

**MOTION SHEET**  
**EXECUTIVE APPROPRIATIONS COMMITTEE**  
**FRIDAY, FEBRUARY 27, 2004**

**Executive Offices and Criminal Justice Subcommittee**

***Intent Language***

MOTION: I move to adopt the intent language recommended by the Executive Offices and Criminal Justice Appropriations Subcommittee for FY 2004 as detailed on page 1 of the Supplemental Intent Language Summary (pink sheets), and for FY 2005 as detailed on pages 1-4 of the Intent Language Summary (gray sheets), with the following changes:

1. In paragraph 22 on page 2, dealing with Jail Reimbursement, insert “remaining” between “as” and “funding” in the last sentence so that it reads “...from the Jail Reimbursement line item as remaining funding allows and up to the rate of 70%.”
2. Delete item 29 on page 3 (Juvenile Court Commissioner).
3. Delete item 39 on page 3 (DPS Salary Advancement);
4. Add the following to the Attorney General line item:

*It is the intent of the Legislature that the Attorney General use up to \$400,000 for market comparability adjustments (MCA's) to increase salaries of attorneys. It is further the intent of the Legislature that the Attorney General report to the Executive Appropriation Committee a plan to allocate these MCA's, and the impact that said allocations will have on state agencies.*

***Rates and Fees***

MOTION: I move to adopt the rates and fees schedule included behind tab 1 of the Subcommittee Reports, pages 6-8.

***Budget***

MOTION: I move to transfer \$1,000,000 in nonlapsing balances from the Corrections Programs and Operations line item to the Jail Reimbursement line item for FY 2004 only. These funds would pay medical and transportation costs for probationers sentenced to county jail.

**Capital Facilities and Administrative Services**

***Intent Language***

MOTION: I move to adopt the intent language recommended by the Capital Facilities and Administrative Services Appropriations Subcommittee for FY 2004 as detailed on

page 1 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 4-5 of the Intent Language Summary.

### ***Rates and Fees***

MOTION: I move to adopt the rates and fees schedule included behind tab 2 of the Subcommittee Reports, pages 3-20.

### ***Budget***

MOTION: I move to appropriate \$1,530,600 from the General Fund, One-time to the State Board of Bonding Commissioners for FY 2004 debt service. This amount is offset by closing balances set aside at the end of FY 2003.

### **Commerce & Revenue Subcommittee**

#### ***Intent Language***

MOTION: I move to adopt the intent language recommended by the Commerce and Revenue Appropriations Subcommittee for FY 2004 as detailed on page 2 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 5-9 of the Intent Language Summary, with the following changes:

1. Delete item 62 on Intent Language Summary on page 5 for the Tax Commission-Tax Administration from FY05 and add to the Supplemental Intent Language Summary for FY04.
2. Add the following to the Utah State Tax Commission Administration Line Item:

*The Legislature intends that funds provided for the Tax Administration line-item not lapse and that the balances carried forward be used for costs directly related to the modernization of tax and motor vehicle systems and processes.*

### ***Rates and Fees***

MOTION: I move to adopt the fee schedule included behind tab 3 of the Subcommittee Reports, pages 24-46.

### ***Budget***

MOTION: I moved to reduce funding to the Department of Alcoholic Beverage Control - Stores and Agencies budget by \$447,800 from the Liquor Control Fund. This is to correct double funding of requested building blocks by the Subcommittee.

## **Economic Development and Human Resources**

### ***Intent Language***

MOTION: I move to adopt the intent language recommended by the Economic Development and Human Resources Appropriations Subcommittee for FY 2004 as detailed on page 2 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 10-11 of the Intent Language Summary, with the following addition:

*It is the intent of the Legislature that the Permanent Community Impact Fund Board (PCIFB) consider distributing funding of \$385,000 in FY 2005 equally among the interlocal agencies that are or may be socially or economically impacted, directly or indirectly, by mineral resource development for:*

- (i) planning;*
- (ii) construction and maintenance of public facilities, and;*
- (iii) provision of public services.*

### ***Rates and Fees***

MOTION: I move to adopt the fee schedule included behind tab 4 of the Subcommittee Reports, on page 3.

