided under warranty with Motorola as part of the purchase contract which was paid for with a federal homeland security grant. The Utah Department of Public Safety paid interoperability circuits for this year with one-time federal homeland security funds. The actual cost to maintain interoperability circuits and the Omnilink is approximately \$1,010,000. In the budget request, the additional cost was offset by rates to customers of the mobile data network and the state repeater system, which share some of the connections.

The Analyst summarized the responsibilities of the DAS Executive Director's Office (EDO) and stated that he recommends the Legislature appropriate the EDO's base budget in FY 2006 of \$857,700, with \$769,000 from General Fund and \$88,700 from Dedicated Credits. He corrected the Fee for Electronic documents, per diskette, as listed on the Budget Brief.

The Analyst recommends the Legislature make this line item's appropriation nonlapsing by adopting intent language to that effect.

**MOTION:** Rep. Clark moved to accept the Fiscal Analyst's recommendation for the Executive Director's Office total FY 2006 appropriation of \$857,700, the fee schedule as amended and intent language to make this appropriation nonlapsing as follows:

*It is the intent of the Legislature that funds for the Executive Director's Office be nonlapsing.*

The motion passed unanimously with Sen. Knudson absent for the vote.

**b. Automated Geographic Reference Center (AGRC) - Director Dennis Goreham**

Technology Analyst Jonathan Ball summarized the responsibilities of the AGRC and stated that during FY 2004, \$552,500 was received in federal funding, and at least \$125,000 of it was earmarked for year-end equipment replacement. For various reasons, the equipment purchase was delayed. The agency's accountants presumed that all of AGRC's federal funds had been spent before its General Fund appropriation, and therefore incorrectly lapsed the \$125,000 in unspent appropriations back to the General Fund. Mr. Ball recommends placing \$125,000 in one-time FY 2005 funds on the Subcommittee's priorities list to correct the error made by AGRC's accountants.

Mr. Ball further recommended a total FY 2006 base budget appropriation of \$1,202,900, with \$387,200 coming from the General Fund and an additional \$225,000 ongoing appropriation from the General Fund in FY 2006 to complete AGRC's transition from an internal service fund to an appropriated entity. He also recommends the Subcommittee authorize AGRC to charge rates to outside entities for staff labor, training, and space rental and intent language which would avoid repeating the problems encountered by AGRC at the end of FY 2004.

The DAS is requesting \$300,000 ongoing funding to complete the transition from an Internal Service Fund (ISF) entity to an appropriated entity, which is an increase of \$75,000 over the Analyst's recommendation.

Mr. Goreham responded to questions from Subcommittee members. He said the lapsed funding was for storage space, for which there was a critical need, and imagery.

**MOTION:** Rep. Goodfellow moved to accept the Technology Analyst's recommendation for the Automated Geographic Reference Center total FY 2006 base budget appropriation of \$1,202,900, with \$387,200 coming from the General Fund, adding to the priority list an additional ongoing appropriation of \$225,000 from the General Fund to complete AGRC's transition from an internal service fund to a fully appropriated entity, that the Subcommittee authorize AGRC's fees and adding to the priority list a \$125,000 one-time General Fund appropriation to correct errors made by AGRC's accountants at FY 2004 year-end, and the following intent language:

*The Legislature intends that funds provided for the Automated Geographic Reference Center in FY 2005 shall not lapse.*

The motion passed unanimously.

**c. Administrative Rules - Director Ken Hansen**

Mr. Allred summarized the responsibilities of Administrative Rules and said that while the Analyst doesn't recommend an appropriation for a Rules Editor/Trainer at this time, the issue is serious enough to merit legislative consideration. In FY 2004, with heightened scrutiny of rules and five-year review filings, 42 percent were returned for correction.

Rep. Hunsaker said that this proposed Rules Editor/Trainer would work to train the agencies to submit accurate rules to Administrative Rules. This department was started in 1987 with four FTE and it has utilized technology to improve service and remain at four FTE. He feels funding for this FTE should be a priority.

Mr. Hansen responded to questions from Subcommittee members.

The Analyst recommends a total FY 2006 appropriation of \$285,500, all from the General Fund and that the Legislature continue using intent language making this appropriation nonlapsing.

**MOTION:** Rep. Goodfellow moved to accept the Fiscal Analyst's recommendation of a total FY 2006 appropriation of \$285,500, all from the General Fund, adding to the priority list \$55,000 for a Rules Editor FTE, \$75,000 for a one-time funding to study e-Rulemaking, and the following intent language:

*It is the intent of the Legislature that funds for Administrative Rules shall not lapse and that those funds may be used to fund an FTE or contract position on a temporary basis.*

The motion failed in the Senate.

