



LEGISLATIVE INTENT LANGUAGE

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: GARY SYPHUS & ALEXANDER WILSON

ISSUE BRIEF

The following is the summary of the legislative intent language proposed for the agencies in the Executive Offices and Criminal Justice Appropriations Subcommittee:

Nonlapsing Intent Language

Office of the Governor

1. Governor's Office – Governor's Office - \$1,500,000; \$3,250,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$1,500,000 provided for the Governor's Office in Item 32 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to one-time expenditures of the Governor and Lieutenant Governor's Offices.

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$3,250,000 for the Governor's Office in Item 97 of Chapter 463 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any funds is limited to the same purposes as the original appropriations.

2. Governor's Office – Character Education - \$200,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$200,000 provided for the Governor's Office - Character Education in Item 29 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any funds is limited to grants awarded by the Commission on Civic and Character Education.

3. Governor's Office – Governor's Office of Management and Budget - \$1,300,000; \$850,000; \$100,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$1,300,000 provided for the Governor's Office - Governor's Office of Management and Budget in Item 33 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any funds is limited to one-time expenditures of the Governor's Office of Management and Budget.

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$850,000 for the Governor's Office - Governor's Office of Management and Budget in Item 22 of Chapter 397 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any funds is limited to the same purposes as the original appropriations.

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$100,000 for the Governor's Office - Governor's Office of Management and Budget in Item 103 of Chapter 463 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any funds is limited to the same purposes as the original appropriations.

4. Governor's Office – Emergency Fund - \$100,100

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$100,100 for the Governor's Office - Emergency Fund in Item 96 of Chapter 463 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any funds is limited to emergency expenditures.

5. Governor's Office – Constitutional Defense Council - \$14,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$14,000 provided for the Governor's Office - Constitutional Defense Council in Item 27 of Chapter 417 Laws of Utah 2012 not lapse at the close of Fiscal Year 2019. The use of any funds is limited to one-time expenditures authorized by the Constitutional Defense Council.

6. Governor's Office - For Information Only.

The Governor Office receives appropriations to or from the following accounts or programs that have statutory or previously approved non-lapsing authority and do not require intent language:

- The **Employability to Careers Program Restricted Account** created in Section 63J-4-703. 63J-1-602.1(52)
- The **LeRay McAllister Critical Land Conservation Program** created in Section 11-38-301. 63J-1-602.2(3)
- Chapter 250 Laws of Utah 2017 (HB 204) already says the \$100,000 ongoing appropriation for presidential primary elections is non-lapsing.

7. Governor's Office – Commission on Criminal and Juvenile Justice - \$1,600,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to \$1,600,000 provided for the Commission on Criminal and Juvenile Justice Commission in Item 30 of Chapter 8 Laws of Utah 2018 not lapse at the close of fiscal year 2019. The legislature also intends that dedicated credits that have not been expended shall also not lapse at the close of fiscal year 2019. The use of any unused funds is limited to employee incentives, one-time remodeling costs, equipment purchases, one-time DTS projects, research and development contracts, extradition costs, meeting and travel costs, and state pass through grant programs.

8. Governor's Office – Commission on Criminal and Juvenile Justice – For Information Only

Note: The General Fund Restricted-Criminal Forfeiture Restricted Account which is part of this line item has statutory nonlapsing authority- See UCA 63-J-1-602.1 (6). Any nonlapsing amount in this account would not be subject to the \$1,600,000 maximum amount requested above.

9. Governor's Office – CCJJ Salt Lake County Jail Bed Housing

No language requested.

Office of the Attorney General**10. Attorney General - Attorney General's Office - \$3,000,000**

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$3,000,000 to the Attorney General's Office provided for in Item 13 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to purchase of computer hardware and software, specific program development/operation, pass-thru funds appropriated by the Legislature and other one-time operational and capital expenses. The Attorney General's Office requests non-lapsing authority for less than 4% of its total budget. It is difficult to plan for and estimate costs associated with litigation and general counsel services provided by the Office in any given fiscal year, so operational spending is done in a highly conservative manner. The Office typically

foregoes any improvements and equipment replacement until the following year, utilizing one-time non-lapsed funding.

11. Attorney General - Contract Attorneys \$60,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$60,000 provided for contract expense in Item 15 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to professional services for attorneys under contract with the Office of the Attorney General and other litigation expenses. Funds set aside for contract attorneys may cross fiscal years; thus, non-lapsing authority is requested to meet financial commitments.

12. Attorney General - Children's Justice Centers - \$450,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$450,000 to the Attorney General's Office provided for in Item 14 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to costs passed-thru to operate the local CJC's or for one-time operational expenses. Funds set aside for pass-thru agreements may cross fiscal years; thus, non-lapsing authority is requested to meet such financial commitments.