## **Health & Human Services Subcommittee – Department of Health**

### ***Intent Language***

MOTION: I move to adopt the intent language recommended by the Health and Human Services Appropriations Subcommittee for the Department of Health for FY 2004 as detailed on page 2 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 11-12 of the Intent Language Summary, with the following addition:

*It is the intent of the Legislature that \$3,576,500 (\$1,000,000 General Fund) in one-time FY 2005 funding be utilized for dental services for Medicaid clients who are aged, blind or disabled. This funding is for root canals and related services. It is also the intent of the Legislature that the Department of Health discontinue these services any time during FY 2005 when this allocation is completely spent.*

### ***Rates and Fees***

MOTION: I move to adopt the fee schedule included behind tab 6 of the Subcommittee Reports, pages 2-26b.

## **Health & Human Services Subcommittee – Department of Human Services**

### ***Intent Language***

MOTION: I move to adopt the intent language recommended by the Health and Human Services Appropriations Subcommittee for the Department of Human Services for FY 2004 as detailed on pages 2-3 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 12-13 of the Intent Language Summary, with the following changes:

1. Amend item 121 on page 13 of the Intent Language Summary by adding “and the out of home care program” after “adoption assistance program” in the first sentence, and adding “and out of home care” after “adoption assistance” in the second sentence.
2. Add the following statement to the Child and Family Services line item for FY 2004:

*It is the intent of the Legislature that funds appropriated for the Adoption Assistance program and the Out of Home Care program in the Division of Child and Family Services not lapse at the end of FY 2004. It is further the intent of the Legislature that these funds be used for Adoption Assistance and Out of Home Care programs.*

### ***Rates and Fees***

MOTION: I move to adopt the rates and fees schedule included behind tab 7 of the Subcommittee Reports, page 3.

## **Higher Education Subcommittee**

### ***Intent Language***

NOTE: The following motion was adopted by the Higher Education Appropriation Subcommittee on the use of Fuel and Power, O&M and Enrollment Growth Funding and included in the Subcommittee meeting minutes for February 16, 2004:

*“I move to grant the institutions of higher education the full flexibility in the use of the money identified in Alternative I adopted by the Higher Education Appropriations Subcommittee. However, the amount identified in the revenue source shall be the value used to offset future funding considerations for fuel and power, operations and maintenance of new facilities and enrollment funded target computations.”*

MOTION: I move to adopt the intent language recommended by the Higher Education Appropriations Subcommittee for FY 2005 as detailed on pages 13-25 of the Intent Language Summary, with the following changes:

1. Add the following intent language:

*It is the intent of the Legislature that the institutions of higher education be given full flexibility to address the \$34,670,900 that had been previously identified by the Higher Education Appropriations Subcommittee as the targets of reallocating funds for the cost for fuel and power (\$21,372,600), operation and maintenance of new facilities (\$2,444,400), and student growth (\$10,853,900), except as appropriated by the Legislature for FY 2005.*

*It is also the intent of the Legislature that the \$34,670,900 identified shall be the value used to offset future funding considerations for fuel and power, operations and maintenance of new facilities, and student growth, as allocated by the Commissioner of Higher Education in consultation with institutional presidents.*

2. Add the following intent language

*It is the intent of the Legislature that the institutions receiving nursing initiative funding provide a one to one match through internal reallocations or from private donations.*

3. Change the following intent language expressed in the summary of intent language on pages 14 – 25 for items 128, 140, 156, 164, 172, 181, 189, 198, 206, and 214 with the following intent language:

*It is the intent of the Legislature that presidents be allowed to use the second-tier tuition ~~be used~~ to cover institutional operating needs on the USHE campuses. It is also the intent of the Legislature that, ~~the~~ undergraduate tuition increases for the second-tier not exceed the proposed percentages for each campus for FY 2005 as noted: University of Utah 7%, Utah State University ~~4%~~6%, Weber State University 7%, Southern Utah University 8%, Snow College 6%, Dixie State College 5%, College of Eastern Utah 5%, Utah Valley State College 10%, and Salt Lake Community College 5%.*

4. Change the following intent language expressed in the summary of intent language on pages 13-24 for items 124, 136, 152, 160, 168, 177, 185, 194, 202, and 210 as follows:

*It is the intent of the Legislature that the Council of Presidents and representatives of the Board of Regents working in conjunction with legislators, the Legislative Fiscal Analyst and a representative of the Governor's Office review and refine the funding formula for the Utah System of Higher Education. It is the intent of the Legislature that ~~this~~ any proposed formula reduce dependence on growth funding, link to measurable system-wide and institutional specific performance indicators, respond to changes in costs of instruction due to the implementation of technology or the utilization of cost saving measures, and respond to market demand and student performance as well as recognized differences in institutional roles and mission. It is further the intent of the Legislature that the following policy and funding issues be included for consideration: (1) fuel and power rate increases; (2) operation and maintenance of new facilities; (4) financial aid; (5) second tier tuition; (6) developmental education; and (7) unfunded enrollment growth. It is also the intent of the Legislature that the proposed funding mechanism including the plan for eliminating the back log of unfunded enrollment be implemented by FY 2007.*

### ***Budget***

MOTION: I move to reallocate \$41,000 of General Funds from the College of Eastern Utah Education and General line item to the College of Eastern Utah San Juan Center.

MOTION: I move to delete the Transfers of (\$4,268,600) from the Snow College Education and General line item and the Transfers of \$4,268,600 from the Snow College Applied Technology Education line item as found on pages 41 and 44 respectively of the Appropriation Report for FY 2005.

### **Natural Resources Subcommittee**

#### ***Intent Language***

MOTION: I move to adopt the intent language recommended by the Natural Resources Appropriations Subcommittee for FY 2004 as detailed on pages 3-4 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 25-28 of the Intent Language Summary, with the following change:

Add the following intent to the Department of Agriculture and Food Administration line item:

*It is the intent of the Legislature that supplemental funds appropriated to the Department of Agriculture and Food for insect control shall be used as follows: \$200,000 for grasshopper/cricket control; \$500,000 for mosquito control.*

### ***Rates and Fees***

**MOTION:** I move to adopt the rates and fees schedule included behind tab 8 of the Subcommittee Reports, pages 5-32.

## Public Education

### *Intent Language*

MOTION: I move to adopt the intent language recommended by the Public Education Appropriations Subcommittee for FY 2004 as detailed on page 4 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 29-30 of the Intent Language Summary, with the following changes:

1. Amend page 29, item 255 and 260 of the FY 2005 Intent Language Summary, striking in the first sentence “combine” and inserting in its place “coordinate” so that the phrase reads “to coordinate the services of USDB and the Jean Massieu Charter School;”
2. Amend page 29, item 255 and 260 of the FY 2005 Intent Language Summary, striking “USDB governing body” and inserting in its place “USDB Institutional Council;”
3. Delete page 4, paragraph 34 from the FY 2004 Supplemental Intent Language Summary (Education RFP).
4. Add the following to the School Finance Act for FY 2005 (Electronic High School):

*It is the intent of the Legislature that the funds appropriated in FY 2004 to the Electronic High School shall be non-lapsing. These funds shall be used to fund growth needs in the current school year and fund anticipated growth in the 2004-2005 school year.*

5. Add the following to the School Finance Act for FY 2005 (Teacher Supplies):

*(1) There is appropriated from the Uniform School Fund to the State Board of Education, for fiscal year 2004-05 only, \$5,500,000 for classroom supplies and materials.*