**MOTION:** Rep. Clark moved to accept the Fiscal Analyst's recommendation of a total

FY 2006 appropriation of \$285,500, all from the General Fund and the following intent language:

*It is the intent of the Legislature that funds for Administrative Rules shall not lapse and that those funds may be used to fund an FTE or contract position on a temporary basis.*

Rep. Goodfellow spoke against the motion stating that even if added to the priority list, the FTE and study may not be funded. Sen. Knudson reminded Subcommittee members that decisions made at this time in the Subcommittee can be revisited.

The motion passed with Reps. Buxton, Goodfellow, Hunsaker and Morley voting against the motion.

**d. Division of Facilities Construction and Management (DFCM) - Director Keith Stepan**

The Fiscal Analyst summarized the responsibilities of DFCM and said that during the 2004 General Session the Legislature appropriated one-time (\$87,400) from project reserve funds in order to capture savings from a one-FTE reduction in the Capital Development area. This position has been vacant for at least two years. The Analyst recommends making the reduction permanent with an ongoing reduction to the base Project Reserve Fund appropriation.

Mr. Allred stated that currently the Computer Aided Design (CAD) program resides in the DFCM ISF budget, though it is funded out of project money in the Administration budget. This program should have been moved to the Administration budget several years ago when the HazMat and Roofing/Paving programs were moved. The Analyst recommends increasing the appropriation from capital improvement funds by \$124,000 to place this program in the Administration line item.

The Analyst recommends a partial restoration of General Funds which were cut (and replaced with project reserve funds) from this line item in FY 2002 on an ongoing basis. The Analyst recommends restoring \$1,075,000 of the \$3.1 million General Fund reduction/replacement. If the General Funds are restored, a concurrent reduction should be made to the Project Reserve Fund appropriation, since it would be a replacement.

Mr. Allred noted the ending balance for the Project Reserve Fund for FY 2004 was \$4,390,800 and for the Contingency Reserve for FY 2004 was \$6,380,100.

Director Keith Stepan said the Division's budget request was \$2,167,000 for General Funds restoration.. He asked the Subcommittee to reevaluate the funding for DFCM and responded to questions.

Reps. Morley, Clark and Harper expressed a desire to restore funds which were cut from the DFCM Administration line item in FY 2002.

**MOTION:** Co-Chair Hickman moved to defer consideration of the DFCM budget until the Analyst and the Director have an opportunity to meet and develop a budget to present to the Subcommittee.

The motion passed unanimously.

Co-Chair Hickman commended Mr. Stepan on his outstanding contribution and value to the State. Rep. Harper also commended Mr. Stepan and Mr. Hansen and said they were great to work with.

Director Stepan distributed a Performance Report for FY2004 on DFCM.

**e. State Archives - Director Patricia Smith-Mansfield**

The Fiscal Analyst summarized the responsibilities of the Division of State Archives. He recommends a General Fund one-time appropriation of \$68,000 in FY 2006 to develop a statewide plan for electronic records management and \$94,600 in FY 2006 for one-time costs, and \$48,400 for ongoing costs, associated with digitizing the large historically significant collection of state records. He further stated that neither of these recommendation is currently built into the Analyst's recommendations in the budget brief, as the Executive Appropriations Committee has not yet allocated additional funds to the CFAS Subcommittee. The Analyst recommends this be prioritized highly if/when additional funds are allocated to the Subcommittee.

Mr. Allred recommends a total FY 2006 appropriation of \$2,057,000 with \$2,011,400 from the General Fund, for the Division of State Archives. He also recommends the Legislature continue using intent language making this appropriation nonlapsing.

**MOTION:** Rep. Harper moved to accept the Analyst's recommendation of a total FY 2006 appropriation of \$2,057,000, with \$2,011,400 from the General Fund, for the Division of State Archives; prioritization of additional funds for two initiatives: Electronic Records Management for \$68,000 in one-time funds for FY 2006 and Digitization of Collections for \$94,600 in one-time funds, plus \$48,400 in ongoing funds, for FY 2006; and that the Legislature continue using the following intent language:

*It is the intent of the Legislature that funds for State Archives shall not lapse and that those funds shall be used to digitize and microfilm documents generated by former Utah governors for preservation and access.*

The motion passed unanimously with Sen. Knudson and Reps. Goodfellow and Morley absent for the vote.

Director Smith-Mansfield responded to questions from Subcommittee members. She explained how documents are accessed and destroyed.

**f. Finance Administration - Director Kim Oliver**

The Analyst summarized the responsibilities of the Division of Finance - Administration.

Mr. Allred recommends a total FY 2006 appropriation of \$11,691,900, with \$5,992,500 from the General Fund for the Finance - Administration line item. The Analyst further recommends an FY 2005 supplemental General Fund appropriation of \$50,000 and an FY 2006 ongoing General Fund increase of \$25,000 for actuarial reviews of Other Post Employment Benefits. This funding increase is not built into the Analyst's Budget Brief, as the Executive Appropriations Committee has not yet allocated additional funds to the CFAS Subcommittee, but the Analyst recommends this be prioritized highly if/when additional funds are allocated to the Subcommittee. He also recommends using intent language making this appropriation nonlapsing.