13. Attorney General - Prosecution Council - \$150,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$150,000 provided for the Prosecution Council in Item 16 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to expense associated with providing training and technical assistance to prosecutors. Funds set aside for training commitments and other agreements may cross fiscal years; thus, non-lapsing authority is requested to meet financial commitments.

Office of the State Auditor

14. State Auditor \$229,700

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$229,700 provided for the Office of the State Auditor in Item 37 of Chapter 8, Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to the same purposes of the original appropriation including local government oversight, audit activities, and data analysis.

Office of the State Treasurer

15. State Treasurer - \$400,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$400,000 provided for the Office of the State Treasurer in Item 45 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to Computer Equipment/Software, Equipment/Supplies, Special Projects and Unclaimed Property Outreach.

Juvenile Justice Services

16. Juvenile Justice Services – Programs and Operations - \$5,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$5,000,000 provided for the Department of Human Services - Division of Juvenile Justice Services in Item 36 of Chapter 8, Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to expenditures for data processing and technology-based expenditures; facility repairs, maintenance, and improvements; capital

development; other charges and pass-through expenditures; and short-term projects and studies that promote efficiency and service improvement.

17. Juvenile Justice Services – Community Providers \$2,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intend that appropriations of up to \$2,000,000 provided for the Department of Human Services - Division of Juvenile Justice Services - Community Providers, in Item 14 of Chapter 362, Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to expenditures for pass-through expenditures; and short-term projects that promote efficiency and service improvement.

Board of Pardons and Parole

18. Board of Pardons and Parole - \$500,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$500,000 provided for the Board of Pardons and Parole in Item 17 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any non-lapsing funds shall be limited to capital improvements, computer equipment/electronic records development, and employee training.

Corrections

19. Corrections – Programs & Operations - \$10,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to \$10,000,000 provided for the Utah Department of Corrections - Programs and Operations in item 18 of chapter 8, Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to stab & ballistic vests, radio supplies & equipment, authorized vehicle purchases, inmate support & food costs, inmate programming, firearms & ammunition, computer equipment/software & support, equipment & supplies, employee training & development, building & office remodeling, furniture, and special projects.

20. Corrections – Medical Services - \$2,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to \$2,000,000 provided for the Utah Department of Corrections - Medical Services in item 19 of chapter 8, Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to pharmaceuticals, medical supplies & equipment, computer equipment/software, and employee training & development.

21. Corrections – Jail Contracting - \$5,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to \$5,000,000 provided for the Utah Department of Corrections - Jail Contracting in item 20 of chapter 8, Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to housing inmates, and treatment programming for inmates housed at the county jails.

22. Corrections – Utah Correctional Industries

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriation for the Utah Department of Corrections - Utah Correctional Industries in item 54 of chapter 8, Laws of Utah 2018 not lapse at the close of Fiscal Year 2019.

Courts

23. Courts – Administration - \$2,500,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$2,500,000 provided to the Judicial Council/State Court Administrator-Administration in Laws of Utah 2018 Chapter 8, Item 21 and in Chapter 362, Item 7 and in Chapter 463, Items 82 through 90 and shall not lapse at the close of Fiscal Year 2019. The use of any unused funds is limited to computer equipment and software, employee training and incentives, equipment and supplies, special projects and studies, temporary employees (law clerks), trial court program support, juvenile community service programs, senior judge assistance, grant match, translation services, and law library.

24. Courts – Grand – Jury - \$800

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to \$800 provided to the Judicial Council/State Court Administrator-Grand Jury in Laws of Utah 2018 Chapter 8, Item 23 shall not lapse at the close of Fiscal Year 2019. The use of any non-lapsing funds is limited to expenses related to the grand jury.

25. Courts - Contracts and Leases - \$450,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$450,000 provided to the Judicial Council/State Court Administrator-Contracts and Leases in Laws of Utah 2018 Chapter 8, Item 22 and in Chapter 463, Item 91 shall not lapse at the close of Fiscal Year 2019. The use of any non-lapsing funds is limited to contractual obligations and support.

26. Courts - Jury and Witness Fees - \$1,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to \$1,000,000 provided to the Judicial Council/State Court Administrator-Juror, Witness, Interpreter in Laws of Utah 2018 Chapter 8, Item 25 shall not lapse at the close of Fiscal Year 2019. The use of any non-lapsing funds is limited to expenses for jury and witnesses.