*(2) (a) The board shall distribute the appropriation to classroom teachers in school districts, the Schools for the Deaf and the Blind, the Edith Bowen Laboratory School, and charter schools on the basis of the number of classroom teachers in each school as compared to the total number of classroom teachers.*

*(b) Each teacher in grades kindergarten through six shall receive up to \$225 and each teacher in grades seven through 12 shall receive up to \$175 from this appropriation.*

*(c) Teachers shall spend the money for school supplies, materials, or field trips under rules adopted by the State Board of Education.*

*(d) Classroom Teacher means permanent teacher positions filled by one teacher or two or more job-sharing teachers who are licensed personnel, paid on the teacher’s salary schedule, and hired for an entire contract period, and whose primary function is to provide instructional or a combination of instructional and counseling services to students in the public schools.*

6. Add the following to the School Finance Act for FY 2005 (Reading Initiative):

*It is the intent of the Legislature that \$2,500,000 for the Performance Plus Reading Initiative is one-time for Fiscal Year 2005, with the understanding that the Legislature will consider ongoing funding in subsequent years.*

### ***Rates and Fees***

MOTION: I move to adopt the rates and fees schedule included behind tab 9 of the Subcommittee Reports, page 3, with the following exception:

Strike tab 9, page 3, fee 8 "Level I Renewal: \$15.00".

### ***Budget***

#### Minimum School Program

MOTION: I move to appropriate, beginning in FY 2005, an ongoing amount of \$80,000 from the Uniform School Fund – Interest and Dividends restricted sub-account to the State Board of Education, State Office of Education – Law, Legislation and Educational Services Section for the administration of the School LAND Trust program. Further, I move to reduce the FY 2005 appropriation to the Minimum School Program – School LAND Trust program by \$80,000.

MOTION: I move the following language be included in the School Finance Act:

***53A-17a-148. Use of nonlapsing balances.***

*(1) For the fiscal year beginning on July 1, 2004, the State Board of Education may use up to \$300,000 of nonlapsing balances for the following:*

- (a) to stabilize the value of the weighted pupil unit;*
- (b) to maintain program levels in school districts that may experience unanticipated and unforeseen losses of students;*
- (c) to equalize programs in school districts where a strict application of the law provides inequity;*
- (d) to pay the added cost when students attend school out of state; and*
- (e) other uses approved by the board.*

*(2) For the fiscal year beginning on July 1, 2004, the State Board of Education may use Minimum School Program nonlapsing balances to supplement the appropriation to charter schools for the replacement of local property tax revenues, up to the amount allowed under the formula detailed in Subsection 53A-1a-513(4).*

MOTION: I move that the following language, approved by the Public Education Appropriations Subcommittee, be included in the School Finance Act:

Exchange and Interstate Compact Students

**53A-2-206. Exchange and interstate compact students -- Inclusion in attendance count -- Annual report -- Requirements for exchange student agencies.**

*(1) A school district or charter school may include the following students in the district's or school's membership and attendance [of students] count for the purpose of apportionment of state monies [if]:*

*(a) [~~i~~] the student is a foreign exchange student sponsored by an agency approved by the [~~State Board of Education~~], and*

*— ~~(ii) the agency sponsoring the foreign exchange student is also sponsoring a resident student of the district who is enrolled in a school in a foreign country]~~ district's local school board or charter school's governing board, subject to the limitation of Subsection (2);*

*(b) [~~the] a~~ student [is] enrolled under an interstate compact, established between the State Board of Education and the state education authority of another state, under which a student from one compact state would be permitted to enroll in a public school in the other compact state on the same basis as a resident student of the receiving state; or*

*(c) [~~the] a~~ student [is] receiving services under the Compact on Placement of Children. \_*

*(2) The number of foreign exchange students that may be counted for the purpose of apportioning state monies shall be the lesser of:*