Director Kim Oliver responded to questions.

**MOTION:** Co-Chair Hickman moved to accept the Analyst's recommendation of a total FY 2006 appropriation of \$11,691,900, with \$5,992,500 from the General Fund for the Finance - Administration line item; prioritization of a FY 2006 supplemental General Fund appropriation of \$50,000; a FY 2006 ongoing General Fund increase of \$25,000 for actuarial reviews of Other Post Employment Benefits; and the following intent language:

*It is the intent of the Legislature that funds for the Division of Finance shall not lapse and that those funds shall be used for maintenance, operation, and development of statewide accounting.*

The motion passed with Sen. Knudson and Rep. Harper absent for the vote.

**g. Finance - Mandated - John Bennett, Project Manager, Utah Quality Growth Commission and LeRay McAllister Fund**

Mr. Allred stated that Finance - Mandated currently has only one program with an ongoing budget - the LeRay McAllister Critical Land Conservation Fund. It has gone from a base appropriation of \$2,750,000 to \$482,600 during recent budget cuts. The Analyst recommends the Legislature consider an additional appropriation, one-time and/or ongoing, in FY 2005 and/or FY 2006, and continue using the intent

language making the funds nonlapsing.

Mr. Bennett explained how the Utah Quality Growth Commission functions. He also distributed a handout showing the grants awarded in the LeRay McAllister Fund for the past six years.

**MOTION:** Rep. Bowman moved to hold the decision on funding the Finance - Mandated Expenditures until the Subcommittee can study the issues further.

The motion passed unanimously with Sen. Knudson and Rep. Harper absent for the vote.

**h. Post Conviction Indigent Defense Fund**

The Analyst summarized the function of this Fund and said the program should be able to continue with carry-forward balances in FY 2006. After expending \$42,000 in FY 2004, the fund has \$364,600 remaining in nonlapsing balances. He recommends a total FY 2006 appropriation of \$74,000, entirely from nonlapsing balances, and that the Legislature continue using intent language making the funds nonlapsing.

**MOTION:** Rep. Hunsaker moved to accept the Analyst's recommendation of a total appropriation of \$74,000 for the Post Conviction Indigent Defense Fund and the following intent language:

*It is the intent of the Legislature that funds for the Post  
Conviction Indigent Defense Fund shall not lapse.*

The motion passed unanimously with Sen. Knudson and Rep. Harper absent for the vote.

Rep. Barrus stated that he felt this service was needed and the money well spent.

**i. Judicial Conduct Commission**

The Analyst summarized the function of this Commission, recommended the Legislature appropriate the base budget of \$225,700 and adopt intent language making this appropriation nonlapsing.

**MOTION:** Rep. Hunsaker moved to accept the Analyst's recommendation of a total FY 2006 appropriation of \$225,700 for the Judicial Conduct Commission and adopt the following intent language:

*It is the intent of the Legislature that funds for the Judicial  
Conduct Commission shall not lapse and that those funds shall  
be used to hire temporary contractors on an as-needed basis.*

The motion passed unanimously with Sen. Knudson absent for the vote.

**j. Purchasing and General Services**

Mr. Allred summarized the function of this Division and recommended a total FY2006 appropriation of \$1,400,500, with \$1,343,500 from the General Fund and \$57,000 from Dedicated Credits; and intent language making the appropriation nonlapsing.

**MOTION:** Rep. Clark moved to accept the Analyst's recommendation of a total FY 2006 appropriation of \$1,400,500, with \$1,343,500 from the General Fund and \$57,000 from Dedicated Credits, and the following intent language for FY 2005 and FY 2006:

*It is the intent of the Legislature that funds for Purchasing shall not lapse and that those funds shall be used for electronic commerce.*

The motion passed unanimously with Sen. Knudson absent for the vote.

**k. Child Welfare and Parental Defense - Executive Director D'Arcy Dixon Pignanelli**

The Analyst explained that HB 268 (GS2004) created the Office of Child Welfare Parental Defense and transferred \$239,000 in ongoing funds from the Department of Human services to fund this new agency. The office contracts with licensed attorneys to represent indigent parents, and assists the attorneys in fulfilling their duties.

The Subcommittee discussed the current budget which funds two FTE (the director and an assistant), their travel, and approximately \$72,000 for contracting with outside attorneys.

Co-Chair Hickman stated that he felt the Subcommittee should not take action on an appropriation for this Office until more information is available.

Pam Blackham, Administrative Assistant, stated that some of the appropriation is used for training.

The Executive Director responded to questions.

**MOTION:** Rep. Bowman moved to adjourn the meeting.

The motion passed unanimously with Sen. Knudson absent for the vote.

The meeting was adjourned at 4:43 p.m.

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Sen. Bill Hickman  
Committee Co-Chair

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Rep. D. Gregg Buxton  
Committee Co-Chair