Guardian ad Litem

27. Courts - Guardian ad Litem - \$500,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$500,000 provided to the Judicial Council/State Court Administrator-Guardian ad Litem in Laws of Utah 2018 Chapter 8, Item 24 shall not lapse at the close of Fiscal Year 2019. The use of any non-lapsing funds is limited to computer equipment and software, employee training, development, salary parity, and incentives, equipment and supplies, special projects and studies, and temporary employees.

Public Safety

28. Programs and Operations - \$10,000,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$10,000,000 provided for The Department of Public Safety - Programs and Operations in Item 44 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and section 63J-1-602.2. Funding shall be used for equipment, technology, emergencies, transfer to JBA line item to cover shortfalls, and other one-time operating expenses.

29. Emergency Management – \$500,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$500,000 provided for The Department of Public Safety -Emergency Management in Item 40 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and section 63J-1-602.2. Funding shall be used for equipment, technology, and emergencies or disasters.

30. Emergency Management – National Guard Response - \$150,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$150,000 provided for the Department of Public Safety - National Guard Response line item not lapse at the close of Fiscal Year 2019. Funds shall be limited to reimbursement for emergency costs.

31. Emergency Management - Emergency and Disaster Management - \$12,500,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to \$12,500,000 provided for The Department of Public Safety - Emergency Management - Emergency and Disaster Management in Item 38 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. Funding for reimbursement for emergency costs and loans that qualify as determined in statute.

32. Bureau of Criminal Identification - \$2,000,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to \$2,000,000 provided for The Department of Public Safety - Bureau of Criminal Identification in Item 117 of Chapter 463 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. Funding shall be used for training, equipment purchases, and other one-time operating expenses.

33. Peace Officers' Standards and Training - \$500,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to \$500,000 provided for The Department of Public Safety - Peace Officers' Standards and Training in Item 43 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019.

34. Driver License - \$1,000,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to \$1,000,000 provided for The Department of Public Safety - Driver License in Item 39 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and 63J-1-602.2. Funding shall be used for one-time enhancements to the uninsured motorist program and other one-time operating expenses.

35. Highway Safety - \$100,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$100,000 provided for The Department of Public Safety - Highway Safety in Item 42 of Chapter 8 Laws of Utah 2018 not lapse at the close of Fiscal Year 2019. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and section 63J-1-602.2. Funding shall be used for equipment, technology, and other one-time operating expenses.

Other Intent Language

Corrections

1. The Legislature intends that, if the Department of Corrections is able to reallocate resources internally to fund additional Adult Probation and Parole Agents, for every two agents hired, the Legislature grants authority to purchase one vehicle with Department funds for FY2019 and FY2020.
2. The Legislature grants authority to the Department of Corrections, Facilities Bureau, to purchase two vehicles with Department funds for FY2019 and FY2020.
3. The Legislature grants authority to the Department of Corrections, DPO Inmate Placement, to purchase two vehicles with Department funds for FY2019 and FY2020.
4. Under Section 64-13e-105 the Legislature intends that the final state daily incarceration rate be set at \$72.38 for FY 2020.

Courts

5. The Legislature intends that salaries for District Court judges be increased by the same percentage as state employees generally. Unless otherwise determined by the Legislature, the salary for a District Court judge for the fiscal year beginning July 1, 2019 and ending June 30, 2020 shall be \$166,300 as established in Laws of Utah 2018 Chapter 362, Item 7. The legislature intends that other judicial salaries shall be calculated in accordance with the formula set forth in UCA Title 67 Chapter 8 Section 2 and rounded to the nearest \$50.

Public Safety

6. Should the Division of Emergency Management (DEM) not receive authority to draw down its Fiscal Year 2019 Emergency Management Performance Grant by June 30, 2019, funds may be transferred from the Public Safety Program and Operations line item to DEM in FY 2019. Should the funds be transferred, then upon approval to draw down the Fiscal Year 2019 Emergency Management Performance Grant funds, DEM shall transfer back to the Public Safety Programs and Operations line item, the amount originally transferred.
7. In accordance with Utah Code Ann. 24-3-103 the Department of Public Safety is requesting authority to transfer all firearms received from court adjudications (Criminal Evidence) to the department for its use. These firearms will be transferred to the State Crime Laboratory and department training section for official use only. In addition, all ammunition received by the department with these firearms will be used by the State Crime Laboratory and training section for official use only. All other evidentiary property of value that has been adjudicated and received by the department will be transferred to State Surplus for auction.
8. Any proceeds from the sale of the salvaged helicopter parts and any insurance reimbursements for helicopter repair are to be used by the department for its Aero Bureau operations.
9. The Department of Public Safety is authorized to increase its fleet by the same number of new officers authorized and funded by the legislature for Fiscal Year 2020.