*(a) the number of foreign exchange students:*

*(i) enrolled in the school district or charter school; and*

*(ii) sponsored by an exchange student agency approved by the district's local school board or charter school's governing board; or*

*(b) the number of students that have withdrawn from the school district or charter school to participate in a foreign exchange program in a foreign country.*

*(3) A school district or charter school may:*

*(a) enroll foreign exchange students that do not qualify for state monies; and*

*(b) pay for the costs of those students with other funds available to the school district or charter school.*

*[~~2~~] (4) The board shall make an annual report to the Legislature on the number of exchange students and the number of interstate compact students sent to or received from public schools outside the state.*

*[~~3~~] (5) (a) [~~The] A local school board or charter school governing board shall require each approved exchange student agency to provide it with a sworn affidavit of compliance prior to the beginning of each school year.~~*

*(b) The affidavit shall include the following assurances:*

*(i) that the agency has complied with all applicable [~~rules] policies of the board;~~*

(ii) *that a household study, including a background check of all adult residents, has been made of each household where an exchange student is to reside, and that the study was of sufficient scope to provide reasonable assurance that the exchange student will receive proper care and supervision in a safe environment;*

(iii) *that host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;*

(iv) *that a representative of the exchange student agency shall visit each student's place of residence at least once each month during the student's stay in Utah;*

(v) *that the agency will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;*

(vi) *that each exchange student will be given in the exchange student's native language names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and*

(vii) *that alternate placements are readily available so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.*

*[~~(4)~~] (6) (a) [~~The~~] A local school board or charter school governing board shall provide each approved exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.*

*(b) The agency shall make a copy of the list available to each of its exchange students in the exchange student's native language.*

#### *Adult Education*

*(3)(a) The State Board of Education shall make rules providing for the establishment of fees which shall be imposed by local school boards for participation in adult education programs.*

*(b) A fee structure for adult education shall take into account the ability of a Utah resident who participates in adult education to pay the fees.*

*(c) Sections 53A-12-103 and 53A-12-104 pertaining to fees and fee waivers in secondary schools do not apply to adult education.*

MOTION: I move to have the following language included in the School Finance Act:

*The State Office of Education shall use up to \$1,044,000 of funding provided for new growth to fund additional growth needs in charter schools in FY 2005.*

MOTION: I move to approve the Minimum School Program as detailed in the document entitled "Minimum School Program – FY 2005" and dated Thursday, February 26, 2004 (page 20 of this document).

### School Building Program – Capital Loan Program

MOTION: I move to reduce the one-time FY 2004 appropriation made to the School Building Revolving Account – Charter School Building Sub-account by \$1,700,000 and appropriate this funding to the Uniform School Fund.

### Public Education Agencies - State Office of Education

MOTION: I move to reduce the FY 2004 appropriation made to the State Office of Education – Student Achievement Section to implement the provisions of Senate Bill 154 (2003 General Session) by \$1,200,000 and appropriate this funding to the Uniform School Fund.

### Public Education Agencies - Fine Arts and Sciences

MOTION: I move to allocate new amounts appropriated from the Uniform School Fund to the State Board of Education – Fine Arts and Sciences program in the following manner beginning in FY 2005:

1. \$210,000 to the Fine Arts and Sciences – Professional Outreach Program in the Schools (POPS)
2. \$110,000 to the Fine Arts and Sciences – Request for Proposal Program

## **Transportation, Environmental Quality and National Guard**

### *Intent Language*

MOTION: I move to adopt the intent language recommended by the Transportation, Environmental Quality and National Guard Appropriations Subcommittee for FY 2004 as detailed on pages 4 and 5 of the Supplemental Intent Language Summary, and for FY 2005 as detailed on pages 30-32 of the Intent Language Summary with the following exception: strike item number 268 on page 30 of the FY 2005 Intent Language Summary, with the following addition, at the request of the Governor:

*It is the intent of the Legislature that DFCM provide maintenance services to the Utah National Guard only to the extent that funding is provided by the Utah National Guard.*

### *Rates and Fees*

MOTION: I move to adopt the fee schedule included behind tab 10 of the Subcommittee Reports, pages 5-21.

## **Legislature**

MOTION: I move to approve the Legislature's base budget of \$14,398,200, including \$13,776,000 from the General Fund.

### **Additional Revenue**

MOTION: I move to approve the use of the funding sources shown on the schedule entitled "Additional Revenue Sources – Executive Appropriations Committee" and dated Friday, February 27, 2004 (page 14 of this document).

### **Building Blocks**

MOTION: I move to approve funding increases in the amounts and for the purposes specified on the sheets entitled "Additional Revenue and Expenditures – Executive Appropriations Committee" and dated Friday, February 27, 2004 (pages 15 – 18 of this document).

### **Compensation**

#### State Agencies and Higher Education - Health and Dental Benefits

MOTION: I move that health and dental insurance benefit increases be paid as recommended by Group Insurance, with the following changes:

1. Transfer excess dental reserves to medical reserves;
2. Increase employee coinsurance for in patient and out patient facilities by 10%;
3. Implement a three-tiered coinsurance for pharmacy benefits and increase brand coinsurance from 25% to 30%;
4. Increase maximum out-of-pocket expense from \$1,500 per person to \$2,000 per person for single coverage, and from \$2,000 to \$4,000 for family coverage.

#### State Agencies and Higher Education - Retirement

MOTION: I move that retirement rates be adjusted and paid as recommended by the State Retirement Board.

#### State Agencies and Higher Education - Salaries

MOTION: I move that the Legislature fund a 1% cost of living allowance for state and higher education employees effective June 19, 2004. I further move that the Legislature appropriate one-time funds equivalent to a 1% COLA to be used for a one-time bonus to each state and higher education employee.

#### State Agencies and Higher Education - Market Comparability Adjustments

MOTION: I move to appropriate \$2,606,800 for state employee Market Comparability Adjustments as recommended by the Department of Human Resource Management. This is in addition to Highway Patrol and Attorneys General salary equity funds included on the building blocks list.

#### Executive Compensation – Elected Officials

MOTION: I move that the Legislature fund a 1% cost of living allowance for elected officials beginning June 19, 2004. I further move that the Legislature appropriate one-time funds equivalent to a 1% COLA to be used for a one-time bonus to each elected official.

#### Executive Compensation - Appointed Officials

MOTION: I move that the Legislature increase the minimum and maximum of the ranges for appointed officials as listed in 67-22-1(2), Utah Code Annotated, by 1% effective June 19, 2004. I further move that the Legislature appropriate one-time funds equivalent to a 1% COLA to be used for a one-time bonus to each appointed official.

#### Judicial Salaries

MOTION: I move the following language for Judicial Salaries:

*Under provisions of Section 67-8-2, Utah Code Annotated, the following salaries are approved for judicial officials for July 1, 2004 to June 30, 2005: District Court Judge \$104,750. Other Judicial Salaries will be calculated in accordance with the statutory formula and rounded to the nearest \$50.*

#### **Internal Service Fund Rate Impacts**

MOTION I move to approve the reallocations due to internal service fund rate impacts specified on the schedule entitled “Internal Service Fund Rate Impacts – Executive Appropriations Committee” and dated Friday, February 27, 2004 (page 19 of this document).

#### **Bill Preparation**

MOTION: I move to authorize the Legislative Fiscal Analyst to prepare the Appropriations Act, the Supplemental Appropriations Act, and the School Finance Act based upon actions of the Executive Appropriations Committee to date. The Legislative Fiscal Analyst, in consultation with the Co-chairs of the Executive Appropriations Committee, would hereby be authorized to make any technical and non-substantive corrections as necessary. In preparation of the various appropriations bills, the Legislative Fiscal Analyst is authorized to make the appropriate

adjustments between funding sources and fiscal years in order to balance the overall budget.